Section III. Employment

A. Performance Evaluation

The purpose of a performance evaluation is to review the core duties of the position, communicate expectations of the job, provide feedback to afford the employee an opportunity to discuss successes/difficulties that occurred within the review period and to establish goals for the next review cycle. A performance evaluation shall not be used as a means of discipline.

Employee job performance will be formally evaluated at the end of the initial hire probation period, after the end of any extension of the probation period, and thereafter on an annual basis in the month of March, unless a formal performance evaluation for probationary period or position change was completed within the immediately preceding 90 days. A discussion to review performance and progress will take place in the month of July which is the mid-point of the review period.

The employee’s performance is assessed for the period of January 1 through December 31 for the previous year. Completed Performance Evaluations and Annual Goals are due to Human Resources by March 31.

If the supervisor has not supervised the employee for a continuous period of three months immediately prior to the last work day in March, the performance evaluation may be deferred until the three-month time period has been completed.

AFSCME shall participate in any review and amendments of the evaluation instrument and process. Said changes shall be reviewed through the meet and confer process. Inaccurate statements and failure to follow procedures defined by the College are grievable under this policy. The burden of proof shall be on the grieving party. An employee who disagrees with the correctness of statements on the Performance Evaluation form may submit a written rebuttal to his/her performance evaluation within 10 days to Human Resources, with a copy to his/her supervisor and administrator, for attachment to the official evaluation in question.

B. Seniority

Seniority is defined by the College as the length of continuous full-time service since the most recent date of employment as a regular employee. Leaves of absence without pay in excess of 30 consecutive calendar days shall not be credited toward seniority, except for Family and Medical Leave, Military Leaves, long-term educational purposes or professional development.

A. seniority list shall be made available to the AFSCME representative upon request, with the following information:
   a Name
   b Position Title/ Position Control Number
Loss of Seniority – An employee shall lose his/her seniority for the following reasons:

1. Voluntary resignation.
2. Discharge (unless reversed through the grievance procedure outlined in this Policy Statement or by an authorized state or federal agency).
3. Retirement.
4. Failure to return to work within eight calendar days after recall from Reduction in Force.
5. When an employee has been laid off in excess of three years.

C. Involuntary Transfers, Reassignments and Temporary Deployments

The College reserves the right to transfer, reassign and temporarily deploy employees. Insofar as possible, all such transfers, reassignments and deployments shall be voluntary. The College will make every attempt to inform employees of the anticipated duration of a temporary deployment, but reserves the right to modify the duration in order to meet the needs of the College. However, in the absence of a sufficient number of volunteers, the College shall transfer, reassign and deploy such employees as it deems necessary.

The College shall make transfers, reassignments or temporary deployments pursuant to prior approval by the Chief Human Resources Officer or designee. In addition, any changes to the anticipated duration of a temporary deployment must have the prior approval of the Chief Human Resources Officer or designee.

D. Reduction in Force (RIF)

A. Statement of Intent

This policy provides the College with the ability to adjust staffing to meet the College’s needs.

The College values its employees and shall undertake a RIF only after less impactful alternatives have been exhausted, (such as transfers, reduced work hours, flexible schedules, elimination of appropriate temporary, probationary, part time, seasonal or contracted positions, the solicitation of volunteers for reduction in force or retirement, etc). Once the Chancellor and/or the Board of Governors determines the College faces a College-wide enrollment decline or financial exigency that may result in a RIF, he/she will seek broad input from relevant employees and their representative groups to determine the best possible implementation for a RIF.

In any circumstance addressed by this policy, affected and potentially affected employees will be given as much notice a possible, but no less than 30 calendar days prior, that the provisions of this policy may be invoked.
This policy does not apply to Externally Funded Regular Full-time Positions.

B. Definitions:

Reduction in Force (RIF) shall mean a reduction in the total number of employees of the College due to a demonstrated enrollment decline, a financial exigency, or other circumstances that affects an individual program or the College as a whole.

An enrollment decline shall mean a pattern of declining enrollment across the College, a Campus, or within a program, i.e., a sustained downward trend over two or more semesters.

A financial exigency shall be deemed to exist when substantial or recurring diminishing financial resources threaten the ability of the College to meet its present financial obligations.

Program reduction means a decision to cancel, consolidate, or realign a program or discipline.

A RIF is not a replacement for the College’s disciplinary policy and procedure or on-going performance management issues.

C. Reduction-in-Force Criteria

While the Chancellor may take a variety of approaches to determine a plan for RIF, he/she is committed to respect the following principles:

a. Any elimination of staff positions shall have the least possible impact on students.

b. Processes and data used to determine which positions are eliminated shall be transparent, fair, and communicated to affected employees and their representative groups.

c. Processes used to determine which positions are eliminated make use of quantitative and qualitative data analysis such as enrollment trends, community need, financial viability of programs, or external accreditation results.

d. Processes make use of subject matter experts.

e. Within the operational unit, job classification, and working title affected by the reduction, college-wide seniority and performance will be the determining factors considered in the selection of employees to be reduced. Performance is defined as the absence of active corrective (Step 2 or higher) or disciplinary action and/or a pattern or history of corrective or disciplinary action within the last four years. Note: When the Personnel Policy Statement for the College Employees, Section V: Code of Conduct regarding disciplinary action is revised, this section of the policy will be modified to reflect those changes in concert with employee representatives. Justification for selection of any individual for RIF for a reason other than seniority must be reviewed and approved by the Chief Human Resources Officer.
D. Procedures

1. Written notice of possible RIF shall be given to affected employees as far in advance as reasonably possible. Notice of selection for a RIF will be provide in person whenever possible and in writing no less than 30 calendar days prior to the effective date of such RIF. The College may, in its discretion, elect to pay employees in lieu of providing a minimum notice period. In addition, the representative employee group shall be notified of the number of affected non-exempt positions to be eliminated prior to distribution of written notices to the affected employees.

2. Employees who are selected for a RIF and their representative group shall be provided a written notice of the selection criteria and the methodology that were used to determine which employees would be subject to the RIF.

3. Employees who are subject to a RIF are encouraged to apply for other open positions within the College. Upon request from the employee, Human Resources will provide assistance in locating available positions within the College.

4. Employees who obtain an alternative position with the College within one year after the date of the RIF shall retain all pre-existing employment rights, including credit for salaries, and sick leave.

5. Individuals selected for RIF pursuant to this policy may file a grievance in accordance with College policy. Refer to Section VI. Grievance Procedures in the Personnel Policy Statement for College Employees.

6. Termination of employment as a result of a RIF pursuant to this policy is not dismissal for cause and shall not be recorded or reported as such.

7. Any unpaid annual leave, accrued as of the date of RIF, shall be paid to the employee.

8. In accordance with federal guidelines affecting equal employment

9. opportunity/affirmative action, any application of the RIF policy must be reviewed by Human Resources to determine its impact on the College’s affirmative action goals.

10. The College shall make recommendations for outplacement services for those staff affected by a RIF.

E. Recall

A RIFed employee from a general funded position on the recall list shall be offered a recall from RIF in accordance with seniority, provided such employee is qualified to perform the duties of the job. A RIFed employee will remain on the recall list for 12 months after the effective date of the RIF.
There is no recall list for externally funded employees.

A RIFed employee recalled for work, who has been notified at her/his last known address by certified mail, must notify the Human Resources Office within ten work days after receipt of the notification by the College if he/she will accept the recall and report for work no later than ten work days after receipt of the recall letter. Any employee failing to respond or accept the recall shall be deemed to have resigned except as provided elsewhere herein.

A RIFed employee may reject a recall to employment with the College to a job classification in a lower salary range than the job classification held at the time of RIF. Recall will be initiated by the College immediately upon the existence of a vacancy in the College. However, a RIFed regular full-time employee on the recall list must be offered the opportunity to return to work to fill a vacancy within a classification in which he/she worked prior to the College initiating an external recruitment. The College will make a good faith effort to restore employees to their former classifications and salary ranges during the recall period.

An employee RIFed from a general funded position who accepts a recall to a general funded position will have his/her benefits eligibility, seniority, and if applicable, banked step eligibility restored. If rehired to the same general fund job classification as he/she was RIFed, the employee will be placed at the same salary step at time of RIF. An externally funded employee recalled to an externally funded job classification, benefits eligibility and banked step eligibility may be restored, and if recalled to the same salary classification as he/she was RIFed, placed at the same step at time of RIF, when permitted by the external funding source.

F. Organizational Realignment/Repurposing

The College reserves the management right to reorganize and realign positions based on organizational needs. An employee may accordingly be realigned/repurposed to a position of a like classification. Employees placed in another full time, regular position as a result of a Chancellor approved reorganization shall maintain classification and rights, salary, and ability to return to the same classification and salary range held prior to the reorganization should the reorganization decision be reversed. This shall be initiated on a voluntary basis.

In no way will this serve as a demotion, loss of salary, or placement in a lower classification. Employees realigned/repurposed will retain these rights of return for a period of two years from the date of reorganization providing they still have the ability to perform the job, no Performance Improvement Plan or disciplinary action is in effect, and have not within the two year period accepted a promotion or served in a classification which reinstates them to the same or higher salary range as held prior to the reorganization. Seniority will be used if more than one employee is eligible for return under these provisions. The Chief Human Resources Officer shall review all reorganizations. The Chancellor will make the final determination on an employee’s right to reinstatement and reclassification.

G. Selection Process for Lead Assignments

All regular classified non-exempt employees must be advised of and offered the opportunity
to express interest in lead assignments within the work unit. Should more than one employee express interest and have the requisite qualifications to successfully accomplish the purpose and goals of the assignment, the supervisor will work with the Human Resources Department to design an appropriate selection process. In the event that two or more employees are deemed to qualify, selection will be in order of seniority. If no employee within the work unit expresses interest, the supervisor shall select a qualified employee by direct appointment.

See Appendix C: Lead Assignments for an overview of the process.

H. Selection Process for Vacancies

In the event that a regular full-time position becomes open, the position shall be filled according to A.P. 5.01.01

I. Externally Funded Positions

Externally funded positions are those funded by resources other than College general funds. Employees hired into positions funded from sources other than College general funds are considered externally funded employees. General funds are generated from property taxes, state appropriations and tuition. All other funding sources are considered external including, but not limited to, grants, contracts, inter-governmental agreements, student fees, donations, athletic revenue, etc.

Externally funded employees are covered by the terms and conditions of the Non-Exempt Personnel Policy Statement, with the following exceptions:

1. Employment in an externally funded position is contingent upon the continuation of external funding.

2. Externally funded regular employees may be, but there is no guarantee, protected from RIF through:
   • Placement into another externally funded position that has voluntarily been vacated through a RIF;
   • Placement into another externally funded position vacated by the termination of an initial hire or disciplinary probationary employee in the affected program areas;
   • Abilities based reassignments into another externally funded vacant position, and/or;
   • Abilities based reassignments into a general funded vacant position.

3. Externally funded employees do not have seniority or reassignment rights within the College general funded employment process.

4. Regular general funded college employees placed into externally funded positions through a College-initiated appointment shall retain the
right to revert to their regular general fund position or a position of comparable wage and duties within the College upon the expiration of the position or external funds.

5. Regular general funded college employees who successfully compete for an externally funded position effectively resign and voluntarily give up their rights to the general funded position and become subject to the provisions of 1-3 stated above in Section III. G.

Institutionalization of externally funded programs or projects is subject to the terms and conditions of the external funds agreement as well as to the College’s ongoing program needs, funds availability and other conditions.

There is no recall list for externally funded employees. Within 24 months after the effective date of the RIF, an employee laid off from an externally funded position may be recalled to another externally funded position for which the employee is qualified, subject to the conditions of the external funds agreement in existence between the College and the funder.

An externally funded employee recalled to an externally funded job classification, benefits eligibility and banked step eligibility may be restored, and if recalled to the same salary classification as he/she was laid off, placed at the same step at time of RIF, when permitted by the external funding source.

**J. Return to Work from Work Related Injury**

To assist employees injured on the job in returning to work, the College will implement a “light duty” provision coordinated by the Employee Relations and Employee Service Center Offices. In some situations due to the nature of work and the medical restrictions imposed, this may provide for short-term work assignments, including modified activities and/or shortened workdays, pending physician release to the full work assignment. There is no guarantee that a short term, modified, or shortened work day assignment will be provided.