

## Policy IV-G-5: Policy on Reduction in Force

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#### 1. INTRODUCTION

This policy establishes a uniform process for implementing a reduction in force (RIF) at the College.

#### 2. DEFINITION

A “reduction in force” is an action to downsize the size of the College’s work force within a particular unit, department, division, support area, campus, or location. A reduction in force may become necessary in the event of a financial exigency, program change or elimination, reorganization or restructuring, legislative directives, or other circumstances affecting the efficient operation of the College and the delivery of quality services.

A “financial exigency” is an event or occurrence that creates a need for the College to reduce financial expenditures.

#### 3. GENERAL POLICY

- A. A reduction in force (RIF) decision will be made without regard to the employee’s race, creed, color, national origin, citizenship status, age, disability, pregnancy, religion, gender, sexual orientation, gender identity, genetic information, marital status, or veteran status. Additionally, no RIF decision shall be based on an employee’s exercise of rights guaranteed by the Constitution or rights conferred by statute, including, but not limited to, the Family Medical Leave Act, Uniformed Services Employment and Reemployment Rights Act, and the Texas Whistleblower Act.
- B. Modification in or the elimination of jobs due to changes in funding for grants or external contracts are not subject to this policy.
- C. This policy does not address or govern dismissal of an employee for misconduct, unacceptable performance, or other reasons specified in other Board policies.
- D. The Chancellor will:
  - 1. Determine when circumstances necessitate a RIF and present a written recommendation to the Board of Trustees that demonstrates the need for the RIF.
  - 2. Consider and examine available alternatives that may eliminate the need for a RIF or limit its scope.
- E. The Board shall determine whether a financial exigency or other circumstance exists that warrants a reduction in force under this policy. The Board’s determination constitutes sufficient cause for termination of an employment contract during the contract period.
- F. The Chancellor shall establish a guideline for implementation of this policy. The guideline shall identify the criteria that will be utilized when determining which employees will be dismissed or released.

G. The Chancellor may reassign employees to positions or locations at his or her discretion to meet operational needs.

H. Eligibility for Rehire

1. A former employee who is dismissed pursuant to this policy may apply for other available positions for which he or she is qualified. A former employee shall be responsible for reviewing posted vacancies and complying with College procedures to be considered for a particular vacancy.

I. Appeal of Dismissal Due to Reduction in Force

1. *Termination During the Term of the Contract:* An employee whose employment contract is terminated during the term of the contract shall be afforded due process.
2. *Nonrenewal of Faculty Contracts at the End of the Contract Term:* Full-time faculty members whose contracts are not extended due to a RIF shall be afforded appeal rights as required by §51.960 of the Texas Education Code.
3. *Nonrenewal of Professional Contracts; Dismissal of At-Will Employees and Adjunct Faculty:* Affected employees may present a written appeal in accordance with a procedure established by the Chancellor.

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