

PPP-63 Reduction-in-Force of Non-Tenured Employee

East Tennessee State University values the contributions of employees and strives to provide a stable work environment. However, in the event it becomes necessary for the University to reduce the work force because of economic conditions, programmatic considerations, or other circumstances, this policy establishes procedures to ensure fair and equitable treatment.

I. Definitions

Reduction-in-force (RIF): The elimination of an occupied position or positions resulting from an administrative decision to reduce the work force because of economic conditions, programmatic consideration, or other circumstances. A suspension, termination or discontinuance of temporary or grant-funded employment does not constitute a reduction- in-force.

Final Benefits: Termination due to a reduction-in-force is considered a final separation from the university. The discretion to determine the employee's last working day is reserved to the University President or his/her designee. In accordance with PPP-17, Annual Leave (Tennessee Board of Regents Personnel 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 benefit through the end of the semester in which the termination occurs.

Recall: If a position is restored within 12 months, the university 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 shall be credited with all sick leave, in accordance with PPP-24, Sick Leave (TBR Tennessee Board of Regents Personnel Policy No. 5:01:01:07). An employee's adjusted longevity date will be established utilizing all eligible prior service in accordance with PPP-15, Longevity (Tennessee Board of Regents Personnel Guideline No. 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 shall be credited with all sick leave, in accordance with PPP-24, Sick Leave (TBR Tennessee Board of Regents Personnel Policy No. 5:01:01:07). An employee's adjusted longevity date will be established utilizing all eligible prior service in accordance with PPP-15, Longevity (Tennessee Board of Regents Personnel Guideline No. P-120).

Reassignment: An employee reassigned to a new position due to a reduction-in-force will receive a new salary rate based upon the salary of the new job classification and in-line with the University's Compensation Plan Guidelines. The Office of Human Resources will be responsible for coordinating reassignments.

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II. Coverage

This policy applies to all exempt and non-exempt employees. It does not pertain to those faculty addressed by Tennessee Board of Regents (TBR) Policy 5:02:03:00.

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

III. Procedures

- A. The University, at its discretion, may consider alternatives to an imposed reduction-in-force whenever possible; however, the administration explicitly notes that certain alternatives may not be feasible if the University is to pursue its priorities effectively. Alternatives that may be considered include, but are not limited to:
 - 1) elimination of positions through attrition
 - 2) reduced work hours (less than 100%)
 - 3) 9, 10 or 11 month modification of work schedules (MODFY)
 - 4) a freeze in hiring of all non-critical positions
 - 5) reassignment of employees
- B. The University will evaluate the need to hire or rehire all temporary and/or adjunct employees.
- C. The University will evaluate the need to continue probationary employees.
- D. The University 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 university.
- E. The University may reduce or eliminate the number of filled positions within identified departments. The determination of employees to be affected by position elimination will reflect documented administrative consideration of the following criteria:
 - 1) Employees willing to voluntarily retire, resign, or transfer
 - 2) Termination of temporary employees
 - 3) Termination of probationary employees
 - 4) Termination of lowest performing employees, based upon the most recent annual performance evaluations. If written performance evaluations are unavailable, alternative criteria (a, b, c, e, or f) must be used.
 - 5) Termination of employees performing non-essential, discontinued or reduced services/programs/activities within the department.
 - 6) Termination of any additional employees will be based upon longevity in current position.

NOTE: 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 will provide job training. However, departments must be cautious in reassigning duties that require an employee to possess a license, a certification, specialized training, or

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proficiency in the use of equipment, etc.

IV. Notification of Affected Employees

Written notice will be given to affected employees in accordance with their university contracts and in compliance with TBR Personnel Guideline P-010: 30 days notice for administrative/professional employees, 14 days notice for clerical/support positions. Although no notice is required to terminate temporary and adjunct employees, a letter of possible non-rehire 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.

V. Appeal Process

Clerical/support employees have no right to appeal their termination under Personnel Policies and Procedures, PPP-61, Support Staff Grievance Procedures (Tennessee Board of Regents Guideline P-111), unless performance is deemed a significant factor in their termination.

Administrative/professional employees under certain circumstances may have the right to appeal their termination using Personnel Policies and Procedures, PPP-27, Employee Grievance/Complaint Procedures (Tennessee Board of Regents Personnel Guideline No. P-110).

An appeal does not affect the effective date of the reduction-in-force.

Source: Approved by Senior Staff March 10, 2003. Revised by Senior Staff April 7, 2003.

Updated February 2008, in compliance with TBR Policy No. 5:01:01:01, Annual Leave