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POLICY STATEMENT

Should a reduction in force become necessary at Clemson University, covered employees of the University will be released, or the terms of their employment otherwise adjusted, in the manner outlined in this policy. A reduction in force may require the separation, involuntary demotion, reassignment, or reduction in work hours of Clemson University's covered employees.

The reduction in force process outlined in this policy applies to all covered employees of Clemson University. The policy does not apply to non-covered employees (probationary, temporary, temporary grant, time-limited, research grant) or other employees exempt from the State Employee Grievance Procedure Act. For information regarding faculty, see the *Faculty Manual*.

REASON FOR POLICY

- To comply with South Carolina law
- To provide a consistent reduction in force process for covered staff
- To provide guidance regarding the reduction in force process, such that the steps, deadlines, limitations and requirements are clear and actionable

ENTITIES AFFECTED BY THIS POLICY

- This policy applies to all colleges and divisions of the University.

WEB ADDRESS FOR THIS POLICY

http://media.clemson.edu/humanres/policies_procedures/Reduction%20in%20Force%20Policy.pdf

CONTACTS

Subject Matter	Office	Telephone	E-mail/Web Address
Policy Clarification and Interpretation	OHR	(864) 656-2000	http://www.clemson.edu/employment/contact_hr/

DEFINITIONS

Covered Employee – A covered employee is a full-time or part-time employee occupying part or all of a full-time equivalent (FTE) position who has completed the probationary period, has an “improvement needed” or higher overall rating on the employee’s performance evaluation, and who has grievance rights. If an employee does not receive an evaluation before the official review date, the employee is considered to have performed in a satisfactory manner and to be a covered employee.

For more definitions, please see the [OHR Glossary of Terms](#).

PROCEDURES

I. Potential Reasons for Reduction in Force

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

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

II. Management Decisions

The appropriate vice president or designee shall determine the following items prior to developing the reduction in force plan:

- A. The reason(s) for the reduction in force
- B. The area(s) of the University that will be impacted by the reduction in force [Competitive Area(s)]
- C. The state class title(s) within the competitive area(s) that are to be affected [Competitive Group(s)]
- D. The number of positions in each state class title to be eliminated

III. Competitive Areas

Competitive areas—the area(s) of the University affected by the reduction in force—shall be determined by the appropriate vice president or designee. Each competitive area must be clearly distinguishable from the staff in other areas, where the interchange of employees would not be practical. A competitive area may be the entire college/division, a department, a unit, or a geographical location.

IV. Competitive Groups

Competitive groups—the group(s), within the competitive area, that will be affected by the reduction in force—shall be based on state class title(s) and shall be determined by the appropriate vice president or designee. If the reduction in force is to apply to more than one state class title, each state class title is to be treated separately, except where the reductions are to be made in a state class title series (e.g., Auditor I, Auditor II, Auditor III, Auditor IV, Audits Manager I, Audits Manager II or Clerical Specialist, Administrative Specialist I, Administrative Specialist II) or in state class titles that are part of the University’s established normal career path using state class titles (e.g., Administrative Assistant, Communications Coordinator, Program Coordinator II, Program Manager I).

V. Affected Positions

The appropriate vice president or designee shall identify the position(s) within the competitive area(s) and competitive group(s) that will be eliminated to include the following information:

- A. State class title
- B. State class code
- C. State band level, if applicable
- D. Total number of positions in the state class title within the competitive area
- E. Total number of positions in the state class title within the competitive area to be eliminated

VI. Retention Points

Clemson University’s Office of Human Resources (OHR) is responsible for calculating retention points for covered employees in the competitive area(s) and competitive group(s). Retention points are used to determine which covered employees are involuntarily demoted, reassigned, reduced in hours, or separated. Retention points are based on the total scores of annual performance evaluations for the past two years and the length of continuous state service. The sum of the retention points for performance and length of continuous state service is the total score used to rank the employee in the competition.

A. Performance Evaluation Points

OHR determines the total score for an annual performance rating by using the following numerical values assigned to the performance evaluation ratings.

Evaluations completed on or prior to 02/28/2018 are assigned the following values:

- Exceptional (2)
- Successful (1)
- Improvement Needed (1)
- Unsuccessful (0)

Evaluations completed after 02/28/2018 are assigned the following values:

- Top Performance (3)
- Exceptional Performance (3)
- Successful Performance (2)
- Developing Performance (2)
- Improvement Needed (1)
- Unsuccessful Performance (0)

The point values for each rating are computed using the rating scale in place at the time of the specific performance evaluation. For any year that the University did not complete a performance evaluation for an employee, OHR assigns the points for a “successful performance” rating. However, if a covered employee has 1) been in a position in the same state class title for two or more continuous years and 2) received higher than an “improvement needed” rating in the preceding year, OHR assigns the points corresponding to the higher performance rating. If the covered employee’s most recent performance rating is “unsuccessful” (0) and is more than two years old, OHR assigns the points equivalent to a “successful” rating.

For current state employees transferring to the University with reviews conducted after 02/28/2018, the University recognizes performance ratings as follows:

- “Substantially Exceeds Requirements” and “Exceeds Requirements” correspond to “Exceptional.”
- “Meets Performance Requirements” corresponds to “Successful.”
- “Below Performance Requirements” corresponds to “Unsuccessful.”

For employees who have transferred to this agency whose previous agency utilized more or fewer levels of performance, the agency 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.

B. Continuous State Service Points

Covered employees receive one retention point for each year of continuous state service after completion of a 12-month probationary period. For the purpose of this calculation, six months or more of continuous state service is considered one year of service, and less than six months of service receives no retention points.

C. Additional Retention Points for Competition in a Lower Band

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

D. Exception to Procedure for Retention Point Calculation

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

VII. Sequence of Reduction in Force

The order of the reduction in force of covered employees in each state class title 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 Clemson University hire date determines the order in which the employees are affected. The covered employee with the earlier University hire date is retained. If, after using the Clemson University hire date to determine the order of affected employees, a tie still exists, Clemson University uses a computer generated, random number method to break the tie. The employee with the lowest position number is assigned the first random number. If there are more than two

employees tied, random numbers are selected in position number sequence from lowest to highest. The employee(s) assigned the lower random number(s) is retained.

Bumping rights are provided for covered employees who have accumulated more retention points than those with whom they are competing. Under no circumstances is an employee to gain from a reduction in force. Bumping rights only apply 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 and group with a higher number of retention points, except when Clemson University (or the appropriate vice president or designee) determines that a Retention of Necessary Qualifications applies.

If employees are competing for a position that is not being eliminated and Clemson University 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. Clemson University 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 lack of knowledge, abilities, skills, supervisory responsibilities, or necessary experience.

When using a Retention of Necessary Qualifications in a reduction in force plan, the vice president or designee is required to document justification and obtain OHR approval for the retention before the University submits the reduction in force plan to the Division of State Human Resources for review and approval for procedural correctness. Clemson University should retain documentation to support any retention made on this basis.

IX. Writing the Reduction in Force Plan

Once Clemson University has made the decisions outlined above and prior to the implementation of a reduction in force, OHR shall develop the reduction in force plan. This plan must include the following items:

- 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: name; age, race, gender, and retention points
- F. Justification of any Retention of Necessary Qualifications used in the reduction in force plan
- G. Clemson University's efforts to assist employees affected by the reduction in force

X. Approval Process

Once the reduction in force plan is complete, Clemson University shall submit the following information to the Division of State Human Resources for review and approval for procedural correctness:

- A. The reduction in force plan as outlined in Section IX
- B. An organizational chart including each position (designated with the state class title and incumbent's name) within the competitive area(s)
- C. A copy of Clemson University's Reduction in Force Policy

- D. A sample letter to employees affected by the reduction in force, which is to include information as outlined in XI below

XI. **Implementation of the reduction in force**

Clemson University shall communicate the following information to each affected employee after the Division of State Human Resources approves the reduction in force plan for procedural correctness and before the reduction in force becomes effective:

- A. The reason for the reduction in force
- B. The competitive area(s) and competitive group(s) in which the employee competed
- C. 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)
- D. 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)
- E. 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
- F. The manner in which Clemson University will notify the employee of any such vacancies
- G. The employee's grievance rights
- H. The employee's right to view the reduction in force plan minus retention points
- I. The requirements of S.C. Code of Laws Section 8-11-185, which requires Clemson University to report information about the employees affected in a reduction in force to the Division of State Human Resources

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, in the same state class title as the position the employee held prior to the reduction in force, Clemson University recalls employees in the inverse order of the reduction in force. The University notifies 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, the University reinstates the employee's accumulated sick leave and provides the employee the option of buying back all, some or none of her or his annual leave at the rate it was paid out at the time of separation. Upon returning to employment in an insurance-eligible FTE position, the employee is 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 or she meets the minimum training and experience requirements. Should the separated employee accept a job offer for an FTE position, the University reinstates the employee's accumulated sick leave and provides the employee the option of buying back all, some, or none of her or his annual leave at the rate it was paid out at the time of separation. Upon returning to employment in an insurance-eligible FTE position, the employee is

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. Additionally, an employee reinstated to another position retains recall rights to a position in the same state class in the competitive area.

XIII. Grievances

A covered employee affected by a reduction in force has the right to file a grievance to Clemson 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.

RELATED RESOURCES

University Policies and Documents
Grievance Policy
Staff Performance Management Policy
External Documentation
South Carolina State Employee Grievance Procedure
S.C. Code Sections 8-11-185, 8-11-230 (6) and 8-17-370
State HR Regulations Section 19-719.04