

Section: SEPARATION
Subject: Reduction in Force (RIF) – Non-Faculty
Number: HR 3815

I. Institutional Regulations

- A. If it becomes necessary to reduce the number of Regular employees or their work hours, the College shall conduct a reduction in force (RIF) in accordance with any applicable federal and state laws and regulations. A RIF due to the elimination of special funds shall be conducted in the same manner as any other RIF.
- B. A RIF shall require the approval of the President and, if it will affect employees with continuing contracts, it shall require the approval of the Board of Directors.
- C. A RIF of an employee with a continuing contract shall be effective at the end of the employee's contract year. A RIF of other employees may occur at any time, following the required period of notice.

II. Procedures

A. Administrative/Professional Employees With Continuing Contracts

1. Written Notice

- a. Written notice to an affected **probationary** employee shall be delivered prior to a Board of Directors meeting that must be held before May 15th. The notice shall advise the employee that the Board shall receive and act at the meeting on a recommended termination or reduction in hours.
- b. Written notice to an affected **nonprobationary** employee shall be delivered prior to a Board of Directors meeting that must be held before May 15th. The notice shall advise the employee that the board shall receive and consider at the meeting on a recommended termination or reduction in hours.

2. Board Action

- a. If the Board votes to approve the RIF of a **probationary** employee, written notice of the recommended termination or reduction in hours shall be personally delivered or sent by certified mail to the affected employee following the Board meeting, to be received not later than May 15th.
- b. If the Board votes to consider the RIF of a **nonprobationary** employee, written notice of the recommended termination or reduction in hours shall be personally delivered or sent by certified mail to the affected employee following the Board meeting, to be received not later than May 15th.

3. Request to be Heard

- a. An affected **probationary** employee may request a private meeting with the Board within 10 calendar days of receipt of the RIF notice. The Board's decision to terminate or reduce hours shall be final unless the action was based upon an alleged violation of a constitutionally guaranteed employee right.
- b. An affected **nonprobationary** employee may request a hearing with an administrative law judge. A written request must be filed with the Board Secretary within 5 calendar days of receipt of the notice to consider the RIF, and shall be forwarded to the Iowa Board of Educational Examiners. If dissatisfied with the results of that hearing, the employee may appeal back to the Board of Directors. Final appeal shall be to district court.

If a request to be heard is not filed by an affected **nonprobationary** employee, the Board of Directors shall vote on the recommended termination or reduction in hours at their next meeting which must be held on or before May 31. If approved, written notice of the RIF decision shall be personally delivered or sent by regular mail to the affected employees following the Board meeting.

B. Employees in Support Staff Union Represented Positions

1. Reduction in staff shall mean a reduction in and/or elimination of a job classification (title and grade) on a campus.
2. When the reduction eliminates a regular funded job classification, all the employees in that job classification will be laid off. When the reduction is in the number of employees in the job classification, the Employer will retain the employee(s) with the best written evaluations, as provided in HR 3225 and seniority. Seniority shall be the deciding factor in which employees will be retained when evaluations are comparable. The overall evaluation designation shall be either satisfactory or unsatisfactory for this section.
3. When the reduction eliminates a specially funded job classification, all employees in that job classification will be laid off. When the reduction is in the number of employees in the specially funded job classification, the Employer will retain the employee(s) with the best written evaluations, as provided in HR 3225 and seniority. Seniority shall be the deciding factor in which employees will be retained when evaluations are comparable. The overall evaluation designation shall be either satisfactory or unsatisfactory for this section.

4. Staff Reduction Units

Reduction shall apply separately to the following locations:

- a. Ankeny, Urban, West Campuses, Evelyn Davis Center, Transportation Institute, and Center for Career and Professional Development (Southridge Center) combined
- b. Boone Campus, Perry Center, and Hunziker Center combined
- c. Carroll Campus
- d. Newton Campus

For the purposes of staff reduction only, the Mechanical/Electrical Technicians will be considered one seniority pool college wide.

5. The College shall provide the employee with 3 weeks of written notice of intent to terminate.
6. Within 5 calendar days of receiving notice, an affected employee may request a private meeting with the President or designee, who shall review evidence and facts related to the RIF recommendation. If the President's RIF recommendation is revised, written notice shall be sent to the affected employee following the meeting.

C. Employees Without Continuing Contracts in Non-Union Positions

1. Written notice of a recommended termination due to RIF shall be delivered to affected employees, or sent by certified mail.
 - a. IES Administrative Support and Trail Point Support employees shall be notified 21 calendar days in advance of the effective date of the RIF.
 - b. Administrative/Professional, IES Administrative/Professional, and Confidential Clerical employees shall be notified 30 calendar days in advance of the effective date of the RIF.

An Administrative/Professional, IES Administrative/Professional, or Confidential Clerical employee in a specially funded position may receive less than 30 days' notice if sufficient funds are not available to pay the employee's salary for the full 30 days.

2. Within 5 calendar days of receiving notice, an affected employee may request a private meeting with the President or designee, who shall review evidence and facts related to the RIF recommendation. If the President's RIF recommendation is revised, written notice shall be sent to the affected employee following the meeting.
- D. If an opportunity to be heard is not requested, or if the RIF is upheld by the appropriate authorities following the opportunity to be heard, Human Resources shall initiate a Separation of Employment form.
- E. Return to Employment Following a RIF
1. If an employee is rehired, the hire shall be considered a re-employment.
 2. If re-employed, the employee's layoff shall not constitute a break in service for purposes of the original hiring date, which shall not be changed. However, the seniority date shall change.
 3. If re-employed, unused Sick Leave available at the time of the RIF shall be restored. However, unused Vacation Leave available at the time of the RIF shall not be restored due to the Vacation Leave payoff. The employee's Vacation Leave accrual shall start over.
 4. Pay on re-employment shall be as recommended by the supervisor and as approved by the Vice President, or other direct report to the President, and Human Resources.

APPROVED:



Executive Director, Human Resources

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May 1, 2012

February 21, 2017

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