



HUMAN RESOURCES

Division: ADMINISTRATION

Chapter: HUMAN
RESOURCES

Policy: HR 6.1 - REDUCTION IN
FORCE

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Revised:

POLICY

Reduction in force is the separation of an employee or employees as a result of the shortage of funds or work, the abolishment of a position(s), or other material changes in duties or the organizational structure. To provide all employees with a basic understanding of the responsibilities of the Department and the rights of the employee, the following policy has been developed.

It is the policy of the Department of Public Safety to exhaust every feasible alternative to avoid reduction in force. A reduction in force requires a thorough evaluation of specific programs, the need for particular positions, and the relative value of specific employees so that an agency can provide the highest level of service possible with a reduced work force. In those instances when reduction in force cannot be avoided, decisions will be made on a fair and systematic basis. Consideration for retention of employees in affected classes and/or at affected work unit locations shall be determined based on the following elements and guidelines:

A. Type of appointment;

No temporary, probationary, or trainee employee in the initial six (6) months of trainee status shall be retained in classes at a given work unit location where employees with a permanent appointment (*those who have satisfactorily completed a probationary or equivalent trial period*) must be separated in the same or related class.

B. Needs of the agency to deliver services.

C. Relative efficiency (skills, knowledge, productivity and value of employees) supported by the Performance Management System instrument;

D. Actual or potential adverse impact on protected group individuals; and

E. Length of service;

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

NOTE: Eligible veterans include individuals that served in the Armed Forces of the United States on active duty, for reasons other than training, during periods of war and were discharged under other than dishonorable conditions. Also included are

disabled veterans, spouses of disabled veterans, the surviving spouse or dependent(s) of a veteran who died on active duty during periods of war either directly or indirectly as the result of such service, veterans who suffer disabling injuries through service-related reasons during peacetime, the spouse of such veterans, and the surviving spouse or dependent(s) of a veteran who died through service-related reasons during peacetime.

Periods of war include WWII (12/7/41 - 12/31/46), the Korean Conflict (6/27/50 - 1/31/55), and the period between January 31, 1955 and the end of the hostilities in Vietnam (5/7/75), and any other campaign, expedition, or engagement for which a campaign badge or medal is authorized by the United States Department of Defense.

Communication of the Policy

The policy will be available electronically on the Department of Public Safety's website and made easily accessible to all employees.

Eligibility for Reduction in Force Rights

This policy applies to all employees in permanent (half-time or more) positions subject to the State Human Resources Act. Also eligible are employees with trainee appointments who have been employed six (6) months or more and employees who had a permanent appointment prior to entering a trainee appointment. Employees in positions designated as policy-making/managerial exempt who are removed from their position for reasons other than just cause are not entitled to reduction in force priority, but may be entitled to priority reemployment rights based on the policy-making/ managerial exempt priority consideration provided in G.S. 126-5(e)(1)(2) and severance salary continuation.

Employees with temporary, probationary, or trainee appointments (less than 6 months service) and employees with time-limited permanent, temporary and intermittent appointments are **not** eligible for priority reemployment rights and severance pay.

Procedures

The Department of Public Safety, prior to reduction in force, shall explore any and all feasible alternatives such as a hiring freeze, spending restrictions or other administratively sound alternatives. When it has been determined that there is no alternative to reduction in force, the Secretary or designee shall complete the following steps:

- A. Determine the number, classification and location of positions that must be eliminated to meet the established goal.

- B. Evaluate programs to determine where reductions can be made without severe adverse effects on the department, division and work unit, including the elimination of entire programs or parts of programs.
- C. Explore all measures that would avoid the involuntary separation of employees to include reassignment of employees to vacant positions.
- D. Consider retention of employees in affected classes and/or affected work unit locations using the following elements and guidelines:
 - 1. Type of appointment;
 - 2. Needs of agency to deliver services;
 - 3. Relative efficiency (skills, knowledge, productivity and value of employees) supported by the Performance Management System instrument;
 - 4. Actual or potential adverse impact on protected group individuals; and
 - 5. Length of service of employees;

Type of appointment is considered first, while agency needs, employee efficiency, protected groups and length of service are equally important in achieving a balanced Reduction in Force (RIF) Plan.

- E. Document the steps followed in the Department's Reduction in Force Plan.

Notification

A. Employee Notice

- 1. After considering all required elements and guidelines, employees affected by the reduction in force shall be notified verbally and by letter of the action.
- 2. The agency shall provide the affected employees with a minimum of thirty (30) calendar days written notification of imminent separation prior to the effective date of the reduction in force.
- 3. The notice shall include:
 - a) The reasons for the reduction in force,
 - b) Eligibility for priority reemployment consideration,
 - c) Eligibility for benefits (e.g., severance salary continuation, health insurance, etc.).

B. Office of State Human Resources Notice

The Office of State Human Resources must be notified of those employees officially notified of Reduction in Force so that eligible individuals will be included on the

Reduction in Force Reemployment Priority List managed by the Office of Human Resources.

Equal Employment Opportunity

When a Reduction in Force is to occur, careful consideration shall be given to the impact it will have on diversification of the workforce within a unit location and the Department as a whole. It is imperative that managers develop equitable plans for reduction in force to preserve equal employment opportunities and to ensure diversity in all aspects of the state's workforce.

Benefits

- A. **Vacation and Bonus leave** - Employees shall be paid in a lump sum for accumulated vacation leave not to exceed 240 hours (*prorated for part-time employees*) and remaining bonus leave.
- B. **Sick leave** - Sick leave may not be paid as terminal leave upon separation. Employees separated due to reduction in force should be informed that their sick leave shall be reinstated if employed in any agency within five (5) years.
- C. **Health Insurance** - Employees separated through reduction in force who had twelve (12) months of service at the time of separation shall be entitled to continued coverage under the State's group health plan for up to twelve (12) months following the effective date of separation and under the conditions coverage would have been provided if the employee had continued employment. Any share of the health plan premiums which an employee had paid prior to the separation must continue to be paid by the employee during the leave period.

Priority Reemployment Rights

The Priority Reemployment Rights afforded employees separated through reduction in force are dependent on the effective date of the official notice of separation.

The Office of State Human Resources policies can be found in Section Two of the State Human Resource Manual at the following link:

<http://www.osp.state.nc.us/Guide/Policies/policies.htm>

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