

**NORTH DAKOTA**  
**STATE BOARD OF HIGHER EDUCATION**  
**Human Resources Policy Manual**

**Policy:** 24 Reduction in Force

**Effective:** November 16, 2016

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1. When necessary to achieve a reduction in force, institutions may terminate or reduce from full to part-time or hours worked of any staff employee due to an organizational or procedural change, diminished workload, lack of funds, or other exigency. The employee shall be given at least two weeks written notice of the reduction. At the institution's discretion, employees who are terminated may be given two weeks' pay in lieu of the two weeks' notice.
2. Institutions shall not subject regular staff employees (see Section 2.2) to a reduction in force while there are temporary or probationary employees engaged in the same work, serving at the same work unit.
3. Institutions shall conduct reductions in force in a non-discriminatory manner (see Section 1.2) and shall not use such actions as a substitute for disciplinary measures.
4. Based upon departmental need and work to be performed, the department head shall determine which employees will be subject to reduction in force. In determining which employees shall be affected, the department shall consider the following:
  - a. An analysis of the acquired knowledge, demonstrated skills, and versatility of its employees compared to the work to be done and the available funding. Employees lacking the necessary skills and versatility should be considered for reduction.
  - b. An analysis of the level of demonstrated work performance. Employees having a consistently low level of performance should be considered for reduction.
  - c. A review of the length of service of its employees. Employees with the fewest years of service should be considered for reduction.
  - d. An analysis of the extent of required training needed to train a reassigned employee to full productivity in a different position. Employees requiring substantial retraining should be considered for reduction.
  - e. Any documented understandings concerning the position in place at the beginning of employment.
5. The department shall maintain written documentation of the required analysis and review in Section 24.4.
6. Rehiring of employees terminated or reducing hours worked shall be in the reverse order of the reduction in force when a similar job becomes available in their former department within two years from the date of the action.

7. Employees not on probation when terminated as a result of a reduction in force and rehired within two years shall be credited with:
  - a. Previous service for the purpose of determining annual leave accrual rates.
  - b. Sick leave hours accumulated prior to the reduction, less the amount paid pursuant to Section 7.5 of this manual.
8. Employees not on probation when terminated as a result of a reduction in force shall, for two years following the reductions, be provided the following additional services:
  - a. To the extent possible, institutions will assist terminated employees in searching for other employment.
  - b. Each institution shall maintain a list of employees, including their qualifications, who were terminated due to a reduction in force. Individuals from this list shall be treated as internal applicants by the hiring institution.
  - c. To assist in retraining efforts, employees terminated due to a reduction in force may continue to utilize the North Dakota University System's employee tuition waiver as defined in Section 33 of this manual.
  - d. Employees that are terminated as a result of a reduction in force who are rehired within two years are no longer eligible to receive the above services (as documented in section 8 a-c).