

HUMAN RESOURCES POLICY
Fauquier County, Virginia

Policy Title: Reduction In Force
Section No.: 26

Effective Date: 02/18/10
Supersedes Policy: 05/19/03

I. PURPOSE

Reduction In Force procedures shall apply to all employees of Fauquier County. Management has the unilateral right to reduce personnel based on budget requirements, workload factors, reductions in services, or other relevant management considerations regardless of duration of the situation. The decision to eliminate services or reduce personnel shall be made by the County Administrator or by a department head/constitutional officer with the approval of the County Administrator. The Code of Virginia preserves as a non-grievable management right the ability of the County to define its method of reducing its workforce.

II. SCOPE

This policy applies to all employees.

III. DEFINITIONS

A. Affected/Active Position

Affected/active position is defined as the position in which an employee is actively employed at the time of the reduction in force directive.

B. Classification

The grouping of positions within a department that have the same responsibilities and duties performed; education, knowledge, experience and ability requirements; tests of fitness; and ranges of pay.

C. Department

Department is defined as a County department or constitutional office.

D. Probationary Appointment

Probationary appointment is defined as any employee serving the initial probationary period of a position.

E. Reduction in Force (RIF)

Reduction in force (RIF) is defined as a reduction in the number of approved positions because of lack of funds or work and/or the elimination of one or more program functions.

F. Seniority/Years of Service

Seniority/Years of Service is defined as the sum of the employee's continuous length of service with the County.

G. Temporary Appointment

Temporary appointment is defined as an employee working for a maximum period not to exceed twelve (12) months.

IV. **PROCEDURES**

A. A Reduction in Force shall be declared by the Board of Supervisors after recommendation by the County Administrator.

1. When a Reduction In Force (RIF) is declared, employees of selected classifications will be separated based upon the combined criteria of years of service in the position and quality of performance while in the position as set forth below.
2. No career full-time or part-time employee shall be laid off from any position while any probationary employee's employment is continued in the same position classification.
3. The department head/constitutional officer will meet with the Director of Human Resources and the County Administrator (or Deputy County Administrator, if appropriate) to review the reasons for the reduction in force, positions identified for elimination, employment dates in the position, and position performance related information on all impacted employees. An employee's record should be evaluated for the total years of service with the county versus others in the same category. Where an employee with more years of service in a position is determined to be subject to the reduction in force the department head shall provide the County Administrator with a written explanation of the rationale and reasoning related to the employee's performance in that position which resulted in the employee being subjected to the reduction in force.
4. Whenever possible affected employees will be considered for transfers to a comparable vacant position within their department.

5. Employees whose positions are eliminated and whose performance is rated at a minimum of meets expectations shall be placed:
 - a) First, in available vacancies of the same classification or the same series at the same pay grade in the same County Department.
 - b) If no vacancies exist in the same classification, the employees may be considered for a demotion to a similar vacant position in the same County department.
6. Employees to be separated under this Reduction in Force Policy will be eligible for final payouts as per typical separation payout procedures and will be COBRA eligible.
7. Employees, who are not separated through the RIF, may be affected by the increased workload created by the loss of the RIF position. The Human Resources Department will work with departments to take action to assist employees with the transition.

B. Pay Provisions

1. An employee who accepts a demotion under this procedure is authorized to receive the compensation of the former grade and position for not more than three (3) months. During this "grandfather" period, the employee shall be entitled to merit pay increments or other general pay adjustments afforded to other employees.
2. If the employee remains in the position at the end of the three (3) month "grandfather" period, he/she shall be demoted to the grade to which the new position is allocated, and his/her salary shall be adjusted, in accordance with the policy governing demotion.
3. If the employee is returned to his/her active position within the one (1) year recall period, the rate of pay shall be consistent with the active position.

C.. Notice Period And Severance Package

1. All permanent employees, probationary and career, shall be given a minimum of ten (10) working days notice of separation prior to layoff.
2. The Director of Human Resources shall prepare the written termination notice to all employees in affected positions. The original and a copy of all such notices shall be forwarded to the appropriate Department

Head/Constitutional Officer who shall meet individually with each employee.

3. When severance pay is allocated for the purpose of a RIF, it will be paid at the rate of pay at the time of RIF.
4. Unless otherwise specified, severance and the right to be included on the recall list shall be forfeited by the employee who declines a transfer, reassignment, or demotion to another vacant position within the same County department during the RIF process.
5. An employee shall not accrue leave or other benefits related to severance pay.
6. Severance payments to an employee shall cease, if not exhausted, upon the re-employment of the employee to any paid status position in the County.
7. To receive the severance pay, the employee must have received a minimum of meets expectations on their performance evaluations. Severance pay is as follows:

Completed Years of Service	Severance
0 - 3 years	1 month base salary
4-6 years	2 months base salary
6 years and above	3 months base salary

D. Transition Assistance

1. Career employees being separated as a result of a reduction in force shall be scheduled for a transition information session with a representative of the Human Resources Department.
2. Employees who are laid off under a reduction in force directive shall be entitled to unemployment compensation as provided by the Code of Virginia.
3. Employees who are laid off shall be paid for earned annual, sick or compensatory leave as provided for in Human Resources Policies.

E. Recall List

1. Any employee laid off and placed on a recall list shall be responsible for notifying the Human Resources Department of any change in address or telephone number.

2. Employees shall be notified to return to work by certified mail to the last known address in the Human Resources Department. Any individual who fails to advise the Human Resources Department of their intent to return to work within fourteen (14) calendar days of the date of the recall notification shall forfeit all further recall or employment rights.

F. Re-employment

Employees who have been separated from service under this policy are eligible for, but do not have a right of re-employment by the County. Applications will be subject to the competitive employment practices set forth in Human Resources Policy #11 Hiring.

G. Unfair Application Of Procedures

The Director of Human Resources is authorized to review records related to the reduction in force procedure and investigate allegations of unfair application of procedures. The Director of Human Resources' decision regarding the application of procedures under this policy is final and there are no rights to grieve any such decision.

H. State Funding/State Funded Positions

1. Any State funded position, which is supplemented by the County, may be subject to a reduction or elimination of the County supplement. This loss of County supplement may not ultimately result in a position reduction.
2. This policy shall not apply to Constitutional Officers who find it necessary to implement a reduction in force as a result of a reduction or elimination in State funding.