

Information

Reduction-In-Force (RIF)

Effective

December 2002

Number

PER-4.16

Applicability

This policy applies to University Staff.

Administrative Authority

Vice President for Human Resources

Responsible Unit

Human Resources

Miller Information Technology Center Rm 02C

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History

Revision Date(s): September 15, 2017; February 1, 2019; September 16, 2020 (minor revisions); January 15, 2021 (minor revision); December 10, 2021 (minor edits); August 24, 2022 (minor edit); October 27, 2022; May 10, 2024; August 21, 2025; April 2, 2026 (minor revision)

Reviewed Date(s): March 9, 2016; September 15, 2017; February 1, 2019

Categories

Reason for Policy:

Conditions may arise that necessitate the reduction of the university work force. Abolishment of positions may occur for reasons of budget, lack of work or reorganization.

Statement:

Elimination or reduction in funding, reduced or changed work requirements, or department reorganization may necessitate staff layoff for a permanent reduction-in-force (RIF). All necessary actions shall be taken to ensure that decisions are made based upon careful analysis and that staff members are treated fairly and offered opportunities for reassignment, assistance, and reemployment. The policy outlines the guidelines for making RIF decisions, implementing a RIF and reemploying displaced staff members. It also provides information regarding reemployment assistance and the appeal process.

PROVISIONS

- A. The RIF policy does not apply to temporary, casual and provisional staff members, staff members occupying positions that were advertised as for a specified period of time with no renewal options, or to employees on contract with the university, in which the contract provisions take precedent.
- B. All RIF decisions should include the following elements:

1. Careful analysis to determine which areas, activities, programs, or organizations should be reduced.
 2. Identification of the jobs and functions that will need to be performed after the reduction(s).
 3. Evaluation of qualifications and abilities of present staff members to perform the jobs remaining.
- C. When a RIF must occur, the department head must eliminate positions occupied by temporary staff members before positions occupied by regular status staff members. Any exceptions to this must be justified by business necessity.

RIF decisions are based on business necessity and should be addressed in the RIF Plan submitted to Human Resources. There is no distinguishing threshold between regular full-time and regular part-time positions that automatically gives priority retention to full-time positions over part-time positions, except business necessity.

- D. In the case of a staff member whose duties are divided between two or more departments, a RIF decision by one department will not obligate the other(s) to increase the position and funding to compensate for the reduction.
- E. When a RIF involves choosing between people, the decision will be based on seniority and performance.
- F. A staff member whose job performance or conduct is not satisfactory will be separated from the university by the appropriate method rather than by a reduction in force.
- G. Staff members whose employment is to be terminated due to a RIF must be notified in person (could be by video conference) and in writing by a letter as soon as feasible, but not less than 30 calendar days prior to the effective date of the RIF.
- H. Staff members in RIF status must apply for vacant positions to be considered for reemployment. Staff members in RIF status who meet the minimum requirements for a position will be given priority over all other applicants, meaning all qualifications being equal, one in RIF status will get the position over another who is equally qualified. There is no guarantee that a staff member in RIF status will be awarded another position.
- I. A staff member in RIF status that refuses a position offer made by the university is deemed to have resigned from employment and forfeits his or her reemployment rights. The university will have fulfilled its reemployment commitment to any individual who declines the offer of such a position.

- J. RIF'd staff members who are reemployed within 18 months of the effective date of their RIF shall be considered to have continuous service without interruption, resulting in reinstatement of rates of accrual leave and unused sick leave balance at time of RIF.
 - K. Departments are to provide staff members scheduled for RIF with reasonable administrative leave for job interviews.
 - L. Departments must pay an employee for unused vacation leave, up to a maximum of two times the amount that the employee is eligible to accrue, in the final check.
 - M. Department Heads may not require the use of accrued leave within the minimum 30-day notice period.
 - N. Computer loans must be settled at the time of RIF.
 - O. Tuition remission and staff development benefits will not be available to employees who have been RIF'd.
1. Careful analysis to determine which areas, activities, programs, or organizations should be reduced.
 2. Identification of the jobs and functions that will need to be performed after the reduction(s).
 3. Evaluation of qualifications and abilities of present staff members to perform the jobs remaining.

A staff member adversely affected by a RIF may appeal the action through the appeal process only if the staff member believes that the action was based on inconsistent or improper application of the RIF policy (see Section PER 5.04, Appeals). If the appeal results in a decision favorable to the staff member, the staff member will be reinstated with back wages, less the amount of any unemployment compensation received from the Commonwealth of Kentucky Division of Unemployment Insurance (DUI) while the appeal was pending. In such case, the Employee Relations and Compliance office will notify the DUI in writing of the staff member's reinstatement.

***Note Regarding Appeals:** The [Staff Grievance Officer](#) is available to consult with staff members in each step of the appeal process, including the initial formulation of the written notice of appeal. The Staff Grievance Officer may work closely with staff members, departments, and the Human Resources Department to seek equitable resolutions of all appeals. The Staff Grievance Officer may serve as a personal

advisor for the employee during an appeal process (if requested by the employee), but may not serve as an advocate on behalf of the employee. [Consistent with proposed Grievance Policy and contingent on RedBook revision.]

Review: The University expressly reserves the right at any time to modify, alter, or amend this policy in whole or in part. The university shall have the unlimited right to amend this policy at any time, retroactively or otherwise, in such respect and to such extent as may be necessary to meet any legal requirement and to the extent necessary to accomplish this purpose. The President or his or her designee is hereby granted authority to issue interpretations and clarify rules under this policy and to coordinate it with or modify other rules of the university as required from time to time for compliance with the law.

Definitions:

- A. **Continuous service:** For the purpose of the RIF policy, the total amount of unbroken employment that an employee has accumulated. This includes authorized leave without pay.
- B. **Job class:** For the purpose of the RIF policy, all jobs within a department with similar job factors and the same pay grade.
- C. **Layoff:** The effective date of the RIF.
- D. **Layoff status:** See RIF status. An employee in RIF status seeking re-employment with the University shall receive preference in hiring among substantially equally qualified candidates.
- E. **Longevity:** The amount of time a staff member has worked at the university based upon continuous service, including time in regular positions held prior to the current position.
- F. **Provisional staff member:** A classified or professional/administrative staff member in the provisional period.
- G. **Provisional period:** A six-month period of employment beginning with the first day of regular employment designed to provide the university with a period to determine whether an employee is suitable for and competent to perform the work for which he or she is hired. Termination from employment may be accomplished without specific reasons and without the right of appeal (unless there is a claim of unlawful discrimination). The employee or the employer may end the employment without notice.

- H. **Qualifying period:** Six-month period of employment used for reviewing the level of performance for classified and professional/administrative employees with regular status who are transferred or promoted to another position.
- I. **Reduction in force (RIF):** The abolition of an occupied position due to an elimination of or reduction in funding, reduced or changed work requirements, or department reorganization.
- J. **RIF plan:** A department head's proposal for eliminating a position including position title, justification for abolishing the position, reallocation of work load if applicable, information regarding the staff member affected by the reduction in force, and the RIF effective date. An employee in RIF status may decline a position at a lower salary grade or a salary that is less than 90% of the employee's pre-RIF salary without forfeiting RIF status.
- K. **RIF status:** A condition lasting for 18 months from the effective date of a RIF in which a staff member whose position is eliminated is entitled to certain rights including preferential treatment in seeking reemployment with the university.
- L. **Regular status staff member:** Classified and professional/administrative staff who have successfully completed the provisional employment period.
- M. **Temporary staff member:** A person employed in a position that is established for a limited period of time not to exceed six months.

Procedures:

This procedure establishes the process for the administration of the companion policy. Procedures are included for the following:

- Creating a RIF Plan.
- Review, approval and notification process.
- Entering RIF status.
- Reemployment process.

CREATING A RIF PLAN

Prior to any RIF, the department head will prepare a written RIF Plan that is available for inspection upon request. The plan must include the following information:

- A. A clear statement of the nature of the RIF and rationale for eliminating or reducing programs and/or services.

- B. An analysis of the unit functions and responsibilities to determine which areas, activities, programs, organizations, or classifications should be reduced.
- C. The classification(s) to be eliminated and the rationale for eliminating the position.
- D. If the affected unit employs other staff members within the same job class, the name, classification, and employee identification number for those staff members.
- E. The recommended effective date for the RIF.

REVIEW, APPROVAL AND NOTIFICATION PROCESS

- A. The department head will submit the written RIF plan to the Head of HR or designee.
- B. The Head of HR or designee will review the plan to determine that all work force reduction determinations are consistent with the RIF policy and that staff members are treated in a fair and equitable manner. Within 5 working days of receipt, the department head will receive a response by e-mail or in writing with the approvals and/or recommendations for action. Any corrective actions required may slow the RIF process.
- C. Upon approval of the RIF plan, the Human Resources Department will provide the department head with a RIF packet for the affected staff member. The packet will include a letter of notification, the RIF policy available employee benefits, unemployment compensation benefits services provided by the EAP and the University Career Center, and the reemployment process with the name of the Employment Representative assigned to assist in reemployment.
- D. The department head or designee shall meet with the staff member affected by the RIF as soon as feasible but not less than 30 calendar days prior to the effective date of the RIF. At that time, the staff member will be notified, provided with the RIF packet and asked to sign the notification letter in acknowledgement of the action.* The department head will send a copy of the signed letter to the Head of HR or designee.
- E. On the staff member's last day of work, the department head or designee will collect the staff member's employee ID card, staff handbook, parking pass and any other university property. The property should be returned to the appropriate department (employee ID card to the Human Resources Department, etc.). Prior to the last day of work, the department should also complete termination paperwork and send it to Human Resources for

processing of computer accounts, security access or e-mail addresses assigned to the staff member and obtain passwords for voice mail along with processing the employee's final check.

RIF STATUS

The Head of HR or designee will notify Employee Relations and Compliance, Payroll, Employment and the Benefits Office of the RIF. However, the staff member is still responsible to contact these divisions and/or submitting the necessary forms to take advantage of the available benefits and to finalize any outstanding business transactions with these or any other university units.

A. Health Insurance

A staff member in layoff status may continue participation in the employee health plan by electing COBRA benefits and paying the current COBRA rate.

B. Employee Assistance Program (EAP)

A staff member in layoff status may participate in the employee assistance program for up to six months.

C. Final Check

The department will pay an employee for unused vacation leave, up to a maximum of two times the amount that the employee is eligible to accrue, in the final check.

D. Computer Loan Program

If the staff member in RIF status has an outstanding computer loan, Payroll will deduct the full amount due from the final check.

REEMPLOYMENT PROCESS

- A. The Human Resources Department will designate an Employment Representative to coordinate the reemployment process. The names of staff members in RIF status will be placed on a reemployment roster for a period of 18 months from the layoff date. The staff member in layoff status is responsible to provide Employment with a current e-mail or mailing address and telephone number.
- B. The staff member in RIF status must complete and submit online applications for each position for which he or she wishes to be considered (see www.louisville.edu/hr/employment/applicants/ for more information regarding the application process).

- C. All submitted applications will be provided to the hiring department. An employee in RIF status seeking re-employment with the University shall receive preference in hiring among substantially equally qualified candidates.
- D. If a staff member in RIF status interviews for a position and then decides he or she is not interested in the position, the staff member must withdraw his or her application from the pool by contacting the person that conducted the interview and Employment. If the application is not withdrawn and the position is offered to and declined by the staff member in RIF status, the staff member is deemed to have rejected employment and will lose RIF status. An employee in RIF status may decline a position at a lower salary grade or a salary that is less than 90% of the employee's pre-RIF salary without forfeiting RIF status.
- E. If a position is offered and accepted by a staff member in RIF status within 18 months of the RIF effective date, the staff member will be considered to have continuous service without interruption, resulting in reinstatement of prior rates of accruing leave and any unused sick leave balance at the time of layoff. The staff member will enter into a qualifying period.

*For persons working remotely, it is sufficient to send the RIF information electronically. A signed copy of the RIF letter is not required to be returned. The sending of the email to the employee's Louisville.edu account is considered confirmation of receipt."

Responsibilities:

Decisions regarding a RIF within a department are the responsibility of the department head. The Human Resources Department must review the RIF plan including the selection of a staff member for RIF before the RIF is carried out.

Responsible Party: Human Resources Department.