

Policy Title: Reduction In Force

Impact: Employees

Responsibility: Human Resources

Effective Date: 05/25/16

Last Update:

Relates to Procedure:

Legal Citation(s):

I. Purpose and Scope

- A. North Idaho College highly values the contribution of all employees and recognizes the significant personal consequences related to a reduction in force. The board does recognize that any reduction in force will have an impact on the individual employees affected. Therefore, the North Idaho College Board of Trustees (the “Board”) seeks, by this policy, to ensure that an equitable process will be followed to implement changes associated with a reduction in force plan. The plan will be administered without prejudice and will seek to sustain collegiality, respect, and professionalism among employees and to minimize disruptions to students. The focus of the plan will be to continue to maintain and achieve the college’s mission and goals.
- B. The North Idaho College Board of Trustees (the Board) acting in its governing capacity and in its sole discretion, may adopt a Reduction in Force Plan to more efficiently dedicate resources to achieve the primary purposes and goals of North Idaho College (NIC). As part of its evaluation of whether reduction in force is appropriate, the board will direct the president to prepare a Reduction in Force Plan for board consideration. A Reduction in Force Plan will utilize institutional data from a variety of sources as a basis for decision making. A Reduction in Force Plan may also be adopted when the board, in the exercise of its governing responsibilities, declares a financial emergency. A financial emergency means a demonstrable condition of significant financial stress that adversely affects the institution as a whole. This emergency may be caused by circumstances that may include, but are not limited to, the following:
 - i. Inadequate or significant reduction in funding for a period projected to be more than one year;
 - ii. Reduction in overall institutional enrollment and industry demand compared to the previous ten years;
 - iii. Sudden degradation of program or college facilities due to natural disasters;
 - iv. Organizational changes that prompt an across-the-college adjustment to staffing needs.

- C. The board's adoption of a Reduction in Force Plan is discretionary and is not subject to appeal or contest by any employee in any grievance or appeal procedure; however, employees specifically identified for layoff under this policy may appeal the decision to the president who will evaluate whether the Reduction in Force procedures were followed and appropriate criteria were applied in arriving at the decision to lay off the employee. The provisions of this policy are not to be used for the sole purpose of terminating employees for substandard performance, incompetence, or misconduct.
- D. This policy prescribes the manner in which NIC employees may be released should a reduction in force be announced by the board. Alternatives to layoffs will be evaluated before a reduction in force occurs. A reduction in force may involve the elimination of courses, majors, degree tracks, programs and/or departments, resulting in the layoff of tenured faculty, non-tenured faculty, contract employees before the end of their contract term, and other employees. A reduction in force may also result in the non-renewal of annual contracts.
- E. It is understood that this policy shall not apply in termination for cause and/or resignations, layoffs and dismissals unrelated to the board's direction to implement a RIF.
- F. This Reduction in Force Policy is not superseded by any NIC employment termination policies or procedures. Any employee remedies for termination of employment due to RIF are limited to the due process rights contained herein.

II. Developing the Board of Trustees Directed Reduction in Force Plan

- A. Once a decision is made by the board of trustees to implement a Reduction in Force (RIF), the president shall formally inform the college campus that the college administration will be formulating a RIF plan. Institutional data from a variety of sources, such as program reviews, will provide the foundation for that plan. Once the draft plan is developed, the president shall submit the plan to the College Senate for distribution to constituent groups affected and allow a minimum of four (4) weeks for review by the College Senate, during which time the College Senate will prepare and deliver a written response to the president articulating recommendations for the president to consider. Thereafter, the president shall provide a written Reduction in Force Plan to the board for approval. Recommendations from the College Senate that are not incorporated into the final plan by the president will be provided to the board, together with the final written plan proposed by the president.
- B. When developing the plan, the primary focus will be on maintaining and achieving the college's mission and goals, including student success, instructional and educational excellence, and community engagement.

III. RIF Principles

- A. A RIF will not be used to target specific employee groups. The entire college community and all employee groups will be considered in RIF implementation.
- B. College financial reserves may be used for a duration of not more than the current fiscal year to mitigate or offset temporary effects of the proposed RIF in order to provide the college time to determine if contributing conditions leading to a RIF stabilize prior to implementation.
- C. Institutional data, including program review data, will provide the foundation for evaluating programs and service areas. Other data sources may also be used as necessary to support the decision-making process.
- D. The RIF will only extend to the degree that is necessary to accomplish the goal.
- E. The RIF plan will include consideration of employees who have decided to depart or retire from the institution by the end of the fiscal year.
- F. Consideration will be given to employees' performance, tenure, seniority, specialty, and or qualifications.
- G. Non-tenured faculty will be impacted prior to tenured faculty.
- H. Low enrolled courses will not automatically be considered for elimination depending on whether there is a documented need to offer these courses that are required for graduation. Examples may include General Education, Transfer and CTE courses.
- I. Since any layoff is a severe economic and personal loss, options for reduction of overtime/overloads, offering furloughs, reassignment within the college to vacant positions for which employees are qualified, and other alternatives will be considered.
- J. Deans and divisional chairs will provide recommendations to their respective VPs to be considered in development of the RIF plan.

IV. Final Reduction in Force Plan submitted to the board of trustees for approval will include but not be limited to the following:

- A. Rationale for the Reduction in Force decision.
- B. The financial goal in implementing the RIF.
- C. How enrollment and labor data trends are considered in the process.
- D. What departments, programs, service areas, courses, majors, or degree tracks may be directly impacted and the degree to which that area may be affected, what employee positions may be directly affected, and the basis for these considerations.

- E. How departments, service areas, programs, courses, majors or degree tracks may be impacted, including the number of positions that will be directly affected, how students will be impacted, and the expected duration of the RIF to include time to teach-out existing students enrolled in an affected program.
- F. What categories of employees within the framework of the plan may be directly affected
- G. The fiscal impact of the plan on the college.
- H. Any other data deemed pertinent.

V. Criteria for Layoff

The president may consider factors including, but not limited to, the following, when identifying employees for a reduction in force:

- A. The impact on the college's mission.
- B. Most recent institutional data, including program reviews.
- C. The need to maintain necessary programs or services
- D. The need to provide students with the ability to complete a program.
- E. The position(s) and/or classification(s) affected.
- F. An employee's contributions to the mission of the college.
- G. An employee's length of service and/or tenure at NIC.
- H. An employee's specialized training, skills, licenses or special certification for a particular function.
- I. An employee's total work experience in the field, including applicable non-NIC college experience.
- J. An employee's history and performance evaluations.

VI. Notice Requirements

Upon approval of a Reduction in Force Plan by the board, the president shall communicate the following information, in writing, not less than thirty (30) days in advance of the effective date of the reduction in force plan, to each affected employee. The college will make an effort to ensure that affected faculty members are able to complete instruction of their respective course(s) for the semester. The written notice will include the following:

- A. The reason(s) for the reduction in force.
- B. The effective date.
- C. A description of the basis and criteria for the decision to terminate the affected employee.
- D. The benefits to which the employee is entitled.

- E. The opportunity and process for the affected employee to appeal and respond in writing to the president.

VII. Notice of Openings:

The college will make a reasonable effort to retain contact information of employees laid off for two years following the effective date of the RIF, but the employees will have the primary responsibility for updating their contact information with the human resources office. The college will make a reasonable effort during that time to notify such employees of an opening at the college pertaining to their prior position with the college and inviting them to apply for the opening.

VIII. Appeal:

Employees who are identified for layoff by the president, may appeal the decision to the president within fifteen (15) days of receipt of notice of layoff, by submitting a written request for appeal to the president setting forth the grounds for the appeal and an explanation of the facts supporting the employee's appeal. The president will evaluate whether the established and approved process was followed and whether appropriate criteria were accurately applied in arriving at the decision within 60 days of the receipt of the appeal. The decision of the president is final.

IX. Benefits:

Employees laid off pursuant to this policy are entitled to the benefits to which any laid off employee would be entitled under law and board policy.

X. Procedure:

There are no accompanying procedures for this policy. Any changes made to this policy will require input from the College Senate, as per NIC Governance-Initiation of Policies, 2.01.04.