

SOUTHWEST TENNESSEE COMMUNITY COLLEGE**SUBJECT: Reduction in Force/Realignment of Non-Tenured Employees****EFFECTIVE DATE: July 1, 2005; Revised May 5, 2023; Revised January 22, 2024****(removing equity reference and updating job title)****Purpose**

The purpose of this policy is to explain the circumstances under which Southwest Tennessee Community College (“Southwest” or “the College”) will reduce its work force or realign non-tenured employees.

Definitions

Reduction in force (RIF)- A layoff for an indefinite period of time, generally with no expectation of recall, of one (1) or more employees resulting from the elimination of one (1) or more positions due to lack of funding, reorganization, restructuring or other reason. Suspension, termination, elimination of a temporary position, and discontinuation of grant-funded employment do not constitute a reduction in force.

Realignment- The lateral transfer or demotion of employees to unfilled open positions or new positions for which they meet the minimum qualifications. The realignment is a result of a departmental reorganization or the reassignment of functions or duties. Salary rates are based upon the salary of the new job classification and in-line with the College’s Compensation Plan Guidelines. The Office of Human Resources will be responsible for coordinating reassignments.

Final Benefits- Termination due to a reduction in force is considered a final separation from the College. The discretion to determine the employee's last workday is reserved to the College President or designee. In accordance with Tennessee Board of Regents (TBR) Annual Leave Policy No. [5.01.01.01](#), employees will be eligible for a lump-sum payment of accrued annual leave. Employees will be eligible for unemployment compensation, COBRA insurance coverage, and retirement plan benefits provided in accordance with the terms of their retirement plan. An employee who is receiving tuition scholarship benefits for the employee, spouse, or children prior to the day of separation will continue to receive the benefits through the end of the semester in which the termination occurs.

Recall- If a position is restored within 12 months, the College will have the option of offering the position to the former employee prior to advertising. If an employee does not respond to a recall notice within 10 working days, the employee will have no additional recall rights. Individuals recalled to their former position will not be required to serve a probationary evaluation period.

Employees will be credited with all sick leave, in accordance with TBR's Sick Leave Policy No. [5.01.01.07](#). An employee's adjusted longevity date will be established utilizing all eligible prior service in accordance with TBR [P-120](#).

Rehire- An employee terminated due to a reduction in force must submit an employment application to be considered for a vacant position. If qualified and chosen for the position through the standard hiring procedures, the new salary rate will be based on the salary of the new job classification.

Employees will be credited with all sick leave, in accordance with TBR Sick Leave Policy No. [5.01.01.07](#). An employee's adjusted longevity date will be established utilizing all eligible prior service in accordance with TBR [P-120](#).

Policy

The College values the contributions of its employees and strives to provide a stable work environment by retaining good and productive employees when possible. The College's commitment in this area is subject to budget shortfall, state impoundment, substantial revenue reduction, and other need to reduce personnel costs as determined by the President after consultation with TBR's Chancellor and Office of the General Counsel. If it becomes necessary for the College to reduce or realign the work force, this policy establishes procedures to ensure fair treatment.

This policy applies to all exempt and non-exempt employees. It does not pertain to those faculty addressed by TBR [5.02.03.70](#).

Southwest is an equal opportunity/affirmative action employer and will not permit discriminatory implementation of this policy. The fulfillment of affirmative action and equal employment opportunity objectives and goals will be monitored to remain in compliance with applicable laws and commitments. This policy will ensure the fair treatment of all employees without regard to race, creed, color, religion, sex, age, national origin, disability, veteran status, or sexual orientation.

Employees affected by this policy will be treated with dignity and respect.

Procedures

The College, at its discretion, may consider alternatives to a reduction in force whenever possible, however, the administration explicitly notes that certain alternatives may not be feasible if the College is to pursue its priorities effectively. Alternatives that might be considered include, but are not limited to:

- Elimination of positions through attrition reduced work hours (less than 100%)
- Nine-, ten-, or 11-month modification of work schedules (MODFY)

- A freeze in hiring of all non-critical positions
- Reassignment of employees
- Evaluation of the need to hire or rehire temporary and adjunct employees.
- Reconsider the need to continue probationary employees.

The College will evaluate, at its discretion, the elimination of programs, services, and activities. When such elimination takes place, consideration will be given to reassigning employees to vacant positions within the College.

The College may reduce or eliminate the number of filled positions within identified departments. The determination of employees to be affected by position elimination will be based upon the documented administrative consideration of several factors including, but not limited to:

- a. The employee's documented performance history
- b. The degree to which an employee possesses the knowledge, skills, abilities, and personal characteristics required to achieve the goals of the unit or for open positions for which the employee is qualified
- c. The employee's performance based upon recent documentation and performance evaluations completed within the preceding twelve (12) months
- d. The employee's disciplinary status, i.e., whether the employee has active discipline or unresolved behavioral or performance issues
- e. Whether the employee is performing services not directly related to the unit mission or goals, discontinued or reduced services/programs/activities within the department.
- f. The employee's experience and service with the College
- g. An employee's willingness to voluntarily retire, resign, or transfer

The priority of each of the factors and considerations used may differ depending on the situation. Consideration must be given to the programs, services, and activities to be continued within the department. Duties and responsibilities to be maintained must be reassigned to employees capable of performing the tasks. The department may provide job training. However, departments must be cautious in reassigning duties that require an employee to possess a license, a certification, specialized training, or proficiency in the use of equipment, etc.

Written notice will be given to affected employees at a minimum in accordance with their College contracts and in compliance with TBR [P-010](#): 30 days' notice for administrative and professional employees, 14 days' notice for clerical and support positions. Additional notice may be provided at the discretion of the President. Although no notice is required to terminate temporary and adjunct employees, a letter of termination will be issued. Department heads will schedule a personal meeting with affected employees to deliver the written notice, prepared by the Office of Human Resources. The notice will contain information on final benefits and rehire procedures.

Appeal Process


Clerical and support employees do not have the right to appeal their termination under TBR [P-111](#), unless performance is deemed a significant factor in their termination.

Under certain circumstances, administrative and professional employees have the right to appeal their termination using Personnel Policies and Procedures, [TBR P-110](#). An appeal does not affect the effective date of the reduction in force.

Source of Policy: _____ Responsible Administrator: VP of HR; CFO

TBR Policy Reference: 5.01.00.00; 5.01.01.01, 5.01.01.07, 5.02.03.07, 5.02.03.02

Related Policy: 5:01:00:00/0 TBR Guideline Reference: P-010, 110, 111, 120

Approved:  Date: January 22, 2024
President