

Reduction in Force (RIF) Agency Information

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General Information

- An agency can implement a Reduction in Force (RIF) for one or more of the following reasons: reorganization, work shortage, loss of funding or outsourcing/privatization.
- A RIF policy is the document created to outline the components of a RIF and the manner in which it is implemented. If an agency determines a RIF is needed, it develops a RIF plan. The RIF plan must outline why a RIF is being implemented and must contain information such as the competitive area, the competitive group, the employee(s) affected by the RIF, and what efforts will be made to assist them. The agency's RIF plan must include all the mandatory components of a RIF plan as outlined in the agency's RIF policy.
- Once completed and approved by agency management, the RIF plan containing all required information must be submitted to the Division of State Human Resources (DSHR) for review and approval for procedural correctness. Procedural correctness indicates only that the agency has included the components in the RIF plan as provided for by the agency's RIF policy.
- An agency may not hire a temporary employee to perform the duties of an employee affected by a RIF. If these duties are required to be performed within one year of the effective date of the RIF, the agency should reestablish the position and implement its recall procedure.

Reduction-in-Force Plan Development

- The agency should determine the following items prior to developing the RIF plan: the reason for the RIF, the competitive area(s), the competitive group(s) and the number of positions in each State class title that are to be eliminated.
- The competitive area is the area of the agency impacted by the RIF. The agency determines the competitive area(s) the RIF will impact. A competitive area may be the entire agency, a department, a unit or a geographical location. The agency should establish a competitive area that is clearly distinguishable from the staff in other areas and where the interchange of employees would not be practical.
- A competitive group may be an established State class title, State class title series or State class titles that are part of the agency's normal established career path. An example of a State class title series may be Auditor I, Auditor II, Auditor III, Auditor IV, Audits Manager I, and Audits Manager II. An example of the State class titles that are a part of the agency's normal established career path may be Administrative Assistant, Communications Coordinator, Program Coordinator II, and Program Manager I.

- The agency must use State class titles, not internal titles, when determining competitive groups or classes.
- An employee may be affected by a RIF by involuntary separation, involuntary demotion, reassignment or a reduction in work hours.
- Covered employees in State government have RIF rights. A RIF does not apply to non-covered employees (i.e., probationary employees, temporary employees, temporary grant employees and time-limited project employees). Employees exempted from this provision are listed in S.C. Code Section 8-17-370.
- An employee who is notified of a pending RIF and, prior to the effective date of the RIF, voluntarily applies for, accepts, and begins a position within state government or with another employer would not have recall or reinstatement rights. An employee has recall and reinstatement rights only if they are in the position affected by the RIF on the effective date of the RIF. Agencies are advised to inform employees of these rights at the time of the notification of the RIF. If an employee wants to maintain their RIF rights, they should begin the other job after the effective date of the RIF.
- Retention points are based on an employee's previous performance evaluations and continuous State service, as determined by the agency's RIF policy. The agency calculates retention points for covered employees in the competitive area(s) and competitive group(s) to be used in determining which covered employees are to be involuntarily separated, demoted, reassigned or have a reduction in work hours. The only exception allowed to adjust retention points is if the agency's RIF policy has the provision to add points to an employee's total retention points if the employee is bumping down to compete in a State class title in a lower band.
- Continuous State service is service with one or more State agencies without a break in service.
- A covered employee in a State class title with a higher pay band has the right to displace, or bump, another covered employee in a State class title with a lower pay band (within the competitive area and competitive group) who has accumulated less retention points. Under no circumstances may an employee gain from a RIF. Bumping rights are provided only downward.
- An employee who was involuntarily demoted as a result of bumping in a RIF may not continue to perform the duties of the position in the higher pay band. Should the majority of these duties need to be performed within one year of the effective date of the RIF, the agency should reestablish the position in the higher band and implement its recall procedure.
- An employee with a lower number of retention points can be retained in preference to another employee in the competitive area(s) and group(s) with a higher number of retention points only when the agency determines that a Retention of Necessary Qualifications applies.
- A Retention of Necessary Qualifications (RNQ) is used when an agency has determined that an employee with higher retention points will not be able to satisfactorily perform the duties of the job, within a reasonable training period, based on the lack of knowledge, abilities, skills, supervisory responsibilities, or necessary experience. In this case, the employee with lower retention points may be retained in preference to the employee with higher retention points. The agency must justify and retain documentation to support the Retention of Necessary Qualifications.

Implementation of a Reduction in Force

- Generally, an agency must notify an employee affected by a RIF, which has been approved for procedural correctness by the Division of State Human Resources (DSHR) in writing no less than one week prior to the effective date of the RIF. DSHR recommends providing notice at least two weeks prior to the effective date.

- An employee affected by a RIF has the right to see a copy of the RIF plan.
- The agency's RIF policy specifies what information should be given to an employee affected by a RIF to include: the reason for the RIF, the competitive area(s) and competitive group(s), the benefits to which an employee is entitled, reinstatement rights and recall rights, the manner in which the agency will notify an employee affected by a RIF of any vacancy involving recall rights, and the requirements of S.C. Code Ann. Section 8-11-185.

Recall and Reinstatement Rights

- An agency will notify an employee of any vacancies to which they have recall rights and will report information about the employee affected by a RIF to the Division of State Human Resources (DSHR).
- 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 RIF, the Agency will recall eligible employees to the position in the inverse order of the layoff. The Agency will notify the employee in writing of the job offer, recall rights and time frame the employee has to respond to the job offer.
- An employee affected by a RIF has recall rights to a position which is reestablished in the same State class title as the position the employee held prior to the RIF within the competitive area for one year from the effective date of the RIF. If an employee is bumped into a lower pay band, the employee still has recall rights to the position in the same State class title with the higher band and competitive area the employee was in prior to the RIF.
- At the time of recall, the agency will offer the recalled employee insurance benefits as a new hire. The agency will also 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.
- An employee affected by a RIF may voluntarily waive his recall rights by submitting a written notification to the agency. Additionally, if the employee does not accept the job offer within the time frame allotted in the agency's RIF policy, the employee's recall rights are waived.
- Reinstatement rights are the rights of an employee affected by a RIF to have employee benefits restored if the employee accepts a job offer to a Full Time Equivalent (FTE) position. Upon returning to employment in an insurance eligible FTE position, the employee will be offered insurance benefits as a new hire. The Agency will also 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. If an employee elects to buy back annual leave, they must purchase the leave from the agency where they were employed prior to the RIF.
- An employee separated by a RIF has reinstatement rights to a position in State government for one year from the effective date of the RIF. An employee separated by a RIF may apply for any State job for which they meet the minimum training and experience requirements. After the employee exercises their reinstatement rights once, they no longer maintain their reinstatement right benefits; however they still retain recall rights for the remainder of the year from the effective date of the RIF.
- When an employee is separated by a RIF and subsequently recalled or reinstated, no changes are made in regards to the employee's state hire date, agency service date, leave accrual date and continuous state service date.
- If the employee is recalled or reinstated to a position in the same State class title he held prior to the RIF, the EPMS review date is reestablished six months from the date the employee is recalled or reinstated. If the employee is reinstated into a different State class title in which the employee has not attained

permanent status, the employee would serve a six month trial period from the date of reinstatement.

- All leave in excess of 45 days is restored to an employee who has been recalled or reinstated ONLY if the employee buys back all of the annual leave which was paid out at the time of the RIF.
- An employee who has accepted a position in a lower pay band than the one from which they were separated as the result of a RIF, still retains recall rights to a position in the same State class title within the competitive area as the position held prior to the RIF.

Grievance Rights

- A covered employee who is affected by a RIF has the right to file a grievance to the agency and an appeal to the State Human Resources Director only if the grievance or appeal is based on improper or inconsistent application of a RIF policy or plan.
- The time frame to file a grievance begins with the effective date of the RIF, not the date the employee is notified about the RIF.

RIF Transaction Codes (SCEIS and HRIS)

HRIS

- 21 -- Separation due to a RIF
- 22 -- Termination in conjunction with a RIF (Probationary Employees only)
- 45 -- RIF Reinstatement
- 45 -- RIF Recall
- 47 -- RIF Demotion
- 48 -- RIF Reassignment

SCEIS

Action – Rehire (Employee in withdrawn status)

- *03 RIF Reinsta-RIF Demo w/in 1 Yr*

This reason represents an employee who is in a withdrawn status in SCEIS and is rehired at the same agency or a different agency into a lower pay band FTE position than the position at the time of the RIF.

- *04 RIF Rein-RIF Reassgn w/in 1 Yr*

This reason represents an employee who is in a withdrawn status in SCEIS and is rehired into an FTE position in the same agency and same pay band FTE position as the position at the time of the RIF.

- *05 RIF Recall within 1 Yr*

This reason represents an employee who is in a withdrawn status in SCEIS and is rehired into an FTE position in the same agency, within the same competitive area and same competitive classification as the position at the time of the RIF.

- *11 RIF Reinsta-RIF Prom w/in 1 Yr*

This reason represents an employee who is in a withdrawn status in SCEIS and is rehired at the same agency or a different agency into a higher pay band FTE position than the position at the time of the RIF.

- *12 RIF Reinsta-RIF Trans w/in 1 Yr*

This reason represents an employee who is in a withdrawn status in SCEIS and is rehired into an FTE position at a different agency in the same pay band FTE position as the position at the time of the RIF.

Action – Movement Between Agencies (Transfer) (Employee in active status)

- *09 RIF Reinsta-RIF Demo w/in 1 Yr*

This reason represents an employee who is currently in active status in SCEIS (live in SCEIS), in a non-FTE position and is reinstated at a different agency into a lower pay band FTE position than the position at the time of RIF.

- *10 RIF Reinsta-RIF Prom w/in 1 Yr*

This reason represents an employee who is currently in an active status in SCEIS (live in SCEIS), in a non-FTE position and is reinstated at a different agency into a higher pay band FTE position than the position at the time of RIF.

- *11 RIF Reinsta-RIF Tran w/in 1 Yr*

This reason represents an employee who is currently in an active status in SCEIS, in a non-FTE position and is reinstated at a different agency into the same pay band FTE position as the position at the time of RIF.

- *12 RIF Recall w/in 1 Yr*

This reason represents an employee who is currently in an active status in SCEIS, and returns to a FTE position at the original agency in the same competitive area and same competitive class as the position at the time of the RIF.

Action – Non-Payroll SAP to Payroll SAP

- *13 RIF Reinsta-RIF Demo w/in 1 Yr*

This reason represents an employee who never received a PERNER (the employee is from a non-SCEIS agency) and is hired to a different agency in a lower pay band FTE position than the position at the time of RIF.

- *18 RIF Reinsta-RIF Prom w/in 1 Yr*

This reason represents an employee who never received a PERNER (the employee is from a non-SCEIS agency) and is hired to a different agency in a higher pay band FTE position than the position at the time of RIF.

- *19 RIF Reinsta-RIF Tran w/in 1 Yr*

This reason represents an employee who never received a PERNER (the employee is from a non-SCEIS agency) and is hired to a different agency but in the same pay band FTE position than the position at the time of RIF.

Action- Demotion

- *01 FTE RIF Demotion*

This reason represents an agency's action to demote an employee within the competitive area and

competitive group as the result of an approved RIF plan.

Action- Appointment Change

- *06 RIF Reassignment*

This reason represents an agency reassigning an employee within the competitive area as a part of an approved RIF plan.

- *09 RIF Decrease in Work Hours*

This reason represents an agency's action to reduce an employee's work hours within the competitive area and competitive class as the result of an approved RIF plan.

Action- Separation

- *12 RIF Separation*

This reason represents an agency's action to separate an employee as the result of an approved RIF plan.

Action – Appointment Change - These actions are associated with changes an employee experiences within the same agency.

- *32 Reason RIF Recall w/in 1 Yr*

This reason represents an employee who is currently in an active status in SCEIS in a FTE or non-FTE position who is moved to a FTE position in the same agency, within the same competitive area and same competitive class as the position at the time of the RIF.

- *33 Reason RIF Rein-RIF Reassgn w/in 1 Yr*

This reason represents an employee who is currently in an active status in SCEIS in a non-FTE position who is moved to a FTE position in the same state agency in the same pay band as the position at the time of the RIF.

- *36 Reason RIF Rein-Tran w/in 1 Yr*

This reason represents an employee who is currently in an active status in SCEIS in a non-FTE position who is moved to a FTE position in the same agency in the same pay band as the position at the original agency at the time of the RIF.

- *34 Reason RIF Reinsta-RIF Demo w/in 1 Yr*

This reason represents an employee who is currently in an active status in SCEIS in a non-FTE position who is moved to a FTE position in the same state agency in a lower pay band than the position at the time of the RIF.

- *35 Reason RIF Reinsta-RIF Prom w/in 1 Yr*

This reason represents an employee who is currently in an active status in SCEIS in a non-FTE position who is moved to a FTE position in the same agency in a higher pay band than the position at the time of the RIF.