

LOUISIANA COMMUNITY & TECHNICAL COLLEGE SYSTEM
Policy # 6.026

Title: FINANCIAL EXIGENCY/REDUCTION IN FORCE

Authority: Board Action	Original Adoption: 7/10/2002
	Effective Date of Current Policy: 03/14/2016
	Last Revision: 08/12/09

Institution – A college in the Louisiana Community & Technical College System.

Department – An academic subunit or division

Financial Exigency may be declared by the institution with the approval of the Board of Supervisors whenever the financial resources of an institution are not sufficient to support the existing programs and personnel of the institution without substantial impairment of the institution to maintain the quality of its programs and service. Financial exigency may be declared with respect to the System as a whole or to one or more institutions of the System. Reasonable efforts will be made to ensure that students affected will be allowed to complete their programs, within the limits of budgetary constraints, at the institution or by transfer to another institution.

Furlough is a reduction in force avoidance measure that allows either a reduction in work hours or required placement of employees on leave without pay.

Reduction in Force Avoidance is the institution of steps to eliminate or mitigate the need for a layoff or reduction in force.

Realized Savings for the retirement incentive reduction in force avoidance measure is calculated as follows: Determined percent of base salary (not to exceed 50 per cent) minus terminal annual leave payout (not to exceed 300 hours) minus terminal sick leave payout (not to exceed 200 hours) equals realized savings available for retirement incentive. Note: As a result of retirement, the employee will receive payment of any available terminal annual leave payout plus any available terminal sick leave payout.

Reduction in Force (RIF) is the elimination or reduction in FTE (full time equivalency) of a regular position due to budget constraints, funding reductions, lack of work, reorganization, closure of a program, or other business reasons resulting in the necessary curtailment of personnel. A reduction in force may be done in an academic unit or other unit basis, and may occur in one area of an institution with other units not being subject to reduction in force. All staff affected by a reduction in force will receive notification within a specified notification period established at the time of the approval of the reduction in force, generally not less than 30 days; however, the period specified in the plan may be less due to the circumstances resulting in the reduction in force.

Layoff – Staff displacement by position elimination when there is no transition into a similar position within the prescribed notification period. Layoff provides eligibility for recall.

Recall - The reinstatement of a laid-off employee to active status within a six month period following layoff.

The Louisiana Community & Technical College system strives to provide stable employment. However, financial exigency, budget constraints, funding reductions, elimination of positions/programs, program changes, lack of work, and/or other material changes in duties, reorganization or other just causes may require a reduction in force. Although the institution declares financial exigency, only the LCTCS Board of Supervisors can approve the declaration of financial exigency. All program elimination, program modifications or reduction in force must be approved by the Board. Nothing in this policy is meant to alter at-will employment that exists separate from this policy.

The reduction in force avoidance measures and layoff or reduction in force of classified employees must follow the current Civil Service rules in place at the time of Board approval.

Reduction in Force Avoidance

Prior to the implementation of the application of reduction in force guidelines established in this policy, the following options for reduction in force avoidance must be considered:

- 1) Withholding of merit increase
- 2) Furlough with reduction in work hours which shall not exceed 40 hours in any workweek, nor extend beyond one period of 12 consecutive months
- 3) Furloughs without pay which shall not apply for more than a total of 240 work hours in any 12 consecutive-month period without approval of the Louisiana Community & Technical College System Board of Supervisors, and in no case shall such furlough extend beyond a total of 450 work hours in any 12 consecutive-month period. The Board may approve extension of a furlough beyond a total of 450 work hours.
- 4) Required use of annual leave during an established period of time, required by the appointing authority, which may require employees to use up to a maximum of ten (10) days of annual leave in a calendar year. Employees who have exhausted annual leave shall be placed on leave without pay, but not for more than ten (10) days in a calendar year.
- 5) To avoid/reduce layoffs, an appointing authority may request authority from the Board of the Louisiana Community & Technical College System, as part of a written layoff avoidance plan, to offer eligible employees an incentive to retire in the form of a one-time, lump-sum payment; provided that funds are available, as determined by

the appointing authority. Eligibility to participate in the incentive to retire requires meeting both of the following listed criteria:

- 1) Service attainment shall be with an institution under the management of the LCTCS Board, and
- 2) The employee must meet regular retirement criteria of Teachers Retirement System of Louisiana, Louisiana State Employees Retirement System, or the State of Louisiana Optional Retirement Plan participation or other qualified retirement program.

The request to offer a retirement incentive shall be subject to the following:

- a) No employee may receive a payment that exceeds 50 percent of the savings, of base salary only, realized by the agency in the fiscal year or in specified period of time not to exceed a consecutive 12 month period as a result of that employee's retirement; and
- b) No such payment shall be made prior to the effective date of the employee's separation.

When an appointing authority determines that it is necessary to follow one or more of the reduction in force avoidance options, a written plan for reduction in force avoidance measures shall be submitted to the Board of Supervisors of the Louisiana Community & Technical College System prior to the effective date of the measures. Such plan shall include the following:

- Reasons for the reduction in force avoidance request
- The jobs of employees included in the request
- Proposed effective dates and periods of time involved
- The organizational unit and geographic area(s)

Once a layoff avoidance plan is approved by the Board of Supervisors of the Louisiana Community & Technical College System, it shall be made generally available to the employees affected by the measures outlined in the layoff avoidance plan.

Reduction in Force Guidelines:

Prior to considering a layoff/reduction in force, the department head or individual acting in that capacity is expected to make every effort to identify a position within the department for which the affected employee(s) may qualify. Departments making such reductions in workforce are responsible for retaining the staff necessary to preserve the excellence of the educational institution.

When budget and organizational circumstances require positions to be cut and employees to be separated from unclassified service with the LCTCS, those positions that the appointing authority determines that the agency is no longer able to sustain will be targeted for elimination/abolishment. It is crucial, therefore, that the appointing authority has a listing of all positions in place prior to the RIF, an identification of all positions identified as critical for continued operations, and all positions that will be eliminated/abolished as a result of the RIF.

When an appointing authority determines that a reduction in force is necessary, a written plan for reduction in force avoidance measures shall be submitted to the Board of Supervisors of the Louisiana Community & Technical College System prior to the effective date of the measures. Such plan shall include the following:

- Reasons for the reduction in force avoidance request
- The jobs of employees included in the request
- Proposed effective dates and periods of time involved
- The organizational unit and geographic area(s)

The department determines priority for reduction in force within the following guidelines:

Placement of employees into vacant positions previously determined by the appointing authority to remain in the budget as a result of the RIF, and consideration of employees identified for layoff/reduction in force for placement in those positions, requires the following determination:

- LCTCS needs. Determine which positions are most vital to the department in the delivery of services.
- Relative skills, knowledge, licensure/certification requirements, and productivity of employees. Personnel files and performance evaluations shall be reviewed for determination of the employee's overall performance.
- Length of service of employees and/or established tenure. In situations where skills, knowledge and overall ratings on performance appraisals are equivalent, selection for layoff shall be based on the employee's length of continuous institutional service and/or established tenure.
- Notwithstanding performance evaluation, length of service criteria, and/or established tenure, an employee who cannot satisfactorily perform the remaining work will be selected for layoff.

The effects on employees who occupy positions abolished as a result of the RIF will be determined by a number of factors. Taking into consideration the above, reduction in force should occur in the following sequence:

- Temporary staff employees and adjunct faculty (no recall consideration)
- Employees with probationary appointments (no recall consideration)
- Employees with service of short duration such that no formal performance evaluation has been completed (no recall consideration)
- Employees with a less than "satisfactory" overall performance evaluation for the last evaluation on record prior to date of the RIF (no recall consideration)
- Part time regular employees (recall consideration for a part time position only)
- Non-tenured faculty and full time regular administrative/professional staff (recall consideration)
- Tenured faculty (recall consideration)

Employee Notification:

Affected employees are to receive notice of layoff, within the prescribed notification period as defined in the Reduction in Force (RIF) section of this policy, once the reduction in force has been approved. Such notification shall include: reason for the reduction in force, the process used to select the employee to be laid off, information on the right to appeal the decision, if applicable; and information on recall/reemployment consideration.

Recall/Reemployment Consideration:

- Non-probationary regular employees, non-tenured faculty and tenured faculty shall be eligible for recall consideration for a period of 6 months from the date of layoff.
- Employees separated from regular part-time positions have priority to part-time positions only.
- No employee has recall rights to a position for which he/she does not meet minimum qualifications, as defined by the position description.
- Employees shown to have below “satisfactory” job performance will not be eligible for recall/reemployment consideration.
- Laid-off employees must request through the institution’s Human Resources department, within the prescribed notification period, to be placed upon a Recall Priority List and will be awarded priority status and must be interviewed by the department with the vacancy if the vacant position is at the same or a lower pay grade than the position the employee held immediately prior to layoff. Such Recall Priority List must be posted on the agency’s website for the entire six months period and updated as employees are either recalled or lose recall rights.
- As vacancies occur, hiring authorities of each institution are expected to assure review of qualified applicants from persons in the pool prior to filling positions. Provision of such recall/reemployment consideration is not intended to and does not create a right to reemployment.
- If, while on layoff status, an employee accepts another regular position within the LCTCS, he/she will relinquish all recall rights and no longer remain on layoff status.

Response to Offers of Recall/Reemployment

A laid off or reduction-in-force employee who:

- declines reemployment in the position previously held or a comparable one will forfeit any reemployment consideration
- declines reemployment in a position at a classification lower than that previously held will retain eligibility for reemployment should a vacancy occur within six months after layoff
- accepts employment in a position at a classification comparable to that previously held will forfeit any reemployment consideration

- accepts employment in a position lower than that previously held shall retain eligibility for reemployment consideration at a classification equal to the previously held position should such a vacancy occur within six months after layoff
- does not respond within three working days to an offer of reemployment will forfeit all reemployment consideration