

THE CITADEL
The Military College of South Carolina
171 Moultrie Street
Charleston, SC 29409

MEMORANDUM
NUMBER 11-112

1 May 2024

REDUCTION IN FORCE

1. PURPOSE

The purpose of this Reduction in Force policy is to prescribe the manner in which covered employees at The Citadel are released in an equitable manner should a reduction in force become necessary in accordance with the State Human Resources Regulations.

2. REFERENCE

South Carolina Code of Laws Ann. Section 8-11-185

South Carolina Code of Laws Section 9-1-1140

South Carolina Regulation 19-719.04

South Carolina State Employee Grievance Procedure Act

3. DEFINITIONS

N/A

4. POLICY

Shall it become necessary, classified and unclassified nonacademic employees of The Citadel may be involved in a Reduction In Force (RIF). A RIF may require the separation, involuntary demotion, reassignment or reduction in work hours of an agency's covered employees. A RIF does not apply to non-covered employees (e.g., probationary employees, temporary employees, temporary grant employees, research grant employees, time-limited employees and employees exempt from the State Employee Grievance Procedure Act.)

A. The Citadel must determine the reason for the reduction in force which may be for one or more of the following four reasons:

1. Reorganization,
2. Work Shortage,
3. Loss of Funding, or

4. Outsourcing/Privatization.

B. Competitive Area(s)

1. The President or designee will define the competitive areas which will be affected by the reduction in force.
2. The competitive area may be a specific program, or department.
 - a. The President or designee will establish a competitive area that is clearly distinguishable from the staff in other areas and where the interchange of employees would not be practical. This competitive area may be the entire agency, a specific program, a department or a unit.

C. Competitive Group(s)

1. The agency shall determine the group(s) within a competitive area, competition will be among all employees holding positions in a particular state class title.
2. If the reduction in force is to apply to more than one state class title, each title will be treated separately except where reductions are to be made in a state class title series or in state class titles that are part of The Citadel's customary career path.

D. Position Identification - The Citadel shall identify the position(s) within the competitive area(s) and competitive group(s) by identifying the following information:

1. State Class Title;
2. State Class Code;
3. State Pay Band, if applicable;
4. Total number of positions in the state class title within the competitive area; and
5. Total number of positions in the state class title within the competitive area to be eliminated.

E. Prior to the separation, reassignment, involuntary reduction in hours or weeks, or demotion of any employee by a reduction in force, Human Resources will prepare a reduction-in-force plan. The plan will include:

1. The reason for the reduction in force that identifies the positions to be affected;

2. The proposed area of reduction in force that includes the competitive area(s) and the competitive group(s) within the competitive area;
 3. The number of positions to be eliminated in state class title
 4. A list of covered employees in order of retention points in each competitive group, state class title, code and pay band and that includes the following information:
 - a. Name,
 - b. Age, Race, and Gender, and
 - c. Retention points.
 5. Justification of any Retention of Necessary Qualifications used in the reduction in force plan;
 6. A current organization chart of the competitive areas;
 7. A sample letter to affected employees of the reduction in force that includes:
 - a. The employee's recall and reinstatement rights;
 - b. The agency's procedure for the recall of an employee; and
 - c. The employee's grievance rights.
 8. A description of the efforts that will be made to assist employees whose positions are being eliminated find other employment; and
 9. Reduction in Force Policy.
- F. Retention Points – Human Resources will calculate retention points for covered employees in the competitive areas and competitive groups to be used in determining which covered employees are to be involuntarily demoted, reassigned, have reduced hours or separated. Retention points will be based on the total scores of the two most recent annual performance appraisals and the length of continuous state service. The sum of the retention points for performance and length of continuous state service are the total retention points that an employee uses in competition.
1. Performance appraisal points will be assigned by using the following numerical values assigned for performance ratings:

Exceptional – 3 points

Successful – 1 point

Unsuccessful – 0 points

2. The Citadel will recognize the performance ratings for employees who have transferred to The Citadel from an agency that used more or fewer levels of performance based on the previous agency's conversion to the three standard levels.
3. For any year in which the employee does not receive an actual evaluation with a rating, the employee will receive a Successful rating for that year; however, if in the previous year, the employee received a higher than Successful rating the employee will receive the points for the higher rating.
4. Continuous State Service Points - Covered employees will receive one retention point for each year of continuous state service after completion of a 12-month probationary period. Six months or more of continuous State service will be considered as one year of service and less than six months of service will receive no retention points.
5. Exception to Procedure for Retention Point Calculation - If every position in the competitive area is being eliminated, The Citadel 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 agency must calculate retention points at the time of recall. The Citadel will calculate retention points using continuous state service and performance appraisal points based on the effective date of the reduction in force.

G. Sequence of Reduction in Force

1. The order of reduction in force of covered employees in each state class title will be determined solely by the accumulation of total retention points for each employee.
2. If two or more employees affected by the reduction in force have the same number of retention points and not all are affected by the reduction in force, the date the employee began working for The Citadel will determine the order of the employees affected. The covered employee with the earlier agency hire date will be retained. If, after using the college hire date to determine the order of affected employees, a tie still exists, The Citadel will use a computerized random number generator to randomly select the employee(s) to be terminated through the reduction in force. The last four digits of the affected employees' CWIDs will be entered into the computer program. The employees will be assigned random numbers by the program. The employee(s) that is assigned the lower random number(s) will be retained.

3. Bumping rights are provided for covered employees who have accumulated more retention points than those with whom they are competing. Under no circumstances can an employee gain from a reduction in force. Bumping rights are provided only downward.
4. When covered employees with lower numbers of retention points are bumped from positions with a higher pay band in a state class title series, they will compete with others for positions in a lower pay band in a state class title series.

H. Retention of Necessary Qualification

1. No employee with a lower number of retention points shall be retained in preference to another employee in a competitive area(s) and group(s) with a higher number of retention points except when The Citadel determines that a Retention of Necessary Qualifications applies.
 2. If an employee is competing for a position that is not being eliminated and The Citadel 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. The Citadel 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 the lack of knowledge, abilities, skills, supervisory responsibilities or necessary experience.
 3. When a Retention of Necessary Qualifications is used in a reduction in force plan, justification for this retention must be documented and approved by The Citadel prior to submitting the reduction in force plan to the Division of State Human Resources for review and approval for procedural correctness. The Citadel should retain documentation to support any retentions made on this basis.
- I. Implementation – The Citadel 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:
1. The reason for the reduction in force;
 2. The competitive area(s) and competitive group(s) in which the employee competed;

3. 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);
 4. 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);
 5. 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;
 6. The manner in which The Citadel will notify the employee of any such vacancies;
 7. The requirements of S.C. Code of Laws Ann. Section 8-11-185, which requires the agency to report information about the employees separated in a reduction in force to the Division of State Human Resources.
- J. 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.
1. Recall Rights - If a vacancy occurs within the competitive area which is in the same state class title as the position the employee held prior to the reduction in force, The Citadel will recall employees in the inverse order of the reduction in force. The Citadel will notify 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 Citadel will reinstate the employee's accumulated sick leave, and will provide the employee the option of buying back all, some, or none of his annual leave at the rate it was paid out at the time of the separation. Upon returning to employment in an insurance eligible Full-Time Equivalent (FTE) position, the employee will also be 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.
 2. Reinstatement Rights - An employee separated by a reduction in force may apply for any state job for which he meets the minimum training and experience requirements. Should the separated employee accept a job offer to an FTE position, The Citadel will reinstate the employee's accumulated sick leave, and will provide the employee the option of buying back all, some, or none of his

annual leave at the rate it was paid out at the time of the separation. Upon returning to employment in an insurance eligible Full-Time Equivalent (FTE) position, the employee will also be 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. If the employee is reinstated to another position, he still retains his recall rights to a position in the same state class in the competitive area.

- K. A covered employee who is affected by a reduction in force has the right to file a grievance to The Citadel 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.

5. NOTES

A. Dates of official enactment and amendments:

Approved by the Vice President for Finance and Business on 1 May 2024

B. Responsible Department:

Human Resources

C. Responsible Official:

Vice President of Human Resources

6. RESCISSION

All previous versions of this Memorandum are rescinded.

7. REVIEW

Review this policy on a biennial basis.

OFFICIAL

LEAH SCHONFELD
Colonel, SCM
Vice President for Human Resources