



NUMBER: 398
SUBJECT: REDUCTION-IN-FORCE—BENEFITS ELIGIBLE EMPLOYEES
EFFECTIVE DATE: AUGUST 15, 2005
EFFECTIVE DATE OF LAST REVISION: JANUARY 24, 2011
PAGE 1 OF 3

398.1 — POLICY

The terms of this policy will govern job termination and salary reductions for a reduction-in-force among benefits eligible employees. A reduction-in-force could result from elimination of funds, or the dissolution or reorganization of programs, or other legislative or policy making bodies' authoritative decisions.

Nothing in this policy should be used to imply or construe a right to an expectation of continued employment for non-benefits eligible employees.

398.2 — DEFINITIONS

398.2.1 — Seniority

The accumulated time of all benefits eligible service at Bridgerland Applied Technology College (BATC).

398.2.2 — Job Family

A series of jobs which have a basis of common skills, occupational qualifications, technology, licensing, working conditions, work place, career paths, and organizational tradition.

398.3 — PROCEDURES

398.3.1 — Reduction-in-Force

398.3.1.1 — Staff may be terminated or their hours and/or salaries reduced without any demonstration or suggestion of incompetence, poor performance, or wrong-doing as the result of a reduction-in-force at the direction of the Campus President or the Vice President for Finance.

398.3.1.2 — This policy does not include termination for cause. For clarification of termination for cause, see Section 300.399 of the Policy Manual.

398.3.2 — Layoffs Determined Primarily By Seniority

When a department must reduce or reorganize its staff, the administrator should arrange layoffs within the targeted program and employment classification beginning with less senior employees, unless important job-related considerations dictate a different order of layoffs. Any time an administrator proposes to discharge employees out of the order of seniority, he or she will provide written reasons to the Vice President for Finance.

398.3.2.1 — Bumping Rights Within the Department and Job Family

Employees targeted for layoff do not bump employees with less seniority in other departments of the College.

398.3.2.2 — Personnel of Equal Seniority

In situations where the seniority of staff members in programs or classifications identified for reduction is equal, relative competence and experience, or any job-related factor at the discretion of the supervisor, will be the determining factor for reduction. Layoffs among persons of equal seniority will be managed so that the numbers of special populations or protected classes of employees in the affected department are not disproportionately reduced.



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PAGE 2 OF 3

398.3.2.3 — Equal Opportunity

Termination or salary reductions of personnel due to a reduction-in-force must not be based solely on impermissible grounds such as race, color, religion, sex, national origin, age, disability, or the exercise of first amendment rights.

398.3.3 — Right to First Interview for Available Positions

398.3.3.1 — In the event of a reduction in force, hiring administrators in other BATC departments will interview the affected qualified employee for open positions at an equal or lesser position, as long as the affected, qualified employee applies for the position. Administrators are not required to seek out or otherwise identify such “affected qualified employees.” Additionally, administrators are not required to hire such individuals, but the affected qualified employee will be automatically granted an interview. Affected individuals are given the “right to interview” status for one year from the date of termination (whether or not they become employed off-campus). The affected individual may apply for higher level positions, but will not receive “right to interview” for those positions.

398.3.3.2 — If an affected employee is not hired after interviewing for an open position for which he or she is qualified, the hiring committee will provide the Vice President for Finance with a written explanation outlining the reasons for not hiring the individual. Such reasons may include legitimate questions concerning competence, past performance, or any other job-related consideration.

398.3.4 — Outplacement

BATC is not required to create a position for or retrain an employee who is laid off.

398.3.5 — Reduction Through Cutbacks in Hours and/or Salaries

If an administrator chooses to implement a reduction by cutting salaries and/or hours of staff, the following rules apply:

398.3.5.1 — The administrator may apportion the cuts evenly among employees within the same employment classification and department, or

398.3.5.2 — the administrator may let reductions fall in the reverse order of seniority within the same employment classification and department, or

398.3.5.3 — the administrator may let such cuts fall outside the order of seniority if important job-related considerations dictate another order of cuts.

398.3.5.4. — Items 389.3.5.1 - 389.3.5.3 all require the approval of the Campus President or the Vice President for Finance.

398.3.6 — Post-Layoff Adjustments

Employees remaining after a reduction-in-force must have the necessary skills and capabilities to accomplish the duties of the remaining positions. Retraining should be considered only if the layoff period is expected to be lengthy. If the tasks to be performed in a remaining position are difficult for the remaining employee(s) to perform in a satisfactory manner, the appropriate administrative authority (the Campus President or the Vice President for Finance) may approve one of the following:



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PAGE 3 OF 3

398.3.6.1 — Allow the remaining employee(s) to complete short-term training to acquire necessary skills, or

398.3.6.2 — Allow the remaining employee(s) an introductory period of 90 days to assume all duties and responsibilities and to perform at a satisfactory level. At the end of the introductory period, if it is demonstrated by the supervisor to appropriate administrative authority (the applicable Vice President) that the performance is substandard, the employee may be placed in layoff status and another employee recalled in the order of seniority, if the employee to be recalled is considered to have the necessary skills and capabilities to accomplish the job.

398.3.7 — Reestablishment of Positions

Reestablishment of a position which has been discontinued under a reduction-in-force action requires prior approval of the Campus President or the Vice President for Finance.

398.3.8 — Recall

Employees laid off due to a reduction-in-force may be recalled without advertising if an opening occurs in the same department in a position of the same job family with equal or lower classification, and if the recall takes place within one year from the date of layoff. This procedure is not an entitlement for the laid-off employee to be recalled, but rather an opportunity for administrators/supervisors to recall an affected employee without opening the position to the general public. If more than one person has been laid off from the same employment category and department, the employees must be rehired in order of length of previous service unless important job-related reasons for recall out of order can be demonstrated in writing to the appropriate administrative authority (the Campus President or the Vice President for Finance.)

398.3.9 — Notice and Pay in Lieu of Notice

When it is necessary for BATC to implement a reduction-in-force, or to terminate an employee for reasons other than cause, affected employees will be given written notice of termination with a reasonable length of advance notice that is permissible under the circumstances. Alternatively, compensation in lieu of notice may be given on a full or partial basis. This alternative is only available at the discretion of the Campus President or the Vice President for Finance.