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| Idaho Department of Correction  | Standard Operating Procedure Human Resource Services | Control Number: 231.07.01.001 | Version: 1.6 | Page Number: 1 of 7 |
| | | Title: Reduction in Force | | Adopted: 11-20-2008 Reviewed: 5-13-2011 |

This document was approved by Terri Tomisser, director of Human Resource Services, on 5/13/11 (signature on file).

Open to the general public: Yes

BOARD OF CORRECTION IDAPA RULE NUMBER

None

POLICY CONTROL NUMBER 231

Reduction in Force

DEFINITIONS

Appointing Authority: Pursuant to Idaho Code, the director (1) is the appointing authority for the Idaho Department of Correction (IDOC) and is authorized to hire, dismiss, determine salary, or significantly impact the employment status of individuals in any department; (2) delegates appointing authority responsibilities to the following IDOC managers: division chiefs, wardens, community work center (CWC) managers, district managers, deputy chiefs, or equivalents; and (3) can also delegate appointing authority responsibilities to deputy wardens, lieutenants, unit managers, unit supervisors, or district supervisors.

Classified Employee: Any person appointed to or holding a position in any State of Idaho agency, which position is subject to the provisions of the merit examination, selection, retention, promotion, and dismissal requirements of Idaho Code.

Incumbent: Any person holding a classified or non-classified position.

Involuntary Transfer: A significant change in work location, shift, and/or organizational unit made as a result of a management decision (e.g., a reduction in force or a corrective or disciplinary action) as opposed to an employee's request or agreement to transfer.

Layoff: The involuntary reduction in hours of work or separation of a classified employee by either a reduction in force due to a shortage of work or funds, or abolishment of the position.

Layoff Unit: An organizational unit designated by the director of the Idaho Department of Correction (IDOC) for layoff purposes.

Minimum Qualification Specialty: A minimum qualification required for one or more positions in a classification that is in addition to the other minimum qualifications required for all positions in the classification.

Protected Class: Pursuant to federal law, an individual or group protected from discrimination due to his/their race, color, religion, sex (gender), national origin, age (if 40 or

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older), military veteran status (limited), and physical or mental disabilities. (State of Idaho and local laws might also provide protections for pregnancy, and/or retaliation.)

Reduction in Force: The necessary elimination of one or more positions as determined by the director of the Idaho Department of Correction (IDOC) for a variety of reasons.

Underfill: The filling of a position with an employee who does not meet the minimum requirements of the job into a job class of a lower pay grade to accommodate a training period to fully meet eligibility, and/or time to acquire required licensure/certification.

PURPOSE

The purpose of this standard operating procedure (SOP) is to establish guidelines for managing reduction in force situations.

SCOPE

This SOP applies to all Idaho Department of Correction (IDOC) employees.

RESPONSIBILITY

The director of Human Resource Services (HRS) is responsible for:

- Developing reduction in force guidelines
- Administering reduction in force processes when deemed necessary

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GENERAL REQUIREMENTS

1. Reduction in Force

Conditions for Reduction in Force

The director of the IDOC has the authority to initiate a reduction in force whenever necessary due to:

- A shortage of funds or work
- A reorganization
- The end of a limited-service appointment
- An employee's failure to successfully complete the interagency promotional probationary period (when demotion options are not available)
- The abolishment of one or more positions. (Idaho Administrative Procedure Act [IDAPA] 15.04.01, section 066.)

An involuntary reduction in the number of hours worked for a selected position shall constitute a layoff unless there is an equal reduction of hours worked for all positions in the same classification within the layoff unit or IDOC, for a limited period of time, such as a furlough.

A material change in duties of one or more positions resulting in an employee's reclassification to a class more than one pay grade lower shall constitute a layoff, unless the change of duties is disciplinary.

Layoff Decisions and Exclusions

Layoff decisions shall not be based on race, color, national origin, gender, age, religion, disability, or political affiliation.

Assessment for Adverse Impact

In planning and conducting a reduction in force, the director of the IDOC shall consider the effect layoff units and positions to be eliminated may have on the composition of the IDOC work force. When layoff units or exclusions are established, adverse impact of protected classes shall be assessed. The director shall administer the reduction in force consistent with state and federal laws, rules, and guidelines governing adverse impact.

Selective Certification

A reduction in force may be limited to or specifically exclude employees appointed in accordance with IDAPA 15.04.01, section 112, for bona fide occupational qualifications **or** appointed to a classification with a minimum qualification specialty. Inclusions or exclusions shall include or exclude all incumbents of the class appointed under similar selective certification, **or** the same option or minimum qualification specialty and shall be approved in advance by the administrator of the State of Idaho Division of Human Resources (DHR).

Exclusion Requests

The director of the IDOC may petition the DHR to exclude an individual from a reduction in force whose retention may be required to meet IDOC mission critical needs. Requests shall provide a documented rationale, and exclusions shall be approved in advance.

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2. Order of Layoff

Layoffs shall be accomplished in a systematic manner with equity for the rights of classified employees and shall not do away with an employee's right to problem solving, or appeal if the layoff is in fact a dismissal.

The order of layoff shall be by type of appointment in classified service based first by job class within judicial districts and as designated by the director of the IDOC. Layoff units shall be district 1, district 2, districts 3 and 4 (including Central Office), district 5, district 6, and district 7.

The order of reduction in force shall be by type of appointment held by the employee in the affected classification in the following order:

- Temporary positions
- Limited-service positions
- Entrance probationary appointees
- Permanent appointees (including those serving a promotional or voluntary probation)

Reduction in force for employees in limited-service appointments shall be limited to the program or function for which the appointments were made. There are no displacement rights or reappointment rights.

3. Retention Points

There shall be an evaluation of all employees in the layoff unit affected by the reduction in force based on a retention point system. The retention point system calculates points based on classified credited state years of service **and** from experience derived from performance evaluation. Qualified veterans shall be given preference through additional retention points as described below.

Retention points shall be calculated for all employees assigned to the classification of position including those serving in under-filled positions.

Employees shall be identified for layoff by position class in their layoff unit in the order of retention points, beginning with the employee with the least number of retention points.

When two (2) or more employees have the same combined total of retention points, retention shall be determined in the following sequence:

- The employee with the highest total retention points for the past 36 months; and then
- Random selection

The director of HRS shall be responsible for providing for and conducting an impartial assessment of evaluations to assign points as follows:

| Level of Performance Rating | Retention Points Earned Per Hour of Credited State Service |
|---|--|
| EX --Exemplary performance | .100 |
| SS --Solid sustained performance | .075 |
| APS --Achieves performance standards | .050 |
| DNA --Does not achieve performance standards | .000 |

All credited state service for which there is no performance evaluation shall receive seventy-five-thousandths (.075) of a point, per hour. No employee shall be placed at a disadvantage due to a failure to document performance in a timely manner.

Veterans, as defined in Idaho Code, section 65-502(14), shall receive a bonus of 312 retention points, which is equivalent to three (3) years at the 'achieves performance standards' level of performance rating.

No points shall be calculated for the 60-day period immediately preceding a reduction in force.

Retention points need not be calculated where layoff involves a single-incumbent class.

4. Notification

Each employee affected by a reduction in force shall be notified in writing of the layoff and the rationale for the decision at least 15 calendar days prior to the effective date of layoff.

Each affected employee shall be provided with a copy of the IDOC's layoff procedure. If a computation of retention points was conducted, a copy shall be provided to the affected employee(s).

5. Retention Points Audit

Each employee shall be entitled to an audit of retention points by an independent auditor designated by the DHR administrator in cases of dispute between the appointing authority and the employee.

The request for an audit shall be filed with HRS within five (5) calendar days of the employee's notification of layoff.

The decision of the independent auditor shall be binding on both the IDOC and employee, unless an appeal is filed within 35 days from the date of the auditor's notification to the affected parties.

6. Procedure and Notification

| Functional Roles and Responsibilities | Step | Tasks |
|---------------------------------------|----------|--|
| Leadership Team | 1 | <ul style="list-style-type: none"> Identify the class of position(s) to be affected by a layoff; and Assess units and exclusion requests for adverse impact for protected classes. |

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| Functional Roles and Responsibilities | Step | Tasks |
|---------------------------------------|------|---|
| HRS | 2 | <ul style="list-style-type: none"> Notify the DHR of the reduction in force 15 days prior to implementation; Calculate retention points for all employees assigned to the class of position (including those serving in underfilled or acting appointments), and submit to the DHR; Compile a list of affected employees in order of retention points and notify affected employees at least 15 calendar days prior to the effective date with copy to the DHR; and Provide the affected employees a copy of this SOP and the computation of retention points worksheet (if conducted). |
| Employee | 3 | Consider options as noted in this SOP (e.g., voluntary demotion, resignation, and retirement) and provide notification of decision to facility head/manager and HRS. |
| HRS | 4 | Process appropriate personnel actions. |

Note: The Leadership Team consists of the director of the IDOC, division chiefs, and the director's administrative support manager.

7. Voluntary Demotion in Lieu of Layoff

Within their layoff unit, any employee with permanent status may, in lieu of layoff, elect voluntary demotion to a class or, if deleted, its successor, in which the employee has held permanent status in the IDOC. The employee must meet the minimum qualification specialty for the classification (see SOP [202.07.01.001](#), *Compensation Plan*). Such demotion shall not be permitted if it causes the layoff of an employee with greater retention points.

An employee who elects a voluntary demotion in lieu of layoff shall have the right of re-employment in the class formerly occupied prior to the demotion, before any other person may be promoted, transferred, reinstated, or hired for such class by the appointing authority enforcing the layoff. This right to re-employment shall exist for one year from the effective date of the demotion or until the employee declines three separate offers of re-employment without justifiable cause.

8. Layoff Register

The name of an employee laid off by an appointing authority shall be placed on a Layoff Register in accordance with IDAPA 15.04.01, section 140. The employee shall remain on the Layoff Register for a period of one year from the effective date of the layoff or until the employee declines three separate offers of re-employment without good cause.

Note: For the purpose of this SOP only, the term 'good cause' shall mean the conduct of a reasonable person in the same or similar circumstances.

An employee who has been laid off or accepted a demotion in lieu of a layoff shall be placed on their classification's register with re-employment preference in unranked order.

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When attempting to fill vacancies for a classification where a layoff occurred, the IDOC shall provide an opportunity to interview and shall make a hiring selection from the individuals on the Layoff Register of that classification.

An employee on a Layoff Register shall be offered re-employment to a position in the class from which laid off before any other person may be promoted, transferred, reinstated, or hired for such class by the appointing authority enforcing the layoff.

Temporary, Project Exempt, and Provisional Employees

Employees serving temporary, project exempt, student or provisional appointments, and who have neither probationary nor permanent status in a class affected by a layoff, and employees serving in limited-service appointments have no preference under this rule for re-employment; their names shall not appear on a Layoff Register.

REFERENCES

Idaho Code, Title 65, Chapter 5, *Rights and Privileges of Veterans*

Idaho Code, Title 65, Chapter 5, Section 65-502, *Definitions*

Idaho Code, Title 67, Chapter 53, *Personnel System*

Idaho Code, Title 67, Chapter 53, Section 67-5302, *Definitions*

IDAPA 15.04.01, *Rules of the Division of Human Resources and Personnel Commission*, Section 066, Abolishment of Positions

IDAPA 15.04.01, *Rules of the Division of Human Resources and Personnel Commission*, Section 112, Selective Certification

IDAPA 15.04.01, *Rules of the Division of Human Resources and Personnel Commission*, Section 140, Reduction in Force

IDAPA 15.04.01, *Rules of the Division of Human Resources and Personnel Commission*, Section 141, Calculation of Retention Points

IDAPA 15.04.01, *Rules of the Division of Human Resources and Personnel Commission*, Section 142, Credited State Service

IDAPA 15.04.01, *Rules of the Division of Human Resources and Personnel Commission*, Section 143, Reduction in Force Determination and Notification

IDAPA 15.04.01, *Rules of the Division of Human Resources and Personnel Commission*, Section 144, Placement on Register with Reemployment Preference

IDAPA 15.04.01, *Rules of the Division of Human Resources and Personnel Commission*, Section 145, Use of Registers with Reemployment Preference

IDAPA 15.04.01, *Rules of the Division of Human Resources and Personnel Commission*, Section 146, Interviews for Prospective Layoffs

IDAPA 15.04.01, *Rules of the Division of Human Resources and Personnel Commission*, Section 147, Voluntary Demotion in Lieu of Layoff

IDAPA 15.04.01, *Rules of the Division of Human Resources and Personnel Commission*, Section 201, Appeal Procedure

Standard Operating Procedure [202.07.01.001](#), *Compensation Plan*