

## **SERENITY BEHAVIORAL HEALTH SYSTEMS**

**SUBJECT:** STAFF REDUCTION  
**POLICY NUMBER:** HR-39.00  
**EFFECTIVE DATE:** March 2001  
**SUPERSEDES:** N/A  
**LAST REVISION DATE:** June 2010

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### **POLICY:**

It is the policy of Serenity Behavioral Health Systems (SBHS) that when a staff reduction becomes necessary, managers need to assess the responsibilities of SBHS as well as the knowledge, skills, abilities, performance and length of service of staff to determine how a reduction will be accomplished.

### **GENERAL INFORMATION:**

- I. A reduction in force is the separation from a job or the reduction in time-status of one or more employees as the result of a shortage of work or funds, a change in SBHS, or otherwise. Reduction in force shall not be used to circumvent the rules on dismissal.
- II. A permanent classified employee who has been laid-off, furloughed or reduced in salary as a result of a reduction in force may appeal to the Board as provided in Rule 24 if the reduction in force as implemented by the Chief Executive Officer (CEO) is not in accordance with the plan of reduction as approved by the commissioner. Such right of appeal shall not be construed to limit the ability of the CEO to adjust the number of employees to be retained.
- III. Any staff reduction involving employees eligible for involuntary separation retirement benefits must receive prior approval from the State Personnel Oversight Commission.
- III. The competitive area is defined by the CEO as any clearly identified organizational, budgetary, or geographic part of SBHS to which a reduction in force is to apply.
- IV. Competition shall be among all employees in a job in the competitive area. Each job shall be treated separately and employees shall be reduced as outlined in policy.
- V. In the event of a reduction in force, employees in the competitive job in the competitive area who are on working test or contingent leave without pay shall be the first to be separated.
  - A. Employees on working test following a promotion shall revert to the job in which they hold permanent status and shall, if necessary, compete with other employees in that job, provided the job exists in the competitive area.

**SUBJECT: Staff Reduction**

**Policy: HR-39**

**Page 2 of 7**

- B. Employees on working test following interdepartmental transfer who have more than five (5) years continuous classified service shall revert to the last lower job, if any, in which they held permanent status. Such employees shall compete, if necessary, with other employees in the lower job, provided the job exists in the competitive area.
- VI. The CEO may file a plan with the Commissioner to place employees in non-pay status as a temporary reduction in force. As a part of the plan, the CEO shall define the method of determining the order employees are to be placed in non-pay status provided, however, that any method used shall place all affected employees in the same class in non-pay status for the same amount of time. The plan will contain all other elements of a reduction in force plan except that retention credits and the order of layoff need not be considered if all employees holding positions of a particular class within the competitive group are to be placed in non-pay status for the same period of time. In a temporary layoff, employees in a higher class shall not be considered as competing with employees in a lower class even if the classes are in a related series.
- A. Notwithstanding other paragraphs of this policy, the CEO may file a plan with the Commissioner to reduce the salary of employees. Such reductions shall be made applicable to the competitive area defined in the plan and shall reduce the salary of all affected employees for the same amount of time. The plan will contain all other elements of a reduction in force plan except that retention credits need not be calculated.
- VII. Reduction in Force due to unavailability of funds shall not apply to a reduction in force which must become effective immediately if SBHS has insufficient funds available to pay the salaries of the affected employees.
- A. Each employee separated or reduced in time-status by a reduction in force will be notified in writing prior to the action.
  - B. Each employee laid off or demoted in the reduction in force will be notified in writing prior to the action.

**REDUCTION IN FORCE PLAN:**

No employee will be laid off by reduction in force except in accordance with a plan previously approved by the Commissioner.

- I. The reduction in force plan submitted to the Commissioner will contain:
  - A. A brief statement of the circumstances requiring the reduction in force and the proposed effective date
  - B. A definition of the competitive area
  - C. A cutoff date after which performance evaluations will not be accepted
  - D. A list of employees in each competitive job in order of retention credits on a form prescribed by or acceptable to the Commissioner, provided that retention credits need not be calculated or included on such list when any competitive job consists of only

**SUBJECT: Staff Reduction**

**Policy: HR-39**

**Page 3 of 7**

- one employee or all incumbents of all jobs in the competitive area are to be separated effective the same date
- E. Justification of any retentions under Rule 24, and
  - F. The manner by which the order of retention shall be determined when employees are tied in total retention credits
- II. If a reduction in force would result in the elimination of twenty-five (25) or more classified positions or the termination of twenty-five (25) or more classified employees, the CEO shall notify employees at least fifteen (15) days prior to of the proposed action, notify the President of the Senate and the Speaker of the House of the proposed reduction. The notice shall:
- A. Identify the facility and operation(s) to be affected and the estimated number of employees to be affected, and
  - B. State the reasons for the proposed action.
- III. The Commissioner will examine the proposed plan for conformity with the rules. If the plan is not acceptable, the Commissioner will notify SBHS of the changes necessary. When the plan is in accordance with the rules, the Commissioner will approve the plan and notify SBHS. SBHS, on notice that the plan is approved, may proceed with the reduction in force.
- IV. A copy of the approved reduction in force plan will be made available by the CEO for inspection by any employee or former employee who was directly affected as a result of the reduction in force.
- V. When a reduction in force has been completed, the CEO shall certify to the Commissioner that such was accomplished in accordance with the plan approved by the Commissioner.

**RETENTION CREDITS:**

Retention credits shall be based upon the average summary rating of performance evaluations and length of service.

- I. Summary ratings of responsibilities on performance evaluations shall be assigned the following numerical values for the purpose of computing retention credits:
  - A. One (1) for a summary rating of "Meets Expectations"
  - B. Two (2) for a summary rating of "Exceeds Expectations", and
  - C. Three (3) for a summary rating of "Far Exceeds Expectations"
- II. The average summary rating shall be derived by adding the numerical values assigned to the summary ratings of all performance evaluations issued in the two years immediately prior to the performance evaluation cutoff date and dividing the sum thereof by the number of ratings, rounded to the nearest half

**SUBJECT: Staff Reduction**

**Policy: HR-39**

**Page 4 of 7**

of a point. If no performance evaluation was issued during the two-year period, an employee will be assigned a presumptive average summary rating of one (1).

- III. If a summary rating from a performance appraisal issued prior to February 1, 1996 must be used in computing the average rating of the performance appraisals, each such summary rating shall be assigned a numerical value as follows:
  - A. One (1) for an appraisal rating of 3.0 through 3.9
  - B. Two (2) for an appraisal rating of 4.0 through 4.5, and
  - C. Three (3) for an appraisal rating of 4.6 through 5.0
- IV. The average summary performance evaluation rating which results from the computation of ratings on performance evaluations shall be assigned the following numerical values for the purpose of computing retention credits:
  - A. 76 for an average rating of 1.0
  - B. 84 for an average rating of 1.5
  - C. 92 for an average rating of 2.0
  - D. 100 for an average rating of 2.5, and
  - E. 108 for an average rating of 3.0
- V. To the numerical value shall be added one point for each full year or major fraction thereof of continuous service under the Merit System including any period of leave which has been allowed in accordance with these rules. One-half year or more will be considered as one year, less than one-half year will be disregarded. No numerical value shall be given for an average summary performance appraisal rating of less than one (1), but retention credits for length of service shall be given. The sum of the numerical value assigned for performance and the credits for length of continuous service will constitute the total number of retention credits for an employee.
- VI. For the purpose of determining years of continuous service as provided in this section, service shall be computed up to the effective date of the reduction in force.

**SEQUENCE FOR REDUCTION OF PERMANENT EMPLOYEES**

- I. Within a competitive area the order of reduction in force of employees in each job shall be:
  - A. First, in ascending order of retention credits, employees who are not honorably discharged veterans of a period of armed conflict and whose average summary performance evaluation rating is lower than one (1)
  - B. Second, in ascending order of retention credits, employees who are honorably discharged veterans of a period of armed conflict and whose average summary performance evaluation rating is lower than one (1)

**SUBJECT: Staff Reduction**

**Policy: HR-39**

**Page 5 of 7**

- C. Third, in ascending order of retention credits, employees who are not honorably discharged veterans of a period of armed conflict and whose average summary performance evaluation rating is one (1) or higher; and,
  - D. Fourth, in ascending order of retention credits, employees who are honorably discharged veterans of a period of armed conflict and whose average summary performance evaluation rating is one (1) or higher.
  - E. Within the above-described groups the sequence for reduction of permanent employees shall be in ascending order of the total number of retention credits. If two or more employees are tied in the total number of retention credits and one or more but not all employees are tied, the CEO shall determine the manner in which the order of retention shall be determined.
- II. If two (2) or more employees have the same total number of retention credits, and one (1) or more will be affected by the RIF, the order of retention will be determined as follows:
- A. Employees will be retained based on a review of their overall summary ratings on both Responsibilities and Terms and Conditions on all performance evaluations which were used in the calculation of retention credits.
  - B. If two (2) or more employees have the same overall summary ratings on the performance evaluations, as referenced above, the order of retention will be determined by the original date of continuous employment in the classified service.
  - C. If two (2) or more of these employees were hired into the classified service on the same date, the order of retention will be determined by drawing lots.

**EXCEPTIONS IN SPECIAL CASES:**

No employee shall be retained in preference to another employee in the competitive area and job who is higher in the order of reduction in force, except under the following conditions: If the position of an employee is not to be abolished and its duties cannot be satisfactorily performed, after a reasonable training period, by an employee higher in the order of selection whose position is to be abolished, the employee may be retained in preference to other employees higher in the order of retention. In such case, a statement of the facts must be made in the plan of reduction of force.

**EMPLOYMENT NOTICE:**

Each employee separated or reduced in time-status by a reduction in force will be notified in writing at least thirty (30) calendar days prior to the action. Such notice shall contain at a minimum:

- A. A statement of the nature of the proposed action to be taken with respect to the affected employee
- B. An explanation of the rights of the affected employee with respect to any right of appeal

**SUBJECT: Staff Reduction**

**Policy: HR-39**

**Page 6 of 7**

- C. Any opportunities with respect to possible continued employment or opportunities to apply for employment with any public or private party assuming the functions of the employee or any other similar opportunities; and,
- D. An explanation of any rights and options with respect to employment benefits, including, but not limited to, any right to continue participation in any retirement system or insurance plan.

**RE-INSTATEMENT:**

An employee who has been laid off or demoted as a result of an approved reduction-in-force plan, and who meets all the qualifications (including any licensure and certification requirements and special qualifications), shall retain status in and right to reinstatement to a classified position in the job in the competitive area from which the employee was separated for a period of one year from the date of separation or demotion and shall be reinstated in inverse order to the order of layoff or demotion. A refusal by the employee of reinstatement upon reasonable notice by the CEO nullifies the right to reinstatement.

**RE-EMPLOYMENT:**

Any employee (classified or unclassified) who is separated from a position as a result of a staff reduction and then re-employed with SBHS or any other Department outside of the competitive area of the RIF (if applicable) is hired into the unclassified service.

**RESTORATION OF LEAVE:**

The following leave provisions apply to eligible employees who are reinstated or re-employed with SBHS within one (1) year of the effective date of a staff reduction.

- I. Any previously accumulated and unused sick leave will be restored
- II. Any forfeited leave accumulated at the time of the staff reduction will also be credited to the employee, but can only be restored and used under the conditions identified in SBHS Policy HR-7 Accrued Leave; and,
- III The period of absence between the date of separation and the date of re-instatement or re-employment will not be considered a break in service for the purpose of graduated leave accrual.

**RETIREMENT STATUS:**

- I. Employees, who were members of the old plan with the Employees' Retirement System (ERS) and did not request a refund of contributions when separated due to staff reduction, may upon re-instatement or re-employment continue to be members of the old plan.
- II. Members of ERS who did request and received a refund of contributions will only be eligible for membership under the 401-K re-instatement or re-employment.

**SUBJECT: Staff Reduction**

**Policy: HR-39**

**Page 7 of 7**

**REFERENCES:**

- I. State Law (O.C.G.A 45-20-19 – Reduction in Force Notice)
- II. State Law (O.C.G.A 47-2-2 and 47-2-123 – Involuntary Separation)
- III. State Personnel Board Rule 24 – (Rules For Classified Employees)

**APPROVAL SECTION:**

\_\_\_\_\_  
Chief Executive Officer

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Date

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Committee Chairperson

\_\_\_\_\_  
Date

**RESCISSION SECTION:**

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Chief Executive Officer

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Date

**REVIEW SECTION:**

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Committee Chairperson

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Date

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Committee Chairperson

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Date

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