

## A. GENERAL REDUCTION-IN-FORCE INFORMATION

This document is intended to provide general information about Reduction-in-Force (RIF), and to de-mystify some of the technical procedures. This is an overview only; individual situations will vary. It is important that you read the collective bargaining agreement language regarding RIF.

### 1. What Is A RIF?

- A RIF is the termination of a classified employee from employment due to lack of work, lack of funds, or otherwise pursuant to management rights.
- The collective bargaining agreements between the State of Vermont and the Vermont State Employees' Association (VSEA) include detailed provisions for RIF that govern: the process for notifying employees of a RIF decision; any bumping options; the impact on benefits; and other rights, options and responsibilities of employees.

### 2. Who Has RIF Rights?

- Permanent status employees who are designated as non-management or supervisory.
- Employees in limited service positions with three or more years of prior service as permanent classified employees.
- Employees in limited service positions with three consecutive years in one or more limited service positions, or any combination of three years in permanent and limited service positions.
- Managerial and confidential employees may also have certain RIF rights.

### 3. Who Decides Which Positions Will Be Eliminated?

- The department makes the determination regarding the positions (by class and work location) that will be eliminated.
- Information is provided to the Labor Relations Division of the Department of Human Resources, who determines which employees in the affected class or job series will be RIF'd, in accordance with the provisions of the applicable collective bargaining agreement.

### 4. What Is The Order Of Separation For RIF?

The order of separation for employees is determined within a department, on a geographic basis, by job class. A geographic basis is the area within a 35-road mile radius of the identified position's regular duty station. The order is determined as follows:

- Employees with less than three years continuous State service who have a current annual rating of unsatisfactory are separated first.
- Then employees who have not received their first annual performance evaluation are separated.
- Then employees who have only received one annual evaluation are separated.
- Then employees who have only received two annual evaluations are separated.
- Then employees with more than three years but less than five years of continuous State service will then be separated. This will be based upon seniority with consideration given to performance evaluation ratings. Of this group, those employees whose three most recent performance evaluations are Excellent or Outstanding will be separated last.
- Employees who have five or more years of continuous State service will be separated last. This is based solely on seniority.

- In cases of tied ranking based upon the above factors, the following criteria are used in the order listed to determine the final ranking: veterans' preference; best performance evaluation ratings; earliest date of hire; and then earliest birth date in the calendar year.

#### **5. What Are The Timelines And Effective Dates For RIF?**

- Official notice is given to the VSEA at least five days prior to the official written employee notice.
- Official notice is given to the employee at least 30 calendar days prior to the effective date of the RIF.
- The effective date of RIF is indicated in the official employee notification.

#### **6. Are There Any Employees Who Would Not Have RIF Rights?**

- Classified employees in original probation.
- Classified employees in a limited service position with less than three years of continuous service.
- Temporary employees.
- Exempt employees.

#### **7. How Does The RIF Process Apply To Managerial Employees?**

Most of the provisions of the RIF article in the contract are extended to managers. The exceptions are:

- There is no requirement to notify the VSEA.
- There is no vertical or horizontal displacement.
- There is no displacement of non-status employees.
- There are no geographic relocation RIF rights.
- Managers only have within class displacement rights, and may only displace the most junior employee in their class, department, and geographic area.
- Managerial employees do not have vertical displacement rights.
- Seniority for rehire purposes is limited to bargaining unit time.

#### **8. How Does The RIF Process Apply To Confidential Employees?**

Most of the provisions of the RIF article in the contract are extended to confidential employees. The exceptions are:

- There is no requirement to notify the VSEA.
- There are limited vertical or horizontal displacement rights into a class in which the employee previously worked.
- There is no displacement of non-status employees.
- There are no geographic relocation RIF rights.
- Confidential employees also have within class displacement rights, and may displace the most junior employee in their class, department, and geographic area.
- Seniority for rehire purposes is based on total continuous State service.

#### **9. What Are Displacement (Bumping) Rights?**

- All determinations on displacement options are made by the Labor Relations Division of the Department of Human Resources after extensive review of all the issues such as geographic location, seniority and vacancies.
- If eligible to displace, employees have five calendar days to exercise their bumping rights after official notification from their Department.

- An employee's displacement options would be contained in the employee's official written RIF notification.

**10. What Are Within Class Displacement Rights?**

- A more senior employee is offered the job of the most junior employee in the class, department, and geographic area.
- An employee may decline to displace within the class in order to accept vertical displacement, or to be the one identified for RIF.

**11. What Are Vertical Displacement Rights?**

- They are within a series of job classes as indicated in the *DHR Departmental Series Eligibility for RIF Vertical Displacement Rights* document.
- Applicable to bargaining unit positions only, within a department and geographic area.
- There may not be more than three bumps within an occupational series.
- Not applicable if there are certain vacant, probationary, or horizontal positions available at the same and next three lower pay grades.
- An employee may displace a less senior employee who is the most junior employee in the next lower class in the series (if the employee meets the minimum qualifications), within the department and geographic area.
- Only permanent full-time employees are eligible.

**12. What Are Horizontal/Associated Class Displacement Rights?**

- An employee who has more seniority than the most junior employee in a series of associated classes may displace the junior employee.
- The employee must have pre-applied for these rights and have been determined eligible.

**13. What Are Displacements Into Positions Held By Non-Tenured Employees?**

- Prior to a RIF separation, the employee may be offered the option to displace an employee whose status is original probation, provisional, or temporary, who is at the same or lower pay grade, as specified in the contract, if such positions are available.
- These may be offered during the 30-day grace period.
- An employee who displaces a temporary employee will retain reemployment rights.

**14. How Will An Employee Be Notified Of A RIF?**

- Employees will receive official written notification from their department at least 30 calendar days prior to the effective date of RIF.
- The notice will advise the employee of the effective date of RIF, any displacement options, and their rights and obligations under the current collective bargaining agreement.

**For more information regarding RIF, please contact the Department of Human Resources Labor Relations Division at 828-3454, 498-7350 or 477-3702.**

## **B. GENERAL RIF REEMPLOYMENT (RECALL) INFORMATION**

This section is intended to provide general RIF Reemployment (Recall) information for employees. This is an overview only; individual situations will vary. It is important that you read the collective bargaining agreement language regarding Reemployment (Recall) Rights.

### **1. What Are Reemployment (Recall) Rights?**

- Reemployment is the hiring of a former permanent status employee into State classified service as the result of RIF.
- Classified State employees may have mandatory reemployment rights to vacant bargaining unit positions that are currently under recruitment, provided the positions meet the reemployment parameters established by the employee with the Recruitment Services Division of the Department of Human Resources.
- The position must be at or below the pay grade from which the employee was RIF'd.
- An employee must meet the minimum education and experience qualifications of the position.
- An employee's Reemployment Rights may last for up to two years from the effective date of the RIF. This two year period may be extended by 90 days if the employee is reemployed in a within ninety (90) days of the end of the original mandatory reemployment rights period.

### **2. When Do Reemployment Rights Begin?**

Reemployment Rights begin 30 calendar days immediately prior to the effective date of the RIF. However, the employee must "set their reemployment parameters" in order to exercise their reemployment rights.

### **3. What Are Reemployment Parameters?**

Reemployment parameters provide details for the Recruitment Services staff to use to refer an employee with Reemployment Rights to classified, bargaining unit job opportunities. Setting parameters requires the employee to determine:

- Geographic area they will consider.
- Pay grade range they will consider (current pay grade and lower).
- Type of work employee is seeking (job titles or occupational areas).
- Status of work the employee will consider (full-time, part-time, permanent, limited).
- Hours of work and shift availability.
- Employees may also specify particular departments or occupational fields in which offers are acceptable.
- Parameters may be revised at any time by the employee.

### **4. Who Do I Contact To Set My Parameters?**

- Once you receive your official written RIF notice, contact the Recruitment Services Unit of Human Resources as soon as possible to set your parameters for reemployment: Telephone (855) 828-6700, and select option 1, then option 4.
- No reemployment offers will be made until the employee sets his or her parameters.

**5. What Reemployment Rights Do Managers And Confidential Employees Have?**

- Managerial and Confidential employees who are RIF'd may exercise mandatory reemployment rights in accordance with the provisions of the collective bargaining agreements and the Extension of Benefits to Classified Service Managerial and Confidential Employees document to vacant bargaining unit positions.
- Seniority for reemployment purposes is based on total continuous State service for confidential employees and bargaining unit time for managerial employees.

**6. What Is A Working Test Period?**

- An employee who accepts a mandatory offer of reemployment is placed in a 90-day working test period to provide the employee and employer an opportunity to see if the placement is a good fit for both.
- The working test period may be extended up to an additional 90 days.
- If the employee is separated during the test period, RIF rights are reinstated with the same number of mandatory offers as there were just prior to accepting the position. The time served in the working test period does not alter or extend the two year period of mandatory reemployment rights.

**7. Are There Work Limitations That Would Affect Reemployment Rights?**

- Employees may accept a temporary State position and retain their Reemployment Rights.
- Employees reemployed in a limited service position retain their reemployment rights until they obtain permanent status for RIF purposes.
- Employees who obtain employment outside of State Government retain Reemployment Rights for two years from the effective date of separation, unless rights terminate for other reasons.

**8. May I Retire and Also Maintain My Mandatory Reemployment Rights?**

- Once an employee has been officially notified of a RIF, (s)he may elect to retire after the effective date of the RIF and still exercise mandatory reemployment rights.
- If an employee chooses to continue to exercise their reemployment rights while retired, their annual leave payoff will be in accordance with the RIF annual leave pay out. Contact the Retirement Division at 1-800-642-3191 for questions related to eligibility for retirement.

**9. What Will My Salary Be Upon Rehire?**

- Employee is paid not less than the salary at time of RIF.
- Salary may not exceed the maximum rate of pay for the pay grade.
- Employee receives any across the board increases that may have been missed.
- Employee will not be credited with any step increases that were missed.
- Employee will establish a new step date when reemployed after a break in service.

**10. What Constitutes A Break In Service And How Does This Affect Me?**

- The employee's official RIF notification letter will include, among other things, the date upon which the RIF will be effective.
- The effective date of reemployment is the actual day the reemployed employee starts work and will not automatically be the beginning of a pay period.

- The employee may be required to complete paperwork to reenroll in medical, dental, and life insurance benefits.
- A break in service would result in payment for annual leave, compensatory time, or other time as would be appropriate under the terms of the contract.
- The employee will establish a new step date when reemployed after a break in service.
- The employee will establish a new annual evaluation date when reemployed after a break in service.
- Seniority for leave accrual and other purposes will not be accrued during a break in service.
- Any prior temporary service credit will be lost.

#### **11. What Happens To My Annual Leave Accruals?**

- Employees may have up to 160 hours (20 days) of annual leave paid off at the time of separation **OR**
- Employees may opt to bank one-half of their annual leave balance up to 80 hours (10 days) for four months.
- If the employee is not reemployed within four months, the banked leave will be paid off automatically; however, no more than 160 hours (20 days) in aggregate will be payable. Employees who know they will not return to state service may also request leave payoff prior to the end of the four month period. Do so by contacting the Employee Benefits Unit at (802) 828-6700, and select option 1, then option 3.
- If the employee is reemployed, any unused and unpaid annual leave balance will be restored.

#### **12. What Happens To My Personal Leave Accruals?**

- If the employee is not able to use it prior to separation, it will lapse.
- Leave is restored if the employee is rehired in the same fiscal year.
- At the department's discretion, accrued supervisory personal leave may be paid at the time of separation.

#### **13. What Happens To My Compensatory Leave Accruals?**

- The balance is paid off at the time of separation.

#### **14. What Happens To My Sick Leave Accruals?**

- Sick Leave accruals are not paid at the time of separation.
- The balance is restored if the employee is reemployed within two years.

#### **15. Am I Able To Continue My Medical Coverage?**

- Coverage will end at the close of the pay period in which they are separated and the employee will receive a RIF/COBRA eligibility notification.
- Employees may retain their health insurance for the first six pay periods after the RIF by paying the 20% premium-share.
- After the first six pay periods, the employee must pay the full 100% premium to continue coverage.
- Employees may stay in the medical plan for up to two years after separation.
- Upon reemployment, employees may rejoin their medical plan by completing necessary paperwork immediately upon rehire.

**16. Am I Able To Continue My Dental Coverage?**

- Coverage stops at the end of the fourth pay period after the date of separation.
- After the first four pay periods, the employee must pay the full 100% premium to continue coverage for an additional nine months.
- If reemployed, employees are automatically reenrolled with employee-only coverage. Employees may enroll dependents in the dental plan by completing the paperwork immediately upon reemployment.

**17. Am I Able To Continue My Life Insurance Coverage?**

- Coverage ends at the close of the last pay period the employee worked.
- Employees may convert the Life Insurance Coverage to an individual policy within thirty-one (31) days of coverage termination. Employee should contact the Employee Benefits Unit for conversion paperwork.
- If reemployed, employees may rejoin the life insurance plan by completing the paperwork immediately upon reemployment

**Note:** Unless an employee takes positive action upon receipt of their RIF/COBRA notification, their medical insurance coverage will stop and they will not be eligible to rejoin the plan unless they are re-employed. For more information, contact the Department of Human Resources Employee Benefits Unit at (802) 828-6700, and select option 1, then option 3.

**For additional information regarding the RIF Reemployment process, contact the Department of Human Resources Recruitment Services Unit at (855) 828-6700, and select option 1, then option 4.**

**Additional Resources**

- Employee Assistance Program – (888) 834-2830 or [www.investeap.org](http://www.investeap.org)
- Vermont Unemployment Insurance – (877) 214-3332 or <https://uipublic.labor.vermont.gov>