



Policy Number: IV.27
Policy Level: Operating Policy
Originally Issued: October 1, 2019
Reviewed: October 5, 2022
Owner: President
Policy Implementation: President

Reduction in Force (RIF)

I. Purpose of Policy

This policy describes the means by which Athens State University will implement a reduction-in-force (RIF) action should such an action become necessary and appropriate.

II. RIF Actions

The President of Athens State University, in consultation with the Board of Trustees, shall determine when and whether to implement a reduction-in-force action (a "RIF Action") under this policy. For the purposes of this policy, a RIF Action is defined as "a reduction in the total number of full-time equivalent employees at the University made necessary by extraordinary circumstances such as, but not limited to: (1) a lack of sufficient funds; (2) declining enrollment in a given course or program to the extent that further offering of the course or program is, or will likely become, impractical or economically unreasonable; or (3) a change in academic mission, or administrative or ministerial function, of such a nature as to necessitate significant organizational changes."

In the event of a RIF Action, the President will create a rank ordering of any organizational units within the University that shall be subject to the RIF Action. The President, in so doing, may consult with the Chief Human Resources Officer, the Dean of each college, and/or the Vice Presidents.

The President, for selections of organizational units involving faculty for RIF, shall take into account: (1) the total credit hour production of faculty within the unit, (2) the number of graduates from the Unit's degree program(s) during the past five years, and (3) maintenance of accreditation. For selections of organizational units involving non-faculty for RIF, the President will take into consideration the unit's cost of operation and the effect on the overall mission of the University.

Not every release of an employee is part of a RIF. For example, an isolated employee termination or non-renewal done as the result of unsatisfactory performance or violation of university policy, shall not be considered a RIF under this policy.

III. Effects of a proposed RIF Action

Absent unusual circumstances, the President will notify all employees directly affected by the implementation of the RIF Action within three (3) days of its implementation.

Absent unusual circumstances, the President will allow any tenured or non-probationary employee selected for RIF, to have at least three (3) months of full-time employment remaining after such notification.



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IV. RIF Action Factors to be Considered

Generally speaking, the President shall ensure that temporary and/or part-time employees, and consultants and/or contract personnel performing the same duties as non-probationary full-time personnel shall be released in a RIF situation prior to the release of any of the tenured or non-probationary full-time employee(s). However, the President may deviate from this general principle in unusual situations. For example, consultants or contract personnel performing work that require possession of a certain license, certification, or job skill the loss of which would be severely detrimental to the operation of the University may be excepted from this general principle.

Generally speaking, the President shall ensure that if any tenured or non-probationary full-time personnel would be affected by the proposed action, then any probationary or nontenured employee performing the same duties as a respective non-probationary or nontenured full-time employee shall be released in a RIF situation prior to the release of the non-probationary full-time employee. However, the President may deviate from this general principle in unusual situations. For example, probationary or non-tenured employees performing work that require possession of a certain license, certification, or job skill the loss of which would be severely detrimental to the operation of the University may be excepted from this general rule.

The following factors shall be considered as the President considers how to structure the RIF Action: (1) the requirements of any applicable court order or consent decree; (2) the seniority of each such employee at Athens State University in each respective job classification, taking into consideration minimum qualifications for the respective position; (3) the seniority of each such employee at Athens State University in the employee's respective organizational unit; and (4) the seniority of each such employee in general at Athens State University; (5) In situations of equal seniority among members of the faculty, the degree credentials of the faculty should be considered. However, the President will not be bound by issues of seniority. For example, less senior employees performing work that require possession of a certain license, certification, or job skill the loss of which would be severely detrimental to the operation of the University may be retained despite the release of more senior employees.

If the reduction-in-force action is necessitated by a lack of sufficient funds from one or more funding sources other than tuition or other State funds, the President shall also take into account which particular positions are funded by the respective external funding source(s).

V. Adherence to the Students First Act

Any and all potentially affected employees who are covered by the Students First Act or by any Athens State University dismissal policy or procedure will receive all such due process as is required under that applicable statute and/or policy. Nonetheless, layoffs or other personal actions that are unavoidable reductions in the workforce beyond normal attrition due to decreased student enrollment or shortage of revenues are not subject to the Students First Act.



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VI. Process for placement and rehiring opportunities

When any non-probationary or tenured employee is released as part of a RIF Action, he/she shall have, for a period of twenty-four months after the respective employee's date of release, a right of first refusal in the event of the re-opening of the position from which the employee was released. In addition, the released employee shall receive, for a period of twenty-four (24) months after the employee's date of release, special consideration in the event of the availability of any position at Athens State University for which the respective former employee is qualified. For such rehiring or special consideration situations, the following procedures shall apply:

1. The person who formerly held a position that again becomes available shall be notified in writing by the President of the availability of the position. However, the person shall have ten working days after such notice to notify the President in writing of his/her acceptance or rejection of the opportunity for reemployment. Otherwise, the former employee will be deemed to have declined the offer for reemployment. The President shall have the option of delivering the written notice to the former employee by personal service, by registered or certified mail. In the event that the former employee's written acceptance is sent to the President by mail, the date of postmark of the acceptance shall be deemed the date of response.
2. In those cases where more than one such former employee held a given type of position, the person who was last released shall have first right of refusal in the event of a reopening of that position. In the event that person declines the offer, or if a subsequent opening (or openings) should develop, the respective opening shall be offered to those former employees who hold a right of refusal to the type of position available in reverse order from that in which the respective employees were released.
3. In those cases in which more than one former employee held a given type of position and were released on the same date, the former employee with the greatest seniority at Athens State University will be given first consideration of the opening.
4. In the event that two or more former employees were released on the same day from the same type of position and have the same seniority at Athens State University, the President shall interview all such employees and offer the opening to the employee whom the President deems to best meet the needs of the University. As previously stated, in situations of equal seniority among faculty, the degree credentials of the faculty should be considered.
5. If no person who formerly held a position accepts an offer to be reinstated to that position, or if there is no person with first refusal right to the opening, the opening shall be offered to all qualified former employees who are on special consideration status in reverse order from which the former employees were respectively released from employment. In the event that more than one qualified employee with special consideration status were released on the same date, and possess the same degree credentials (faculty only), then all such employees will be



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interviewed by the President, and the President shall offer the position to the former employee whom the President deems to best meet the needs of the University.

VII. Retraining of Released Employees

In order to assist released employees in retraining for other job opportunities, any former employee (employee only) who was eligible for the University's tuition assistance program prior to his/her release by the University as part of a RIF Action shall retain his/her eligibility for the University's tuition assistance program for a period of twelve months after the effective date of release.

The University's Office of Student Financial Services shall also be available to released employees to assist the employees in examining what other financial assistance may be available to the former employee, including aid for educational or training opportunities at other colleges and universities.

VIII. Assistance in future job placement for released employees

In order to assist released employees in searching for other job opportunities, any released full-time employees will have access to any resources available to them through the University's Career Services office to include consultation about preparation of resumes, preparing for job interviews, etc.

The University will make available the option of a Placement Service (from an outside source) for thirty days.

IX. Assistance with Information Involving Benefits

Athens State University will give released employees information pertaining to the Teachers' Retirement System and Public Education Employees' Health Insurance Plan (PEEHIP) COBRA Insurance as well as any other benefit to which the employee may be entitled.



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X. Responsibility for this Operating Policy

Policy Owner

As part of the initial approval of this policy by the President and subsequent to the original dissemination of the policy, the President is the policy owner for the ongoing evaluation, review, and approval of this policy. Subsequent reviews and revisions to this policy must be in accordance with approved operating policy procedures and processes.

This policy will be reviewed every two years or more frequently as needed by the Policy Owner. Revisions will be reviewed/affirmed by the Cabinet and approved by the University President. This policy will be updated/published in the University's Policy Library.

Responsibility for Policy Implementation

The President is responsible for implementing this policy.