

SOUTH DAKOTA BOARD OF REGENTS

Policy Manual

SUBJECT: Reduction in Force—Non-Faculty Exempt Employees

NUMBER: 4:33

Notwithstanding any provision of BOR Policy 4:1, the Board may lay off a non-faculty exempt employee mid-contract. An institution may only utilize the layoff policy for non-faculty exempt employees for the reasons below. Any campus or institution utilizing this policy has the burden of documenting the reason for the layoff should its decision be appealed.

1. Definitions

- A. Layoff--A layoff is any curtailment of the work force which makes it necessary to reduce the regular working hours or to terminate the contract of an employee. Employees completing terminal contracts are not laid off if their contract should not be extended or renewed.
- B. Notice--Formal, written communication to an employee indicating that the employee is to be laid off.

2. Reasons for Layoff

Non-faculty exempt employees may be laid off at any time for the following reasons:

- A. Legislative action;
- B. Loss of grant, contract or other funding;
- C. Governor's executive order; or
- D. Reorganization. A Board of Regents appointing authority may only use this as a means to lay off an employee for such occasions as privatization, the movement of a function to another state agency, the elimination of an organizational function, the consolidation of departments or functions, or a reduction in a program's activities.

3. Layoff Notification

- A. An employee shall be given a minimum of fourteen (14) calendar days written notice prior to the effective date of the layoff or reassignment. The notice shall include:
 - 1. Reasons for the layoff.
 - 2. Information concerning the right to appeal.
 - 3. The date of a meeting affording the employee the opportunity to present reasons why the layoff should not take place.
 - 4. Date of the layoff.

- B. A copy of the layoff notification must be forwarded to the institutional personnel office on the same date as it is given to the employee.
- C. Notice is effective on the day of deposit in the regular mail of a certified notice, or on the date notice is personally delivered to the employee.

4. **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 last payroll warrant as required by South Dakota law and administrative rule.

SOURCE: BOR, August 1997; BOR, October 1999.