NEW RIVER COMMUNITY & TECHNICAL COLLEGE

Policy No. D.1600
Effective Date March 3, 2005

TITLE:  Classified Employee Layoff (Bumping) Policy

RATIONALE:  Policy for implementing layoffs and reassignments of full-time classified employees as stipulated in WV State Code Section 18B-7-1.

POLICY STATEMENT

All decisions concerning reductions in the workforce of full-time classified personnel will be made in accordance with WV State Code Section 18B-7-1. For layoffs by classification for reason of lack of funds or work, or abolition of position or material changes in duties or organization and for recall of employees so laid off, consideration will be given to an employee’s seniority as measured by permanent employment in the service of the state system of higher education.

A full-time classified employee facing layoff will first be considered for reassignment to vacant positions within the institution and such reassignment may be made at the institution’s discretion and upon the authority of the president or her/his designee. If the employee refuses such reassignment to a position within the same paygrade, he/she will be terminated. If the vacant position is in a lower paygrade, and the employee refuses reassignment and is subsequently laid off, he/she will retain all recall rights.

If reassignment attempts are unsuccessful and a layoff is imminent, the employee will be given an opportunity, pursuant to procedures, to displace a less senior employee in the same paygrade or any other equivalent or lower paygrade within the institution for which the senior employee is minimally qualified, if such position exists.

If a non-exempt vacant position exists at a higher paygrade, that position will be filled pursuant to WV State Code Section 18B-17-1(d). Exempt level vacant positions will be advertised and filled according to NRCTC Hiring Policy No. D.1000.

If displacement is not possible, or if the employee refuses displacement rights offered by the institution to a lower paygrade, the employee will be laid off with rights of recall.

An employee will be given at least two weeks written notice prior to the effective date of the layoff. Such written notice will be sent certified mail to the employee’s last known address on file with the institution. Each notice of the layoff will contain the following information:

1. the reason for the layoff;
2. the effective date of the layoff;
3. a copy of this policy;
4. a statement that the employee is responsible for maintaining a current address with the institution; and,
5. a statement that an effort will be made to reassign the employee prior to the target date of the layoff.

The president or her/his designee is charged with the responsibility and authority to reassign the employee affected by impending layoff into vacant positions of the same or equivalent paygrade within the institution or which their qualifications meet position requirements.

If reassignment to a vacant position in the same or equivalent paygrade is not possible, an employee may desire and be allowed to be voluntarily assigned to a vacancy in a lower paygrade for which he/she is qualified in order to avoid the layoff, but must have been advised of her/his displacement rights upon the layoff.

The Human Resource Director will evaluate the qualifications of the affected employee against the requirements of the vacant position(s). The Director will interview the affected employee and supervisor to verify information before determining which position the employee should be offered, if any.

The vacant position(s) within the institution in which the employee affected by layoff will be placed may be exempted from posting requirements and exempted from provisions of WV State Code Sections 18B-7-1(d). The employee will be notified by the Director of Human Resources as to her/his reassignment.

In the event that attempts at reassignment have been unsuccessful, the incumbent in the affected position will be evaluated by the Director of Human Resources based upon qualifications in comparison to position requirements for jobs held by the least senior employees in the same or equivalent paygrade, and for jobs held by the least senior employees in lower paygrades within the institution. The institution may assign the employee in accordance with needs of the institution and institutional policy. As each paygrade is reviewed, displacement consideration must be by seniority, beginning with the least senior employee in that classification. This will continue until the affected incumbent displaces an employee pursuant to WV State Code Section 18B-7-1 or refuses to displace another employee, or is found not to qualify for displacement rights in a job title in any lower paygrade.

In the event of simultaneous multiple position eliminations resulting in several employees having displacement rights over the same position, those rights must be exercised in order of seniority, with the most senior affected employee having first priority to displace. In all cases of identical seniority ratings, the priority will be determined by a random selections method.

For the purposes of benefits, employees laid off will be deemed as terminated for purposes not involving misconduct on the part of the employee and will be treated as such under all applicable state and federal laws, rules and regulations.

According to WV Code Section 18B-7-1(c) "Any employee laid off during a furlough or reduction in force shall be placed upon a preferential recall list and shall be recalled to employment by the
institution or the basis of seniority. An employee's listing with an institution shall remain active for a period of one calendar year from the date of termination or furlough or from the date of the most recent renewal. If an employee fails to renew the listing with the institution, the employee's name will be removed from the list. An employee placed upon the preferred list shall be recalled to any position opening by the institution within the classification(s) in which the employee had previously been employed or to any lateral position for which the employee is qualified. An employee on the preferred recall list shall not forfeit the right to recall by the institution if compelling reasons require such employee to refuse an offer of reemployment by the institution."

Each employee recalled from the layoff will be notified of the offer of reinstatement or reemployment by certified letter. The notice of reinstatement will contain a statement that a refusal of reinstatement, except for compelling reasons, will result in removal of the employee's name from the recall list. For the purpose of recall the employee will be responsible for keeping a current address and telephone number on file with the Human Resource Office and maintain an up-to-date application and/or resume on a yearly basis.

Each employee recalled from the layoff will have five (5) working days from the date of receipt of a certified letter to accept the offer of employment, or explain compelling reasons why they cannot. The employee will not be placed in a probationary status if they had fulfilled that obligation previously. The employee's salary will be determined as follows: if the new position had been considered a transfer from the employee's previous position, the base salary will be the same as at the time of layoff. If the new position had been considered a demotion from the employee's previous position, a five (5) percent reduction per paygrade, pursuant to Series 8 will be applied to that base salary.

RELATED POLICIES: WV State Code Section 18B-7-1

RESPONSIBLE OFFICE: Office of Human Resources
President

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Approved by President  Date

March 3, 2005