



# Reduction in Force

HR-10-20

## About This Policy

**Effective Dates:**

07-01-2013

**Last Updated:**

09-17-2018

**Responsible University Administrator:**

Vice President and Chief Financial Officer

**Policy Contact:**

[IU Human Resources](#)

[askHR@iu.edu](mailto:askHR@iu.edu)

## Scope

This policy applies to all Staff employees.

## Policy Statement

1. A reduction in force (RIF) is a curtailment of the workforce resulting in the elimination of one or more Staff positions due to, but not limited to, the following: budget, lack of work, reorganization, or reduction of staff positions.
2. When a reduction in force occurs, the university follows a course of action to ensure appropriate treatment of affected Staff. This course of action ensures fairness and consistency; determines which employees are placed on RIF based on seniority; notifies employees in advance; fills vacancies with qualified Staff on a RIF list; and recalls RIF Staff based on seniority.
3. Departments must give Staff employees at least 30 days written notice of a reduction in force.

## Reason For Policy

1. The following individuals and departments have specific responsibilities regarding this RIF policy.
  - a. Deans, department heads, or designees determine (1) the need for a reduction, (2) which positions are affected, and (3) the eligibility levels of employees affected by a reduction. Departments must contact their campus Human Resources office before notifying Staff of a RIF.
  - b. The campus Human Resources office works with departments to ensure that the RIF policy procedures are being administered correctly. In addition, campus Human Resource offices (1) reviews occupational unit seniority lists with department heads; (2) determines suitable positions for RIF Staff based on their qualifications; and (3) consults with RIF Staff to identify skills and training necessary to qualify for future positions.
  - c. [Indiana](#) University Human Resources reviews, audits and monitors the process to ensure that departments are applying this RIF policy fairly and consistently throughout the university. [IU](#) Human Resources will work to ensure employees are RIF'd from work solely for appropriate reasons.
  - d. Management is responsible for dealing with performance issues as they arise. A Reduction in Force is not an appropriate management action for responding to employee performance issues.

## Procedure

## A. Advance notice rules for reduction in force (RIF) and eliminated Staff position

- a. Departments must contact the campus human resources office before notifying an employee of a pending reduction in force.
- b. Departments must give Staff employees at least 30 days written notice of a reduction in force.
- c. In the event of a reduction in force of a filled union (CWA, AFSCME, AFSCME Police, and IATSE) covered position within a department, the campus human resources office will notify the respected Union at the time the employee is notified. If requested by the Union, the campus human resources office will discuss the effects of such reduction with representatives from the Union, and discuss alternative solutions.
- d. During the notice period, supervisors are encouraged to accommodate requests of employees on a reduction in force to attend university training programs or academic classes.
  1. a. For additional considerations during the notice period see 3. under Involuntary separations for non-corrective action reasons from the Voluntary and Involuntary Separation policy.

## B. Step One: Reduction in force (RIF)

- a. When preparing for a reduction in force, university management determines the work and positions that are affected. Individuals terminated will be determined by seniority, subject to the advance notice rules in Section A. above and the provisions that follow.
  - a. Except for Temporary students, all Temporary employees shall be terminated first.
  - b. In order of least occupational unit seniority, Staff employees are RIF'd second.
  - c. If staffing needs in a department prohibit the elimination of all Temporary positions, Staff employees designated for RIF will receive first preference for such assignments. Accepting or rejecting this offer does not affect one's placement or recall rights described later in this policy.
  - d. Unit supervisors are to orient retained employees on the operational procedures of the unit; however, supervisors are not obligated to train such employees to perform the available work. If a retained employee cannot perform the work at a full-performance level, an administrator may waive the RIF order provision above. The campus Human Resources office and the occupational unit management determine whether an employee designated for reduction in force is qualified for a position.
- b. The employee will be separated on the date of the reduction but retained on a RIF list for 12 months or until re-employed if sooner than 12 months. The period will be extended to 18 months if the employee notifies the campus Human Resource office in writing at the end of 12 months that s/he wishes to remain on the reduction in force list.

## C. Step Two: Placement options during the notice period

### Non-union Employees

1. A non-union Staff employee who has been notified that their position has been eliminated due to a RIF has preferential consideration for certain vacant positions as follows:
  - a. First determine if there is an existing vacant position within the unit at the employee's same classification level or lower, and the same FTE. If the employee is qualified for the existing vacant position, he or she may be offered the position.
  - b. If there is no applicable vacant position in the unit check to see if there is an existing vacant position within the Responsibility Center (RC) at the employee's same classification level or lower, and the same FTE. If the employee is qualified for the existing vacant position, he or she may be offered the position.
  - c. If there is no applicable vacant position in the unit or Responsibility Center (RC) the unit may check to see if there is an existing vacant position at the campus and/or university-wide at the employee's same classification level or lower, and the same FTE. If the employee is qualified for the existing vacant position, he or she may be offered the position.
2. Non-union Support, Service and Professional Staff employees cannot bump other employees during a RIF.

3. Departments must prepare a separate RIF list for each functional classification within each occupational unit affected. This list is used to fill vacancies using the procedure described below. Departments are to note each employee's occupational unit seniority date and university seniority date.

### Union covered Employees

1. A Staff employee who has been notified that their union (CWA, AFSCME, AFSCME Police) covered position has been eliminated due to a RIF has preferential consideration for certain positions as follows:
  - a. First determine if there is an existing vacant position within the unit at the employee's same classification level or lower, and the same FTE. If the employee is qualified for the existing vacant position, he or she may be offered the position.
  - b. If there is no applicable vacant position in the unit check to see if there is an existing vacant position within the Responsibility Center (RC) at the employee's same classification level or lower, and the same FTE. If the employee is qualified for the existing vacant position, he or she may be offered the position.
2. If there is no applicable vacant position within the unit or RC then the following may be an option:
  - a. A union covered employee who has been notified that their position is being eliminated due to a RIF may have the option to bump (displace another employee) under the following guidelines:
    - i. The bumping option is only available within the unit of the RIF'd employee, and does not extend to the RC or campus with the following exception.
      - An AFSCME Service employee at South Bend can bump across occupational units if a reduction in force occurs. The employee who has more seniority than other employees in their former occupational unit and is qualified to perform the work may return to that unit, whereby the employee with the least seniority in the unit would be RIF.
    - ii. Consideration for bumping is given only to other employees with less seniority than the RIF'd employee, beginning with the least senior employee in the same or lower level classification in the same functional classification and same FTE.
    - iii. The RIF'd employee must be able to perform the bumped employee's job at a full-performance level.
    - iv. When management gives notice of a reduction in force more than two months in advance, a union covered employee must decide whether he or she wants to bump no later than two months before the reduction in force date.
    - v. When management gives notice of a reduction in force less than two months in advance, a union covered employee has one week to give a written statement on whether he or she wants to bump.
    - vi. A union covered employee who chooses not to bump—or fails to bump within the stated time limit—goes on the RIF list.
    - vii. Upon conclusion of the bumping process, a bumped union covered employee is given notice in accordance with the rules in Section A. above before the actual date of the employee's separation.
3. If there is no applicable vacant position in the unit or Responsibility Center (RC) and the bumping option is not utilized, the unit may check to see if there is an existing vacant position at the campus and/or university-wide at the employee's same classification level or lower, and the same FTE. If the employee is qualified for the existing vacant position, he or she may be offered the position.
4. Departments must prepare a separate RIF list for each functional classification within each occupational unit affected. This list is used to fill vacancies using the procedure described below. Departments are to note each employee's occupational unit seniority date and university seniority date.
  - a. For a union covered position an employee shall be placed on the appropriate RIF list in the order of greatest Occupational Unit Seniority date.
5. Union covered employees who are serving a probationary period and/or are in a position that is appointed for less than nine months are not placed on the RIF list and are not covered by subsequent provisions in this policy.

### **A. Step Three: Placement options after the notice period (separation)**

- a. Before beginning this procedure, departments must have done all of the following:
  - a. Identified employees to place on the RIF list
  - b. Provided written notice to employees that their positions are scheduled for elimination
  - c. Completed the **placement options during the notice period** in accordance with the provisions above.
- b. Vacancies at the same or lower classification level or FTE are filled according to the guidelines described below. Vacancies at a higher classification level or FTE as the employees on the RIF list are filled using the normal process of recruitment and selection.
- c. No person is to be referred, transferred, promoted, demoted, or hired into the occupational unit affected by the RIF unless approved by the campus Human Resources office and occupational unit management. These areas will approve such action only if employees on the RIF list of the same functional classification cannot perform the available work.
- d. Vacancies within a unit affected by the RIF and at the same or lower classification level and FTE as the employees on the RIF list are filled as follows:
  - a. Employees on the RIF list inside the occupational unit are considered first. Consideration is given in order of greatest occupational unit seniority to those employees whom the campus Human Resources office and occupational unit management have determined as qualified for the position.
    - a. In addition for AFSCME Service covered positions, selection off the RIF list is from the same Functional Classification.
  - b. Employees from inside the occupational unit are considered second, through transfer or promotion.
  - c. Employees on the RIF list outside the occupational unit are considered third. Consideration is given in order of greatest university seniority to those employees whom the campus Human Resources office and occupational unit management have determined as qualified for the position.
    - a. In addition for AFSCME Service covered positions, selection off the RIF list is from the same Functional Classification.
  - d. Persons not on the RIF list from outside the occupational unit are considered fourth through transfer, promotion, demotion, or new hire.
- e. Vacancies outside a unit affected by the reduction in force and at the same or lower classification level and FTE as the employees on the RIF list are filled as follows:
  - a. Existing, qualified appointed employees who work in the occupational unit with the vacancy are considered first, through transfer or promotion.
  - b. Employees on the RIF list of the same functional classification, in order of greatest university seniority, whom the campus human resources office and occupational unit management have determined as qualified for the position are considered second. (Additional applicants are not referred until it has been determined that employees on the RIF list are not qualified for the position.)
  - c. Persons from outside the occupational unit are considered third, through transfer, promotion, demotion, or new hire.
- f. For positions covered by CWA, vacancies outside the affected occupational unit *but within the Responsibility Center (RC) or large department* at the same or lower classification level and FTE as the employees on the RIF list will be filled in the following order:
  - a. Employees from inside the occupational unit through transfer or promotion and employees on the RIF list outside the occupational unit but within the Responsibility Center or large department are considered first. Consideration is given in order of *greatest university seniority* to those employees, on the RIF list, whom the campus Human Resources office and occupational unit management have determined as qualified for the position. The department will contact campus Human Resources when a vacancy is posted internally to determine if there are any RIF candidates from the Department or RC.

- b. Employees on the RIF list outside the RC or large department are considered second. Consideration is given in order of greatest university seniority to those employees whom the campus Human Resource office and the occupational unit management have determined qualified for the position.
- c. Persons from outside the RC or large department through transfer, promotion, demotion, or new hire are considered third
- g. For position covered by CWA, vacancies *outside* an affected unit and at the same or lower classification level and FTE as the employees on the RIF list are filled as follows:
  - a. Existing, qualified appointed employees who work in the **occupational** unit with the vacancy are considered *first*, through transfer or promotion.
  - b. Employees on the RIF list of the same functional classification, in order of greatest *university* seniority, whom the campus Human Resources office and occupational unit management have determined as qualified for a position are considered *second*. (Additional applicants are not referred until it has been determined that employees on the RIF list are not qualified for the position.)
  - c. Employees from outside the occupational unit are considered *third*, through transfer, promotion, demotion or new hire.
- h. For AFSCME Service covered positions, vacancies in other occupational units within the department or RC: Effective with the notice, vacancies outside the affected Occupational Unit *but within the Department or RC* will be filled in the following order:
  - a. Promotion or transfer of qualified Staff employees who are already in the Occupational Unit in which the vacancy exists.
  - b. Then transfer from the RIF list of the same Functional Classification in the order of greatest university service of those people whom the campus Human Resource office and the Occupational Unit management have found qualified for positions of an equal or lower classification level at the same or lower FTE. The departments will contact the campus Human Resource office when a vacancy is posted internally to determine if there are any RIF candidates from the department or RC. Additional applicants will not be referred until it has been determined that the individuals on the RIF list are not qualified.
  - c. Transfer, promotion, or hire from outside the Occupational Unit.
  - d. If more than one RIF affecting the same Functional Classification is occurring on a campus at the same time, the RIF lists will be combined in the order of greatest university seniority for purposes of filling vacancies outside the units affected by the reduction in force.
- i. For AFSCME Service covered positions, vacancies outside of the department or RC affected by the Reduction in Force: Effective with the notice, vacancies outside the affected Occupational Unit *and outside the department or RC* will be filled in the following order:
  - a. Promotion or transfer of qualified Staff employees who are already in the Occupational Unit in which the vacancy exists.
  - b. Transfer from the RIF list of the same Functional Classification in the order of greatest university service of those people whom the campus Human Resource office and the Occupational Unit management have found qualified for positions of an equal or lower classification level at the same or lower FTE. Additional applicants will not be referred until it has been determined that the individuals on the RIF list are not qualified.
  - c. Transfer, promotion, or hire from outside the Occupational Unit.
- j. When there are RIF in more than one occupational unit at the same time, the campus human resources office combines the RIF lists from each occupational unit in order of greatest university seniority. This list is used to fill vacancies outside the affected units.
  - a. For AFSCME Service covered positions, if more than one reduction in force affecting the same Functional Classification is occurring on a campus at the same time, the RIF lists will be combined in the order of greatest university seniority for purposes of filling vacancies outside the units affected by the reduction in force.

- k. Employees on a RIF list may request a listing of all posted university vacancies. Employees who meet the minimum qualifications will have an opportunity to be considered for such positions, including those on other campuses. However, such employees must apply to the appropriate campus human resources office within stated time limits on the job posting.

## **B. Accepting or declining an offer for a vacant position during a reduction in force**

- a. An employee who accepts any university-appointed position is removed from the RIF list;
- a. The employee may be required to complete an evaluation/trial period in the new position. The length of the evaluation/trial period is determined by the classification of the position. Refer to the appropriate evaluation/trial period policy for new/promoted/transferred employees.
  - b. For an AFSCME Service covered employee at IUPUI, any employee who is placed in another position through a reduction in force will serve a minimum 30-day evaluation period to assure that the employee can satisfactorily fulfill the demands of the position. Determination of whether or not an employee successfully completes the 30-day evaluation period is entirely at the discretion of the University. The employee may be given a two-week notice if the employee does not successfully complete the evaluation period. This provision does not apply if the duties of the new position are substantially the same as the former position.
  - c. For a CWA covered employee who is placed into another position as a direct result of the elimination of his/her position through a reduction in force--or due to another employee exercising his/her rights to bump--will be required to complete a trial period.
    - a. The trial period will be up to four months. At the discretion of the supervisor, or at the request of an employee, the trial period may be extended for up to an additional two months.
    - b. During the trial period, the supervisor may determine that the employee cannot successfully perform the position's duties. Or, the employee may not want to remain in the position. In either case, the employee will be separated and placed back on the RIF list for a period not to exceed 18 months from the date of the most recent separation.
    - c. The employee will have all of the same rights under this policy provided to employees on the reduction-in-force list.
  - d. For an AFSCME Service covered employee **rehired** under this provision to a shift other than the one s/ he was on at the time of the reduction in force shall be given the opportunity to exercise his/her seniority to fill the next available job which s/he is qualified to perform on the shift from which s/he was RIF before anyone is hired from the outside to fill such open job.
  - e. An employee who accepts a position outside the university remains on the RIF list.
- b. An employee who declines a vacant suitable position:
- a. If the offer of the position is made more than two months before the actual date of the employee's separation, the employee is not penalized and remains on the RIF list.
  - b. If the offer of the position is made two months or less before the actual date of the employee's separation, the employee is removed from the RIF list and will be considered to be voluntarily terminated as of the actual date of separation.
  - c. If the offer of the position is made after the actual date of the employee's separation, the employee is considered voluntarily terminated and goes off the RIF list.
- c. An employee in the PA classification may refuse to consider or accept an offer in which the salary is less than 90 percent, and that employee will still be considered on RIF.
- d. An employee who declines a vacant position of lower classification level at the same FTE remains on the RIF list.

## **C. Recall**

- a. Sometimes a position may be eliminated and then restored within eighteen (18) months **within the unit** with essential duties that closely match those of the previous position.

- a. For AFSCME Service covered positions, in the event a position has been eliminated and is restored within twelve months (12) with the same essential duties.
  - b. The employee who was RIF'd from the position will be recalled to the position in accordance with the filling of vacancies provisions above, whether the employee is in another university position or not.
  - c. The employee will have the opportunity to return to the position (see F.2 below) before it is posted or advertised.
  - d. The employee must continue to meet the minimum qualifications for the position.
  - e. The employee's right to return to a restored position supersedes any other policy provision related to filling vacant positions.
- b. An employee who fails to respond within five workdays of notice of recall loses his or her rights to recall and goes off the RIF list.
1. Notice of recall to the employee is by certified mail addressed to the employee at the last address on file with the campus human resources office.
  2. An employee intending to return to work must;
    - a. give notice within five workdays after delivery or attempted delivery of the notice of recall and
    - b. return to work within five workdays of the university's receipt of the employee's notice.
  3. An employee will be excused from the requirements of items 1.a. & b. for just cause.

#### D. Use of accrued time off

- a. During the notice period Staff employees may be required to use accrued time off per 3. under Involuntary separations for non-corrective action reasons from the Voluntary and Involuntary Separation policy.
- b. Accrued time off used during the notice period does not count toward the maximum usage rules for PTO and vacation.
- c. Upon separation due to a reduction in force Staff employees are paid for unused accrued time off balances in accordance with university policies.

#### E. Continuation of insurance and benefit plan coverage

- a. See the Medical and Dental Coverages policy for additional information about continuation of employee benefit plans for those on a permanent RIF.

#### F. RIF rights for special circumstances

- a. A union covered employee who has changed functional classifications due to a reclassification within an occupational unit, and within 24 months before written notice of the reduction in force does not lose the occupational unit seniority he or she held in the previous classification. This provision goes into effect if there is no opportunity to bump a union covered employee in the current functional classification. The employee reverts to the most recent functional classification and level. In addition, the union covered employee has full bumping rights within the occupational unit they revert to based on total seniority.
- b. An employee who loses a full-time appointed position as a direct result of another employee's grievance settlement or arbitration decision over the filling of the employee's position will be:
  - a. Restored to his or her prior position, provided that the position continues to exist at the same level and the same or similar duties and another employee has not been selected for the position; or
  - b. Placed on the reduction-in-force list for a period not to exceed 18 months and receive all of the rights under this policy provided to employees on the RIF list.
- c. An employee with an ADA-covered disability who cannot be reasonably accommodated in order to perform the essential functions of his or her position will be:
  - a. Placed on the RIF list; and
  - b. Be considered for placement into vacant positions in accordance with the provisions of above for "Filling Vacancies."

- d. For AFSCME Service covered positions at South Bend, for purposes of RIF and recall only, the AFSCME Service President, AFSCME Service Vice President, and AFSCME Service Chief Steward shall have super seniority, provided they have the present ability to perform the available work.

## Definitions

1. A *reduction in force* is a curtailment of the workforce resulting in the elimination of one or more Staff positions anticipated to last for more than 90 calendar days. Staff employees who are RIF are separated on the date of the reduction and remain on a RIF recall list for 12 months unless reemployed sooner. Staff employees who are not reemployed by the end of this 12-month period may request to remain on the RIF recall list for six additional months. This request must be submitted to the campus human resources office before the initial 12-month period expires. The maximum amount of time an employee may remain on the RIF recall list is 18 months.
2. An *appointed position* is one that is established as a budgeted line with certain benefits based on the FTE.
3. *Essential functions* are those duties and responsibilities necessary for a department to reach its objectives. Departments create positions to fulfill essential functions.
4. *Functional classifications* include the following: (1) service maintenance, (2) clerical, (3) technical, (4) professional, (5) nurses, (6) practical nurses, (7) nursing assistants, and (8) general supervisors.
  - a. On the Bloomington campus, clerical and technical functional classifications are combined and referred to as Support Staff.
5. *Minimum qualifications* are the minimal skills, abilities, and knowledge a candidate must possess to successfully perform the responsibilities of a position.
6. An *occupational unit* is a functional classification within a campus or subunit of a campus. The administrators of each campus identify occupational units within their respective campus. The fact sheet, "Occupational Units," at the back of this manual, contains a list of these units.
7. A *suitable position* is a position with similar duties and responsibilities for which the campus human resources office has determined the employee qualifies at the same or higher classification and the same FTE as the employee's position at the time of the reduction. For a professional employee, a suitable position must be at least 90 percent of the employee's current salary.
8. A *qualified employee* is one who can demonstrate performance of all the essential functions contained in a posting or advertisement.
9. *Full-performance* means that employees must be able to perform the available work without training other than on the operational procedures of the unit.

## Sanctions

Violations of University policies will be handled in accordance with applicable University policies and procedures; which may include disciplinary actions up to and including termination from the University.

## Additional Contacts

Campus HR offices

[Various](#)

## History

### August 2018

Updates made that allow bumping for union covered Staff employees only.

### January 2018

Updated the use of accrued time off section in order for consistency with the Voluntary and Involuntary Separation policy.

### July 2013



This policy updates the Reduction in Force Policy: AFSCME 9.1 • CWA 13.2 • PA/SS 7.1 • Police (BL, IN, SB).

## Related Information

[IU Human Resources Policies related to Reemployment Provisions](#)