**Staff Reduction in Force UPPS No. 04.04.14**

**Issue No. 5**

**Effective Date: 10/11/2023**

**Next Review Date: 08/01/2027 (E4Y)**

**Sr. Reviewer: Associate Vice President for Human Resources**

**POLICY STATEMENT**

*Texas State University will maintain a process for the reduction of staff positions to ensure nondiscriminatory treatment of the affected employees.*

**01. SCOPE**

* 1. This policy describes the procedures for a reduction in force (RIF) for regular staff employees. This policy does not apply to non-student, non-regular employees.

* 1. Texas State University will make RIF decisions in accordance with [UPPS No. 04.04.46](https://policies.txst.edu/university-policies/04-04-46.html), Prohibition of Discrimination.

The university will not use a RIF as a substitute for terminating an employee for disciplinary reasons.

* 1. The president, or designee, must approve any action taken under this policy or any exception to this policy.
  2. Texas State will adopt a process for RIF positions to ensure nondiscriminatory treatment of the affected employees.

1. **DEFINITIONS**

02.01 Organizational Unit – a division, department, or other organizational area designated by the appropriate vice president.

02.02 Reassignment – a non-competitive offer to transfer an employee to a vacant position in lieu of a RIF termination.

02.03 Reduction in Force (RIF) – a reduction in the number of staff employees, as needed and directed by university administration.

02.04 Re-hire – a competitive process in which the university re-hires a former employee following a RIF, as outlined in [UPPS No. 04.04.03](https://policies.txst.edu/university-policies/04-04-03.html), Staff Employment.

1. **PROCEDURES FOR PLANNING A REDUCTION IN FORCE**

03.01 The appropriate department head and vice president will consider these steps before initiating a RIF:

a. documenting the conditions necessitating the RIF;

b. identifying the staff reduction goals, in terms of labor savings, and the number of affected university positions;

c. identifying the job functions and skills essential to operations following the RIF;

d. reviewing the university’s and affected division’s strategic plan;

e. setting a timetable for carrying out the RIF; and

f. consulting with Human Resources for guidance on alternative options, applicable laws, policies, and procedures.

1. **SELECTION CRITERIA OF EMPLOYEES FOR REDUCTION IN FORCE**

04.01 Prior to implementing a RIF, the division vice president and department head will assess their workforce and select the functional areas for the RIF. In all instances, they will use university needs as the primary consideration when determining the areas selected.

04.02 Management will designate positions subject to the RIF using four criteria:

a. job performance, as documented by the three most recent performance evaluations and any other relevant performance documentation (e.g., Performance Improvement Plans, Disciplinary Notices, etc.);

b. years of service at the university;

c. specialized skills and training necessary for a particular function, such as proficiency in use of equipment, licenses, or special certification; and

d. veteran status of each employee, as required by the [Texas Government Code Chapter 657](https://statutes.capitol.texas.gov/Docs/GV/htm/GV.657.htm).

**EXCEPTION:** In situations where more than one employee with the same title reports to the same supervisor but perform different functions requiring different skill sets relative to the ongoing essential needs of the organizational unit, management may retain the employee with the special skill set outside the provisions of a. and b. of this section.

**05. PROCEDURES FOR REDUCTION IN FORCE**

05.01 Department heads will recommend an area for consideration for a RIF to their respective vice presidents.

05.02 The appropriate vice president will identify all positions recommended for any RIF and ensure compliance with university policies and procedures. The appropriate vice president will consult with Human Resources at least 45 working days before the planned effective date of any RIF.

05.03 Human Resources will review the RIF proposal and provide guidance to the appropriate vice president.

05.04 The division vice president will submit the RIF proposal to the president, or designee, for approval.

05.05 Once approved, the appropriate vice president will work with Human Resources to prepare and send the RIF notification to the affected employees at least 30 days in advance of the proposed effective date.

05.06 Human Resources will reach out to the affected employees to provide information and assist with their transition. The university will follow the separation procedures, as outlined in [UPPS No. 04.04.50](https://policies.txst.edu/university-policies/04-04-50.html), Separation of Employment and Interdepartmental Transfers.

**06. EMPLOYEE OPTIONS**

06.01 An employee who has received a notification of a RIF may elect one of the following options:

a. accept the RIF status as of the effective date;

b. submit a notice of resignation or retirement (if eligible) from employment effective no later than the RIF date; or

c. appeal the RIF, as outlined in [UPPS No. 04.04.41](http://www.txstate.edu/effective/upps/upps-04-04-41.html), Staff Employee Mediation and Grievance Policy.

**07. CONSIDERATIONS FOR REHIRE AT TEXAS STATE OR OTHER STATE AGENCY**

07.01 The university will restore the sick leave balance available at the time of the RIF if the individual is rehired to a regular position at Texas State or any other state agency in Texas within 12 months of the RIF effective date.

**08. REASSIGNMENT PROCEDURES**

08.01 In lieu of a RIF, the employee may be offered a reassignment to another vacant position within the university.

08.02 The position to which the employee is reassigned may be at a higher, lower, or equivalent level within the university’s [pay plan](https://www.hr.txstate.edu/compensation/universitypayplan.html). The employee’s base rate of pay will be adjusted to ensure it falls within the pay range for the assigned position.

08.03 Reassignments will follow the promotion/transfer procedures, as outlined in [UPPS No. 04.04.11](https://policies.txst.edu/university-policies/04-04-11.html), University Classification and Compensation.

08.04 An employee who accepts reassignment under this policy waives the right to appeal the action.

08.05 Employees who reject offers of reassignment may avail themselves of the options described in Section 06.

**09. PLACEMENT EFFORTS**

09.01 Employees designated for a separation due to RIF may use accrued vacation leave and compensatory time leave to apply and interview for other jobs prior to the RIF effective date. Human Resources will reach out to these individuals to assist with identifying comparable internal vacant positions for which they may qualify.

**10. REVIEWERS OF THIS UPPS**

10.01 Reviewers of this UPPS include the following:

Position Date

Associate Vice President for August 1 E4Y

Human Resources

Chair, Staff Council August 1 E4Y

**11. CERTIFICATION STATEMENT**

This UPPS has been approved by the following individuals in their official capacities and represents Texas State policy and procedure from the date of this document until superseded.

Associate Vice President for Human Resources; senior reviewer of this UPPS

Executive Vice President for Operations and Chief Financial Officer

President