

WINTHROP UNIVERSITY POLICY AND PROCEDURES FOR WORK FORCE REDUCTIONS

THIS DOCUMENT IS NOT A CONTRACT BETWEEN EMPLOYEES AND WINTHROP UNIVERSITY, EITHER EXPRESSED OR IMPLIED. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. WINTHROP UNIVERSITY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

I. Purpose and Scope

It is the intent of this policy to outline the manner in which covered employees are released in an equitable manner should a reduction in force become necessary. A reduction in force may be made necessary by financial exigency or other causes, and may require the separation, involuntary demotion, reassignment or reduction in work hours of covered employees.

This policy does not apply to either non-covered employees or employees exempt from the State Employee Grievance Procedure Act.

Non-covered employees include:

- probationary employees,
- temporary employees,
- temporary grant employees,
- time-limited project employees, and
- research grant employees.

Employees exempt from the State Employee Grievance Procedure Act include but are not limited to:

- TERI participants,
- teaching or research faculty,
- professional librarians,
- academic administrators,
- other persons holding faculty appointments,
- athletic coaches,
- unclassified employees in the athletic department, and
- SCRS and SC PORS retirees occupying FTE positions.

It is presumed that management will consider the elimination of non-covered employees before implementing a reduction in force.

Winthrop University may implement a reduction in force for one or more of the following four reasons:

- A. Reorganization;
- B. Work Shortage; or
- C. Loss of Funding; or
- D. Outsourcing/Privatization.

II. Management Decisions/Responsibilities

The organization of Winthrop University into budgetary units, including the academic and service divisions, is a responsibility of management (Board of Trustees or President or his designee.) Within the limits of the approved funding and number of authorized positions as approved by the South Carolina General Assembly, the President or his designee must determine what positions are required, in which units these positions will be assigned, and at what time positions are to be filled or abolished.

Winthrop University shall determine the following items prior to developing the reduction in force plan:

- A. What is the reason(s) for the reduction in force;
- B. What area(s) of Winthrop are to be impacted by the reduction in force [competitive area(s)];
- C. What State class title(s) within the competitive area(s) are to be affected [competitive group(s)]; and
- D. How many positions in each State class title(s) are to be eliminated.

III. Competitive Area(s)

It shall be the responsibility of the President or his designee to determine the competitive area or areas the reduction in force will impact. The President or his designee should establish a competitive area that is clearly distinguishable from the staff in other areas and where the interchange of employees would not be practical. This competitive area may be the entire agency, a department, a unit, a program, or a geographical location.

IV. Competitive Group(s)

It shall be the responsibility of the President or his designee to determine the competitive group(s) based on the State class title(s) within the competitive area(s) that the reduction in force will affect. If the reduction in force is to apply to more than one State class title, each State class title will be treated separately, except where the reductions are to be made in a State class title series (e.g., Administrative Specialist I, Administrative Specialist II, Administrative Assistant, Administrative Coordinator I) or in state class titles that are part of

Winthrop's customary career path (e.g., Communications Specialist I, Law Enforcement Officer I, Law Enforcement Officer II, Law Enforcement Officer III).

V. Position Identification

Winthrop University shall identify the position(s) within the competitive area(s) and competitive group(s) by identifying the following information:

- A. State Class Title;
- B. State Class Code;
- C. State Pay Band, if applicable;
- D. Total number of positions in the State class title within the competitive area; and
- E. Total number of positions in the State class title within the competitive area to be eliminated.

VI. Retention Points

Winthrop University will calculate retention points for covered employees in the competitive area(s) and competitive group(s) to be used in determining which covered employees are to be involuntarily demoted, reassigned, have reduced hours or separated. Retention points shall be based upon length of continuous State service and total scores of the two most recent annual performance appraisals. The sum of retention points for performance and length of continuous State service are the total retention points that an employee uses in the competition, with one exception (see below D. Additional Retention Credits).

A. Performance Appraisal Points

Winthrop University will determine the total score for an annual performance rating by using the following numerical values assigned to the EPMS performance ratings. The table below is used for those employees receiving evaluations prior to the effective date of this policy.

- Exceptional – 3
- Successful – 1
- Unsuccessful – 0

Evaluations completed after the effective date of this policy, will be assigned the following values:

- Substantially Exceeds Performance Requirements – 3
- Exceeds Performance Requirements – 2
- Meets Performance Requirements – 1

Needs Improvement - .5
Unsatisfactory – 0

The point values for each rating will be computed using the rating scale that was in place at the time of the specific EPMS evaluation.

For employees who have transferred to Winthrop University whose previous agency utilized more or fewer levels of performance, Winthrop will recognize the performance ratings based on the previous agency's conversion to the three standard levels of performance in the State Employee Performance Management System.

For any year in which the employee does not receive an actual evaluation with a rating, the employee will receive a Meets Performance Requirements for that year; however, if in the previous year, the employee received a higher than the Meets Performance Requirements, the employee will receive the points for the higher rating.

B. Continuous State Service Points

Covered employees will receive one retention point for each year of continuous service after completion of a 12-month probationary period. Six months or more of continuous service will be considered as one year of service and less than six months of service will receive no retention points.

C. Exception to Procedure for Retention Point Calculation

If every position in the competitive area is being eliminated, Winthrop University is not required to calculate retention points. For positions reestablished within one year of the RIF, in the same competitive area and in the same state class title, Winthrop University must calculate retention points at the time of recall or reinstatement. Winthrop University must calculate retention points using continuous state service and performance appraisal points based on the effective date of the reduction in force.

D. Additional Retention Credits

When a covered employee is bumped from a position with a higher pay band in a state class title series or Winthrop's established normal career path of state class titles to compete with others for a position in a lower pay band, covered employees will receive an additional two (2) retention points.

VII. Sequence of Reduction in Force

The order of the reduction in force of covered employees in each State class title(s) shall be determined by the total number of retention points for each employee. If two or more employees affected by a reduction in force have the same number of retention points and not all are to be affected by the reduction in force, the Winthrop University hire date will determine the order of the employees affected. The covered employee with the earlier hire date will be retained.

If after using the Winthrop University hire date to determine the order of the affected employees a tie still exists, Winthrop will choose a non-discriminatory, random method to break the tie. Winthrop University will use the last four digits of the social security number. The employee with the lowest number will be retained.

“Bumping rights” are provided for covered employees who have accumulated more retention points than those with whom they are competing. Under no circumstances can an employee gain from a reduction in force. “Bumping rights” are provided only downward.

VIII. Retention of Necessary Qualifications

No employee with a lower number of retention points shall be retained in preference to another employee in a competitive area(s) and group(s) with a higher number of retention points except when the President or his designee determines that a Retention of Necessary Qualifications applies.

If an employee is competing for a position that is not being eliminated and the President or his designee asserts that an employee with higher retention points who has rights to be placed in that position cannot satisfactorily perform the duties of the position within a reasonable training period, the employee with lower retention points may be retained in preference to the employee with higher retention points. The President or his designee may determine that the employee with higher retention points will not be able within a reasonable training period to satisfactorily perform the duties of the job based on the lack of knowledge, abilities, skills, supervisory responsibilities, or necessary experience.

When a Retention of Necessary Qualifications is used in a reduction in force plan, justification for this retention must be documented and approved by the President or his designee prior to submitting the reduction in force plan to the State Human Resources Division for review and approval for procedural

correctness. Winthrop should retain documentation to support any retentions made on this basis.

IX. Writing the Reduction in Force Plan

Once Winthrop University has made the decisions outlined above and prior to the implementation of a reduction in force, the President or his designee shall develop the reduction in force plan. This plan must include the following:

- A. The reason for the reduction in force;
- B. The identification of the competitive area(s);
- C. The identification of the competitive group(s) [State class title(s)];
- D. The number of position(s) to be eliminated in each State class title;
- E. A list of the covered employees, in order of retention points, in the competitive area(s) and competitive group(s) to include the following:
 - 1. Name;
 - 2. Age, Race, and Gender; and
 - 3. Retention Points;
- F. Justification of any Retention of Necessary Qualifications used in the reduction in force plan; and
- G. Winthrop's efforts to assist employees affected by the reduction in force.

X. Approval Process

Once the reduction in force plan has been completed, Winthrop University shall submit the following information to the State Human Resources Division for review and approval for procedural correctness:

The reduction in force plan as outlined in Section IX;

- A. An organizational chart including each position (designated with the State class title and incumbent's name) within the competitive area(s);
- B. A copy of Winthrop's reduction in force policy; and
- C. A sample letter to employees affected by the reduction in force including information as outlined in Section XI, along with:
 - 1. A list of the employee's recall and reinstatement rights;
 - 2. Winthrop's procedure for the recall of an employee; and
 - 3. The employee's grievance rights.

XI. Implementation of the Reduction in Force

The President or his designee shall communicate the following information to each affected employee after the State Human Resources Division approves the

reduction in force plan for procedural correctness and before the reduction in force becomes effective:

1. The reason for the reduction in force;
2. The competitive area(s) and competitive group(s) in which the employee competed;
3. The benefits to which the employee is entitled and the manner in which the reduction in force will affect the employee's State benefits, (e.g., health insurance, optional life insurance, retirement);
4. The employee's reinstatement rights, (e.g., reinstatement of all sick leave; option of buying back all, some, or none of the annual leave at the rate at which it was paid out);
5. The employee's recall rights to any position, within the competitive area, that becomes available in the same State class title as the position the employee held prior to the reduction in force;
6. The manner in which Winthrop will notify the employee of any such vacancies; and
7. The requirements of S.C. Code of Laws Ann. Section 8-11-185, which requires Winthrop to report information about the employees separated in a reduction in force to the State Human Resources Division.

XII. Recall and Reinstatement Rights

An employee affected by a reduction in force has recall and reinstatement rights to a position in State government for one year after the effective date of the reduction in force.

A. Recall Rights

If a vacancy occurs within the competitive area which is in the same State class title as the position the employee held prior to the reduction in force, Winthrop University will recall employees in the inverse order of the reduction in force. Winthrop University will notify the employee in writing of the job offer and recall rights. If the employee does not accept the job offer within ten days, the employee's recall rights are waived. Should the employee accept the job offer, Winthrop University will reinstate the employee's accumulated sick leave, and will provide the employee the option of buying back all, some, or none of his annual leave at the rate it was paid out at the time of the separation. Upon returning to employment in an insurance eligible Full-Time Equivalent (FTE) position, the employee will also be offered insurance benefits as a new hire. The recalled employee may purchase retirement service credit under the leave of absence provision in Section 9-1-1140(D) for the period of time that the employee was not employed by state government, at the cost specified in

Section 9-1-1140(D). When an employee is recalled, this time will not be considered punitive in the determination of retiree insurance eligibility.

B. Reinstatement Rights

An employee separated by a reduction in force may apply for any State job for which he meets the minimum training and experience requirements. Should the separated employee accept a job offer to an FTE position, Winthrop University will reinstate the employee's accumulated sick leave, and will provide the employee the option of buying back all, some, or none of his annual leave at the rate it was paid out at the time of the separation. Upon returning to employment in an insurance eligible Full-Time Equivalent (FTE) position, the employee will also be offered insurance benefits as a new hire. The reinstated employee may purchase retirement service credit under the leave of absence provision in Section 9-1-1140(D) for the period of time that the employee was not employed by state government, at the cost specified in Section 9-1-1140(D). When an employee is reinstated, this time will not be considered punitive in the determination of retiree insurance eligibility. If the employee is reinstated to another position, he still retains his recall rights to a position in the same State class in the competitive area.

XIII. Grievance Rights

A covered employee who is affected by a reduction in force has the right to file a grievance to Winthrop University and an appeal to the State Human Resources Director only if the grievance or appeal is based on improper or inconsistent application of a reduction in force policy or plan.