

# SOUTH DAKOTA BOARD OF REGENTS

## Policy Manual

**SUBJECT:** Reduction in Force - Career Service Employees

**NUMBER:** 4:24

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### 1. General Provisions

- A. This plan has been developed in accordance with SDCL § 3-6A.
- B. Layoffs may be isolated to a classification in a work unit or geographic location within an institution. Layoffs shall be recommended by the president/superintendent to the Board of Regents. No layoff action, except for those of forty (40) hours duration or less, may commence prior to notification of the Regents' office.
- C. Status employees laid off under the provisions set forth herein shall be entitled to exercise their re-employment rights in accordance with SDCL § 3-6A, ARSD 55:01:06:08, 55:01:07:06, and 55:01:15:01 and as specified in section 4:24 hereof.
- D. A status employee laid off under the provisions of this plan may appeal through the South Dakota Board of Regents' Career Service Personnel Grievance Appeals Procedure.
- E. Reasons for Layoff include:
  - 1. Legislative action;
  - 2. Shortage of funds or work, or loss of enrollment;
  - 3. Change in the duties of the organization;
  - 4. Internal reorganization resulting in the elimination of a position;
  - 5. Executive action;
  - 6. Inefficient or non-productive position.
- G. Questions concerning this plan should be referred to the Personnel Officer of the institution.

### 2. Definitions

- A. Layoff - A layoff is any curtailment of the work force which makes it necessary to reduce the regular working hours of a full-time employee or to terminate the

employment of a full-time or part-time permanent employee, due to the elimination or temporary discontinuance of a position.

- B. Notice - Formal, written communication to an employee indicating that the employee is to be laid off.

### **3. Layoff Notification**

- A. An employee shall be given a minimum of fourteen (14) calendar days written notice prior to effective date of layoff. Layoffs of forty hours duration or less and reduction of hours for less than four weeks do not require the fourteen calendar day notice. The notice shall include:
  - 1. Reasons for the layoff.
  - 2. Statement regarding re-employment rights (status employees only).
  - 3. Information concerning the right to appeal (status employees only), including a copy of the appeal procedure.
  - 4. The date of a meeting affording the employee the opportunity to present reasons why the layoff should not take place.
  - 5. Date of layoff.
- B. A copy of the layoff notification must be forwarded to the institutional Personnel Officer on the same date as it is given to the employee.
- C. Notice is effective on the day of deposit in the regular mails of a certified notice, or the date notice is personally delivered to the employee.

### **4. Priorities for Layoff**

The following criteria shall be used when more than one CSA employee exists in any classification, work unit, or geographic location designated for reductions in force: past and present performance, longevity with the state, employment status, special knowledge, skills, abilities, and potential of employees, type and mixture of funding and fund status, future estimated needs of the department, and geographic location.

The Department Secretary, with the approval of the Commissioner of the Bureau of Personnel, may designate specific positions as exempt from layoff or reduction hours because of special need.

### **5. Re-employment Rights**

- A. Status employees who have been laid off in accordance with the provisions of this plan, who have accepted demotions in lieu of a layoff, who have been terminated for inability to perform the essential functions of their position, or who have had regular

working hours reduced shall be entitled to have their names placed on a state-wide re-employment register for any Career Service openings for which the employee applies and qualifies. An employee who is eligible for re-employment with one institution is eligible for re-employment with any Regental institution and any other agency in state government.

- B. A written request for placement on the re-employment register must be filed with the South Dakota Bureau of Personnel by the employee within forty-five (45) calendar days of the effective date of layoff. Re-employment rights may be exercised as soon as the employee receives notification of layoff and applies for same. Eligibility to remain on the re-employment register shall expire one year from the effective date of layoff, termination or demotion or one year from the date re-employment rights are requested, whichever is earlier, or on the date of reemployment.
- C. The employee is responsible for applying for each position of interest. In the upper right hand corner of the application form, the employee must write the word "re-employment".
- D. Institutional personnel offices shall verify those applications marked "re-employment" by utilizing the re-employment register provided by the Bureau of Personnel.
- E. Institutional personnel offices shall notify each individual who is laid off of the places where job announcements are posted (*e.g.*, personnel office, specific bulletin board, Job Service, etc., and other procedures for learning about openings.)

## 6. Benefits

Any laid off employee shall be entitled to the following termination benefits:

- A. The employee must take his earned annual leave in a lump sum.
- B. Laid off employees with seven (7) or more years of consecutive service shall be entitled to payment of one-fourth of their accrued unused sick leave, not to exceed four hundred eighty (480) hours. Such payment shall be made in lump sum with the employee's last payroll warrant. The provisions of SDCL § 3-6-8.3, SDCL § 3-6A, and ARSD 55:01:22:02.03 apply.

**SOURCE: Career Service Act Rules 55:01:15:01:01 and 55:01:15:01:02 or 55:01:07:06; 55:01:06:08; BOR, August 1993; BOR, October 1999.**