



Reduction in Force

Reduction in Force Policy

Approved by and date:

Board of Trustees

06/08/2020

Executive Leadership Team

05/06/2020

Policy:

The Board will declare the necessity for a Reduction in Force (RIF) due to either a financial constraint demanding immediate attention (financial exigency) or a program change. All contracts will, unless excepted by the Board, contain a provision that a RIF may take place when the Board determines that a financial exigency or program change requires that the contract of one or more instructors, administrators, or other professional employees be terminated. Such a determination constitutes the necessary cause for dismissal. With respect to at-will employees, this determination is a legitimate non-discriminatory reason for dismissal.

Procedures:

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Definitions

- a. "Reduction in force (RIF)" means the dismissal of an instructor, administrator, or any other employee before the end of a contract term (if the employee is a contractual employee) for reasons of financial exigency or program change. With respect to non-contractual employees and adjunct faculty, it means a dismissal for reasons of financial exigency or program change.
- b. "Financial exigency" means any decline in the Board's financial resources brought about by decline in enrollment, cuts in funding, decline in tax revenues, closure of the College or other effects on the College due to or related to governmental orders or recommendations, or any other actions or events that create a need for the College to reduce financial expenditures for personnel.
- c. "Program change" means any elimination, curtailment, or reorganization of a curriculum offering, program, or school operation because of a lack of student response to particular course offerings, legislative revisions to program funding, closure of the College or other effects on the College due to or related to governmental orders or recommendations, or a reorganization or consolidation of two or more divisions or departments.

Board Action

The Board will declare the necessity for a RIF due to financial exigency or program change. The RIF may be implemented in one, several, or all employment areas. The Board will identify the employment areas to be affected by the RIF in the declaration.

Criteria Procedure for Decisions

Upon declaration of a RIF by the Board, and identification by the Board of the employment areas affected, the College president will determine which particular employees will be dismissed. The College president will determine the timeline for implementing the RIF. The affected employees will be given as much notice as possible. The College president may, but is not required to, use the following criteria, which is non-exclusive, and not listed in order of importance.

- a. Certification: Minimum necessary degree, certificate, and/or certification/licensure for current assignment required by the Southern Association of Colleges and Schools Commission on Colleges, the Texas Higher Education Coordinating Board, and/or other regulatory or licensing bodies, and other minimum necessary qualifications for current assignment.
- b. Performance: Employee's effectiveness and value as a team member as reflected by the most recent written evaluations and/or other relevant documentation. This criteria includes the employee's effectiveness and collegiality both individually and as a member of a group, and his/her compliance with directives and policies.
- c. Program or departmental needs.
- d. Qualifications/Proficiency: Employee's ability to be used in multiple areas and his/her flexibility of skill set to adjust to the College's needs.
- e. Retaining employment of veterans pursuant to federal or state law, if applicable.
- f. Need: Relevancy, lack of demand, or the ability to absorb or combine positions.
- g. Any other relevant criteria as determined by the College president.

Contract Employees

A contractual employee dismissed pursuant to this policy during the term of the contract will have the same appeal rights as set forth in the Termination of Employment: Dismissal Policy under the heading Term Contracts. A contractual employee who is dismissed pursuant to this policy at the end of the contract term will have the same appeal rights as set forth in the Non-Renewal of Term Contracts Policy.

Non-Contract Employees

Any employee without a contract, including adjunct faculty, who is dismissed pursuant to this policy, will have the same appeal rights as set forth in the Termination of Employment: Dismissal Policy under the heading At-Will Employment: Dismissal.

Effective Date

Filing for a review will not delay the effective date of a dismissal pursuant to this policy, or the effective date of the RIF.

Eligibility for Rehire Rights of Employees Subject to RIF

An employee dismissed due to a RIF may apply for available positions for which he/she is qualified. The former employee is responsible for reviewing posted vacancies and making a new application. If rehired, the employee will be compensated at the current rate for the new position and will not be entitled to leave forfeited due to the RIF.

Effect on Compensation and Benefits

All benefits end on the last day of the month during which the RIF occurs.