

**BLUEFIELD STATE COLLEGE
BOARD OF GOVERNORS
POLICY NO. HR-716**

TITLE: CLASSIFIED STAFF WORKFORCE REDUCTION

SECTION 1. GENERAL

- 1.1 Scope: This policy applies to Regular classified employees, of .53 FTE or greater, whose employment, if continued, accumulates to a minimum total of one thousand forty hours (1,040) during a calendar year and extends over at least nine (9) months of a calendar year, and who have completed the probationary period. Temporary workers, temporary classified, contract workers, nonclassified, faculty, and students are not included in the provisions of this policy.
- 1.2 Authority: WV Code §18B-7-3. Background: The 2017 West Virginia legislature updated and amended §18B-7-3 which changed the layoff/bumping, and recall rights for fulltime classified staff in institutions of higher education.
- 1.3 Effective Date: May 30, 2019.
- 1.4 Filing Date: May 30, 2019.
- 1.5 BSC Policy Monitor: Office of Human Resources

SECTION 2. POLICY

- 2.1 It is the policy of Bluefield State College to make all decisions concerning reduction in workforce of full-time classified employees both in accordance with provisions of WV Code §18B-7-3 and the rules set forth herein.
- 2.2 Objectives - This Classified Staff Workforce Reduction policy has been enacted to provide administrative guidance regarding workforce reductions involving members of the classified staff.

SECTION 3. PROCEDURES

- 3.1 For the purposes of this policy, “layoff” or “laid off” shall be defined as the termination of the employment of a classified employee for the purposes set forth in Section 3.2.
- 3.2 Layoff or Reduction in Force – For layoffs for reasons of (a) lack of funds or work, (b) abolishment of a position, or (C) material changes in duties or organization:

- 3.2.1 The college may layoff the incumbent in the position being eliminated due to reasons set forth in Section 3.2.
- 3.2.2 In the case of elimination of some but not all of the positions of the same job title, consideration shall be given to the following factors to determine whom to layoff: (a) an employee's documented quality of work performance as demonstrated in performance evaluations of record (including, but not limited to, disciplinary records, attendance, and behavior), (b) seniority as measured by years of benefits-eligible continuous service at Bluefield State College based upon a prorated comparison against a 1.00 FTE, (c) years of service in the current position, and (d) job suitability, such as but not limited to, knowledge, skills, education, and experience relative to the future workforce needs of the institution. If after considering the factors in the sentence above, the college elects layoff of a "more senior employee", then the organization may offer the more senior employee a severance package, the value of which shall not exceed the more senior employee's salary for one year.
- 3.2.3 For the purposes of this policy, seniority is the length of benefits-eligible continuous service at Bluefield State College based upon a prorated comparison against a 1.00 FTE and represents one factor in decision-making regarding layoff. A more senior employee is one with longer service at the college than another employee in the same job title who is also subject to layoff.
- 3.3 Benefits - Employees laid off under this policy will be treated as terminated for purposes not involving misconduct on the part of the employee and will be treated as such under all applicable state and federal rules, laws, and regulations.
- 3.4 Notice – A notice of intent to reduce the workforce will be sent to affected employees as soon as practical after a determination has been made that a reduction is necessary. The affected employee will be provided a written notice of layoff, which will include the effective date of the layoff and may include separation paperwork to be completed. The college will use its best efforts to provide a four-week notice of intent to affected employees.
- 3.5 Vacancies - A regular classified employee of .53 FTE or greater subject to layoff may be reassigned to a vacant classified or nonclassified staff position within the institution by the President or designee without posting. For the purposes of this policy:
- 3.5.1 Such a staff position does not have to have been posted to be considered vacant.
- 3.5.2 "Vacant" shall be defined as not currently being filled by a full-time employee. As such, a position currently occupied by a temporary employee is still considered vacant until such time as the position is filled by a full-time employee.
- 3.5.3 An employee may not be reassigned to a classified position unless he or she meet the minimum qualifications established by the college for the position.

SECTION 4. SUPERCEDING PROVISIONS

- 4.1 This policy supersedes the West Virginia Higher Education Policy Commission (“HEPC”) Series 8, Series 39, Series 53, any other rule of HEPC which relates to the subject matter contained within this policy. This policy also supersedes any other BSC policies or procedures or any conflicting provisions within the BSC Staff Handbook which relate to the subject matter contained within this policy.