

McLennan Community College

POLICIES AND PROCEDURES

Reference:	F-V-v	Effective Date:	06/02/2020
Subject:	Downsizing of Non-Faculty Workforce (Procedure)		
Source:	President		
Approval Authority:	President	Approval Date:	06/02/2020
History:			
Remarks:			

I. INTRODUCTION

This procedure specifies the guidelines for implementing a downsizing of the non-faculty workforce at McLennan Community College in accordance with Policy F-V-u (Downsizing of the Workforce). The procedure for a reduction in faculty is outlined in Policy F-III-a (Academic Freedom Responsibility and Tenure).

- A. 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

- B. A downsizing will be considered only after examining available alternatives that may eliminate the need for a downsizing or limit its scope. Alternatives may include, but are not limited to:
 - 1. Merging programs
 - 2. Consolidation of services
 - 3. Voluntary separations
 - 4. Redeployment of employees
 - 5. Furloughs or temporary leaves of absence without pay
 - 6. Attrition
 - 7. Pay freezes or reduction in pay

- C. Selection criteria will be determined based on the circumstances necessitating the downsizing and shall be articulated prior to implementing a downsizing plan. The criteria to be used for selecting positions and personnel to be affected by a downsizing may include but are not limited to:
 - 1. Program or departmental needs to support a particular function or operation.
 - 2. Skills and experience required to support a program or department after a downsizing, reorganization, or restructuring.

POLICIES AND PROCEDURES

3. Prior written evaluations and documented employee performance and behavior.
4. Employee credentials, qualifications, and training.
5. Length of service will be considered after considering the above criteria.

Additionally, to the extent required by law, the College shall consider whether employees are entitled to a preference in retaining employment under Chapter 657 of the Texas Government Code pertaining to veterans.

II. PROCEDURE

- A. The President, in consultation with the Leadership Team (VP's), will determine the necessity for recommending a downsizing in compliance with section 1 A of this procedure. Existing and future needs of the College will be considered in making the recommendation for the downsizing.
- B. The President, in consultation with the Leadership Team, will develop and present a proposal to the Board of Trustees that specifies:
 1. The circumstances and situation necessitating the downsizing;
 2. The data and/or other factual information that shows the benefit to be obtained through the proposed downsizing;
 3. The alternatives considered that may eliminate or limit the scope of the downsizing in accordance with the Downsizing of the Workforce Policy;
 4. The criteria established to accomplish the objectives;
 5. A proposed timeline for implementation.
- C. The President and Leadership Team, in conjunction with input from other College leaders, may identify employees subject to reassignment based on the needs of the College.
- D. In the event members of the Leadership Team are subject to a downsizing, the President, in consultation with the Board of Trustees, will determine which positions or job functions may be eliminated or affected.
- E. Employees who are affected by the downsizing will be shown care and dignity during this process and the transition. Employees will be notified in person and the President will provide a written notice to each affected employee. The notice shall provide the effective date of termination and shall include a brief statement of the reasons for the downsizing.
- F. Employees who are affected by the downsizing will be provided as much advance notice as possible in order to ensure an orderly transition for both the affected employees and the College.

POLICIES AND PROCEDURES

III. ELIGIBILITY FOR REHIRE

- A. A former employee who is dismissed due to a downsizing may apply for 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.
- B. If rehired, the employee will be compensated according to the then current salary schedule established for the position in which the employee is being employed.

IV. APPEAL RIGHTS

- A. Every attempt will be made to conclude the appeals process prior to the employee's last scheduled day of work. The filing of an appeal will not delay the effective date of the downsizing.
- B. Staff Appeals: All administrative staff and support staff whose employment is terminated due to a downsizing may present a written appeal. The employee must file a written appeal to the President within ten (10) work days from when notified of the downsizing. The appeal shall include the full details of the reason for the appeal, specific facts in support of the grounds for appeal, and any evidence on which it is based. The President and Leadership Team will review all appeals and provide a written decision within thirty (30) working days of receipt of the written appeal. If the appeal is successful, the employee will recover any lost pay resulting from the downsizing.

V. EFFECT OF DOWNSIZING ON COMPENSATION AND BENEFITS

- A. Credited service and other benefits such as sick leave and vacation do not accrue during a downsizing. If re-employed, an employee dismissed under the Downsizing of the Workforce Policy will have sick leave and credited service restored if the employee returns to a benefits eligible position within six (6) months of the dismissal.
- B. Life and disability insurance coverage ends as per the plan document.
- C. Medical and dental insurance may continue under the provisions of COBRA if the employee pays the full monthly premium. Otherwise, medical and dental insurance coverage ends on the last day of the month during which the downsizing occurs.