

**PIERPONT COMMUNITY & TECHNICAL COLLEGE BOARD OF GOVERNORS
MEETING OF September 17, 2024**

ITEM:	Policy PP-2059: Furlough and Reduction in Employee Workforce
COMMITTEE:	Committee of the Whole
RECOMMENDED RESOLUTION:	Resolved that the Pierpont Board of Governors approve the 30-day public notice of changes to Policy PP-2059: Furlough and Reduction in Employee Workforce.
STAFF MEMBER:	George H. Perich; Vice President, Human Resources & Org. Dev.
BACKGROUND:	The language in the existing policy requires language changes to reflect changes in operations and WV Statute.

The last revision of the Pierpont Community & Technical College's Employment Innovation – Flexible Schedules Policy was approved in June 2006 and does not reflect the institution's revised institutional guidelines.

PUBLIC COMMENT PERIOD: September 19, 2024 to October 18, 2024

All comments are to be made in writing to:

*Amanda Hawkinberry
Executive Assistant to the President
Pierpont Community & Technical College
500 Galliher Drive
Fairmont, WV 26554
bog@pierpont.edu*

*The proposed policy will be available for public viewing on the
Pierpont Community & Technical College website at
<https://www.pierpont.edu/about/board-of-governors/policies/>*

1 **PIERPONT COMMUNITY & TECHNICAL COLLEGE**
2 **Board of Governors Policies and Procedures**
3 **PP-2059**

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4
5 **Short Title: Furloughs and Reduction in Workforce**

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6 **Reference:** West Virginia Code §18B -7-3 and Title 133, West Virginia Council for
7 Community and Technical College Education, and Series 9, *Academic Freedom,*
8 *Professional Responsibility, Promotion and Tenure.*

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9 **Effective Date: April 28, 2015**

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10 **Amended: September 17, 2024**

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11 **Repealed:**

12 **Reviewed:**

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14 **SECTION 1. PURPOSE**

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16 1.1 The purpose of this policy is to establish uniform procedures that will provide a
17 means to address employee furloughs and reductions- in-force within the ranks of
18 regular full-time employees at Pierpont Community & Technical College
19 (Pierpont) in response to financial condition necessitating a reduction in the
20 institution's labor budget.

21
22 **SECTION 2. SCOPE AND APPLICABILITY**

23
24 2.1 This policy shall apply to all regular full-time (.53 FTE and above) employees and
25 positions, to include faculty, classified, non-classified and Faculty
26 Equivalent/Academic Professional (FEAP) employees.

27
28 2.2 This policy is intended to apply only to full-time regular employees, i.e., those at .53
29 FTE and above. Employees at less than .53 FTE, i.e., part-time regular ("1039") or
30 temporary, casual or project employees are not included in this policy.

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31
32 **SECTION 3. DEFINITIONS OF EMPLOYEES (from Title 133, Series 8, 2.1)**

33
34 3.1 **Full-Time Regular Employee (FTR):** Any employee in a classified position
35 created to last a minimum of nine months of a twelve-month period and in
36 which period such employee is expected to work no less than 1,040 hours during
37 said period. The full-time equivalent (FTE) of such a position must be reported at
38 no less than .53 FTE. Personnel who fail to meet the work threshold for
39 designation as full-time classified personnel shall hold no seniority.

Deleted: and will be considered "at-will" employees.

40
41 3.2 **Full-Time Faculty:** Employment as a faculty member for a full academic year (at
42 least a nine-month contract basis) for at least six (6) semester credit hours
43 teaching per semester or the equivalent in teaching, research, public service,
44 and/or administrative responsibilities. Faculty are not considered classified
45 employees or subject to the classification program.

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- 56 3.3 **Non-Classified Employee:** An employee, designated by the president, who is
57 responsible for policy formation at the department or institutional level or reports
58 directly to the president of the institution. Non-classified employees are not
59 subject to the classification program but are eligible for benefits.
60
- 61 3.4 **Part-Time Regular Employee:** An employee in a position created to last less than
62 1,040 hours during a twelve-month period. An employee in a PTR position is not
63 eligible for benefits, but is covered under the classification program.
64
- 65 3.5 **Temporary Employee:** An employee hired into a position expected to last fewer
66 than nine months of a twelve-month period regardless of hours worked per
67 week. A temporary employee is not eligible for benefits, but is covered by the
68 classification program.
69
- 70 3.6 **Casual Employee:** Position created to meet specific operational needs at an
71 institution for no more than 225 hours in a 12-month period. Individuals in a casual
72 employee position are not eligible for benefits and are not covered by the
73 classification program.
74
- 75 3.7 **Furlough:** A furlough is mandatory time off work for no pay for an employee or
76 employees, a program typically implemented in lieu of reductions in force and
77 the permanent loss of jobs and positions.
78
- 79 3.8 **Reduction in Force (RIF):** The termination of employees and/or positions due to
80 lost funding or unmet revenues; or due to institutional or programmatic changes;
81 or due to the reorganization of business operations. Reduction in force for
82 classified employees shall be in accordance with West Virginia Code § 18-B-7-3
83
- 84 3.9 **Seniority (for classified employees):** For purposes of reduction in force, "seniority"
85 means uninterrupted service in the higher education system. Uninterrupted
86 service means the continuous period of time that an employee is in payroll
87 status—i.e., being paid for time worked regardless of when the payment
88 occurs. Therefore, persons on unpaid leaves of absence (regardless of the
89 reason) do not accrue seniority service for purposes of reduction in force. An
90 employee hired at Pierpont who previously worked at another institution under
91 the jurisdiction of the Higher Education Policy Commission or Council for Community
92 and Technical College Education must have no break in service between the two
93 institutions in order to have the previous institutional service counted toward
94 seniority calculations for reduction in force purposes at Pierpont.
95
- 96 3.9.1 For regular employees, this excludes adjunct teaching experience
97 and part-time temporary and/or casual work experience. Temporary
98 and casual employees do not earn or carry seniority.
99
- 100 3.10 **Seniority (for faculty employees):** For regular faculty employees, seniority may
101 apply in some circumstances, as detailed in Section 5 following.
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- 103 3.11 **Seniority (for non-classified and FEAP employees):** Seniority generally is not a
104 mitigating factor or consideration for non-classified and FEAP employees, who
105 are considered "at-will" employees.
106
- 107 3.12 **Full-time equivalency (FTE):** Full-time equivalency is the percentage of time for
108 which a position is established; a 1.0 FTE is a position assigned to work 1950 hours
109 during the twelve (12) months of the fiscal year.

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111 SECTION 4. FURLOUGH POLICY

- 112
- 113 4.1 After the decision that a financial condition necessitating a reduction in the
114 institution's labor budget exists the President shall have the authority to
115 determine and implement a feasible furlough plan, which shall be applied to all
116 regular employees equitably and in a manner appropriate to their FTE's and
117 employment type as described above in Section 3. Such a plan must be
118 approved by the Board of Governors in a meeting or by another method of
119 voting approved by the Board.
- 120
- 121 4.2 The furlough plan must be designed such that it minimizes the financial impact
122 on employees.
- 123
- 124 4.3 Teaching faculty will be provided work-release with a corresponding reduction in
125 salary as the method of their furlough.
- 126
- 127 4.4 Seniority is generally not a consideration in furloughing.

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128 SECTION 5. REDUCTION IN FORCE POLICY - FACULTY

- 129
- 130
- 131 5.1 It shall be the policy of the Board of Governors to undertake reductions in the
132 workforce or personnel in a consistent and equitable manner. Following the
133 decision that a financial condition necessitating a reduction in the institution's
134 labor budget exists, the President shall undertake program/curriculum reviews to
135 consider pertinent program/curriculum or administrative information. The President
136 may recommend to the Board of Governors the elimination or reduction of
137 programs/curricula deemed appropriate, given financial and enrollment
138 considerations, or what may be in the best interest of the College in general. The
139 primary consideration in any resulting decision to eliminate positions and to
140 reassign or reduce the number affected faculty positions and personnel will be
141 the preservation of the quality and effectiveness of the College's programs
142 and overall mission.
- 143
- 144 5.2 **Basis for Elimination of Faculty Positions:** Recommendations by the President to
145 the Board of Governors concerning the elimination of any faculty position will
146 be made on the basis of need within each discipline, as determined by the
147 President after consultation with the Chief Academic Officer, the Deans, and
148 department chairs.

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154 5.2.1 **Elimination of Positions with Equal Rank in Same Discipline/Department:** In
155 the event all other factors are considered to be equal and a choice must
156 be made concerning the elimination of the position of one of two or more
157 faculty members holding the same rank and teaching the same discipline,
158 the faculty member with the greater seniority will be retained. Also, in the
159 event of a conflict between rank and seniority, such as when an assistant
160 professor has substantially more seniority than his or her equally qualified
161 counterpart who is an associate professor, the department chair, dean and
162 the chief academic officer will jointly review ~~any~~ annual evaluations of ~~the~~
163 faculty members for the previous three years, as well as any other relevant
164 data, and make a recommendation to the President concerning which of
165 the positions better serves the vital interests of the College.
166

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167 5.2.2 **Order for Elimination of Faculty Positions:** Non-tenured faculty members,
168 within the discipline to be reduced, ~~may~~ be terminated prior to the
169 termination of the employment of tenured faculty members. Employment
170 terminations of faculty members will generally follow the order specified
171 below unless there is an identified need to retain faculty members who
172 are deemed to be of key importance to a particular program:
173

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174 **Non-Tenured:**

- 175 1. Adjunct Faculty
- 176 2. Lecturer and Temporary Faculty
- 177 3. Instructor
- 178 4. Assistant Professor
- 179 5. Associate Professor
- 180 6. Associate Professor/Senior
- 181 7. Professor
- 182 8. Professor/Senior

183 **Tenured:**

- 184 9. Assistant Professor
- 185 10. Associate Professor
- 186 11. Associate Professor/Senior
- 187 12. Professor
- 188 13. Professor/Senior

190 5.3 **President's Recommendation:** In addition to recommendations made in
191 response to a financial condition necessitating a reduction in the institution's
192 labor budget, the President may recommend the termination of the
193 employment of faculty members to the Board of Governors at any time for
194 reason of lack of funds, lack of work, reduction in enrollment, or abolition of
195 position. Recommendations of the President to the Board of governors relative to
196 the termination of the employment of faculty members shall not be made until
197 affected faculty members have been afforded a hearing as provided ~~herein.~~
198 ~~Nothing in this policy shall be interpreted as restricting the right of the College to~~
199 ~~terminate the employment of any faculty member for reasons related to~~
200

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205 performance or conduct in accordance with College policy.

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207 5.3.1 **Notice and Hearing for Tenured Faculty Members:** The President shall
208 provide written notice to any full-time tenured faculty member of the intent
209 to recommend termination of employment based upon a reduction-in-
210 force. The notice shall contain a description of the reasons for the
211 intended recommendation. The President must make every effort to give
212 as much notice as is practical in light of a financial condition
213 necessitating the reduction in the institution's labor budget exists to each
214 affected faculty member in advance of the effective date of the layoff.
215 Yet, the legislative appropriation process or the recognition of a
216 reduction in revenues and the subsequent analysis needed before a
217 decision that a financial condition necessitating a reduction in the
218 institution's labor budget exists may allow little time for formal notice to the
219 employees who are to be laid off. Upon receipt of such notice, the
220 affected faculty member may request a hearing to be conducted by the
221 President or his or her designee. A request for a hearing must be made
222 within five (5) working days of a notice of recommended termination.
223 Among the issues to be considered by the President or designee are:

- 224
- 225 a. Providing that reductions-in-force do not arbitrarily violate the
226 principles of academic freedom or established law on the basis of
227 individual qualifications such as race, color, gender, sex, sexual
228 orientation, gender identity, gender expression/association,
229 national origin, age, religion, creed, genetic information, disability,
230 or veteran's status, as identified and defined by relevant and
231 appropriate employment law.
 - 232 b. The burden of proof in position or employee termination
233 proceedings rests with the faculty member. The decision that a
234 financial condition necessitating a reduction in the institution's labor
235 budget rests solely within the President's authority and discretion
236 with the approval of the Board and is not subject to contest by any
237 faculty member.
 - 238 c. The hearing shall be recorded by mechanical means and a written
239 transcript provided to all participating and appropriate parties to
240 be included with the final response as described in (e) below. The
241 strict rules of evidence shall not, however, be applied during the
242 hearing.
 - 243 d. Following the hearing, the President or designee shall prepare a
244 written decision upon any matters raised by the faculty member
245 who requested the hearing. The decision shall contain a
246 description of the concerns raised by the faculty member and a
247 response to each thereto. A copy of the decision and transcript
248 shall accompany any subsequent recommendation made by the
249 President to the Board of Governors. These actions will all be
250 completed within ten (10) working days of the appeal meeting,
251 unless an extension is mutually agreed upon by the faculty

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256 member and an approved designee of the College.
257 e. Use of the appeal procedure does not delay the effective date of
258 employment termination of the faculty member.
259

260 5.3.2 **Non-Tenured Faculty Members:** In ~~many~~ instances, a reduction-in-force of
261 faculty members under fixed-term appointments will be accomplished by
262 non-reappointment rather than by layoff during the term of employment.
263 Non-renewal under these circumstances does not entitle a faculty
264 member to notice and hearing under the terms of this policy. In the
265 event a faculty member serving under a fixed-term appointment is
266 recommended for employment termination during the term of employment
267 because of a reduction-in-force resulting from a decision that a financial
268 condition necessitating a reduction in the institution's labor budget, that
269 faculty member shall be entitled to use the appeal procedure described
270 in Section 5.3.1.
271

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272 5.3.3 **Action by the Board of Governors:** Upon receipt of a recommendation by
273 the President, the Board of Governors may approve the termination of
274 employment of a faculty member. No separate hearing shall be
275 afforded to affected faculty members by the Board of Governors. The
276 affected faculty member shall be provided with written notice of the
277 action taken by the Board of Governors and shall also be provided with
278 a copy of the instructions and form for filing an appeal with the West
279 Virginia Public Employees Grievance Board.
280

281 5.3.4 **Transfers/Refusals to Transfer:** In some cases, the President may
282 decide to abolish or combine certain programs or curricula, or to close
283 certain physical campuses or locations, whether for purposes of a
284 financial condition necessitating a reduction in the institution's labor
285 budget, ~~a~~ reorganization, ~~a~~ or ~~a~~ reallocation of resources. In such a case,
286 a ~~faculty member~~ may be reassigned to a new program, school or
287 physical location. If a faculty member refuses the reassignment to a
288 program, school or physical location, the President may then terminate
289 that faculty member's employment. ~~Since~~ an equitable offer has been
290 made and refused, the College is under no further obligation to maintain
291 the employee's job or employment.
292

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293 5.3.5 **New Faculty Positions:** New positions will not be created while a financial
294 condition necessitating a reduction in the institution's labor budget is in
295 effect unless a serious disruption in the functioning of the College or a loss
296 of grant funds ~~or other program revenue~~ would otherwise result, as
297 determined within the sole discretion of the President. New academic
298 programs or faculty positions may be created only when it can be
299 demonstrated that these programs or positions will help the College
300 extricate itself from the financial conditions necessitating the reduction in the
301 institution's labor budget and /or program and curriculum performance. Priority
302 for filling these positions will be given to existing, qualified faculty whose

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310 positions are slated for abolishment.

311
312 5.3.6 **Re-employment Following Financially Based or Other Termination:**
313 Notwithstanding any other recall rights contained in the policy, in the case
314 of the termination of the employment of a tenured faculty member
315 occupying a permanent faculty position, the position concerned may
316 not be filled by replacement within a period of two (2) years from the
317 effective date of the termination of employment, unless the faculty
318 member has been offered a return to employment in that position and
319 has not accepted the offer within 10 calendar days after the offer is
320 extended.

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321
322 5.3.7 **Termination of Exigency:** The conclusion of a financial condition
323 necessitating a reduction in the institution's labor budget will not imply
324 that employment terminations that were made during that period are
325 automatically withdrawn, revoked or otherwise invalid.

326
327 5.3.8 **Process for Re-employment of Affected Personnel:** The following process
328 shall be observed for determination of recall and reassignment of
329 affected faculty members following their termination during a financial
330 condition necessitating a reduction in the institution's labor budget:
331 When filling academic positions, the highest ranking qualified tenured
332 faculty member whose employment has been terminated as part of a
333 financial condition necessitating a reduction in the institution's labor
334 budget reduction-in-force, and who has not been employed in an
335 academic position elsewhere, shall be offered the position. If the position
336 is refused, it shall be offered to other similarly affected faculty members in
337 rank order. Any refusal of employment by a faculty member shall
338 extinguish any further rights to recall. However, a refusal to accept a
339 position shall not preclude a faculty member from making application for
340 other posted position openings. The Office of Human Resources shall
341 notify faculty members whose employment has been terminated of
342 position openings in accordance with the terms of this policy. The notice
343 shall be sent by certified mail, return receipt, to the last known address of
344 the employee. It is the responsibility of the employee on the recall list to
345 notify the Office of Human Resources of any change in address in order
346 to retain recall status. The Pierpont email system may be substituted for
347 the certified mail requirement provided that the faculty member has
348 provided a viable personal email address to Human Resources in writing
349 prior to the recall. The recalled employee shall have 10 calendar days
350 from the date of the notice to notify Human Resources that they accept
351 the recall assignment. Failure to notify Human Resources within the 10-
352 calendar period will forfeit any future right to employment with Pierpont.

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355 5.3.9 **Assumption of Responsibilities:** The duties of a faculty member terminated
356 under the provisions of this policy will be assumed by his/her remaining

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360 colleagues in so far as is feasible.

361
362 5.3.10 **Rights of Returning Tenured Faculty Members:** A tenured faculty
363 member who has been terminated and who accepts re-employment
364 with the College under the terms of this policy will resume tenure and
365 the rank held at the time of employment termination, be paid a
366 salary commensurate with the rank and length of previous service, be
367 credited with any sick leave accrued as of the date of employment
368 termination and be credited with any annual leave accrued as of the date
369 of employment termination for which payment has not been made.
370 Annual increment service time will begin accruing upon reinstatement;
371 no annual increment or other service time accrues during the period of
372 reduction-in-force.
373

374 SECTION 6. REDUCTION IN FORCE POLICY—CLASSIFIED STAFF

375
376 6.1 It shall be the policy of the Board of Governors to undertake reductions in the
377 workforce or personnel in a consistent and equitable manner, in adherence to
378 the provisions of WV Code §18B -7-3. The President, however, following the
379 decision that a financial condition necessitating a reduction in the institution's
380 labor budget exists, shall undertake program, administrative, and service
381 reviews. The President may recommend to the Board of Governors the
382 elimination or reduction of programs or services deemed appropriate, given
383 financial, enrollment, and other pertinent considerations, and what is in the best
384 interest of the College in general. The primary consideration in any resulting
385 decision to eliminate positions and to reassign or reduce the number affected
386 staff positions and personnel will be the preservation of the quality and
387 effectiveness of the College's programs and overall mission.
388

389 6.2 **Basis for Elimination of Classified Staff Positions:** It shall be the policy of the
390 Board of Governors to undertake reductions in the workforce of classified
391 personnel in a consistent and fair manner, and in accordance with WV Code
392 §18B -7-3, insofar as the needs of the institution, its mission and its students are
393 met first. Following a reduction in workforce in the ranks of classified personnel,
394 the continuation of services and programs with appropriately trained and
395 qualified personnel shall be afforded primary consideration in all decisions related
396 to elimination of positions and the reassignment of affected classified personnel.
397

398 6.2.1 Part-time regular (1039), casual, project and/or temporary classified positions
399 and employees are not covered under the provisions of this policy.
400

401 6.2.2 A reasonable reduction in the number of hours an employee works
402 (FTE) is NOT considered a reduction in force; i.e., altering the FTE of a
403 position or employee's job by .20 or less does not trigger the provisions for
404 "bumping" as outlined in WV Code §18B -7-3.
405

406 6.3 **Calculation of Seniority:** Seniority accumulation for regular full-time employment

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(i.e., .53 FTE and higher) begins on the date the employee enters regular full-time employment duties and continues until such regular full-time employment is severed with the College. Full-time service will be prorated by FTE. Part-time or temporary service performed prior to becoming a full-time regular employee will not be counted in the seniority calculation. Only full-time, benefit eligible service will be counted. Additional seniority shall be given for full-time service in the West Virginia system of higher education; however, an entitlement to credit for service earned at another eligible institution of higher education requires an uninterrupted transition to service at Pierpont. Such additional seniority shall be applied to adjust the total months of service. Employees shall accrue seniority while on paid sick leave or annual leave, while receiving temporary total disability benefits under the workers' compensation system, while on approved military leave, or on any authorized paid leave. Employees shall not accrue seniority during periods of disciplinary suspension without pay, leave without pay, or unauthorized absences. Any loss of seniority occasioned by disciplinary suspension or unauthorized absences shall result in an adjustment to an employee's total months of service for seniority purposes.

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6.3.1 An employee who voluntarily terminates service through resignation or who is terminated for cause shall permanently lose all accumulated seniority. An employee who is subject to a reduction-in-force shall, upon re-employment, receive credit for previously accumulated seniority, but shall not accumulate seniority during the period of absence prior to re-employment.

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6.3.2 If two or more employees accumulate identical seniority, the priority shall be determined by comparing the last four digits of each employee's social security number, considered as a total number. The lower numbers shall determine the priority ranking as to which employee shall be terminated.

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Deleted: Specific Qualifications or Training: Any specific qualifications or training associated with a classified position shall be set forth in the Position Information Questionnaire (PIQ). If specific qualifications or training are set forth in the PIQ, such positions shall only be available to more senior employees whose positions have been eliminated if such more senior employees hold the specified required qualifications or have acquired such training. Specific qualifications and training shall be reviewed annually by the supervisor in the context of Position Information Questionnaire reviews during the performance appraisal process. Any significant changes recommended by supervisors or by the Office of Human Resources shall be submitted to the President for approval. The lack of qualifications or training by a more senior employee whose position has been eliminated shall be regarded as conclusive evidence that the more senior employee cannot perform the duties and responsibilities of a position where such specific qualifications or training is included in the PIQ.¶

6.4 **Correction of Erroneous Total Months of Seniority:** It shall be the responsibility of all classified personnel to validate the correctness of their total months of service and adjustments thereto. An employee who fails to correct erroneous total months of service and who is subject to adverse personnel action by virtue of erroneous seniority shall be prohibited from raising the error in the context of the adverse personnel action. However, an employee's erroneous seniority shall be corrected for all purposes other than the adverse personnel action in question.

¶ 6.5.1 No pretextual PIQ's are to be submitted to, nor will they be reviewed by, Human Resources, if it is perceived or determined by the President or HR that such submission is intended solely or in the main to protect an individual's position or employment from abolishment. PIQ's to be used in the review process are those that were in effect 90 days or more before the announcement of a reduction-in-force.

6.5

6.5 President's Authority and/or Recommendation: The President may eliminate classified positions without prior recommendation to the Board of Governors for reasons other than financial conditions necessitating a reduction in the institution's labor budget. These reasons may include, but are not limited to lack of funds, expirations of special grants or revenue streams, lack of work, material changes in duties, or changes in organization. In the event of a decision that a

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493 financial condition necessitating a reduction in the institution's labor budget
494 exists, the President shall eliminate filled or vacant part-time (1039), casual, project,
495 or temporary and non-critical vacant positions prior to recommending the
496 elimination of positions held by regular full-time classified personnel.
497

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498 **6.6 Affected Personnel:** Personnel who are serving in positions that have been
499 designated for elimination shall be considered for reassignment based upon their
500 seniority, classification and any relevant specific qualifications or training they
501 may possess. Once positions have been designated for elimination, the
502 affected employees must update their record of credentials and specific
503 qualifications and training within 10 working days with the Office of Human
504 Resources.
505

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506 **6.7 Consideration of FTE Status:** – FTE status shall be considered in evaluating the
507 suitability of positions for reassignment. Notwithstanding the fact that employees
508 with FTE's between .53 and 1.0 are considered full-time, vacancies and other
509 potential positions for an employee's reassignment must not vary more than .20 of the
510 affected employees' FTE status to be considered suitable. However, if there are
511 no suitable vacancies or other available suitable positions held by employees
512 with less seniority, an employee may be reassigned to a position that would
513 otherwise be considered non-suitable for reason of FTE disparity.
514

515 **6.8 Process for Reassignment of Affected Personnel:** The following process shall be
516 observed for determination of reassignment of affected personnel. In all cases,
517 employees whose jobs have been identified for abolishment must meet the
518 stated qualifications for and be able to perform the duties of the position into
519 which they would be slated on the basis of seniority to move. Human Resources
520 is to make such determinations.
521

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522 **6.8.1 Priority One** – Qualified affected employees will be transferred to current
523 vacant positions, without regard to seniority, in order to avoid a layoff
524 situation by the institution. Attempts will be made to transfer affected
525 employees to vacancies in the same classification. If a vacancy does
526 not exist in the same classification, attempts will be made to transfer
527 employees to vacant positions in lower classifications for which they are
528 qualified.
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530 **6.8.2 Priority Two** – In the event that a layoff situation has not been avoided
531 through application and the terms of Priority One, qualified affected
532 employees will be transferred to other positions within the same
533 classification, displacing the least senior employees in that classification.
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535 **6.8.3 Priority Three** – After exhaustion of available positions in the same
536 classification, qualified affected employees will be transferred to other
537 positions in a lower classification, displacing the least senior employees in
538 that classification.
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549 6.8.4 Priority Four – Transfer to a part-time vacancy within the same
550 classification, *if any are available*.

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551 6.8.5 Priority Five – Transfer to a position held by a part-time employee within
552 the same classification, *if any are available*.

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553 6.8.6 Priority Six – Transfer to a position held by a part-time employee in a lower
554 classification.

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555 6.9. **Application of Seniority in Reassignment Determinations:** If the employee holding
556 a position that has been identified for elimination has more seniority than other
557 employee(s) within the employee's classification, the employee shall displace
558 the least senior employee within the classification who holds a position for which
559 the more senior employee qualifies, so long as the displaced employee has the
560 same qualifications and can perform the same work for the position held by the
561 less senior employee(s) within that classification. In the event a position held
562 by less senior employees contain specific qualifications or training necessary to
563 provide the services identified by the President as critical to the mission,
564 operations and needs of students, the positions will only be available to more
565 senior employees if the more senior employees hold such specific qualifications
566 and are able to perform such duties. If an employee refuses reassignment to a
567 position in an equivalent classification, the employee forfeits all rights of recall.

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571 6.9.1 If there are no positions within the displaced employee's classification,
572 lower classification (in descending rank order of pay grade) shall be
573 considered as potential assignments in the same manner as described
574 in the foregoing Sections; provided, however, that an employee
575 may elect not to accept reassignment to a lower classification and to
576 be placed on the recall list instead.

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577 6.9.2 Employees who have been displaced by a more senior employee whose
578 position has been eliminated shall have the same rights to reassignment
579 as described in the foregoing Sections.

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581 6.9.3 If more than one position in a particular classification is eliminated,
582 reassignments shall be considered in order beginning with the most senior
583 affected employee.

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584 6.10. **Preferred Recall List:** All employees who lack sufficient seniority to retain
585 employment in a reduction in work force or who have been displaced as a result
586 of the elimination of their positions and who elect to refuse reassignments to lower
587 classifications shall be placed on a preferred recall list. Employees on the
588 preferred recall list shall be recalled to any position opening by the institution within
589 the classification in which the employee had previously been employed or to any
590 position in a lower classification for which the employee is qualified on the basis
591 of seniority and ability to perform the required duties of the job.

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608 6.1.Q.1 An employee on the preferred recall list shall not forfeit the right to recall
609 if compelling reasons, as determined, by the President, require the
610 employee to refuse an offer of re-employment. The President and
611 Human Resources, in consultation, will review an employee's opined
612 compelling reasons and decide on their merits whether the employee
613 should or should not forfeit the right to recall.

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614 6.1.Q.2 The Office of Human Resources shall notify all employees on the preferred
615 recall list of all position openings that exist from time to time. The notice
616 shall be sent by certified mail to the last known address of the employee.
617 It is the responsibility of the employee on the recall list to notify the Office of
618 Human Resources of any change in address in order to retain recall status
619 and to be contacted. The Pierpont email system may be substituted for
620 the certified mail requirement provided that the faculty member has
621 provided a viable personal email address to Human Resources in writing
622 prior to the recall. The recalled employee shall have 10 calendar days
623 from the date of the notice to notify Human Resources that they accept
624 the recall assignment. Failure to notify Human Resources within the 10-
625 calendar period will forfeit any future right to employment with Pierpont.
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628 6.1.Q.3 An employee's listing shall remain active for a period of one year.
629 However, employees may request in writing that their listing be renewed
630 for one additional year. An employee who fails to renew listing on the
631 recall list prior to the anniversary date of placement on the list or last
632 renewal shall be removed from the list.

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633 6.1.Q.4 No position openings shall be filled by the institution, whether temporary or
634 permanent, until all employees on the preferred recall list who are qualified
635 to perform the available work and who have been properly notified of
636 existing vacancies and have been given an opportunity to accept re-
637 employment.
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641 SECTION 7. REDUCTION IN FORCE POLICY - NON-CLASSIFIED AND FEAP STAFF

642 7.1 Seniority of employees in non-classified or FEAP positions is neither a factor nor a
643 consideration in determining reduction in force of such positions, in which
644 employees are considered "at-will." However, following the decision that a
645 financial condition necessitating a reduction in the institution's labor budget
646 exists, the President shall undertake program, administrative and service
647 reviews to consider pertinent program, administrative or service information. The
648 President may recommend to the Board of Governors the elimination or
649 reduction of programs or services deemed appropriate, given financial,
650 enrollment, and other pertinent considerations, or is in the best interest of the
651 College in general. The primary consideration in any resulting decision to
652 eliminate positions and to reassign or reduce the number affected non-
653 classified or FEAP positions and personnel will be the preservation of the
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665 quality and effectiveness of the College's programs and overall mission.
666 Consequently, those employees who are deemed to be of key importance to
667 a specific program or service may be retained in preference to other staff
668 members, whatever their status or seniority.

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669 **SECTION 8. RESPONSIBILITIES AND PROCEDURES**

671 8.1 Faculty: The President and Chief Academic Officer shall have primary
672 responsibility for making recommendations to the Board of Governors regarding
673 elimination of faculty positions. ▼

Deleted: Human Resources will be guided in process and implementation by the decisions provided by the President and Chief Academic Officer.

675 8.2 Classified, Non-Classified and FEAP Employees: The Office of Human Resources
676 shall have primary responsibility for the implementation of the provisions of this
677 policy.
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