

North Dakota State University

Policy Manual

SECTION 223 REDUCTION IN FORCE

SOURCE: NDUS Human Resource Policy Manual, Section 24
NDSU President

1. When necessary to achieve a reduction in force, the University may terminate any staff employee due to an organizational or procedural change, diminished workload, lack of funds, or other exigency. *NDSU shall determine which services will be eliminated, reduced, or achieved in another form.* The employee shall be given at least two weeks written notice of the reduction. At the university's discretion, employees may be given two weeks' pay in lieu of the two weeks' notice.
 - 1.2 *When appropriate, the University may choose to offer a [severance package](#).*
2. The University shall not subject regular staff employees (see [Section 101.2](#)) to a reduction in force while there are temporary or probationary employees engaged in the same work, serving at the same work unit.
3. The University shall conduct reductions in force in a non-discriminatory manner (see [Section 100](#)) 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 a reduction in force. In determining which employees shall be terminated, the department shall consider the following:
 - 4.1 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.
 - 4.2 An analysis of the level of demonstrated work performance. Employees having a consistently low level of performance should be considered for reduction.
 - 4.3 A review of the length of service of its employees. Employees with the fewest years of service should be considered for reduction.
 - 4.4 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.
 - 4.5 Any documented understandings concerning the position in place at the beginning of employment.
5. *Each department shall submit written documentation of the required analysis (see [Section 223.4](#)) to the Office of Human Resources/Payroll for review prior to taking a reduction in force action.*

6. Rehiring of employees terminated as a result of a reduction in force shall be in the reverse order of layoff when a similar job becomes available in their former department within two years from the date of termination.
 7. Employees not on probation when terminated as a result of a reduction in force and rehired within two years shall be credited with:
 - 7.1 Previous service for the purpose of determining annual leave accrual rates.
 - 7.2 Sick leave hours accumulated prior to the reduction, less the amount paid pursuant to [Section 143.6](#) of this manual.
 - 7.3 *Previous retirement option. The employee may elect (provided the employee is eligible under the retirement policy or contract) to reinstate whichever retirement plan they were previously enrolled in or elect to enroll in the new option available based on position.*
 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:
 - 8.1 To the extent possible, the University will assist terminated employees in searching for other employment.
 - 8.2 The Human Resources Council shall maintain a list of employees, including their former qualifications, who were terminated due to a reduction in force. This list shall be made available to all institutions for employment considerations. Individuals from this list shall be treated as internal applicants by the hiring institution.
 - 8.3 To assist in retraining efforts, employees terminated due to a reduction in force may continue to utilize the NDSU employee tuition waiver as defined in [Section 133](#) of this manual.
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HISTORY:

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| New | July 1990 |
| Amended | December 1992 |
| Amended | July 1997 |
| Amended | July 1999 |
| Amended | October 2003 |
| Amended | May 2004 |
| Amended | February 2006 |
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