

PROCEDURES MEMORANDUM

TO: MCC Staff

FROM: Office of the President

SUBJECT: Implementation Process Pertaining to Reduction In Force Policy For Full-Time Employees Covered in Negotiated Statement of Policy

DATE: November 16, 2004

Purpose: To publish the implementation process which applies to MCC Board of Governors Policy

Scope: This procedure applies to full-time MTCC employees covered in the negotiated Statement of Policy.

1. GENERAL

On June 25, 1985, the MTCCA Board of Governors approved a Board Policy which states that reduction in force and any rights of subsequent reinstatement are to be implemented in the manner prescribed in Board Doc. No. 1013, entitled:” Implementation Process Pertaining to Reduction In Force Policy For Full—Time Employees Covered In Negotiated Statement of Policy.”

2. IMPLEMENTATION

The implementation process is prescribed in Board Doc. No. 1013 as [attached](#).

Adopted 7/15/85; Revised 11/16/04

BOARD DOCUMENT NO. 1013

IMPLEMENTATION PROCESS PERTAINING TO
REDUCTION IN FORCE POLICY FOR
FULL-TIME EMPLOYEES COVERED IN
NEGOTIATED STATEMENT OF POLICY

Whenever it becomes necessary to reduce the number of regular full-time professional staff covered by the Negotiated Statement of Policy in Respect to Full-Timer Faculty and Support Staff (covered faculty and staff being herein collectively referred to as “staff” or “staff member” and positions held by them as “staff positions”) through layoff of employment or to reduce the number of regular full—time staff positions within any given department(s), program(s), field(s), discipline(s) or vocational skill(s) (the foregoing being both collectively and singularly referred to as “Affected Area” or “Affected Areas”), the following procedures shall be used:

1. The College President shall present to the Board of Governors competent evidence and data of financial exigency, program discontinuance, declining enrollment or foreseeable declining enrollment, changes in or inconsistency with the College’s role and mission assignment, or other appropriate reason why a reduction in force is being proposed within the Affected Area (or College-wide, should that be the case), that would necessitate a reduction in force of regular full—time staff at the College or in a particular Affected Area or Affected Areas. If such reduction in force is to affect only a specific Affected Area, any such circumstances must specifically relate to the staff members to be reduced. The President shall present evidence that there are no other full-time vacancies at the College which the reduced staff member or members are qualified to perform by professional training or, if applicable, by College approved endorsement as shown in the personnel file of the staff member or members.
2. The Secretary of the Board shall notify each staff member affected by a reduction in force at least ninety (90) calendar days before the proposed effective date of the amendment or termination of Notice of Appointment, or, in the case of a non-reappointment, at least ninety (90) days prior to the close of the appointment period. Any staff member so notified shall have the right to file, within five (5) working days of the receipt of such a notice, a written request with the Board for a hearing before the Board. If such staff member chooses, he/she may include within such request a statement as to any alternative to reduction in force that he/she believes should be considered by the Board. Upon receipt of such a request, a hearing thereon shall be scheduled to be held and the staff member shall be notified of the time and place thereof at least seven (7) days prior to such hearing. If the request for hearing is received by the Board at least ten (10) days prior to the next regular Board meeting, then the hearing shall be scheduled to be held at or prior to such meeting, and if not, then at or prior to the next following Board meeting.
3. The College President shall provide to the Board of Governors evidence that the affected staff member was given advance notice of the possibility of a reduction in force. In cases where the President shall have determined the need and extent of reduction in force in time to do so, the notice shall be given at least six (6) months prior to the proposed effective date of amendment or termination of Notice of Appointment, and in all events not less than four (4) months prior to such

effective date. The President, prior to bringing the proposal for reduction in force to the Board, shall further demonstrate to the Board that the President has considered such alternatives to reduction in force as were apparent to the President.

4. At the hearing, evidence presented to the Board by the College President shall be in support of amending or terminating the staff member's appointment. The staff member and, if desired, a representative, shall be permitted to produce evidence related to amending or terminating the appointment. The Board shall render its decision to amend or terminate the appointment on the basis of evidence produced at the hearing.
5. When it is determined that a reduction in force is necessary, layoffs shall occur in the following sequence:
 - A) Reduction of staff members who have advised the College in writing they are terminating employment at or before the end of the contract year and not returning.
 - B) Reduction of staff members who have advised the College in writing that they are voluntarily retiring at or before the end of the contract year.
 - C) Reduction of staff members over the age of 70, or such higher age as may from time to time be protected by federal or state age discrimination laws.
 - D) Reduction of temporary full—time staff.
 - E) Reduction of probationary staff.
 - F) If the Administration, through layoff of part-time personnel in the same discipline, is able to schedule for the staff member facing layoff a full-time load with at least 50% of the load in daytime classes, then layoff or reassignment of part-time personnel will be utilized to create such a full-time load for the staff member faced with layoff, such layoff or reassignment of part-time employees to occur in the sequence and manner determined by the College.
 - G) Reduction of permanent full-time employees.
6. In the event that a reduction of permanent full-time employees is necessary, the following criteria and formula shall be applied to determine the order of reduction within the Affected Area:
 - A) Staff members in the particular Affected Area whose current evaluations are at or above the midpoint of evaluations for the particular Affected Area shall be initially exempt from layoff, unless the number to be laid off exceeds the number of employees in the Affected Area whose evaluations are below such midpoint. In determining midpoint of evaluations, if all staff in the particular Affected Area have been evaluated therein for .two (2) years or more, then the average of the two (2) most recent annual evaluations shall be used. Staff members in an Affected Area designated for reduction in staff shall, upon inquiry of the division chairperson, be individually advised of their evaluation standing in relation to midpoint of the Affected Area.
 - B) Staff members whose evaluations fall below the midpoint of evaluations for the particular Affected Area shall be laid off using the following formula and criteria:
 - (1) Level Placement — A consideration for reduction will be based on the affected member's placement as set forth in the "Faculty/Support Staff Salary Schedule." One point shall be granted for each placement level. The maximum number of points for this criterion shall be four (4) points.
 - (2) Diversity of Staff Members -- The ability of staff members to teach a variety of

courses shall be considered and ranked according to the following criteria:

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| 0 to 25% of course work | 0 points |
| 26 to 50% of course work | 1 point |
| 51 to 75% of course work | 2 points |
| 76 to 100% of course work | 3 points |
| 100% of course work <u>plus</u> courses outside discipline | 4 points |

The maximum number of points for this criterion shall be four (4) points. This criterion shall not apply to support staff (non-faculty).

(3) Length of Full-Time Service to MTCC -- The length of full-time service to MCC shall be considered and ranked according to the following:

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| 0 to 2 years | 0 points |
| 3 to 5 years | 1 point |
| 6 to 10 years . | 2 points |
| 11 to 15 years | 3 points |
| 16 to 20 years | 4 points |

The maximum number of points for this criterion shall be four (4) points.

The total points accumulated through the application of these criteria shall be used to determine the order of reduction. Staff with fewer total points shall be reduced before staff with higher total points.

- C) If the number of staff members to be laid off in the Affected Area exceeds fifty percent of the total staff members in such Affected Area, those staff members whose evaluations are above the midpoint of evaluations for the Affected Area shall, to the extent additional lay offs are needed, be subject to layoff in the inverse order of their evaluations, those with the lowest evaluations being the first to be laid off, or in such other manner as the College shall determine.
- D) An employee whose evaluation places him at the midpoint of the Affected Area shall be deemed to be above the midpoint.
- E) Specific criteria used to evaluate full-time teaching faculty include evaluation procedures generally in use by the College, including an annual evaluation at or respecting a time established by the College; teaching faculty evaluation forms currently in use by the College as from time to time amended; classroom visitations which shall be held no less frequently than once per year and for a duration of at least forty—five •minutes for each visitation; and evaluation conferences between the full-time teaching faculty member and his/her supervisor. Evaluation forms in use at date of adoption of this policy include supervisory evaluation forms and student evaluation forms.

7. The College will provide the following to all staff members affected by reduction in force:

- A) Use of the College Counseling and Advising Centers as well as College Placement Offices for the purpose of finding employment;
- B) Two years of tuition-free classes at the College for the purpose of retraining.

8. Any full-time staff member whose full-time appointment has been terminated under the provisions of this policy shall be considered to have been terminated with honor and shall, upon request, be provided a letter to that effect. Such staff member shall have preferred rights to re-appointment to full-time staff positions for a period of twenty-four (24) months, commencing at the end of the appointment year in which terminated and shall be recalled on the basis of length of full-time service. This recall will be limited to full-time staff positions for which the staff member is qualified as determined by any of the following: a) prior full-time experience with the College; b) academic preparation as shown in the staff member's personnel file; or, c) if applicable, College approved endorsement as shown in the staff member's personnel file.
9. As used in this policy, the term "length of full-time service is defined as unbroken, full-time employment by the College Area under annual notices of appointment. Authorized leaves of absences, with or without pay, and absences due to layoff are not to be considered a break in service; but time spent in any contract year on unpaid but authorized leave exceeding ten (10) days or involuntary layoff exceeding sixty (60) days will not count toward continuous service time.
10. The following procedure shall be followed in recalling qualified full-time staff members within the 24-month period during which they have preferred rights:
 - A) Upon the President's determination that a vacancy will occur in an existing position or that a new position will be created which a terminated full-time staff member has the right to be recalled for, the College President shall advise the staff member in writing of the availability of the position and of the position's commencement date. Furthermore, the President shall advise the staff member that he/she has ten days from the date of the notification in which to indicate acceptance of the position. Notice to the staff member shall be deemed to have been given upon posting such notice by certified letter in the United States mail to the last address shown in the staff member's personnel file. Staff members shall have the responsibility for keeping the College updated on any change in mailing address. The staff member shall provide the College with written notification of change of address and shall request that the notice be placed in his/her personnel file.
 - B) If, within ten (10) days after the mailing of the recall notification, the recalled staff member advises the College President that he/she will accept the appointment, then the College President shall prepare the appropriate Notice of Appointment and forward it to the staff member for signature. The staff member must return the signed Notice of Appointment to the College President within ten (10) days of the date it was mailed by the College.
 - C) If the recalled staff member does not, within ten days after the College President's mailing a recall notification, respond in the affirmative; or gives no response; or, having initially responded in the affirmative, fails to sign and return the Notice of Appointment within the required time, the staff member shall have waived any right to recall. The President shall then follow the same procedure in successively offering the appointment to any other terminated full-time staff members who have recall rights for such position. If there are no other terminated full-time staff members who have recall rights for such position, it shall be filled through the College's normal hiring procedures.
 - D) If the recalled full-time staff member is, at the time of receiving notification of recall, employed under contract to another educational institution with which acceptance of the

College Area's position would conflict, the recalled staff member's failure to accept recall shall constitute a waiver of the right to recall for that particular position but shall not constitute a waiver of his/her right to subsequent recall during the remainder of the 24-month recall period provided he/she advises the College President in a timely manner of the reason for his/her inability to accept the recall.

11. A recalled staff member shall, upon full-time reappointment, retain benefits, rank, salary, and length of service which had accrued to said staff member prior to termination; but such absence due to reduction in force shall not be considered as a period of employment by the College Area.
12. If the reduction of a staff member based on the provisions included in this policy would, in the sole determination of the College, place the College in noncompliance with any federal or state law, regulation or order of court, the College may vary its actions from the provisions specified herein as is necessary to comply with such laws, regulations or court order.. Notice of actions by the College contrary to the provisions included in this policy shall be made public to the Metropolitan Technical Community College Education Association, together with rationale for such actions.