

**PIERPONT COMMUNITY & TECHNICAL COLLEGE BOARD OF GOVERNORS**  
**Meeting of February 24, 2026**

- ITEM:** Policy PP-2059: Furlough and Reduction in Employee Workforce
- COMMITTEE:** Human Resources, Policies, By-Laws Committee
- RECOMMENDED RESOLUTION:** Resolved that the Pierpont Board of Governors approve the 30-day public notice of changes to Policy PP-2059: Furlough and Reduction in Employee Workforce.
- STAFF MEMBER:** George H. Perich; Vice President, Human Resources & Org. Dev.
- BACKGROUND:** The language in the existing policy requires language changes to reflect changes in operations and WV Statute.

The last revision of the Pierpont Community & Technical College's Employment Furlough and Reduction in Employee Workforce Policy was approved in April 2015 and does not reflect the institution's revised institutional guidelines.

**PUBLIC COMMENT PERIOD: February 26, 2026 through March 27, 2026**

All comments are to be made in writing to:

*Amanda Hawkinberry*  
*Executive Assistant to the President*  
*Pierpont Community & Technical College*  
*500 Galliher Drive*  
*Fairmont, WV 26554*  
[bog@pierpont.edu](mailto:bog@pierpont.edu)

*The proposed policy will be available for public viewing on the Pierpont Community & Technical College website at*  
<https://www.pierpont.edu/about/board-of-governors/policies/>

**PIERPONT COMMUNITY & TECHNICAL COLLEGE**  
**Board of Governors Policies and Procedures**  
**POLICY # 59**

**TITLE: Furloughs and Reduction in Employee Workforce**

**Authority/Reference:** West Virginia Code §18B -7-3 and Title 133, West Virginia Council for Community and Technical College Education, Series 8, *Personnel Administration*, and Series 9, *Academic Freedom, Professional Responsibility, Promotion and Tenure*

**Effective Date: April 28, 2015**

**Amended:**

**Repealed:**

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**SECTION 1. PURPOSE**

- 1.1 The purpose of this policy is to establish uniform procedures that will provide a means to address employee furloughs and reductions- in-force within the ranks of regular full-time employees at Pierpont Community & Technical College (Pierpont) in response to financial condition necessitating a reduction in the institution's labor budget.

**SECTION 2. SCOPE AND APPLICABILITY**

- 2.1 This policy shall apply to all regular full-time (.53 FTE and above) employees and positions, to include faculty, classified, non-classified and Faculty Equivalent/Academic Professional (FEAP) employees.
- 2.2 This policy is intended to apply only to full-time regular employees, i.e., those at .53 FTE and above. Employees at less than .53 FTE, i.e., part-time regular ("1039") or temporary, casual or project employees are not included in this policy, as they are considered "at-will" employees whose positions may be abolished if deemed necessary.

**SECTION 3. DEFINITIONS OF EMPLOYEES (from Title 133, Series 8, 2.1)**

- 3.1 **Full-Time Regular Employee (FTR):** Any employee in a classified position created to last a minimum of nine months of a twelve-month period and in which period such employee is expected to work no less than 1,040 hours during said period. The full-time equivalent (FTE) of such a position must be reported at no less than .53 FTE. Personnel who fail to meet the work threshold for designation as full-time classified personnel shall hold no seniority and will be considered "at-will" employees.
- 3.2 **Full-Time Faculty:** Employment as a faculty member for a full academic year (at least a nine-month contract basis) for at least six (6) semester credit hours teaching per semester or the equivalent in teaching, research, public service, and/or administrative responsibilities. Faculty are not considered classified employees or subject to the classification program.

- 3.3 **Non-Classified Employee:** An employee, designated by the president, who is responsible for policy formation at the department or institutional level or reports directly to the president of the institution. Non-classified employees are not subject to the classification program but are eligible for benefits.
- 3.4 **Part-Time Regular Employee:** An employee in a position created to last less than 1,040 hours during a twelve-month period. An employee in a PTR position is not eligible for benefits, but is covered under the classification program.
- 3.5 **Temporary Employee:** An employee hired into a position expected to last fewer than nine months of a twelve-month period regardless of hours worked per week. A temporary employee is not eligible for benefits, but is covered by the classification program.
- 3.6 **Casual Employee:** Position created to meet specific operational needs at an institution for no more than 225 hours in a 12-month period. Individuals in a casual employee position are not eligible for benefits and are not covered by the classification program.
- 3.7 **Furlough:** A furlough is mandatory time off work for no pay for an employee or employees, a program typically implemented in lieu of reductions in force and the permanent loss of jobs and positions.
- 3.8 **Reduction in Force (RIF):** The termination of employees and/or positions due to lost funding or unmet revenues; or due to institutional or programmatic changes; or due to the reorganization of business operations. Reduction in force for classified employees shall be in accordance with West Virginia Code §18-B-7-3
- 3.9 **Seniority (for classified employees):** For purposes of reduction in force, “seniority” means uninterrupted service in the higher education system. Uninterrupted service means the continuous period of time that an employee is in payroll status—i.e., being paid for time worked regardless of when the payment occurs. Therefore, persons on unpaid leaves of absence (regardless of the reason) do not accrue seniority service for purposes of reduction in force. An employee hired at Pierpont who previously worked at another institution under the jurisdiction of the Higher Education Policy Commission or Council for Community and Technical College Education must have no break in service between the two institutions in order to have the previous institutional service counted toward seniority calculations for reduction in force purposes at Pierpont.
- 3.9.1 For regular employees, this excludes adjunct teaching experience and part-time temporary and/or casual work experience. Temporary and casual employees do not earn or carry seniority.
- 3.10 **Seniority (for faculty employees):** For regular faculty employees, seniority may apply in some circumstances, as detailed in Section 5 following.
- 3.11 **Seniority (for non-classified and FEAP employees):** Seniority is not a mitigating

factor or consideration for non-classified and FEAP employees, who are considered “at-will” employees.

- 3.12 **Full-time equivalency (FTE):** Full-time equivalency is the percentage of time for which a position is established; a 1.0 FTE is a position assigned to work 1950 hours per the twelve (12) months of the fiscal year.

#### **SECTION 4. FURLOUGH POLICY**

- 4.1 After the decision that a financial condition necessitating a reduction in the institution’s labor budget exists the President shall have the authority to determine and implement a feasible furlough plan, which shall be applied to all regular employees equitably and in a manner appropriate to their FTE’s and employment type as described above in Section 3. Such a plan must be approved by the Board of Governors in a regular meeting or by another method of voting approved by the Board.
- 4.2 The furlough plan must be designed such that it minimizes the financial impact on employees.
- 4.3 Teaching faculty will be provided work-release as the method of their furlough.
- 4.4 Seniority is not a consideration in furloughing.

#### **SECTION 5. REDUCTION IN FORCE POLICY - FACULTY**

- 5.1 It shall be the policy of the Board of Governors to undertake reductions in the workforce or personnel in a consistent and equitable manner. Following the decision that a financial condition necessitating a reduction in the institution’s labor budget exists, the President shall undertake program/curriculum reviews to consider pertinent program/curriculum or administrative information. The President may recommend to the Board of Governors the elimination or reduction of programs/curricula deemed appropriate, given financial and enrollment considerations, and in the best interest of the College in general. The primary consideration in any resulting decision to eliminate positions and to reassign or reduce the number affected faculty positions and personnel will be the preservation of the quality and effectiveness of the College’s programs and overall mission.
- 5.2 **Basis for Elimination of Faculty Positions:** Recommendations by the President to the Board of Governors concerning the elimination of any faculty position will be made on the basis of need within each discipline, as defined by the President after consultation with the Chief Academic Officer, the Deans and department chairs.
- 5.2.1 **Elimination of Positions with Equal Rank in Same Discipline/Department:** In the event all other factors are considered to be equal and a choice must be made concerning the elimination of the position of one of two or more faculty members holding the same rank and teaching the same discipline, the faculty member with the greater seniority will be retained. Also, in the event of a conflict between rank

and seniority, such as when an assistant professor has substantially more seniority than his or her equally qualified counterpart who is an associate professor, the department chair, dean and the chief academic officer will jointly review the annual evaluations of both faculty members for the previous three years, as well as any other relevant data, and make a recommendation to the President concerning which of the positions better serves the vital interests of the College.

**5.2.2 Order for Elimination of Faculty Positions:** Non-tenured faculty members, within the discipline to be reduced, will be terminated prior to the termination of the employment of tenured faculty members. Employment terminations of faculty members will generally follow the order specified below unless there is an identified need to retain faculty members who are deemed to be of key importance to a particular program:

**Non-Tenured:**

1. Adjunct Faculty
2. Lecturer and Temporary Faculty
3. Instructor
4. Assistant Professor
5. Associate Professor
6. Associate Professor/Senior
7. Professor
8. Professor/Senior

**Tenured:**

9. Assistant Professor
10. Associate Professor
11. Associate Professor/Senior
12. Professor
13. Professor/Senior

**5.3 President's Recommendation:** In addition to recommendations made in response to a financial condition necessitating a reduction in the institution's labor budget, the President may recommend the termination of the employment of faculty members to the Board of Governors at any time for reason of lack of funds, lack of work, reduction in enrollment or abolition of position. Recommendations of the President to the Board of governors relative to the termination of the employment of faculty members shall not be made until affected faculty members have been afforded a hearing as provided herein.

**5.3.1 Notice and Hearing for Tenured Faculty Members:** The President shall provide written notice to any full-time tenured faculty member of the intent to recommend termination of employment based upon a reduction-in-force. The notice shall contain a description of the reasons for the intended recommendation. The President must make every effort to give as much notice as is practical in light of a financial condition necessitating the reduction in the institution's labor budget exists to each affected faculty member in advance of

the effective date of the layoff. Yet, the legislative appropriation process or the recognition of a reduction in revenues and the subsequent analysis needed before a decision that a financial condition necessitating a reduction in the institution's labor budget exists may allow little time for formal notice to the employees who are to be laid off. Upon receipt of such notice, the affected faculty member may request a hearing to be conducted by the President or his or her designee. A request for a hearing must be made within five (5) calendar (working) days of a notice of recommended termination. Among the issues to be considered by the President or designee are:

- a. Ensuring that reductions-in-force do not arbitrarily violate the principles of academic freedom or established law on the basis of individual qualifications such as race, color, gender, sex, sexual orientation, gender identity, gender expression/association, national origin, age, height, weight, religion, creed, genetic information, disability or veteran's status, as identified and defined by relevant and appropriate employment law.
- b. The burden of proof in position or employee termination proceedings rests with the faculty member. The decision that a financial condition necessitating a reduction in the institution's labor budget rests solely within the President's authority and discretion with the approval of the Board and is not subject to contest by any faculty member.
- c. The hearing shall be recorded by mechanical means and a written transcript provided to all participating and appropriate parties to be included with the final response as described in (e) below. The strict rules of evidence shall not, however, be applied during the hearing.
- d. Following the hearing, the President or designee shall prepare a written decision upon any matters raised by the faculty member who requested the hearing. The decision shall contain a description of the concerns raised by the faculty member and a response to each thereto. A copy of the decision and transcript shall accompany any subsequent recommendation made by the President to the Board of Governors. These actions will all be completed within ten (10) working days of the appeal meeting, unless an extension is mutually agreed upon by the faculty member and an approved designee of the College.
- e. Use of the appeal procedure does not delay the effective date of employment termination of the faculty member.

**5.3.2 Non-Tenured Faculty Members:** In most instances, a reduction-in-force of faculty members under fixed-term appointments will be accomplished by non-reappointment rather than by layoff during the term of employment. Non-renewal under these circumstances does not entitle a faculty member to notice and hearing under the terms of this policy. In the event a faculty member serving under a fixed-term appointment is recommended for employment termination during the term of employment because of a reduction-in-force resulting from a decision that a financial condition necessitating a reduction in the institution's labor budget, that faculty member shall be entitled to use the appeal procedure

described in Section 5.3.1.

- 5.3.3 **Action by the Board of Governors:** Upon receipt of a recommendation by the President, the Board of Governors may approve the termination of employment of a faculty member. No separate hearing shall be afforded to affected faculty members by the Board of Governors. The affected faculty member shall be provided with written notice of the action taken by the Board of Governors and shall also be provided with a copy of the instructions and form for filing an appeal with the West Virginia Public Employees Grievance Board.
- 5.3.4 **Transfers/Refusals to Transfer:** In some cases, the President may decide (as a result of the above-described review process), to abolish or combine certain programs or curricula, or to close certain physical campuses or locations, whether for purposes of a financial condition necessitating a reduction in the institution's labor budget or for reorganization or reallocation of resources. In such a case, an employee may be reassigned to a new program, school or physical location. If a faculty member refuses the reassignment to a program, school or physical location, the President may then terminate that faculty member's employment; as an equitable offer has been made and refused, the College is under no further obligation to maintain the employee's job or employment.
- 5.3.5 **New Faculty Positions:** New positions will not be created while a financial condition necessitating a reduction in the institution's labor budget is in effect unless a serious disruption in the functioning of the College or a loss of grant funds would otherwise result, as determined within the sole discretion of the President. New academic programs or faculty positions may be created only when it can be demonstrated that these programs or positions will help the College extricate itself from the financial conditions necessitating the reduction in the institution's labor budget and /or program and curriculum performance. Priority for filling these positions will be given to existing, qualified faculty whose positions are slated for abolishment.
- 5.3.6 **Re-employment Following Financially Based or Other Termination:** Notwithstanding any other recall rights contained in the policy, in the case of the termination of the employment of a tenured faculty member occupying a permanent faculty position, the position concerned may not be filled by replacement within a period of two (2) years from the effective date of the termination of employment, unless the faculty member has been offered a return to employment in that position and has not accepted the offer within 30 calendar days after the offer is extended.
- 5.3.7 **Termination of Exigency:** The conclusion of a financial condition necessitating a reduction in the institution's labor budget will not imply that employment terminations that were made during that period are automatically withdrawn, revoked or otherwise invalid.

- 5.3.8 **Process for Re-employment of Affected Personnel:** The following process shall be observed for determination of recall and reassignment of affected faculty members following their termination during a financial condition necessitating a reduction in the institution's labor budget: When filling academic positions, the highest ranking qualified tenured faculty member whose employment has been terminated as part of a financial condition necessitating a reduction in the institution's labor budget reduction-in-force (and who has not been employed in an academic position elsewhere) shall be offered the position. If the position is refused, it shall be offered to other similarly affected faculty members in rank order. Any refusal of employment by a faculty member shall extinguish any further rights to recall. However, a refusal to accept a position shall not preclude a faculty member from making application for other posted position openings. The Office of Human Resources shall notify faculty members whose employment has been terminated of position openings in accordance with the terms of this policy. The notice shall be sent by certified mail to the last known address of the employee. It is the responsibility of the employee on the recall list to notify the Office of Human Resources of any change in address in order to retain recall status.
- 5.3.9 **Assumption of Responsibilities:** The duties of a faculty member terminated under the provisions of this policy will be assumed by his/her remaining colleagues in so far as is feasible.
- 5.3.10 **Rights of Returning Tenured Faculty Members:** A tenured faculty member who has been terminated and who accepts re-employment with the College under the terms of this policy will resume tenure and the rank held at the time of employment termination, be paid a salary commensurate with the rank and length of previous service, be credited with any sick leave accrued as of the date of employment termination and be credited with any annual leave accrued as of the date of employment termination for which payment has not been made. Annual increment service time will begin accruing upon reinstatement; no annual increment or other service time accrues during the period of reduction-in-force.

## **SECTION 6. REDUCTION IN FORCE POLICY—CLASSIFIED STAFF**

- 6.1 It shall be the policy of the Board of Governors to undertake reductions in the workforce or personnel in a consistent and equitable manner, in adherence to the provisions of WV Code §18B -7-3. The President, however, following the decision that a financial condition necessitating a reduction in the institution's labor budget exists, shall undertake program, administrative and service reviews to consider pertinent program, administrative or service information. The President may recommend to the Board of Governors the elimination or reduction of programs or services deemed appropriate, given financial, enrollment and other pertinent considerations, and in the best interest of the College in general. The primary consideration in any resulting decision to eliminate positions and to reassign or reduce the number affected staff positions and personnel will be the preservation of the quality and effectiveness of the College's programs

and overall mission.

6.2 **Basis for Elimination of Classified Staff Positions:** It shall be the policy of the Board of Governors to undertake reductions in the workforce of classified personnel in a consistent and fair manner, and in accordance with WV Code §18B -7-3, insofar as the needs of the institution, its mission and its students are met first. Following a reduction in workforce in the ranks of classified personnel, the continuation of services and programs with appropriately trained and qualified personnel shall be afforded primary consideration in all decisions related to elimination of positions and the reassignment of affected classified personnel.

6.2.1 Part-time regular (1039), casual, project and/or temporary classified positions and employees are not covered under the provisions of this policy.

6.2.2 A reasonable reduction in the number of hours an employee works (FTE) is NOT considered a reduction in force; i.e., altering the FTE of a position or employee's job by .20 or less does not trigger the provisions for "bumping" as outlined in WV Code §18B -7-3.

6.3 **Calculation of Seniority:** Seniority accumulation for regular full-time employment (i.e., .53 FTE and higher) begins on the date the employee enters regular full-time employment duties and continues until such regular full-time employment is severed with the College. Full-time service will be prorated by FTE. Part-time service performed prior to becoming a full-time regular employee will not be counted in the seniority calculation. Only full-time, benefit eligible service will be counted. Additional seniority shall be given for full-time service in the West Virginia system of higher education; however, an entitlement to credit for service earned at another eligible institution of higher education requires an uninterrupted transition to service at Pierpont. Such additional seniority shall be applied to adjust the total months of service. Employees shall accrue seniority while on paid sick leave or annual leave, while receiving temporary total disability benefits under the workers' compensation system, while on approved military leave, or on any authorized paid leave. Employees shall not accrue seniority during periods of disciplinary suspension without pay, leave without pay, or unauthorized absences. Any loss of seniority occasioned by disciplinary suspension or unauthorized absences shall result in an adjustment to an employee's total months of service for seniority purposes.

6.3.1 An employee who voluntarily terminates service through resignation or who is terminated for cause shall permanently lose all accumulated seniority. An employee who is subject to a reduction-in-force shall, upon re-employment, receive credit for previously accumulated seniority, but shall not accumulate seniority during the period of absence prior to re-employment.

6.3.2 If two or more employees accumulate identical seniority, the priority shall be determined by a random selection established by the employees and approved by the Office of Human Resources. Priority shall be established anew in the

context of each personnel decision where a tie in seniority must be broken.

- 6.4 **Correction of Erroneous Total Months of Seniority:** It shall be the responsibility of all classified personnel to validate the correctness of their total months of service and adjustments thereto. An employee who fails to correct erroneous total months of service and who is subject to adverse personnel action by virtue of erroneous seniority shall be prohibited from raising the error in the context of the adverse personnel action. However, an employee's erroneous seniority shall be corrected for all purposes other than the adverse personnel action in question.
- 6.5 **Specific Qualifications or Training:** Any specific qualifications or training associated with a classified position shall be set forth in the Position Information Questionnaire (PIQ). If specific qualifications or training are set forth in the PIQ, such positions shall only be available to more senior employees whose positions have been eliminated if such more senior employees hold the specified required qualifications or have acquired such training. Specific qualifications and training shall be reviewed annually by the supervisor in the context of Position Information Questionnaire reviews during the performance appraisal process. Any significant changes recommended by supervisors or by the Office of Human Resources shall be submitted to the President for approval. The lack of qualifications or training by a more senior employee whose position has been eliminated shall be regarded as conclusive evidence that the more senior employee cannot perform the duties and responsibilities of a position where such specific qualifications or training is included in the PIQ.
- 6.5.1 No pretextual PIQ's are to be submitted to, nor will they be reviewed by, Human Resources, if it is perceived or determined by the President or HR that such submission is intended solely or in the main to protect an individual's position or employment from abolishment. PIQ's to be used in the review process are those that were in effect 90 days or more before the announcement of a reduction-in-force.
- 6.6 **President's Authority and/or Recommendation:** The President may eliminate classified positions without prior recommendation to the Board of Governors for reasons other than financial conditions necessitating a reduction in the institution's labor budget. These reasons may include, but are not limited to lack of funds, expirations of special grants or revenue streams, lack of work, material changes in duties, or changes in organization. In the event of a decision that a financial condition necessitating a reduction in the institution's labor budget exists, the President shall eliminate filled or vacant part-time (1039), casual, project or temporary and non-critical vacant positions prior to recommending the elimination of positions held by regular full-time classified personnel.
- 6.7 **Affected Personnel:** Personnel who are serving in positions that have been designated for elimination shall be considered for reassignment based upon their seniority, classification and any relevant specific qualifications or training they may possess. Once positions have been designated for elimination, the affected employees

must update their record of credentials and specific qualifications and training within a reasonable timeframe as determined by the Office of Human Resources.

- 6.8 **Consideration of FTE Status:** – FTE status shall be considered in evaluating the suitability of positions for reassignment. Notwithstanding the fact that employees with FTE's between .53 and 1.0 are considered full-time, vacancies and other potential positions for an employee's reassignment must not vary more than .20 of the affected employees' FTE status to be considered suitable. However, if there are no suitable vacancies or other available suitable positions held by employees with less seniority, an employee may be reassigned to a position that would otherwise be considered non-suitable for reason of FTE disparity.
- 6.9 **Process for Reassignment of Affected Personnel:** The following process shall be observed for determination of reassignment of affected personnel. In all cases, employees whose jobs have been identified for abolishment must meet the stated qualifications for and be able to perform the duties (as described in the PIQ) of the position into which they would be slated on the basis of seniority to move. Human Resources is to make such determinations.
- 6.9.1 Priority One – Qualified affected employees will be transferred to current vacant positions, without regard to seniority, in order to avoid a layoff situation by the institution. Attempts will be made to transfer affected employees to vacancies in the same classification. If a vacancy does not exist in the same classification, attempts will be made to transfer employees to vacant positions in lower classifications.
- 6.9.2 Priority Two – In the event that a layoff situation has not been avoided through application and the terms of Priority One, qualified affected employees will be transferred to other positions within the same classification, displacing the least senior employees in that classification.
- 6.9.3 Priority Three – After exhaustion of available positions in the same classification, qualified affected employees will be transferred to other positions in a lower classification, displacing the least senior employees in that classification.
- 6.9.4 Priority Four – Transfer to a part-time vacancy within the same classification.
- 6.9.5 Priority Five – Transfer to a position held by a part-time employee within the same classification.
- 6.9.6 Priority Six – Transfer to a position held by a part-time employee in a lower classification.
- 6.10 **Application of Seniority in Reassignment Determinations:** If the employee holding in a position that has been identified for elimination has more seniority than other employee(s) within the employee's classification, the employee shall displace the least

senior employee within the classification who holds a position for which the more senior employee qualifies, so long as the displaced employee has the same qualifications and can perform the same work as delineated in the PIQ for the position held by the less senior employee(s) within that classification. In the event a PIQ for positions held by less senior employees contain specific qualifications or training necessary to provide the services identified by the President as critical to the mission, operations and needs of students, the positions will only be available to more senior employees if the more senior employees hold such specific qualifications and are able to perform such duties. If an employee refuses reassignment to a position in an equivalent classification, the employee forfeits all rights of recall.

6.10.1 If there are no positions within the displaced employee's classification, lower classification (in descending rank order of pay grade) shall be considered as potential assignments in the same manner as described in the foregoing Sections; provided, however, that an employee may elect not to accept reassignment to a lower classification and to be placed on the recall list instead.

6.10.2 Employees who have been displaced by a more senior employee whose position has been eliminated shall have the same rights to reassignment as described in the foregoing Sections.

6.10.3 If more than one position in a particular classification is eliminated, reassignments shall be considered in order beginning with the most senior affected employee.

6.11 **Preferred Recall List:** All employees who lack sufficient seniority to retain employment in a reduction in work force or who have been displaced as a result of the elimination of their positions and who elect to refuse reassignments to lower classifications shall be placed on a preferred recall list. Employees on the preferred recall list shall be recalled to any position opening by the institution within the classification in which the employee had previously been employed or to any position in a lower classification for which the employee is qualified on the basis of seniority and ability to perform the required duties of the job.

6.11.1 An employee on the preferred recall list shall not forfeit the right to recall if compelling reasons, as defined by the President, require the employee to refuse an offer of re-employment. The President and Human Resources, in consultation, will review an employee's opined compelling reasons and decide on their merits whether the employee should or should not forfeit the right to recall.

6.11.2 The Office of Human Resources shall notify all employees on the preferred recall list of all position openings that exist from time to time. The notice shall be sent by certified mail to the last known address of the employee. It is the responsibility of the employee on the recall list to notify the Office of Human Resources of any change in address in order to retain recall status and to be contacted.

6.11.3 An employee's listing shall remain active for a period of one year. However, employees must annually request in writing that their listing be renewed for the succeeding year. An employee who fails to renew listing on the recall list prior to the anniversary date of placement on the list or last renewal shall be removed from the list.

6.11.4 No position openings shall be filled by the institution, whether temporary or permanent, until all employees on the preferred recall list have been properly notified of existing vacancies and have been given an opportunity to accept re-employment.

## **SECTION 7. REDUCTION IN FORCE POLICY - NON-CLASSIFIED AND FEAP STAFF**

7.1 Seniority of employees in non-classified or FEAP positions is neither a factor nor a consideration in determining reduction in force of such positions, in which employees are considered "at-will." However, following the decision that a financial condition necessitating a reduction in the institution's labor budget exists, the President shall undertake program, administrative and service reviews to consider pertinent program, administrative or service information. The President may recommend to the Board of Governors the elimination or reduction of programs or services deemed appropriate, given financial, enrollment and other pertinent considerations, and in the best interest of the College in general. The primary consideration in any resulting decision to eliminate positions and to reassign or reduce the number affected non-classified or FEAP positions and personnel will be the preservation of the quality and effectiveness of the College's programs and overall mission. Consequently, those employees who are deemed to be of key importance to a specific program or service will be retained in preference to other staff members, whatever their status or seniority.

## **SECTION 8. RESPONSIBILITIES AND PROCEDURES**

8.1 Faculty: The President and Chief Academic Officer shall have primary responsibility for making recommendations to the Board of Governors regarding elimination of faculty positions. Human Resources will be guided in process and implementation by the decisions provided by the President and Chief Academic Officer.

8.2 Classified, Non-Classified and FEAP Employees: The Office of Human Resources shall have primary responsibility for the implementation of the provisions of this policy.

1 **PIERPONT COMMUNITY & TECHNICAL COLLEGE**  
2 **Board of Governors Policies and Procedures**  
3 **PP-2059**

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5 **Short Title: Furloughs and Reduction in ~~Employee~~ Workforce**

6 **Reference:** West Virginia Code §18B -7-3 and Title 133, West Virginia Council for  
7 Community and Technical College Education, ~~Series 8, Personnel Administration,~~ and  
8 Series 9, *Academic Freedom, Professional Responsibility, Promotion and Tenure*

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11 **Effective Date: April 28, 2015**

12 **Amended: September 17, 2024**

13 **Repealed:**

14 **Reviewed:**

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17 **SECTION 1. PURPOSE**

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22 (Pierpont) in response to financial condition necessitating a reduction in the  
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25 **SECTION 2. SCOPE AND APPLICABILITY**

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47 3.2 **Full-Time Faculty:** Employment as a faculty member for a full academic year (at  
48 least a nine-month contract basis) for at least six (6) semester credit hours  
49 teaching per semester or the equivalent in teaching, research, public service,  
50 and/or administrative responsibilities. Faculty are not considered classified  
51 employees or subject to the classification program.

52  
53 3.3 **Non-Classified Employee:** ~~An employee, designated by the president, who is  
54 responsible for policy formation at the department or institutional level or reports  
55 directly to the president of the institution. Non classified employees are not  
56 subject to the classification program but are eligible for benefits. Nonclassified  
57 employees, unless otherwise established by action of the organization or  
58 institution where employed, serves at the will and pleasure of the organization,  
59 which authority may be delegated by act of the governing board or the  
60 Commission. To be designated as nonclassified, the employee must meet one or  
61 more of the following criteria: i. Employee holds a direct policy-making position  
62 at the department or organization level; ii. organization; Employee reports  
63 directly to the president or chief executive officer of the iii. Employee is in a  
64 position considered by the chancellor, president or designee to be critical to the  
65 organization pursuant to policies or decisions adopted by a governing board; iv.  
66 Employee in an information technology-related position which may be defined  
67 by policies or decisions adopted by a governing board; v. Employee hired after  
68 July 1, 2017 in a position that meets the duties test for exempt status under the  
69 provisions of the Fair Labor Standards Act when hired or anytime thereafter; or 3  
70 133CSR55 vi. An employee in a nonclassified position as of January 1, 2017 who  
71 may not meet criteria listed in subsections 5.1.c.1. through 5.1.c.5. of this rule.~~

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72  
73 3.4 **Part-Time Regular Employee:** An employee in a position created to last less than  
74 1,040 hours during a twelve-month period. An employee in a PTR position is not  
75 eligible for benefits, but is covered under the classification program.

76  
77 3.5 **Temporary Employee:** An employee hired into a position expected to last fewer  
78 than nine months of a twelve-month period regardless of hours worked per  
79 week. A temporary employee is not eligible for benefits, but is covered by the  
80 classification program.

81  
82 3.6 **Casual Employee:** Position created to meet specific operational needs at an  
83 institution for no more than 225 hours in a 12-month period. Individuals in a casual  
84 employee position are not eligible for benefits and are not covered by the  
85 classification program.

86  
87 3.7 **Furlough:** A furlough is mandatory time off work for no pay for an employee or  
88 employees, a program typically implemented in lieu of reductions in force and  
89 the permanent loss of jobs and positions.

90  
91 3.8 **Reduction in Force (RIF):** The termination of employees and/or positions due to  
92 lost funding or unmet revenues; or due to institutional or programmatic changes;  
93 or due to the reorganization of business operations. Reduction in force for

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classified employees shall be in accordance with West Virginia Code §18-B-7-3

3.9 **Seniority (for classified employees):** For purposes of reduction in force, "seniority" means uninterrupted service in the higher education system. Uninterrupted service means the continuous period of time that an employee is in payroll status—i.e., being paid for time worked regardless of when the payment occurs. Therefore, persons on unpaid leaves of absence (regardless of the reason) do not accrue seniority service for purposes of reduction in force. An employee hired at Pierpont who previously worked at another institution under the jurisdiction of the Higher Education Policy Commission or Council for Community and Technical College Education must have no break in service between the two institutions in order to have the previous institutional service counted toward seniority calculations for reduction in force purposes at Pierpont.

3.9.1 For regular employees, this excludes adjunct teaching experience and part-time temporary and/or casual work experience. Temporary and casual employees do not earn or carry seniority.

3.10 **Seniority (for faculty employees):** For regular faculty employees, seniority may apply in some circumstances, as detailed in Section 5 following.

3.11 **Seniority (for non-classified and FEAP employees):** Seniority generally is not a mitigating factor or consideration for non-classified and FEAP employees, who are considered "at-will" employees.

3.12 **Full-time equivalency (FTE):** Full-time equivalency is the percentage of time for which a position is established; a 1.0 FTE is a position assigned to work 1950 hours perduring the twelve (12) months of the fiscal year.

#### SECTION 4. FURLOUGH POLICY

4.1 After the decision that a financial condition necessitating a reduction in the institution's labor budget exists the President shall have the authority to determine and implement a feasible furlough plan, which shall be applied to all regular employees equitably and in a manner appropriate to their FTE's and employment type as described above in Section 3. Such a plan must be approved by the Board of Governors in a regular meeting or by another method of voting approved by the Board.

4.2 The furlough plan must be designed such that it minimizes the financial impact on employees.

4.3 Teaching faculty will be provided work-release with a corresponding reduction in salary as the method of their furlough.

4.4 Seniority is generally not a consideration in furloughing.

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141 **SECTION 5. REDUCTION IN FORCE POLICY - FACULTY**

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5.1 It shall be the policy of the Board of Governors to undertake reductions in the workforce or personnel in a consistent and equitable manner. Following the decision that a financial condition necessitating a reduction in the institution's labor budget exists, the President shall undertake program/curriculum reviews to consider pertinent program/curriculum or administrative information. The President may recommend to the Board of Governors the elimination or reduction of programs/curricula deemed appropriate, given financial and enrollment considerations, ~~and/or what may be~~ in the best interest of the College in general. The primary consideration in any resulting decision to eliminate positions and to reassign or reduce the number affected faculty positions and personnel will be the preservation of the quality and effectiveness of the College's programs and overall mission.

5.2 **Basis for Elimination of Faculty Positions:** Recommendations by the President to the Board of Governors concerning the elimination of any faculty position will be made on the basis of need within each discipline, as ~~determined~~~~defined~~ by the President after consultation with the Chief Academic Officer, the Deans, and department chairs.

5.2.1 **Elimination of Positions with Equal Rank in Same Discipline/Department:** In the event all other factors are considered to be equal and a choice must be made concerning the elimination of the position of one of two or more faculty members holding the same rank and teaching the same discipline, the faculty member with the greater seniority will be retained. Also, in the event of a conflict between rank and seniority, such as when an assistant professor has substantially more seniority than his or her equally qualified counterpart who is an associate professor, the department chair, dean and the chief academic officer will jointly review ~~the~~~~any~~ annual evaluations of ~~both~~~~the~~ faculty members for the previous three years, as well as any other relevant data, and make a recommendation to the President concerning which of the positions better serves the vital interests of the College.

5.2.2 **Order for Elimination of Faculty Positions:** Non-tenured faculty members, within the discipline to be reduced, ~~may~~~~will~~ be terminated prior to the termination of the employment of tenured faculty members. Employment terminations of faculty members will generally follow the order specified below unless there is an identified need to retain faculty members who are deemed to be of key importance to a particular program:

- Non-Tenured:**
1. Adjunct Faculty
  2. Lecturer and Temporary Faculty
  3. Instructor

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- 188 4. Assistant Professor
- 189 5. Associate Professor
- 190 6. Associate Professor/Senior
- 191 7. Professor
- 192 8. Professor/Senior

193  
194 **Tenured:**

- 195 9. Assistant Professor
- 196 10. Associate Professor
- 197 11. Associate Professor/Senior
- 198 12. Professor
- 199 13. Professor/Senior

200  
201 **5.3 President's Recommendation:** In addition to recommendations made in  
202 response to a financial condition necessitating a reduction in the institution's  
203 labor budget, the President may recommend the termination of the  
204 employment of faculty members to the Board of Governors at any time for  
205 reason of lack of funds, lack of work, reduction in enrollment, or abolition of  
206 position. Recommendations of the President to the Board of governors relative to  
207 the termination of the employment of faculty members shall not be made until  
208 affected faculty members have been afforded a hearing as provided  
209 herein. Nothing in this policy shall be interpreted as restricting the right of  
210 the College to terminate the employment of any faculty member for reasons  
211 related to performance or conduct in accordance with College policy.  
212

213 **5.3.1 Notice and Hearing for Tenured Faculty Members:** The President shall  
214 provide written notice to any full-time tenured faculty member of the intent  
215 to recommend termination of employment based upon a reduction-in-  
216 force. The notice shall contain a description of the reasons for the  
217 intended recommendation. The President must make every effort to give  
218 as much notice as is practical in light of a financial condition  
219 necessitating the reduction in the institution's labor budget exists to each  
220 affected faculty member in advance of the effective date of the layoff.  
221 Yet, the legislative appropriation process or the recognition of a  
222 reduction in revenues and the subsequent analysis needed before a  
223 decision that a financial condition necessitating a reduction in the  
224 institution's labor budget exists may allow little time for formal notice to the  
225 employees who are to be laid off. Upon receipt of such notice, the  
226 affected faculty member may request a hearing to be conducted by the  
227 President or his or her designee. A request for a hearing must be made  
228 within five (5) ~~calendar~~ (working) days of a notice of recommended  
229 termination. Among the issues to be considered by the President or  
230 designee are:

- 231
- 232 a. ~~Ensuring that~~ Providing that reductions-in-force do not arbitrarily  
233 violate the principles of academic freedom or established law on  
234 the basis of individual qualifications such as race, color, gender,

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235 sex, sexual orientation, gender identity, gender  
236 expression/association, national origin, age, height, weight, religion,  
237 creed, genetic information, disability, or veteran's status, as  
238 identified and defined by relevant and appropriate employment  
239 law.

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- 240 b. The burden of proof in position or employee termination  
241 proceedings rests with the faculty member. The decision that a  
242 financial condition necessitating a reduction in the institution's labor  
243 budget rests solely within the President's authority and discretion  
244 with the approval of the Board and is not subject to contest by any  
245 faculty member.
- 246 c. The hearing shall be recorded by mechanical means and a written  
247 transcript provided to all participating and appropriate parties to  
248 be included with the final response as described in (e) below. The  
249 strict rules of evidence shall not, however, be applied during the  
250 hearing.
- 251 d. Following the hearing, the President or designee shall prepare a  
252 written decision upon any matters raised by the faculty member  
253 who requested the hearing. The decision shall contain a  
254 description of the concerns raised by the faculty member and a  
255 response to each thereto. A copy of the decision and transcript  
256 shall accompany any subsequent recommendation made by the  
257 President to the Board of Governors. These actions will all be  
258 completed within ten (10) working days of the appeal meeting,  
259 unless an extension is mutually agreed upon by the faculty  
260 member and an approved designee of the College.
- 261 e. Use of the appeal procedure does not delay the effective date of  
262 employment termination of the faculty member.

263  
264 5.3.2 **Non-Tenured Faculty Members:** In most many instances, a reduction-in-  
265 force of faculty members under fixed-term appointments will be  
266 accomplished by non-reappointment rather than by layoff during the  
267 term of employment. Non-renewal under these circumstances does not  
268 entitle a faculty member to notice and hearing under the terms of this  
269 policy. In the event a faculty member serving under a fixed-term  
270 appointment is recommended for employment termination during the term  
271 of employment because of a reduction-in-force resulting from a decision  
272 that a financial condition necessitating a reduction in the institution's  
273 labor budget, that faculty member shall be entitled to use the appeal  
274 procedure described in Section 5.3.1.

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275  
276 5.3.3 **Action by the Board of Governors:** Upon receipt of a recommendation by  
277 the President, the Board of Governors may approve the termination of  
278 employment of a faculty member. No separate hearing shall be  
279 afforded to affected faculty members by the Board of Governors. The  
280 affected faculty member shall be provided with written notice of the  
281 action taken by the Board of Governors and shall also be provided with

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282 a copy of the instructions and form for filing an appeal with the West  
283 Virginia Public Employees Grievance Board.

284 5.3.4 **Transfers/Refusals to Transfer:** In some cases, the President may decide-  
285 ~~(as a result of the above described review process)~~, to abolish or  
286 combine certain programs or curricula, or to close certain physical  
287 campuses or locations, whether for purposes of a financial condition  
288 necessitating a reduction in the institution's labor budget, ~~or for a~~  
289 ~~reorganization,~~ or ~~a~~ reallocation of resources. In such a case, ~~an~~  
290 ~~employee faculty member~~ may be reassigned to a new program, school  
291 or physical location. If a faculty member refuses the reassignment to a  
292 program, school or physical location, the President may then terminate  
293 that faculty member's employment; ~~es~~ Since an equitable offer has  
294 been made and refused, the College is under no further obligation to  
295 maintain the employee's job or employment.  
296

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297  
298 5.3.5 **New Faculty Positions:** New positions will not be created while a financial  
299 condition necessitating a reduction in the institution's labor budget is in  
300 effect unless a serious disruption in the functioning of the College or a loss  
301 of grant funds ~~or other program revenue~~ would otherwise result, as  
302 determined within the sole discretion of the President. New academic  
303 programs or faculty positions may be created only when it can be  
304 demonstrated that these programs or positions will help the College  
305 extricate itself from the financial conditions necessitating the reduction in the  
306 institution's labor budget and/or program and curriculum performance. Priority  
307 for filling these positions will be given to existing, qualified faculty whose  
308 positions are slated for abolishment.  
309

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310 5.3.6 **Re-employment Following Financially Based or Other Termination:**  
311 Notwithstanding any other recall rights contained in the policy, in the case  
312 of the termination of the employment of a tenured faculty member  
313 occupying a permanent faculty position, the position concerned may  
314 not be filled by replacement within a period of two (2) years from the  
315 effective date of the termination of employment, unless the faculty  
316 member has been offered a return to employment in that position and  
317 has not accepted the offer within ~~1030~~ calendar days after the offer is  
318 extended.  
319

320 5.3.7 **Termination of Exigency:** The conclusion of a financial condition  
321 necessitating a reduction in the institution's labor budget will not imply  
322 that employment terminations that were made during that period are  
323 automatically withdrawn, revoked or otherwise invalid.  
324

325 5.3.8 **Process for Re-employment of Affected Personnel:** The following process  
326 shall be observed for determination of recall and reassignment of  
327 affected faculty members following their termination during a financial  
328 condition necessitating a reduction in the institution's labor budget:

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329 When filling academic positions, the highest ranking qualified tenured  
330 faculty member whose employment has been terminated as part of a  
331 financial condition necessitating a reduction in the institution's labor  
332 budget reduction-in-force, and who has not been employed in an  
333 academic position elsewhere, shall be offered the position. If the position  
334 is refused, it shall be offered to other similarly affected faculty members in  
335 rank order. Any refusal of employment by a faculty member shall  
336 extinguish any further rights to recall. However, a refusal to accept a  
337 position shall not preclude a faculty member from making application for  
338 other posted position openings. The Office of Human Resources shall  
339 notify faculty members whose employment has been terminated of  
340 position openings in accordance with the terms of this policy. The notice  
341 shall be sent by certified mail, return receipt, to the last known address of  
342 the employee. It is the responsibility of the employee on the recall list to  
343 notify the Office of Human Resources of any change in address in order  
344 to retain recall status. The Pierpont email system may be substituted for  
345 the certified mail requirement provided that the faculty member has  
346 provided a viable personal email address to Human Resources in writing  
347 prior to the recall. The recalled employee shall have 10 calendar days  
348 from the date of the notice to notify Human Resources that they accept  
349 the recall assignment. Failure to notify Human Resources within the 10-  
350 calendar period will forfeit any future right to employment with Pierpont.

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352  
353 5.3.9 **Assumption of Responsibilities:** The duties of a faculty member terminated  
354 under the provisions of this policy will be assumed by his/her remaining  
355 colleagues in so far as is feasible.

356  
357 5.3.10 **Rights of Returning Tenured Faculty Members:** A tenured faculty  
358 member who has been terminated and who accepts re-employment  
359 with the College under the terms of this policy will resume tenure and  
360 the rank held at the time of employment termination, be paid a  
361 salary commensurate with the rank and length of previous service, be  
362 credited with any sick leave accrued as of the date of employment  
363 termination and be credited with any annual leave accrued as of the date  
364 of employment termination for which payment has not been made.  
365 Annual increment service time will begin accruing upon reinstatement;  
366 no annual increment or other service time accrues during the period of  
367 reduction-in-force.  
368

## 369 SECTION 6. REDUCTION IN FORCE POLICY—CLASSIFIED STAFF

370  
371 6.1 It shall be the policy of the Board of Governors to undertake reductions in the  
372 workforce or personnel in a consistent and equitable manner, in adherence to  
373 the provisions of WV Code §18B -7-3. The President, however, following the  
374 decision that a financial condition necessitating a reduction in the institution's  
375 labor budget exists, shall undertake program, administrative, and service

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376 reviews ~~to consider pertinent program, administrative or service information.~~ The  
377 President may recommend to the Board of Governors the elimination or  
378 reduction of programs or services deemed appropriate, given financial,  
379 enrollment, and other pertinent considerations, and what is in the best interest of  
380 the College in general. The primary consideration in any resulting decision to  
381 eliminate positions and to reassign or reduce the number affected staff  
382 positions and personnel will be the preservation of the quality and  
383 effectiveness of the College's programs and overall mission.

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384  
385 6.2 **Basis for Elimination of Classified Staff Positions:** It shall be the policy of the  
386 Board of Governors to undertake reductions in the workforce of classified  
387 personnel in a consistent and fair manner, and in accordance with WV Code  
388 §18B -7-3, insofar as the needs of the institution, its mission and its students are  
389 met first. Following a reduction in workforce in the ranks of classified personnel,  
390 the continuation of services and programs with appropriately trained and  
391 qualified personnel shall be afforded primary consideration in all decisions related  
392 to elimination of positions and the reassignment of affected classified personnel.

393  
394 6.2.1 Part-time regular (1039), casual, project and/or temporary classified positions  
395 and employees are not covered under the provisions of this policy.

396  
397 6.2.2 A reasonable reduction in the number of hours an employee works  
398 (FTE) is NOT considered a reduction in force; i.e., altering the FTE of a  
399 position or employee's job by .20 or less does not trigger the provisions for  
400 "bumping" as outlined in WV Code §18B -7-3.

401  
402 6.3 **Calculation of Seniority:** Seniority accumulation for regular full-time employment  
403 (i.e., .53 FTE and higher) begins on the date the employee enters regular full-time  
404 employment duties and continues until such regular full-time employment is  
405 severed with the College. Full-time service will be prorated by FTE. Part-time or  
406 temporary service performed prior to becoming a full-time regular employee  
407 will not be counted in the seniority calculation. Only full-time, benefit eligible  
408 service will be counted. Additional seniority shall be given for full-time service in  
409 the West Virginia system of higher education; however, an entitlement to credit  
410 for service earned at another eligible institution of higher education  
411 requires an uninterrupted transition to service at Pierpont. Such additional  
412 seniority shall be applied to adjust the total months of service. Employees shall  
413 accrue seniority while on paid sick leave or annual leave, while receiving  
414 temporary total disability benefits under the workers' compensation system,  
415 while on approved military leave, or on any authorized paid leave. Employees  
416 shall not accrue seniority during periods of disciplinary suspension without pay,  
417 leave without pay, or unauthorized absences. Any loss of seniority occasioned  
418 by disciplinary suspension or unauthorized absences shall result in an adjustment  
419 to an employee's total months of service for seniority purposes.

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420  
421 6.3.1 An employee who voluntarily terminates service through resignation or  
422 who is terminated for cause shall permanently lose all accumulated

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423 seniority. An employee who is subject to a reduction-in-force shall, upon  
424 re-employment, receive credit for previously accumulated seniority, but  
425 shall not accumulate seniority during the period of absence prior to  
426 re-employment.

427  
428 6.3.2 If two or more employees accumulate identical seniority, the priority shall  
429 be determined by comparing the last four digits of each employee's  
430 social security number, considered as a total number. The lower numbers  
431 shall determine the priority ranking as to which employee shall be  
432 terminated, a random selection established by the employees and  
433 approved by the Office of Human Resources. Priority shall be  
434 established anew in the context of each personnel decision where a  
435 tie in seniority must be broken.

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436  
437 6.4 **Correction of Erroneous Total Months of Seniority:** It shall be the responsibility of  
438 all classified personnel to validate the correctness of their total months of service  
439 and adjustments thereto. An employee who fails to correct erroneous total  
440 months of service and who is subject to adverse personnel action by virtue of  
441 erroneous seniority shall be prohibited from raising the error in the context of the  
442 adverse personnel action. However, an employee's erroneous seniority shall be  
443 corrected for all purposes other than the adverse personnel action in question.  
444

445 6.5 ~~**Specific Qualifications or Training:** Any specific qualifications or training~~  
446 ~~associated with a classified position shall be set forth in the Position Information~~  
447 ~~Questionnaire (PIQ). If specific qualifications or training are set forth in the PIQ,~~  
448 ~~such positions shall only be available to more senior employees whose~~  
449 ~~positions have been eliminated if such more senior employees hold the~~  
450 ~~specified required qualifications or have acquired such training. Specific~~  
451 ~~qualifications and training shall be reviewed annually by the supervisor in the~~  
452 ~~context of Position Information Questionnaire reviews during the performance~~  
453 ~~appraisal process. Any significant changes recommended by supervisors or by~~  
454 ~~the Office of Human Resources shall be submitted to the President for approval.~~  
455 ~~The lack of qualifications or training by a more senior employee whose position~~  
456 ~~has been eliminated shall be regarded as conclusive evidence that the more~~  
457 ~~senior employee cannot perform the duties and responsibilities of a position~~  
458 ~~where such specific qualifications or training is included in the PIQ.~~

459  
460 6.5.1 ~~No pretextual PIQ's are to be submitted to, nor will they be reviewed by, Human~~  
461 ~~Resources, if it is perceived or determined by the President or HR that such~~  
462 ~~submission is intended solely or in the main to protect an individual's position or~~  
463 ~~employment from abolishment. PIQ's to be used in the review process are~~  
464 ~~those that were in effect 90 days or more before the announcement of a~~  
465 ~~reduction in force.~~

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466  
467 6.56 **President's Authority and/or Recommendation:** The President may eliminate  
468 classified positions without prior recommendation to the Board of Governors for  
469 reasons other than financial conditions necessitating a reduction in the

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470 institution's labor budget. These reasons may include, but are not limited to  
471 lack of funds, expirations of special grants or revenue streams, lack of work,  
472 material changes in duties, or changes in organization. In the event of a  
473 decision that a financial condition necessitating a reduction in the institution's  
474 labor budget exists, the President shall eliminate filled or vacant part-time (1039),  
475 casual, project, or temporary and non-critical vacant positions prior to  
476 recommending the elimination of positions held by regular full-time classified  
477 personnel.

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479 **6.67 Affected Personnel:** Personnel who are serving in positions that have been  
480 designated for elimination shall be considered for reassignment based upon  
481 their seniority, classification and any relevant specific qualifications or training  
482 they may possess. Once positions have been designated for elimination, the  
483 affected employees must update their record of credentials and specific  
484 qualifications and training within ~~a reasonable timeframe as determined by~~  
485 ~~the 10 working days with the~~ Office of Human Resources.

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486  
487 **6.78 Consideration of FTE Status:** – FTE status shall be considered in evaluating the  
488 suitability of positions for reassignment. Notwithstanding the fact that  
489 employees with FTE's between .53 and 1.0 are considered full-time, vacancies  
490 and other potential positions for an employee's reassignment must not vary more  
491 than .20 of the affected employees' FTE status to be considered suitable.  
492 However, if there are no suitable vacancies or other available suitable positions  
493 held by employees with less seniority, an employee may be reassigned to a  
494 position that would otherwise be considered non-suitable for reason of FTE  
495 disparity.

496  
497 **6.89 Process for Reassignment of Affected Personnel:** The following process shall be  
498 observed for determination of reassignment of affected personnel. In all cases,  
499 employees whose jobs have been identified for abolishment must meet the  
500 stated qualifications for and be able to perform the duties ~~(as described in the~~  
501 ~~PIQ)~~ of the position into which they would be slated on the basis of seniority to  
502 move. Human Resources is to make such determinations.

503  
504 **6.89.1 Priority One** – Qualified affected employees will be transferred to current  
505 vacant positions, without regard to seniority, in order to avoid a layoff  
506 situation by the institution. Attempts will be made to transfer affected  
507 employees to vacancies in the same classification. If a vacancy does  
508 not exist in the same classification, attempts will be made to transfer  
509 employees to vacant positions in lower classifications for which they are  
510 qualified.

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511  
512 **6.89.2 Priority Two** – In the event that a layoff situation has not been avoided  
513 through application and the terms of Priority One, qualified affected  
514 employees will be transferred to other positions within the same  
515 classification, displacing the least senior employees in that classification.

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6.89.3 Priority Three – After exhaustion of available positions in the same classification, qualified affected employees will be transferred to other positions in a lower classification, displacing the least senior employees in that classification.

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6.89.4 Priority Four – Transfer to a part-time vacancy within the same classification, if any are available.

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6.89.5 Priority Five – Transfer to a position held by a part-time employee within the same classification, if any are available.

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~~6.9.6~~ 6.86 Priority Six – Transfer to a position held by a part-time employee in a lower classification.

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**6.910 Application of Seniority in Reassignment Determinations:** If the employee holding ~~in~~ a position that has been identified for elimination has more seniority than other employee(s) within the employee's classification, the employee shall displace the least senior employee within the classification who holds a position for which the more senior employee qualifies, so long as the displaced employee has the same qualifications and can perform the same work ~~as delineated in the PIQ~~ for the position held by the less senior employee(s) within that classification. In the event a ~~PIQ for positions~~ held by less senior employees contain specific qualifications or training necessary to provide the services identified by the President as critical to the mission, operations and needs of students, the positions will only be available to more senior employees if the more senior employees hold such specific qualifications and are able to perform such duties. If an employee refuses reassignment to a position in an equivalent classification, the employee forfeits all rights of recall.

6.910.1 If there are no positions within the displaced employee's classification, lower classification (in descending rank order of pay grade) shall be considered as potential assignments in the same manner as described in the foregoing Sections; provided, however, that an employee may elect not to accept reassignment to a lower classification and to be placed on the recall list instead.

6.910.2 Employees who have been displaced by a more senior employee whose position has been eliminated shall have the same rights to reassignment as described in the foregoing Sections.

6.910.3 If more than one position in a particular classification is eliminated, reassignments shall be considered in order beginning with the most senior affected employee.

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563 6.10+ **Preferred Recall List:** All employees who lack sufficient seniority to retain  
564 employment in a reduction in work force or who have been displaced as a  
565 result of the elimination of their positions and who elect to refuse reassignments  
566 to lower classifications shall be placed on a preferred recall list. Employees on  
567 the preferred recall list shall be recalled to any position opening by the institution  
568 within the classification in which the employee had previously been employed or  
569 to any position in a lower classification for which the employee is qualified on  
570 the basis of seniority and ability to perform the required duties of the job.  
571

572 6.10+.1 An employee on the preferred recall list shall not forfeit the right  
573 to recall if compelling reasons, as ~~defined~~determined, by the  
574 President, require the employee to refuse an offer of re-employment.  
575 The President and Human Resources, in consultation, will review an  
576 employee's opined compelling reasons and decide on their merits  
577 whether the employee should or should not forfeit the right to recall.  
578

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579 6.10+.2 The Office of Human Resources shall notify all employees on the  
580 preferred recall list of all position openings that exist from time to time.  
581 The notice shall be sent by certified mail to the last known address of the  
582 employee. It is the responsibility of the employee on the recall list to notify  
583 the Office of Human Resources of any change in address in order to retain  
584 recall status and to be contacted. The Pierpont email system may be  
585 substituted for the certified mail requirement provided that the faculty  
586 member has provided a viable personal email address to Human  
587 Resources in writing prior to the recall. The recalled employee shall have  
588 10 calendar days from the date of the notice to notify Human Resources  
589 that they accept the recall assignment. Failure to notify Human  
590 Resources within the 10-calendar period will forfeit any future right to  
591 employment with Pierpont.  
592

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593  
594 6.10+.3 An employee's listing shall remain active for a period of one year.  
595 However, employees ~~may~~must annually request in writing that their  
596 listing be renewed for one additional~~the succeeding~~ year. An  
597 employee who fails to renew listing on the recall list prior to the  
598 anniversary date of placement on the list or last renewal shall be  
599 removed from the list.  
600

601 6.10+.4 No position openings shall be filled by the institution, whether  
602 temporary or permanent, until all employees on the preferred recall list  
603 who are qualified to perform the available work and who have been  
604 properly notified of existing vacancies and have been given an  
605 opportunity to accept re-employment.  
606

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## 607 SECTION 7. REDUCTION IN FORCE POLICY - NON-CLASSIFIED AND FEAP STAFF

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608 7.1 Seniority of employees in non-classified or FEAP positions is neither a factor nor a

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610 consideration in determining reduction in force of such positions, in which  
611 employees are considered "at-will." However, following the decision that a  
612 financial condition necessitating a reduction in the institution's labor budget  
613 exists, the President shall undertake program, administrative and service  
614 reviews to consider pertinent program, administrative or service information. The  
615 President may recommend to the Board of Governors the elimination or  
616 reduction of programs or services deemed appropriate, given financial,  
617 enrollment, and other pertinent considerations, or is and in the best interest of  
618 the College in general. The primary consideration in any resulting decision to  
619 eliminate positions and to reassign or reduce the number affected non-  
620 classified or FEAP positions and personnel will be the preservation of the  
621 quality and effectiveness of the College's programs and overall mission.  
622 Consequently, those employees who are deemed to be of key importance to  
623 a specific program or service will may be retained in preference to other staff  
624 members, whatever their status or seniority.

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## 625 SECTION 8. RESPONSIBILITIES AND PROCEDURES

- 626
- 627
- 628 8.1 Faculty: The President and Chief Academic Officer shall have primary  
629 responsibility for making recommendations to the Board of Governors regarding  
630 elimination of faculty positions. ~~Human Resources will be guided in process and  
631 implementation by the decisions provided by the President and Chief Academic  
632 Officer.~~
- 633
- 634 8.2 Classified, Non-Classified and FEAP Employees: The Office of Human Resources  
635 shall have primary responsibility for the implementation of the provisions of this  
636 policy.

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