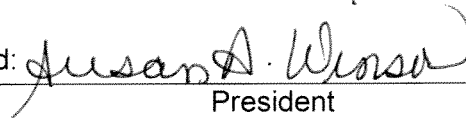


**AIKEN TECHNICAL COLLEGE
PROCEDURE**

Procedure Title:	REDUCTION IN FORCE	Procedure Number:	1-3-106.1
Institutional Authority:	President		
Associated SBTCE Policy/Procedure:	8-7-103.1		
Governing ATC Policy:	1-3-106		

Approved: 
President

Date Adopted: 07/01/2004
Date Revised: 02/11/2008

DISCLAIMER

PURSUANT TO SECTION 41-1-110 OF THE CODE OF LAWS OF SC, AS AMENDED, THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY.

I. Purpose and Scope

The purpose of this procedure is to prescribe the manner in which covered employees of the Aiken Technical College are released in an equitable manner should reduction in force become necessary. A reduction in force may require the separation, involuntary demotion, reassignment, or reduction in work hours of the College's covered employees. A reduction in force does not apply to non-covered employees (e.g., probationary employees, temporary employees, temporary grant employees, time-limited project employees).

The College President may find it necessary to implement a reduction in force for one or more of the following four reasons:

- a) Reorganization;
- b) Work Shortage;
- c) Loss of Funding ; or
- d) Outsourcing/Privatization

II. Management Decisions

The College President/System President will have responsibility for determining the necessity to implement a reduction in force.

The College President/System President shall determine the following items prior to developing the reduction in force plan:

- a) The reason(s) for the reduction in force;
- b) Which competitive areas(s) of the College are to be impacted by the reduction in force;
- c) Which State class title(s) within the competitive area(s) are to be affected (competitive groups); and
- e) The amount of positions in each State class title(s) that are to be eliminated.

III. Competitive Area(s)

The College President shall determine the competitive area(s) the reduction in force will impact. The College President should establish a competitive area that is clearly distinguishable from the staff in other areas and where the interchange of employees would not be practical. This competitive area may be broadly defined or narrowly defined such as a department, a unit, or a geographical location.

IV. Competitive Group(s)

The College President shall determine the competitive group(s) based on the State class title(s) within the competitive area(s) that the reduction in force affects. If the reduction in force is to apply to more than one State class title, each State class title will be treated separately, except where the reductions are to be made in a State class title series, e.g., Auditor I, Auditor II, Auditor III, Auditor IV or the College's normal career paths.

V. Affected Positions

The College President shall identify the position(s) within the competitive area(s) and competitive group(s) that will be eliminated by identifying the following information:

- State Class Title;
- State Class Code;
- State Band Level, if classified position;
- Total number of positions in the State class title within the competitive area; and
- Total number of positions in the State class title within the competitive area that are to be eliminated.

VI. Retention Points

The College shall calculate retention points for covered employees in the competitive area(s) and competitive group(s) to be used in determining which covered employees are to be involuntarily demoted, reassigned, or separated. Base retention points shall be inclusive of the total scores of annual performance appraisals, excluding interim appraisals, for the past three (3) years and the length of continuous State service. The sum of the retention points for performance, and length of continuous State service are the total retention points that an employee uses in the competition.

A. Performance Appraisal Points

The College will determine the total score for an annual performance rating by using the following numerical values assigned to the EPMS/FPMS performance ratings:

EPMS/FPMS Performance Rating	Value
Exceeds Performance Requirements	4.0
Meets/Satisfactory Perf. Requirements	3.0
Below Performance Requirements	0.0

For any year that the College did not complete an EPMS/FPMS evaluation for an employee/faculty member, a numerical value of 3.0 will be assigned for Meets Performance Requirements. In cases where an individual transfers from another State agency utilizing four performance ratings, a performance rating of Substantially Exceeds will be converted to Exceeds and a numerical value of 4.0 will be assigned as shown in the conversion chart below:

EPMS/FPMS Performance Rating	Value
Substantially Exceeds to Exceeds Performance Requirements	4.0
Exceeds to Exceeds Performance Requirements	4.0
Meets to Meets Performance Requirements	3.0
Below to Below Performance Requirements	0.0

B. Continuous State Service Points

Covered employees will receive two (2) retention points for each full year of continuous service. Partial years of service of six (6) months or more of continuous service will be credited with one (1) retention point and less than six (6) months of service will receive no retention points.

VII. Sequence of Reduction in Force

The order of the reduction in force of covered employees in each State class title(s) shall be determined by the total number of retention points for each employee. If two (2) or more employees affected by a reduction in force have the same number of retention points and not all are to be affected by the reduction in force, the agency hire date will determine the order of the employees affected.

Bumping rights are provided for covered employees who have accumulated more retention points than those with whom they are competing. Under no circumstances can an employee gain from a reduction in force. Bumping rights are provided only laterally and downward.

VIII. Retention of Necessary Qualifications

No employee with a lower number of retention points shall be retained in preference to another employee in a competitive area(s) and group(s) with a higher number of retention points except when the College determines that a Retention of Necessary Qualifications applies.

If an employee is competing for a position that is not being eliminated and the College asserts that an employee with higher retention points who has rights to be placed in that position cannot satisfactorily perform the duties of the position within a reasonable training period, the employee with lower retention points may be retained in preference to the employee with higher retention points. The College may determine that the employee with higher retention points will not be able within a reasonable training period to satisfactorily perform the duties of the job based on the lack of knowledge, abilities, skills, supervisory responsibilities, or necessary experience.

When the Retention of Necessary Qualifications is used in a reduction in force plan, justification for this retention must be documented in the reduction in force plan to be submitted to the Budget and Control Board's Office of Human Resources (OHR) for review and approval for procedural correctness. The College should retain documentation to support any retentions made on this basis.

IX. Writing the Reduction in Force Plan

Once the College has made the decisions outlined above and prior to the implementation of a reduction in force, the College President or his/her designee shall develop the reduction in force plan. This plan must include the following:

- a) The reason for the reduction in force;
- b) The identification of the competitive area(s);
- c) The identification of the competitive group(s) [State class title(s)];
- d) The number of position(s) to be eliminated in each State class title;
- e) A list of the covered employees, in order of retention points, in the competitive area(s) and competitive group(s) to include the following:
 - 1) Name;
 - 2) Age, Race, and Gender; and
 - 3) Retention Points;
- f) Justification of any Retention of Necessary Qualifications used in the reduction in force plan; and

- g) The College's efforts to assist employees affected by the reduction in force.

X. Approval Process

Aiken Technical College reduction in force plans must be approved by the President. The College's reduction in force plan must be submitted to the System Office Human Resource Services (HRS) for review and approval. Once the reduction in force plan review process has been completed, the System Office HRS shall submit the following information to the OHR for review and approval for procedural correctness:

- a) The reduction in force plan as outlined in Section IX;
- b) An organizational chart including each position (designated with the State class title and incumbent's name) within the competitive area(s); and
- c) A sample letter to employees affected by the reduction in force which only includes information as outlined in Section XI, along with:
 - 1) A list of the employee's reinstatement rights;
 - 2) The procedure for the recall of an employee; and
 - 3) The employee's grievance rights.

XI. Implementation of the Reduction in Force

The College shall only communicate the following components of the reduction in force plan to each affected employee after the OHR approves the reduction in force plan for procedural correctness and before the reduction in force becomes effective:

- a) The reason for the reduction in force;
- b) The competitive area(s) and competitive group(s) in which the employee competed;
- c) The benefits to which the employee is entitled and the manner in which the reduction in force will affect the employee's State benefits, (e.g., health insurance, optional life insurance, retirement);
- d) The employee's reinstatement rights, (e.g., reinstatement of all sick leave; option of buying back all, some, or none of the annual leave at the rate at which it was paid out);
- e) The employee's recall rights to any position, within the competitive area, that becomes available in the same State class title as the position the employee held prior to the reduction in force;
- f) The manner in which the College will notify the employee of any such vacancies;
- g) The requirements of S.C. Code of Laws Ann. Section 8-11-185, which requires the College to report information about the employees affected in a reduction in force to the OHR; and

Upon request, the respective SCTCS entity will make available to its affected employee(s) the reduction in force plan excluding retention points.

XII. Recall and Reinstatement Rights

An employee affected by a reduction in force has recall and reinstatement rights to a position in State government for one year after the effective date of the reduction in force. At the time of recall or reinstatement to an FTE position, the College will reinstate all employee benefits, including the employee's accumulated sick leave, and will provide the employee the option of buying back all, some, or none of his annual leave at the rate it was paid out at the time of the separation.

A. Recall Rights

If a vacancy occurs, within the competitive area, in the same State class title as the position the employee held prior to the reduction in force, the College will recall employees in the inverse order of the reduction in force. The College will notify the employee in writing of the job offer and recall rights. If the employee does not accept the job offer within ten working days, the employee's recall rights are waived.

B. Reinstatement Rights

An employee affected by a reduction in force may apply for any State job for which they meet the agency's minimum training and experience requirements. Should the employee accept a job offer to an FTE position, which receives benefits, they are entitled to the restoration of employee benefits, including the employee's accumulated sick leave, and will provide the employee the option of buying back all, some, or none of their annual leave at the rate it was paid out at the time of the separation. If the employee accepts a position in a lower pay band than the one from which they were separated, they still retain their recall rights to a position in the same State class in the competitive area.

XIII. Salary Reductions – Due to Budgetary Reductions

When a covered employee is assigned lower level responsibilities or demoted as a result of a reduction in force implemented due to budgetary reductions, the employee's salary may be reduced on the effective date of the reduction in force. The College President, at his/her discretion, may reduce the employee's salary to a salary either between 0%-15% below the employee's current salary or between the current salary and the midpoint of the lower pay band. In exercising this discretion, the College President may use the option which results in the greatest cost savings.

XIV. Grievance Rights

A covered employee who is affected by a reduction in force has the right to file a grievance to the College and an appeal to the State Human Resources Director only if the grievance or appeal is based on improper or inconsistent application of a reduction in force policy, procedure or plan in accordance with State Board for Technical and Comprehensive Education (SBTCE) Policy and Procedure #8-6-100 and #8-6-100.1, respectively.

Procedure Review		
Review Date	Reviewed By	Date Completed
07/01/2007		
02/11/2013		