

Procedure: 4.1.10p (III.J.)

Reduction in Force

Revised: May 17, 2016; September 6, 2012; August 29, 2001; January 1994

Last Reviewed: May 17, 2016

Adopted: September 1991



I.PURPOSE:

It is the policy of the State Board of the Technical College System of Georgia [TCSG] that when position abolition(s) and/or reduction(s) in time status involving one or more employee(s) are necessary due to a lack of funds, mandated reductions in state spending, lack of work, the termination of a grant or other funding source, the need for enhanced workplace efficiencies, a reorganization of System Office or technical college operations, etc., such actions shall be accomplished in a manner that retains (where possible based on the scope of the reduction-in-force) the best performer(s). Retention factors include performance ratings, whether an employee is on an active step of discipline, as well as an assessment of an employee's knowledge, skills, abilities, and exhibited competencies.

II. RELATED AUTHORITY:

State Personnel Board Rule 24

O.C.G.A. § 20-4-35

TCSG Procedure: 4.1.4p. Categories of Employment

TCSG Procedure: 4.4.2p. Adverse Employment Actions

State Board POLICY: 4.4.1. Positive Discipline

III.APPLICABILTY:

All work units and technical colleges associated with the Technical College System of Georgia.

IV. DEFINITIONS:

At Will: Employees considered to be employed "at will" may be discharged or may quit for any reason not specifically prohibited by law.

Business Day: Weekdays that administrative offices are open.

Classified Service: An individual who encumbers a position that held classified status (i.e., one which conferred a right of appeal as set forth in O.C.G.A. § 45-20-8 and O.C.G.A. § 45-20-9) as of June 30, 1996 provided that subsequent to June 30, 1996, the position had not been encumbered by an unclassified employee.

Competitive Area: The competitive area is the part of the organization to which the reduction in force is to apply. Generally, in reductions-in-force pertaining to a technical college, the competitive area is the entire technical college; however, limiting the scope of the competitive area may be appropriate if the affected position(s) are clearly distinguishable from those in other geographic areas and/or the interchange of employees is impractical given such factors as distance between work units.

Competitive Group: A competitive group is the class, function or program within the competitive area, consisting of one or more positions. All employees in a given competitive group (to include those

that are “at will”, in the classified service, who work under the terms of an employment contract, or are tenured) shall be included in the reduction-in-force plan.

Furlough: A temporary reduction-in-force for one or more business days.

Immediate Supervisor: A supervisor who establishes performance expectations, coaches, develops, and assesses the performance of a subordinate employee.

Reduction-in-Force: A position abolition, reduction in time status, or furlough affecting one or more employees initiated in response to a lack of funds, a mandated reduction in state spending, lack of work, the termination of a grant or other funding source, the need for enhanced workplace efficiencies, a reorganization of System Office or technical college operations or activities, etc.

Reduction in Time Status: A reduction-in-force impacting one or more employees which involves a reduction in hours worked each week/work period or a reduction in the number of months worked in a calendar year.

Regular, Full-Time Salaried Position: As provided in the Categories of Employment Procedure, a position whose incumbent receives a monthly or semi-monthly salary and is expected to be employed for a continuous period of nine (9) or more calendar months. These appointments entail a work commitment of thirty (30) or more hours per week and the position is otherwise benefits eligible. The incumbent may also be eligible for membership in the Teachers Retirement System or Georgia and/or the Employee’s Retirement System of Georgia based on the conditions of his/her employment to include assigned duties and hours worked each week.

Regular, Part-Time Salaried Position: As provided in the Categories of Employment Procedure, a position whose incumbent receives a monthly or semi-monthly salary and has a work commitment of at least twenty (20) but no more than twenty-nine (29) hours per week for a period of nine (9) or more calendar months. The incumbent is eligible for pro-rated leave accrual and with limited exceptions is eligible for membership in the Teachers Retirement System of Georgia.

Reviewing Manager: A manager charged with reviewing the performance plans and evaluations prepared by lower level supervisor(s) in his/her direct line of supervision.

V. ATTACHMENTS:

Attachment: 4.4.5p.a1. Reduction-in-Force Assessment Matrix Guidelines

Attachment: 4.4.5p.a2. Reduction-in-Force Assessment Matrix Definitions

Attachment: 4.4.5p.a3. Reduction-in-Force Assessment Matrix – Technical College

Attachment: 4.4.5p.a4. Reduction-in-Force Assessment Matrix – System Office

Attachment: 4.1.5p.a5. Technical College Special Case Exception Form

Attachment: 4.4.5p.a6. System Office Special Case Exception Form

VI. PROCEDURES:

A. Termination at Administrative Discretion:

1. If a reduction-in-force is necessary, one or more “at will” employees in a competitive group with less than twelve (12) months of continuous service in a regular full- or part-time salaried position may be released from employment without initiating the provisions of the Reduction-in-Force policy. Any such release of an employee otherwise covered by the provisions of the Positive Discipline policy 4.4.1. shall be carried out pursuant to the provisions of the Adverse Employment Actions policy 4.4.2.

2. Temporary employees and adjunct faculty are not covered by the provisions of the Reduction-in-Force policy 4.4.5. and may be released from employment to preclude the necessity of or in conjunction with a reduction-in-force pursuant to the provisions of the Adverse Employment Actions procedure 4.4.2p.

B. General Provisions:

1. If a reduction-in-force plan encompasses the abolition of one or more salaried positions (or in very limited circumstances a reduction in time status) and the defined competitive group contains more incumbents than will be impacted, the accompanying processes shall be accomplished in a manner that retains the best performer(s).
2. Retention factors are separate and distinct steps in the reduction-in-force process and are outlined below in order of weight/significance:
 1. Step 1 - performance ratings/evaluations;
 2. Step 2 - whether an employee is on an active step of discipline consistent with the provisions of the Positive Discipline Policy 4.4.1.;
 3. Step 3 - an assessment of an employee's knowledge, skills, abilities, and exhibited competencies; and,
 4. Step 4 - continuous, unbroken service with the Technical College System of Georgia in a regular, full-time salaried position.
3. Only if a tie is present after the assessment of performance ratings/evaluations (i.e., Step 1) will Step 2 (an active disciplinary record) be considered. This same methodology will continue through Step 4 in the process. Only in the event of a tie after a given step among two or more employees will the next step be considered.
4. For purposes of this policy, performance ratings/evaluations for the twenty-four (24) month period immediately prior to proposed effective date of the reduction-in-force shall be averaged if more than one appraisal/evaluation has been delivered during this period. A single appraisal/evaluation may be used if only one such appraisal/evaluation has been delivered. If an employee has not received an appraisal/evaluation during the twenty-four (24) month period, the employee will be provided with a presumptive rating of "Met Expectations" or "Satisfactory".
5. During the Step 1 assessment, technical colleges using a multi-level numerical, descriptive, or merit approach to performance management shall convert scores to the following performance-based model and shall apply a point value as noted below:

Does Not Meet Expectations =	0 points
Needs Improvement =	1 point
Met Expectations =	2 points
Exceeds Expectations =	3 points
Far Exceeds Expectations =	4 points

One or more appraisals/evaluations which is or whose average equals to less than a whole number (e.g., a score of 2.4) shall be rounded as follows: a score with a fraction of 0.5 or higher shall be rounded to the next higher whole number; and a score with a fraction of less than 0.5 shall be rounded to the next lower whole number.

6. If one or more additional employees must be impacted after those with the lowest point value as referenced above (i.e., a tie exists and there are more employees with the same point value

than must be dismissed), then Step 2 (i.e., those on an active step of discipline) shall be next in order to be impacted.

7. If one or more additional employees must be impacted after consideration of performance ratings/evaluations and disciplinary records, then Step 3 of the process will be initiated. This involves a supervisory/managerial assessment of each remaining employee's knowledge, skills, abilities and exhibited competencies using Attachments 4.4.5p.a1. and 4.4.5p.a2.
8. The assessment guidelines and accompanying definitions provide the scoring methodology and no two employees may receive the same ranking. For example, the employee who has consistently been the best performer versus others remaining in the competitive group in the Performance-Results Category should be ranked the highest and receive a "1". The next best performer should receive a "2" and so on. This same approach should be used for each of the remaining three (3) categories.
9. If one or more employees remain tied after the assessment of knowledge, skills, abilities, and exhibited competencies, Step 4 of the process will be considered. The employee(s) with the longest period(s) of continuous, unbroken service in a regular, full-time salaried position with the TCSG will be retained.
10. As referenced in Attachment 4.4.5p.a2., such service shall include all years an employee worked in a postsecondary technical school operated by a local board of education immediately prior to TCSG assuming governance (of the postsecondary technical school) and provided the individual was an active employee in a regular, full-time salaried position at the time of the transfer of the school to state governance.
11. For purposes of this calculation, a period of employment of six (6) months or more in a calendar year will be considered as one (1) year of service. A period of six (6) months or less in a calendar year will not be considered.
12. If a tie continues to exist among one or more employees after all four (4) steps are considered, a technical college President or the Commissioner for a System Office reduction-in-force shall determine a methodology for breaking the tie. The methodology could be by lot, some additional measure of performance such as the highest number of "met expectations/satisfactory" or higher rating indicators in the most recent appraisal or for all appraisals during the twenty-four (24) month period, or other approach which does not conflict with the provisions of TCSG's Statement of Equal Opportunity.
13. Exceptions to the process for identifying employee(s) to be impacted by a reduction-in-force shall be limited. No employee ranked lower in the competitive group shall be retained in preference to another employee in the competitive group who is higher in the order of the reduction-in-force unless the duties and responsibilities associated with the job to be performed cannot be accomplished satisfactorily after a reasonable training period by another employee in the competitive group who is higher in the order of retention. In this limited instance, an employee who is lower in the order of reduction-in force may be considered for retention in preference to other employees higher in the order of retention. If such a circumstance exists, a technical college President or, in the System Office, the Deputy Commissioner or an Assistant Commissioner, must complete a Special Case Exception Form (Attachment 4.4.5p.a5. or 4.4.5p.a6.). The completed form must accompany the reduction-in-force plan submitted to the Commissioner.

C. Technical College Reduction-in-Force Plan(s):

1. For reductions-in-force involving one or more technical college positions, the college President shall define the competitive area and the competitive group.
2. The plan shall contain the following information:
 - a. a brief statement of the circumstances requiring the reduction-in-force;
 - b. the proposed effective date;
 - c. a definition of the competitive area;
 - d. a definition of the competitive group;
 - e. as applicable, the cutoff date after which performance appraisal/evaluation scores will not be considered; and,
 - f. a list of affected employee(s).
3. For reduction(s)-in-force involving one or more position abolition(s) (or, as applicable, reduction(s) in time status) and the defined competitive group includes more incumbents than will be impacted, the plan must also include a Reduction-in-Force Assessment Matrix (Attachment 4.4.5p.a4.) which shall be completed following the methodology referenced in the Reduction-in-Force Assessment Matrix Guidelines (Attachment 4.4.5p.a1) and the Assessment Matrix Definitions (Attachment 4.4.5p.a2.). .
4. The Director of Human Resources in the System Office shall initially review the submitted plan and accompanying documentation to include the justification for the reduction-in-force, as well as the defined competitive area and competitive group. The Commissioner shall subsequently approve, disapprove or, modify the submitted reduction-in-force plan.
5. The documentation for a proposed employee furlough shall be limited to: a statement discussing the need for a furlough; the number of proposed furlough days and the specific date(s), if known; methodology for how the furlough will be administered; a projected amount of monies to be saved by implementing one or more furlough days; and, a statement that the furlough will encompass all full- and part-time employees (regardless of funding source) unless one or more employees are proposed to be exempted. NOTE: if one or more employees are to be exempted from the furlough (or the number of furlough days reduced for certain employees in a tiered salary approach to furlough implementation), the accompanying documentation should include justification for the exclusion/approach.
6. If a reduction-in-force plan (including those involving an employee furlough) is approved, each affected employee shall be provided written notice of at least thirty (30) calendar days of the action to be taken unless such advance notice is impractical for budgetary reasons (e.g., in response to a reduction in funding for the identified position[s]).
7. A copy of an approved reduction-in-force plan and all submitted forms/documentation shall be made available for inspection, upon verbal or written request, to any employee included in a competitive group. These documents are considered a public record for the purpose of general disclosure under the Georgia Open Records Act.
8. When the reduction-in-force plan has been completed, the college President shall certify, in writing, to the Commissioner that the plan was accomplished as authorized.
9. An affected employee who believes that an approved plan was not carried out in the manner authorized by the Commissioner may request that the Commissioner review the college's action(s). The request should be made in writing and must be received in the Commissioner's Office within five (5) business days after the action (i.e., a dismissal, reduction in time status, or furlough) was implemented. The employee must include his/her rationale and supporting information. The Commissioner will issue written findings within ten (10) business days after receiving the correspondence. Any such request that does not follow these guidelines will not

be considered. The Commissioner's decision in this matter shall be final and not subject to further review.

D. System Office Reduction-in-Force Plan(s):

1. For reductions-in-force involving one or more System Office positions, the composition of the plan, including the scope of the competitive area and the competitive group, shall be determined by the Director of the Office of Human Resources in conjunction with input from the Deputy Commissioner or affected Assistant Commissioner.
2. The plan shall contain the following information:
 - a. a brief statement of the circumstances requiring the reduction-in-force;
 - b. the proposed effective date;
 - c. a definition of the competitive area;
 - d. a definition of the competitive group;
 - e. as applicable, the cutoff date after which performance appraisal/evaluation scores will not be considered; and,
 - f. a list of the affected employee(s).
3. If the competitive group contains an employee who is in the Classified Service, the reduction-in-force shall be administered pursuant to the provisions of applicable State Personnel Board Rules.
4. For reduction(s)-in-force involving one or more position abolition(s) (or, as applicable, reduction(s) in time status) and the defined competitive group includes more incumbents than will be impacted, the plan must also include a Reduction-in-Force Assessment Matrix (Attachment 4.4.5p.a4.) which shall be completed following the methodology referenced in the Reduction-in-Force Assessment Matrix Guidelines (Attachment 4.4.5p.a1.) and the Assessment Matrix Definitions (Attachment 4.4.5p.a2.).
5. The Commissioner shall review the submitted plan and accompanying documentation to include justification for the reduction-in-force, as well as the defined competitive area and competitive group. The Commissioner shall subsequently approve, disapprove or modify the submitted reduction-in-force plan.
6. If a reduction-in-force plan is approved, each affected employee shall be provided written notice of a least thirty (30) calendar days of the action to be taken unless such advance notice is impractical for budgetary reasons (e.g., in response to a reduction in funding for the identified positions).
7. The documentation for a proposed employee furlough shall be limited to: a statement discussing the need for a furlough; the number of proposed furlough day(s) and the specific date(s), if known; methodology for how the furlough will be administered; a projected amount of money to be saved by implementing one or more furlough days; and, a statement that the furlough will encompass all full- and part-time employees (regardless of funding source) unless one or more employees are proposed to be exempted. NOTE: if one or more employees are to be exempted from the furlough (or the number of furlough days reduced for certain employees in a tiered salary approach to furlough implementation), the accompanying documentation should include justification for the exclusion/approach.
8. A copy of an approved reduction-in-force plan and all submitted forms/documentation shall be made available for inspection, upon verbal or written request, to any employee included in the competitive group. These documents are considered a public record for the purpose of general disclosure under the Georgia Open Records Act.

9. When a reduction-in-force plan has been completed, the Director of the Office of Human Resources shall certify to the Commissioner, in writing, that the plan was accomplished as authorized.
10. An affected employee who believes that an approved plan was not carried out in the manner authorized by the Commissioner may request that the Commissioner review the actions of the Deputy Commissioner or, as applicable, an Assistant Commissioner. The request should be made in writing and must be received in the Commissioner's Office within five (5) business days after the action (i.e., a dismissal, reduction in time status, or furlough) was implemented. The employee must include his/her rationale and supporting information. Any such request that does not follow these guidelines will not be considered. The Commissioner shall issue written findings within ten (10) business days after receiving the correspondence. The Commissioner's decision in this matter shall be final and not subject to further review.

VII. RECORDS RETENTION

All documents placed in an official personnel file shall be retained for a period of seven (7) years after an employee leaves State service.

All documents associated with the development and implementation of a reduction-in-force plan should be retained for a period of seven (7) years.