

<b>ADMINISTRATIVE DIVISION</b> HR Division of Human Resources	<b>POLICY NUMBER</b> HR 1.45
<b>POLICY TITLE</b> Reduction in Force	
<b>SCOPE OF POLICY</b> USC System	<b>DATE OF REVISION</b> May 2, 2019
<b>RESPONSIBLE OFFICER</b> Vice President for Human Resources	<b>ADMINISTRATIVE OFFICE</b> Division of Human Resources

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**PURPOSE**

The reduction in force policy defines who is covered, the reasons a reduction in force can occur, how to create a reduction in force plan, and the process by which a reduction in force is implemented.

**DEFINITIONS**

**Bumping Rights:** Rights provided to covered employees who have accumulated more retention points than those with whom they are competing (only downward).

**Class:** A group of positions sufficiently similar in the duties performed; degree of supervision exercised or received; minimum requirements of education or experience; and the knowledge, skills, and abilities required that the Division of State Human Resources applies the same State class title and the same State salary range to the each position in the group.

**Competitive Area(s):** An area clearly distinguishable from the staff in other areas and where the interchange of employees would not be practical. This area may be the entire university, a department, a unit, or a geographical location.

**Competitive Group(s):** A group based on the state class title within the competitive area. This could be a state class title series or state class titles that are part of the university's customary career path.

**Continuous State Service Date:** The date that reflects the first date of State Employment without a

break in service.

**Covered Employee:** – A full-time or part-time employee occupying a part or all of an established full-time equivalent (FTE) position who has completed the probationary period and has a “meets” or higher overall rating on the employee’s performance evaluation and who has grievance rights. Instructional personnel are covered upon the completion of one academic year. If an employee does not receive an evaluation before the performance review date, the employee must be considered to have performed in a satisfactory manner and be a covered employee. This definition does not include employees in positions such as temporary, temporary grant, or time limited employees who do not have grievance rights.

**Full-Time Equivalent (FTE):** A numerical value expressing a percentage of time in hours and of funds related to a particular position authorized by the General Assembly.

**Reduction in Force (RIF):** The procedure used by the university to eliminate or reduce a portion of one or more filled FTE positions in one or more organizational units within the university due to budgetary limitations, shortage of work, organizational changes, outsourcing, or privatization.

## **POLICY STATEMENT**

This policy describes the manner in which covered classified and unclassified non-academic employees of the university are released in a fair and equitable manner (without regard to race, color, religion, sex, age, national origin, disability, sexual orientation or veteran status) should a reduction in force become necessary, pursuant to regulations of the Division of State Human Resources. A reduction in force may require the separation, involuntary demotion, reassignment, or reduction in work hours of the university’s covered employees. A reduction in force does not apply to non-covered employees (e.g., probationary employees, temporary employees, time-limited project employees, research grant employees and employees exempt from the State Employee Grievance Procedure Act).

The university may implement a reduction in force for one or more of the following four reasons:

- a. Reorganization;
- b. Work Shortage;
- c. Loss of Funding, or;
- d. Outsourcing/Privatization.

## **PROCEDURES**

### **A. Preparing a Reduction in Force**

#### **1. Management Responsibility**

The university will determine the following items prior to developing the reduction in force plan:

- a. What are the reason(s) for the reduction in force;
  - b. What area(s) of the university are to be impacted by the reduction in force [Competitive Area(s)];
  - c. What state class title(s) within the competitive area(s) are to be affected [Competitive Group(s)]; and
  - d. How many positions in each state class title(s) are to be eliminated.
2. Competitive Area(s)

The university will determine the competitive area(s) the reduction in force will impact. The university will establish a competitive area that is clearly distinguishable from the staff in other areas and where the interchange of employees would not be practical. This competitive area may be the entire university, a department, a unit, or a geographical location.

3. Competitive Group(s)

The university will determine the competitive group(s) based on the state class title(s) within the competitive area(s) that the reduction in force will affect. If the reduction in force is to apply to more than one state class title, each state class title will be treated separately, except where the reductions are to be made in a state class title series (e.g., Auditor I, Auditor II, Auditor III, Auditor IV, Audits Manager I, Audits Manager II) or in state class titles that are part of the university's customary career path (e.g., Administrative Assistant, Communications Coordinator, Program Coordinator II, Program Manager I).

4. Position Identification

The university will identify the position(s) within the competitive area(s) and competitive group(s) by identifying the following information:

- a. State Class Title;
  - b. State Class Code;
  - c. Pay Band, if applicable;
  - d. Total number of positions in the state class title within the competitive area; and
  - e. Total number of positions in the state class title within the competitive area to be eliminated.
5. Retention Points

The University will calculate retention points for covered employees in the competitive area(s) and competitive group(s) to be used in determining which covered employees are to be involuntarily demoted, reassigned, have reduced hours or separated. Retention points are

based on the total scores of the two most recent annual performance appraisals and the length of continuous state service. The sum of the retention points for performance and length of continuous state service are the total retention points that an employee uses in the competition.

a. Performance Appraisal Points

The university will determine the total score for an annual performance rating by using the following numerical values assigned to the EPMS performance ratings as indicated in the table below.

Exceptional	6
Successful	4
Unsuccessful	0

For employees who have transferred to the university from another state agency whose previous agency utilized more or fewer levels of performance ratings the university will recognize the performance ratings of the previous agency based on a conversion to the standard three levels of performance in the State Employee Management System.

For any year in which the employee does not receive an actual evaluation with a rating, the employee will receive a Successful rating for that year; however, if in the previous year, the employee received a higher than Successful rating the employee will receive the points for the higher rating.

b. Continuous State Service Points

Covered employees will receive one retention point for each year of continuous state service after completion of a 12-month probationary period. Six months or more of continuous state service will be considered as one year of service and less than six months of service will receive no retention points.

c. Exception to Procedure for Retention Point Calculation

If every position in the competitive area is being eliminated, the university is not required to calculate retention points. For positions re-established within one year of the reduction in force, in the same competitive area and in the same state class title, the university must calculate retention points at the time of recall. The university must calculate retention points using continuous state service and performance appraisal points based on the effective date of the reduction in force.

6. Sequence of Reduction in Force

The order of the reduction in force of covered employees in each state class title(s) is determined by the total number of retention points for each employee. If two or more employees affected by a reduction in force have the same number of retention points and not all are to be affected by the reduction in force, the university hire date will determine the order of the employees affected. The covered employee with the earlier university hire

date will be retained. If after using the university hire date to determine the order of affected employees a tie still exists, the university will use the last four digits of the social security number. The employee with the lowest number will be retained.

Bumping rights are provided for covered employees who have accumulated more retention points than those with whom they are competing. Under no circumstances can an employee gain from a reduction in force. Bumping rights are provided only downward.

#### 7. Retention of Necessary Qualifications

No employee with a lower number of retention points shall be retained in preference to another employee in a competitive area(s) and group(s) with a higher number of retention points except when the university determines that a Retention of Necessary Qualifications applies.

If an employee is competing for a position that is not being eliminated and the university asserts that an employee with higher retention points who has rights to be placed in that position cannot satisfactorily perform the duties of the position within a reasonable training period, the employee with lower retention points may be retained in preference to the employee with higher retention points. The university may determine that the employee with higher retention points will not be able within a reasonable training period to satisfactorily perform the duties of the job based on the lack of knowledge, abilities, skills, supervisory responsibilities, or necessary experience.

When a Retention of Necessary Qualifications is used in a reduction in force plan, justification for this retention must be documented and approved by the university prior to submitting the reduction in force plan to the Division of State Human Resources for review and approval for procedural correctness. The university must retain documentation to support any retentions made on this basis.

#### 8. Writing the Reduction in Force Plan

Once the university has made the decisions outlined above and prior to the implementation of a reduction in force, the appropriate university administrator or their designee will develop the reduction in force plan. This plan must include the following:

- a. The reason for the reduction in force;
- b. The identification of the competitive area(s);
- c. The identification of the competitive group(s) [state class title(s)];
- d. The number of position(s) to be eliminated in each state class title;
- e. A list of the covered employees, in order of retention points, in the competitive area(s) and competitive group(s) to include the following:

- Name;
  - Age, Race, and Gender; and
  - Retention Points;
- f. Justification of any Retention of Necessary Qualifications used in the reduction in force plan; and
- g. The university's efforts to assist employees affected by the reduction in force.

## B. Approval Process

Once the reduction in force plan has been completed, the university will submit the following information to the Division of State Human Resources for review and approval for procedural correctness:

The reduction in force plan as outlined in Section I.H:

- a. An organizational chart including each position (designated with the state class title and incumbent's name) within the competitive area(s);
- b. A copy of the university's reduction in force policy; and
- c. A sample letter to employees affected by the reduction in force including information as outlined in Section II.A., along with:
  - A list of the employee's recall and reinstatement rights;
  - The university's procedure for the recall of an employee; and
  - The employee's grievance rights.

## C. Implementation of the Reduction in Force

The University will communicate the following information to each affected employee after the Division of State Human Resources approves the reduction in force plan for procedural correctness and before the reduction in force becomes effective:

- a. The reason for the reduction in force;
- b. The competitive area(s) and competitive group(s) in which the employee competed;
- c. The benefits to which the employee is entitled and the manner in which the reduction in force will affect the employee's state benefits, (e.g., health insurance, optional life insurance, retirement);
- d. The employee's reinstatement rights, (e.g., reinstatement of all sick leave; option of buying back all, some, or none of the annual leave at the rate at which it was paid out);

- e. The employee's recall rights to any position, within the competitive area, that becomes available in the same state class title as the position the employee held prior to the reduction in force;
- f. The manner in which the university will notify the employee of any such vacancies; and
- g. The requirements of S.C. Code of Laws Ann. Section 8-11-185, which requires the university to report information about the employees separated in a reduction in force to Division of State Human Resources.

#### D. Recall and Reinstatement Rights

An employee affected by a reduction in force has recall and reinstatement rights to a position in state government for one year after the effective date of the reduction in force.

##### 1. Recall Rights

If a vacancy occurs within the competitive area which is in the same state class title as the position the employee held prior to the reduction in force, the university will recall employees in the inverse order of the reduction in force. The university will notify the employee in writing of the job offer and recall rights. If the employee does not accept the job offer within ten days, the employee's recall rights are waived. Should the employee accept the job offer, the university will reinstate the employee's accumulated sick leave, and will provide the employee the option of buying back all, some, or none of their annual leave at the rate it was paid out at the time of the separation. Upon returning to employment in an insurance eligible FTE position, the employee will also be offered insurance benefits as a new hire. The recalled employee may purchase retirement service credit under the leave of absence provision in SC Code of Laws Section 9-1-1140(D) for the period of time that the employee was not employed by state government, at the cost specified in Section 9-1-1140(D). When an employee is recalled, this time will not be considered punitive in the determination of retiree insurance eligibility.

##### 2. Reinstatement Rights

An employee separated by a reduction in force may apply for any state job for which they meet the minimum training and experience requirements. Should the separated employee accept a job offer to an FTE position, the university will reinstate the employee's accumulated sick leave, and will provide the employee the option of buying back all, some, or none of their annual leave at the rate it was paid out at the time of the separation. Upon returning to employment in an insurance eligible FTE position, the employee will also be offered insurance benefits as a new hire. The reinstated employee may purchase retirement service credit under the leave of absence provision in Section 9-1-1140(D) for the period of time that the employee was not employed by state government, at the cost specified in Section 9-1-1140(D). When an employee is reinstated, this time will not be considered punitive in the determination of retiree insurance eligibility. If the employee is reinstated to another position, they still retain their recall rights to a position in the same state class in the

competitive area.

### 3. Grievance Rights

A covered employee who is affected by a reduction in force has the right to file a grievance to the university and an appeal to the State Human Resources Director only if the grievance or appeal is based on improper or inconsistent application of a reduction in force policy or plan.

#### **RELATED UNIVERSITY, STATE AND FEDERAL POLICIES**

[SC Code of Laws Sections 8-11-185, 8-11-230\(6\), and 8-17-370](#)

[SC Code of Laws Section 9-1-1140\(D\)](#)

Annual Appropriations Act (117.71 RIF/Agency Head Furlough)

[State Human Resources Regulations Section 19-719.04](#)

[HR 1.42 Grievance](#)

#### **HISTORY OF REVISIONS**

<b>DATE OF REVISION</b>	<b>REASON FOR REVISION</b>
February 1, 1995	New Policy Approval
September 21, 2012	Remove select procedures from policy Ensure compliance with the State Human Resources Regulations Changed calculation of retention points based on EPMS reviews
May 2, 2019	Updated to new format Updated terminology Remove reference to prior performance ratings



