

# MONTANA PUBLIC EMPLOYEES' RETIREMENT BOARD

TITLE: Reduction in Work Force

POLICY NO: BOARD Prsnl 03 EFFECTIVE DATE: 01/14/2010

## **I. POLICY AND OBJECTIVES**

It is the policy of the Public Employees' Retirement Board (the Board) that if reduction in the work force is necessary, consideration must be given to effectively achieving the goals of the ongoing programs that must be carried out by the Board and the Montana Public Employee Retirement Administration (MPERA) staff. Accordingly, employees will be retained considering the importance of the following qualities: knowledge, skills and abilities, and length of continuous service with state government.

## **II. DEFINITIONS**

- A. Reduction in Force (RIF) - A management action taken for non-disciplinary reasons in which an employee is laid off from employment. The RIF may take place for reasons including, but not limited to: elimination of programs; reduction in Full Time Employee's (FTE's) by the legislature; lack of work; lack of funds; expiration of grants; reorganization of a state agency; or privatization of a service normally or traditionally provided by an employee of a department.
- B. Notice of Anticipated RIF - A written notice informing an employee that the agency anticipates laying off the employee. The notice must provide the reason for the reduction, a tentative effective date of layoff, and notification of benefits provided under the Reduction in Work Force Act.
- C. Effective Date of RIF - The date the Board decides the employee will be terminated, allowing for advance notice of the RIF. A minimum of 14 days notice is required for up to 24 employees or 60 days notice is required if more than 25 employees are affected.
- D. Termination Date - The date the employee is removed from the payroll.
- E. Reinstatement - The return of a person to the position from which they were terminated due to a reduction in force action, or to another position in the MPERA in the same classification if the position requires similar knowledge, skills and abilities. This reinstatement right will be extended for one year from the date the employee was laid off.

- F. Employee - An employee who is a permanent, full or part time employee of the Board.

### **III. PROCEDURES FOR ADMINISTERING REDUCTION IN FORCE**

- A. The Executive Director will review and prioritize the programs, responsibilities and organizational structure of the MPERA to decide which programs must be continued and which may be eliminated or reduced in scope.
- B. The Executive Director will determine the organizational structure and staffing that will most effectively meet the MPERA's program responsibilities and goals after necessary reductions are completed.
- C. The Executive Director will submit a reduction in force plan to the Board describing the proposed program reductions and the consequences.
- D. The Board will review and amend or approve the proposals.
- E. The Executive Director will compare current staffing to the new structure approved by the Board to determine which positions and employees will be affected.
- F. The Executive Director may consider alternatives to reductions in force so long as the staffing pattern is consistent with the Board program priorities. If the affected work unit is covered by a collective bargaining agreement, the provisions of the contract must be observed.
- G. When determining which individual positions and employees will be affected by the reductions the Executive Director must consider the following:
  - 1. qualifications and experience to perform the duties of a specific position that will be retained;
  - 2. general qualifications and experience beneficial to future achievements of MPERA goals and objectives;
  - 3. section 39-29-111, MCA and ARM 2.21.3623, when veteran's preference applies;
  - 4. each employee's length of continuous service with state government if the qualifications and experience of the employees are substantially equal, and veteran's preference does not apply.

- H. The Executive Director will submit to the Board:
1. a RIF plan that identifies specific employees who would be laid off or reduced in hours to implement the new organizational structure approved by the Board; and
  2. documentation of how the decision was made. In limited cases this documentation may be integrated into the reduction in force plan set out in III. C.
- I. The Board, with the assistance of the Department of Administration, or other applicable agencies will review the documentation for consistency with state policies and procedures.

#### **IV. CROSS REFERENCE GUIDE**

The following laws, rules or policies may contain provisions that might modify a decision relating to reduction in force. The list should not be considered exhaustive - other policies may apply.

Section 2-18-101, MCA State Employee Classification, Compensation and Benefits

Sections 2-18-1201-1206, MCA State Employee Protection Act

Section 19-2-706, MCA Public Employees Retirement Act

MOM 3-0110 Employee Record Keeping

MOM 3-0125 Grievances

MOM 3-0130 Discipline Handling

MOM 3-0155 Reduction in Work Force

MOM 3-0170 Probation

MOM 3-0305 Annual Vacation Leave

MOM 3-0310 Sick Leave

Reduction in Work Force State Guide

Job Sharing State Guide

Employee Assistance State Guide

#### **V. HISTORY**

New

Originally approved March 2004

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Reviewed and amended January 14, 2010