POLICY & PROCEDURE

Section: Human Resources

Subject: Reduction in Force (RIF)

Approved By: DENR Secretary

Effective Date: Sep 1, 2001
Revised Date: June 6, 2011

REDUCTION IN FORCE POLICY

The Department of Environment and Natural Resources (DENR) may separate an employee(s) through Reduction-In-Force (RIF) whenever necessary due to shortage of funds or work, abolishment of a position, or other material change(s) in duties or organization. Retention of employees in classes affected shall, as a minimum, be based upon systematic consideration of the following factors: type of appointment, relative efficiency, actual or potential adverse impact on the diversity of the workforce and length of service (to include veteran's credit for military service, please see additional details in the RIFprocedure section).

REDUCTION IN FORCE PROCEDURE

Introduction

The involuntary separation of a Department of Environment and Natural Resources (DENR) employee, when necessitated by shortage of funds or work, abolishment of a position(s), or other material change(s) in duties or organization, is a Reduction-in-Force (RIF) separation.

Purpose

The Reduction in Force procedure establishes guidelines that require DENR and division/program management to consider potential RIF's on a fair and systematic basis. This procedure creates no rights beyond those conferred by General Statutes.

Definitions

Budget Plan - A budget proposal that identifies potential program changes and positions that can be altered or eliminated. This also applies when a higher authority, such as the legislature, mandates a reduction in spending levels.

RIF Plan – The documented plan that identifies the employee(s) to be separated based upon a systematic process, established by OSP policy and North Carolina General Statues.

Guidelines for Consideration of the RIF Process

1. If DENR management and/or division/program management is mandated to reduce spending levels, or if DENR management and/or division/program management identifies a present, proposed, or future shortage of funds or work, or abolishment of a position(s), or material change(s) in duties or organization, then the division/program management must develop a Budget Plan. The budget plan shall explore potential options to determine if viable alternatives exist to avoid a RIF.

Alternatives to be considered are:

- hiring control (freezing vacant positions),
- budget alteration (limits on purchasing and travel), and/or
- other alternatives as management deems appropriate

2. When division/program management determines that a RIF separation must occur, then division/program management shall develop a RIF plan. The plan must be in writing and specify the following information:

- if the RIF is a result of a Legislative mandate;
- if the circumstances show a present, proposed, or future shortage of funds or work, or abolishment of a position(s), or material change(s) in duties or organization;
- what alternatives to RIF were considered and rejected, and why they were rejected;
- identification of employees to be retained based on systematic consideration of the following factors:

a) **Type of appointment-** e.g., permanent part-time, fulltime, probationary, etc.
b) **Relative efficiency** (Relative efficiency includes, but is not limited to, determining which employee(s) retention shall most benefit the continuing efficiency of programs and operations, or which employees' separation shall have the least negative impact on programs and operations. Past performance may be one component of relative efficiency. The consideration of relative efficiency may result in the RIF of an employee other than the incumbent of the position being abolished or altered.)
c) **Actual or potential adverse impact on diversity** of the work force. The DENR Workforce Compliance Officer shall perform a RIF impact analysis and submit to the DENR Chief Deputy Secretary.
d) **Length of service – Important Notation:** in determining length of service, an eligible veteran shall be credited one year of state service for each year or fraction thereof of military service, up to a maximum of five years of credit.
e) **Support** that DENR shall provide to the affected person(s) as a result of the reduction in force and work unit(s).

3. In <u>no event</u> shall any temporary, probationary, or trainee employee in the initial six months of training be retained in a position classification where an employee with a permanent appointment must be separated in the same or related position classification within the same division. An employee with a permanent appointment is an employee who has satisfactorily completed a probationary or equivalent trial period in his or her current position, or who entered DENR with a permanent appointment.

Implementation of the RIF Action

Approval of the RIF Plan

Approval of the RIF Plan requires signature of the following persons: the Director of the DENR Division Director where the RIF shall occur, the DENR Director of Human Resources, the DENR Workforce Compliance Officer, and, the DENR Chief Deputy Secretary position. The Chief Deputy Secretary's signature on the RIF plan authorizes the RIF action. No RIF action shall be implemented without an approved RIF plan. The DENR Director of Human Resources shall retain the original copy of the approved RIF plan.

Timely Employee Notification

Division/program management shall notify the affected employee(s) of the RIF action as soon as possible after approval of the plan. Division/program management shall provide employee(s) with written notice of the RIF action at least 30 calendar days prior to the effective date of the RIF.

The written notice shall include:

1. the reason(s) for the RIF;
2. eligibility for priority consideration;
3. applicable appeal rights; and
4. any available benefits

If an employee is eligible for and desires priority consideration, the employee shall designate on the job application for positions within state government that he/she has priority reemployment, as a result of being reduced in force or separated from a position designated exempt pursuant to General Statues 126-5(d). The Office of State Personnel (OSP) will continue to maintain the database, accessible to Human Resources Directors of the employees with priority reemployment, as reported to OSP by the DENR HR Director.

Appeal Rights

A DENR employee separated through a reduction in force may appeal the separation if it is alleged that the separation is in retaliation for the employee's opposition to alleged discrimination because of the employee's age, sex, race, color, national origin, religion, creed, political affiliation, veteran's preference or disabling condition as defined by Chapter 168A of the General Statutes. An employee may appeal the separation if it is alleged that the separation is a denial of the veterans' preference granted in connection with a reduction in force for an eligible veteran.

The appeal may be filed pursuant to DENR's internal grievance procedure or may be filed directly with the Office of Administrative Hearings, (at the preference of the employee) *if* the employee alleges that the RIF was motivated by intent to discriminate against him or her. Otherwise, the grievant (former employee) must follow DENR's internal grievance policy if the employee alleges that the RIF process was not carried out in a fair and systematic manner.

Availability of the DENR RIF Policy & Procedure

The DENR Division of Human Resources shall provide a copy of the RIF guidelines to a DENR employee upon request. The guidelines are available for review by any DENR employee at the physical location of the DENR Division of Human Resources in Raleigh, North Carolina or electronically via the DENR-Division of Human Resources website under the policies and procedures section.

Compliance

The RIF Policy and Procedure was prepared in accordance with the federal guidelines regarding equal opportunity. In accordance with federal guidelines affecting equal employment opportunity and affirmative action, the DENR Workforce Compliance (EEOC) Officer shall analyze all decisions concerning reduction-in force to determine their impact on agency utilization goals by race and sex and to avoid adverse impact in violation of Section 4.d of the Uniform Guidelines on Employee Selection Procedures.