

Title: Reduction in Force (RIF) for SPA Employees - DRAFT

Purpose: In accordance with the NC Office of State Personnel (OSP) guidelines, a layoff (Reduction in Force) may become necessary due to budget constraints, a shortage of work, changing priorities, or a need to abolish SPA (Subject to the State Personnel Act) positions. Should a layoff become necessary, potential reductions will be considered on a fair and systematic basis.

Scope: This policy applies to permanent SPA employees who have completed their probationary periods (full-time and part-time employees scheduled to work 20 or more hours each work week) and to SPA employees in trainee appointments who have completed at least 6 months of their trainee progression.

Temporary employees, probationary employees, and employees with time-limited appointments may be separated without following RIF procedures.

Policy: A reduction in force (RIF) decision requires an evaluation of the need for specific SPA positions as they contribute to the university's ability to provide services. Separation of employees through the reduction in force provisions should only occur after management has exhausted measures such as separation of temporary employees, delay in filling vacant positions, limits on purchasing and travel, position re-design and work unit reorganization, and job sharing. Each department facing the layoff of an employee must make every effort to place that employee, either within or outside of the department, prior to the effective date of the layoff. Responsibility for the decision as to which employee(s) must be separated is at the Vice Chancellor level. The Chancellor will give final approval after reviewing the Reduction in Force Plan submitted by the Vice Chancellor.

The department determines priority for RIF within the following guidelines:

- Temporary employees performing similar work must be terminated before any employee with a probationary or permanent appointment, provided that a probationary or permanent employee can perform the temporary employee's tasks.
- Trainee employees with less than six months' service and probationary employees must be terminated before any employee in the same or a related classification with a permanent appointment, provided that the permanent employee can perform the tasks of the probationary employee or trainee.

Retention of employees shall be based on systematic consideration, at a minimum, of the following factors:

- Which positions/functions are most vital to the department in the delivery of services
- appointment type
- relative skills, knowledge and productivity of employees

- Consideration of equal opportunity employment factors to avoid adverse impact
- length of service (but not seniority driven)¹

Before a reduction in force occurs, the employee must be given verbal and written notification at least 30 calendar days in advance of the separation date. The last day the employee works is the effective date of a layoff. An employee separated by layoff is paid for accumulated vacation and bonus leave in the same manner as other separations. Employees may choose to exhaust leave after their separation date/last day of work. If a leave balance is retained after separation, it is reinstated if the employee returns to work within state government within one year. Compensatory time balances are paid out for FLSA non-exempt employees. If exempt from overtime, compensatory time is forfeited.

The employee may be eligible for other benefits as described in UNC Asheville's Reduction in Force Guidelines.

Appeals

An employee separated through a reduction in force may appeal that separation if it is alleged the separation is in retaliation for the employee's opposition to alleged discrimination on account of the employee's age, sex, race, color, national origin, religion, creed, political affiliation, or handicapping condition. Such an appeal may be made either through the university's SPA grievance procedure or may be filed directly with the Office of Administrative Hearings, at the choice of the employee.

A veteran may also appeal if he/she is denied veteran's preference in connection with a RIF. Appeal rights are explained further in UNC Asheville's Grievance Procedure for Employees Subject to the State Personnel Act (SPA) available online at <http://www.unca.edu/policies/43.pdf>

Questions

If you have questions about this policy, please contact the Human Resources Department (251-6605) for more information.

¹ In determining length of service, an eligible veteran shall be accorded one year of state service for each year or fraction thereof of military service, up to a maximum of 5 years' credit.