

**SHEPHERD UNIVERSITY  
BOARD OF GOVERNORS  
POLICY 36**

**TITLE: CLASSIFIED STAFF REDUCTION IN FORCE**

SECTION 1. GENERAL

- 1.1 Scope - The University seeks to provide a positive and stable work environment. However, conditions may arise that necessitate the elimination of positions held by Classified Employees, otherwise known as a Reduction in Force (RIF). This Rule outlines the guiding principles for and is applicable to RIF for all Classified Employees of Shepherd University who are employed in full time or part time Regular positions.
- 1.2 Authority - WV Code: §18B-1-6, §18B-2A-4, §18B-7-2, §18B-7-3, §18B-9A-2
- 1.3 Effective Date – September 27, 2017

*SECTION 2. Full Time Staff: Process and Review Committee*

- 2.1 Reasons to implement a RIF may include, but are not limited to, budget reductions, loss of funding, reorganization, material changes to the duties or responsibilities of a position, program change/elimination, or an emergency that curtails operations.
- 2.2 The President shall establish the RIF Review Committee, which shall review any RIF proposal arising from a specific administrative component of the University. In circumstances of institutional financial exigencies, the RIF Review Committee may develop RIF recommendations which affect one or more administrative components of the University. The members of the RIF Review Committee will include the Provost, Vice President for Finance, a representative of classified employees selected by the President, and such additional administrators or other employees as the President may choose to appoint. The General Counsel and Director of Human Resources will be non-voting staff-support to the RIF Review Committee. To serve on the RIF Review Committee, an employee must agree to maintain confidentiality as to the specific deliberative matters reviewed by the Committee.
- 2.3 When an Executive Officer of the University becomes aware that there may be a need for a RIF, the Executive Officer is responsible to contact and work with the RIF Review Committee, to develop a RIF Plan.
- 2.4 A RIF Plan should address, at a minimum:
  - 2.4.1 Identification of the reasons for consideration of the RIF;
  - 2.4.2 Reasonable alternative solutions (e.g., where applicable, reductions of operating expenses other than payroll, moratorium on further hiring, or voluntary separation) to a RIF that were considered;
  - 2.4.3 Identify any re-organizations of departments or other changes that will occur;
  - 2.4.4 Identify the positions recommended for elimination and the reasons for the elimination;
  - 2.4.5 Describe the impact of the RIF Plan to other employee types, including whether other positions will also be eliminated; and

- 2.4.6 Any other matters required by the Review Committee.
- 2.5 A RIF is not intended to be a performance management tool.
- 2.6 In situations where a RIF would eliminate some, but not all of the positions within the same job family, the RIF Review Committee shall evaluate the skills and qualifications of the individual employees potentially subject to the RIF. Review of members of a job family is limited to the job family members within the sector(s) in which the RIF is occurring. The effected Executive Officer(s) shall assist in the review process. Human Resources will provide documented performance history and provide seniority validations. In these situations, the Committee shall give consideration to the following:
- 2.6.1 **Performance:** Each Classified Employee’s documented quality of work performance over the previous 36 months as demonstrated in performance evaluations of record including, but not limited to, performance evaluations and disciplinary history documented in any form;
- 2.6.2 **Skills and Qualifications:** Specific duties and responsibilities of each position, the Classified Employee’s knowledge and skills; and
- 2.6.3 **Seniority:** The length of service as defined by the Human Resources Office’s standard practices.
- 2.6.4 If all factors appear to be equal, the Unit should retain the employee or employees with more seniority.
- 2.7 If the Classified Employee did not receive a written performance evaluation for any year within the relevant time period set forth in sub-Section 2.6.1 above, then for any such year that employee shall be deemed to have received a “meets requirements” or an equivalent rating.
- 2.8 Commitment to Equal Opportunity and Affirmative Action: All decisions under this Rule shall be made without regard to race, color, national origin, religion, sex, age, sexual orientation, disability, or any other class protected under the University’s non-discrimination policy.
- 2.9 The RIF Review Committee shall report any approved RIF Plan to the President immediately.

*SECTION 3. Rights of Full Time Classified Employees*

- 3.1 The University shall provide a Classified Employee at least 60 days written notice (“Notice Period”) that his or her position is going to be eliminated, unless the financial circumstances of the University dictate a shorter notice period, as determined by the President.
- 3.1.1 In some situations, it is in the best interests of the Classified Employee or the department that during the Notice Period the employee receive an alternative assignment, at equivalent pay. The notice should indicate whether the employee will receive an alternative assignment during the Notice Period.
- 3.1.2 The Notice of RIF will provide a brief explanation of factors which precipitated the RIF planning and the assigned date of last employment.
- 3.2 During the Notice Period, the department shall provide any Classified Employees subject to a job elimination reasonable time off without charge to accrued leave to attend on-campus job interviews, subject to the operational needs of the Unit. Liberal access to use of annual leave, especially to facilitate seeking alternative off-campus employment, should be given, with advance notice. The employee is not under a moral or ethical obligation to give a traditional advance notice of resignation, if the employee wishes to

begin new employment elsewhere; however, the employee should give as much notice as is viable, to facilitate orderly planning as to benefits and payroll.

3.3 In accordance with W. Va. Code §6C-2-1, et seq., eligible employees may utilize the West Virginia Public Employees Grievance Procedure to seek resolution for their grievable issues involving a RIF.

3.4 Right of Recall.

3.4.1 Before the close of business on the last day of employment as designated in the Notice of RIF, affected employees who leave the University in Good Standing may notify the Human Resources Office in writing of a desire to be recalled to employment. Such a notification must include a valid mailing address/email address for the employee.

3.4.2 A department shall not refill a specific position that has been eliminated by a RIF for a minimum of 12 calendar months, unless approved in writing by the RIF Review Committee. If the position is approved to be refilled within 12 calendar months, the Classified Employee who was previously employed in that specific position title shall first be notified by the Human Resources Office of the opportunity to return to the position, if the employee left in Good Standing. In the case of multiple employees of the same job title, recall shall be by the same criteria as designated in sub-Section 2.6.

3.4.3 Any Classified Employee impacted by a RIF is eligible for rehire via postings and interviews if he/she exited employment in Good Standing, and no administrator shall treat a RIF'ed employee/former employee as presumptively disqualified from a position.

3.4.4 A Classified Employee affected by a RIF who accepts a comparable benefits-eligible position within the University is deemed to have waived eligibility for recall to the position from which the RIF occurred.

3.4.5 For purposes of this policy, Good Standing is defined as an employee whose most recent evaluation does not establish or maintain an improvement plan.

#### *SECTION 4. Part Time Staff*

4.1 A supervisor has management authority as to part time staff to change the number of hours assigned in a specific two-week work-period, as a matter of operational discretion, but should make reasonable efforts to maintain continuity for the workforce. Such variations do not constitute a RIF.

4.2 If a supervisor intends to reduce the number of hours of the employee by 50% or more, for more than one work period, or to release the part time employee from employment for reasons other than employee performance, the supervisor must obtain the written authorization of the supervising Executive Officer, who shall consult with the Director of Human Resources.

4.3 If the department has more than one part time employee in the position title, the Executive Officer will apply the provisions of Section 2.6, in consultation with the Director of Human Resources, to the selection of part time employees who will be subject to RIF.

4.4 Part time staff shall not have any of the other rights and privileges established in this policy for full time staff.

*SECTION 5. Exclusions*

5.1 This Rule and the rights, duties, and responsibilities contained herein are only applicable to the proposed elimination of positions that are held by a Regular Classified Employee. Any position eliminations under the following circumstances are excluded from this Rule:

- 5.1.1 Temporary positions;
- 5.1.2 Grant funded or contract positions hired on or after October 1, 2017;
- 5.1.3 A reduction in FTE that reduces the position by 20% or less, but does not eliminate benefits eligibility;
- 5.1.4 Any instance in which the University has contracted with an outside vendor for services and a Classified Employee is offered employment by that vendor with comparable wages; or
- 5.1.5 Internal transfers.

*SECTION 6. Delegation*

The Board of Governors delegates to the President the authority to approve internal human resource policies and procedures in order to implement the provisions of this Board Policy. Any actions taken pursuant to this delegation must be consistent with the guidelines provided by this Policy.