

McLennan Community College

POLICIES AND PROCEDURES

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| Reference: | F-V-u | Effective Date: | 06/02/2020 |
| Subject: | Downsizing of the Workforce | | |
| Source: | Board of Trustees | | |
| Approval Authority: | Board of Trustees | Approval Date: | 06/02/2020 |
| History: | New Policy | | |
| Remarks: | | | |

I. INTRODUCTION

This policy establishes a uniform process for implementing a downsizing of the workforce at McLennan Community College. A downsizing implementation would be in accordance with Procedure F-V-v (Downsizing of Non-Faculty Workforce) for staff and Policy F-III-a (Academic Freedom Responsibility and Tenure) for faculty.

II. DEFINITION

- A. A downsizing of the workforce is an action to reduce the number of College employees within a particular unit, department, division, support area, campus, or location. Circumstances requiring a downsizing may include but are not limited to:
1. Financial exigency
 2. Program change or elimination
 3. Reorganization or restructuring
 4. Legislative directives
 5. Declining enrollment
 6. Other circumstances affecting efficient operation

A “financial exigency” is an event or occurrence that creates a need for the College to reduce financial expenditures.

III. GENERAL POLICY

- A. A downsizing decision will be made without regard to the employee’s race, creed, color, national origin, citizenship status, age, disability, pregnancy, religion, gender, sexual orientation, gender identity, genetic information, marital status, or veteran status. Additionally, no downsizing decision shall be based on an employee’s exercise of rights guaranteed by the Constitution or rights conferred by statute, including, but not limited to, the Family Medical Leave Act, Uniformed Services Employment and Reemployment Rights Act, and the Texas Whistleblower Act.

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- B. Modification in or the elimination of jobs due to changes in funding for grants or external contracts are not subject to this policy.
- C. This policy does not address or govern dismissal of an employee for misconduct, unacceptable performance, or other reasons specified in other College policies.
- D. The President will:
 - 1. Determine when circumstances necessitate a downsizing and present a written recommendation to the Board of Trustees that demonstrates the need.
 - 2. Consider and examine available alternatives that may eliminate the need for a downsizing or limit its scope.
- E. The Board shall determine whether a financial exigency or other circumstance exists that warrants a downsizing under this policy. The Board's determination constitutes sufficient cause for termination of an employment contract during the contract period.
- F. The President shall establish and maintain supporting procedures for this policy. The procedures shall identify the criteria that will be utilized when determining which employees will be dismissed or released.
- G. The President may reassign employees to positions or locations at his or her discretion to meet operational needs.
- H. Eligibility for Rehire
 - 1. A former employee who is dismissed pursuant to this policy may apply for other available positions for which he or she is qualified. A former employee shall be responsible for reviewing posted vacancies and complying with College procedures to be considered for a particular vacancy.
- I. Appeal of Dismissal Due to Downsizing
 - 1. Faculty: Termination or nonrenewal of a contract may be appealed in accordance with Policy F-III-a (Academic Freedom Responsibility and Tenure).
 - 2. Staff: Termination or nonrenewal of a contract may be appealed in accordance with Procedure F-V-v (Downsizing of Non-Faculty Workforce).