

**SOUTHERN WEST VIRGINIA COMMUNITY AND TECHNICAL
COLLEGE BOARD OF GOVERNORS
SCP-2700**

SUBJECT: Reduction in Workforce, Classified Personnel

REFERENCE: West Virginia Code § 18B-7-3; SCP-5260, *Meeting Financial Exigencies*; 135 C.S.R. 55, *Human Resources Administration*

ORIGINATION: April 20, 2004

EFFECTIVE: December 11, 2012

REVIEWED: November 11, 2023

SECTION 1. PURPOSE

- 1.1 The purpose of this policy is to establish uniform procedures that will provide a means to address required reductions in workforce within the ranks of classified personnel in a fair and orderly manner.

SECTION 2. SCOPE AND APPLICABILITY

- 2.1 This policy applies to full-time classified employees and any full-time classified employee who is involuntarily transferred to a non-classified position for which the employee did not apply or whose position designation is involuntarily changed to non-classified without transfer to a different position. Nothing within this policy shall be construed to limit or control the authority of the President or Board of Governors to undertake personnel actions outside the context of a financial exigency.

SECTION 3. DEFINITIONS

- 3.1 Full-Time Regular Employee (FTR) – Any employee in a classified position created to last a minimum of nine months of a 12-month period and in which such employee is expected to work no less than 1,040 hours during said period. The full-time equivalent (FTE) of such a position must be reported at no less than .53 FTE. Personnel who fail to meet the work threshold for designation as an FTR employee shall hold no seniority and will be considered “at-will” employees.
- 3.2 Part-Time Regular Employee (PTR) – An employee in a position created to last less than 1,040 hours during a 12-month period. PTR positions typically continue from one fiscal year to another. An employee in a PTR position is not eligible for benefits.
- 3.3 Temporary Employee – An employee hired into a position expected to last fewer than nine months of a 12-month period. Temporary employees may be part-time temporary or full-time temporary. A temporary employee is not eligible for benefits.
- 3.4 Classification – The terms “classification,” “by classification,” or “equivalent classification” used in this policy means “pay grade,” “by pay grade,” or “equivalent pay grade.”

- 3.5 Job Qualifications – Job qualifications refer to the requirements an incumbent or candidate for a particular position must possess. The specific job qualifications are outlined in the Job Description. Job qualifications in the Job Description are the specific education or knowledge requirements; licensures; certifications; special knowledge, skills, and abilities; and experience requirements a candidate for the position must possess in order to be able to adequately perform the job.
- 3.6 Job Description – A summary of the essential functions of a job at the institution, including the general nature and level of the work performed, a characteristic listing of duties and responsibilities, and the knowledge, skills, and abilities necessary to perform the work.
- 3.7 Seniority – For purposes of reduction in force, “seniority” means uninterrupted service in the State’s public higher education system. Uninterrupted service means the continuous period of time that an employee is in payroll status (i.e., being paid for time worked regardless of when the payment occurs). Therefore, persons on unpaid leaves of absence (regardless of the reason) do not accrue seniority for purposes of reduction in force. An employee hired at Southern who previously worked at another public institution of higher education in West Virginia must have no break in service between the two institutions in order to have the previous institutional service counted toward seniority calculations for reduction in force purposes at Southern.

SECTION 4. POLICY

- 4.1 It shall be the policy of the Board of Governors to undertake reductions in the workforce of classified personnel in a consistent and fair manner. The continuation of services, following a reduction in workforce in the ranks of classified personnel with appropriately trained and qualified personnel, shall be afforded primary consideration in all decisions related to the elimination of positions and the reassignment of affected classified personnel.

SECTION 5. BACKGROUND OR EXCLUSIONS

- 5.1 Part-time regular, casual, and/or temporary classified employees are not covered under this policy.
- 5.2 A reasonable reduction in the number of hours an employee works (FTE) is NOT considered a reduction in force.

SECTION 6. GENERAL PROVISIONS

- 6.1 Calculation of Seniority – Seniority accumulation for regular full-time employment begins on the date the employee enters regular full-time employment duties and continues until such regular full-time employment is severed with the College. Full-time service will be prorated by FTE. Part-time service performed prior to becoming a full-time regular employee will not be counted in the seniority calculation. Only full-time, benefits-eligible service will be counted. The college will also recognize seniority for full-time service in the State’s system of higher education, provided that an entitlement to credit for service earned at another public institution of higher education requires an uninterrupted transition to service at Southern.
- 6.2 Such seniority shall be applied to adjust the total months of service. Employees shall accrue seniority while on sick leave, while receiving temporary total disability benefits under the workers’ compensation system, while on approved military leave, or on any authorized paid leave. Employees shall not accrue seniority during periods of disciplinary suspension without pay, personal or medical leaves of absence without pay, or unauthorized absences. Any loss of

seniority occasioned by such absences shall result in an adjustment to an employee's total months of service for seniority purposes.

- 6.2.1 An employee who voluntarily terminates service through resignation or who is terminated for cause shall permanently lose all accumulated seniority. An employee who is subject to a reduction-in-force shall, upon re-employment, receive credit for previously accumulated seniority but shall not accumulate seniority during the period of absence prior to re-employment.
- 6.2.2 If two or more employees accumulate identical seniority, the priority shall be determined by a random selection established by the employees and approved by the Office of Human Resources. Priority shall be established anew in the context of each personnel decision where a tie in seniority must be broken.
- 6.3 Correction of Erroneous Total Months of Seniority – It is the responsibility of all classified personnel to validate the correctness of their total months of service and adjustments thereto. An employee who fails to correct erroneous total months of service and who is subject to adverse personnel action by virtue of erroneous seniority is prohibited from raising the error in the context of the adverse personnel action. However, an employee's erroneous seniority shall be corrected by the Office of Human Resources for all purposes other than the adverse personnel action in question.
- 6.4 Specific Qualifications or Training – Any specific qualifications or training associated with a classified position shall be set forth in the employee's Job Description. If specific qualifications or training are set forth in the Job Description, such positions shall only be available to more senior employees whose positions have been eliminated if the more senior employees hold the specific qualifications or have acquired the requisite training. Specific qualifications and training shall be reviewed annually by the supervisor in the context of Job Description reviews during the performance appraisal process. Any significant changes recommended by supervisors or by the Office of Human Resources shall be submitted to the President for approval. The lack of qualifications or training by a more senior employee whose position has been eliminated shall be regarded as conclusive evidence that the more senior employee cannot perform the duties and responsibilities of a position where such specific qualifications or training is included in the Job Description.
- 6.5 President's Authority and/or Recommendation – The President may eliminate classified positions without prior recommendation to the Board of Governors for reasons other than financial exigency. These reasons may include, but are not limited to, lack of funds, expiration of special grants or revenue streams, lack of work, material changes in duties, or changes in the organization. In the event of a declaration of financial exigency by the Board of Governors, the President shall eliminate part-time and non-critical vacant positions prior to recommending the elimination of positions held by regular full-time classified personnel.
- 6.6 Action by the Board of Governors – Upon receipt of a recommendation by the President, the Board of Governors may eliminate classified positions.
- 6.7 Affected Personnel – Personnel who are serving in positions that have been designated for elimination shall be considered for reassignment based upon their seniority, classification, and any relevant specific qualifications or training they may possess. Once positions have been designated for elimination, the affected employees must update their record of credentials and

specific qualifications and training within a reasonable time frame as determined by the Office of Human Resources.

- 6.8 Consideration of FTE Status – FTE status shall be considered in evaluating the suitability of positions for reassignment; notwithstanding the fact that employees with FTEs between .53 and 1.0 are considered full-time. Vacancies and other potential positions for reassignment must be no more than .20 of the affected employees' FTE status to be considered suitable. However, if there are no suitable vacancies or other available suitable positions held by employees with less seniority, an employee may be reassigned to a position that would otherwise be considered non-suitable for the reason of FTE disparity.
- 6.9 Process for Reassignment of Affected Personnel – The following process shall be observed for the determination of the reassignment of affected personnel.
 - 6.9.1 Priority One – Qualified affected employees will be transferred to current vacant positions without regard to seniority in order to avoid a layoff or reduction in force. Attempts will be made to transfer affected employees to vacancies in the same classification. If a vacancy does not exist in the same classification, attempts will be made to transfer employees to vacant positions in lower classifications.
 - 6.9.2 Priority Two – In the event of a layoff or reduction in force and transfer in accordance with priority one is not available, qualified affected employees will be transferred to other positions within the same classification, displacing the least senior employees in that classification.
 - 6.9.3 Priority Three – After the exhaustion of available positions in the same classification, qualified affected employees will be transferred to other positions in a lower classification, displacing the least senior employees in that classification.
 - 6.9.4 Priority Four – Transfer to a part-time vacancy within the same classification.
 - 6.9.5 Priority Five – Transfer to a position held by a part-time employee within the same classification.
 - 6.9.6 Priority Six – Transfer to a position held by a part-time employee in a lower classification.
- 6.10 Application of Seniority in Reassignment Determinations: If the employee holding a position that has been identified for elimination has more seniority than other employee(s) within the employee's classification, the employee shall displace the least senior employee within the classification who holds a position for which the more senior employee qualifies provided that the Job Description for the position held by the less senior employee(s) within the classification does not contain specific qualifications or training. In the event a Job Description for positions held by less senior employees contains specific qualifications or training, the positions will only be available to more senior employees if the more senior employees hold such specific qualifications or have acquired such training. If an employee refuses reassignment to a position in an equivalent classification, the employee forfeits all rights of recall.
- 6.11 If there are no positions within the classification, lower classification (in rank order) shall be considered as potential assignments in the same manner as described in the foregoing

paragraphs, provided an employee may elect to accept reassignment to a lower classification and be placed on the recall list.

6.11.1 Employees who have been displaced by a more senior employee whose position had been eliminated shall have the same rights to reassignment as described in the foregoing paragraphs.

6.11.2 If more than one position in a particular classification is eliminated, reassignments shall be considered in order beginning with the most senior affected employee.

6.1 Preferred Recall List – All employees who lack sufficient seniority to retain employment in a layoff or reduction in workforce or who have been displaced as a result of the elimination of their positions and who refuse reassignments to lower classifications shall be placed in a preferred recall list. Employees on the preferred recall list shall be recalled to any position opening by the institution within the classification in which the employee had previously been employed or to any position in a lower classification for which the employee is qualified on the basis of seniority.

6.1.1 An employee on the preferred recall list shall not forfeit the right to recall if compelling reasons, as defined by the President, require the employee to refuse an offer of re-employment.

6.1.2 The Office of Human Resources shall periodically notify all employees on the preferred recall list of all existing position openings. The notice shall be sent by certified mail to the last known address of the employee. It is the responsibility of the employee on the recall list to notify the Office of Human Resources of any change in address in order to retain recall status.

6.1.3 An employee's listing on the preferred recall list shall remain active for a period of one year. However, employees must annually request in writing that their listing be renewed for the successive year. An employee who fails to renew the listing on the recall list prior to the anniversary date of placement on the list or last renewal shall be removed from the list.

6.1.4 The institution shall fill no position openings, whether temporary or permanent until all employees on the preferred recall list have been properly notified of existing vacancies and have been given an opportunity to accept re-employment.

SECTION 7. RESPONSIBILITIES

7.1 The Office of Human Resources shall have primary responsibility for the implementation of the provisions of this policy.

SECTION 8. CANCELLATION

8.1 None.

SECTION 9. REVIEW STATEMENT

9.1 This policy shall be reviewed on a regular basis with a time frame for review to be determined by the President or the President’s designee. Upon such review, the President or President’s designee may recommend to the Board that the policy be amended or repealed.

SECTION 10. SIGNATURES

President **Date**

Attachments: None.

Distribution: Board of Governors (12 members)
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Revision Notes: October 2007 — Revisions reflect no substantial changes in procedure or documentation requirements. Policy format change.

October 2012 — Policy reviewed with changes based on recommendations in the outline of reduction in force statutes by the Office of the General Council for the West Virginia Higher Education Policy Commission. Policy format change.

November 2023 – Revisions reflect updated references, definitions, and changes in form titles.