



KENTUCKY STATE UNIVERSITY

Policies and Regulations

POLICY TITLE:

Reduction in Force

APPLIES TO:

Staff

ADMINISTRATIVE AUTHORITY:

Kentucky State University Board of Regents

Office of the President

Office of Human Resources

APPROVED BY:

Kentucky State University Board of Regents

EFFECTIVE DATE:

August 8, 2025

NEXT REVIEW DATE:

August 8, 2028

POLICY STATEMENT:

Kentucky State University (KSU) is committed to maintaining a stable and supportive work environment. However, circumstances such as financial constraints, reorganization, changes in institutional mission or programs, declining enrollment, lack of work, or technological advancements may necessitate a reduction in force (RIF).

This policy provides a framework for implementing a RIF in a fair, equitable, consistent, and legally compliant manner, minimizing adverse effects on employees and the KSU community whenever possible. It aims to ensure that RIF decisions are based on objective, non-discriminatory, and job-related criteria, and that affected employees are treated with respect and dignity. This policy works in conjunction with, and does not supersede, KSU's Financial Exigency Policy, though a RIF may occur independently of a declared financial exigency.

This policy applies to all regular full-time and part-time staff employees of KSU. It does not apply to:

- Tenured and tenure-track faculty.
- Employees on temporary or fixed-term contracts (e.g., term faculty members), unless explicitly stated otherwise in their contracts.
- Student employees.

This policy addresses position abolishment and employee layoffs. It does not cover terminations for cause, non-renewal of contracts for reasons unrelated to a RIF, or voluntary separation programs, which are addressed in other University policies or programs.

DEFINITIONS:

Affected Unit/Department

The specific administrative or academic unit(s) of KSU where positions are identified for reduction or elimination.

Displacement (Bumping) Rights

The right of an employee whose position is eliminated to displace another employee in an equal- or lower-graded position for which they are qualified.

Layoff

The involuntary separation of an employee from their position as a result of a RIF.

Performance

Documented work performance, typically assessed through official KSU performance-evaluation processes.

Position Abolishment

The formal elimination of a job position from KSU's organizational structure.

Recall

The process by which a laid-off employee may be offered re-employment to a vacant position for which they are qualified, typically within a defined period.

Reduction in Force (RIF)

The permanent elimination of one or more filled positions, or a reduction in budgeted hours for one or more filled positions leading to a layoff, due to reasons such as lack of funds, lack of work, reorganization, changes in institutional mission or academic/administrative programs, or technological changes.

Severance Pay

A lump-sum payment or series of payments that may be offered to an employee upon layoff, subject to KSU policy and applicable legal requirements.

Skills and Qualifications

Demonstrated knowledge, abilities, competencies, certifications, licenses, and experience directly relevant to the essential functions of a position.

University Service Date

The date an employee began continuous, regular employment with KSU, adjusted for any breaks in service as defined by applicable KSU policy.

WARN Act (Worker Adjustment and Retraining Notification Act)

A federal law that may require employers to provide advance notification to employees affected by plant closings or mass layoffs.

PROCESS:

Authority to Implement a Reduction in Force

The President of KSU, or their designee, has the authority to develop and recommend a Reduction in Force plan, following consultation and procedures outlined in this policy. **The Kentucky State University Board of Regents has the sole authority to approve the elimination of any KSU position(s). Therefore, any RIF plan that includes the elimination of one or more positions must be submitted to the Board of Regents for review and approval of such elimination(s) before implementation.** The Board of Regents must also approve any RIF plan that results from a declaration of financial exigency.

Reasons for a Reduction in Force

A RIF may be implemented for one (1) or more of the following reasons:

- **Lack of Funds/Budgetary Constraints.** Reductions in legislative appropriations, grant funding, tuition revenue, or other sources of income, or other financial pressures that necessitate a reduction in workforce expenditures. This may or may not be associated with a formal declaration of financial exigency.
- **Lack of Work.** A decline in the need for work to be performed in certain positions or departments.
- **Reorganization.** Changes in administrative or academic structures, consolidation of functions, or realignment of services to improve efficiency, effectiveness, or to meet strategic objectives.
- **Changes in Institutional Mission or Programmatic Changes.** Discontinuation, curtailment, or modification of programs, services, or activities.
- **Technological Changes.** Introduction of new technology or automation that reduces the need for certain positions or skill sets.

Alternatives to a Reduction in Force

Before implementing an involuntary RIF, KSU will, where feasible and appropriate, consider alternatives, which may include but are not limited to:

- Hiring freezes or limitations on external hiring.
- Restrictions on overtime, travel, and discretionary spending.

- Voluntary separation programs (e.g., early retirement incentives, voluntary layoff).
- Reduction in hours (voluntary or, if involuntary, implemented according to this policy).
- Reassignment or transfer of employees to vacant positions for which they are qualified.
- Attrition (not filling vacant positions).
- Furloughs (temporary unpaid leave), if legally permissible and appropriate for the circumstances.
- Other cost-saving measures identified by KSU leadership.

The decision to use alternatives will be made by KSU leadership based on the nature and extent of the conditions necessitating workforce adjustment.

RIF Planning and Approval Process

Identification of Need:

The head of an administrative or academic unit (e.g., Vice President, Dean), in consultation with their leadership, identifies a potential need for a RIF based on the reasons outlined above.

Initial Proposal and Consultation with HR:

The unit head develops a preliminary proposal outlining the rationale, scope, objectives, and anticipated impact of the RIF. This proposal must be discussed with the Office of Human Resources (HR), the Vice President of Finance & Administration, and the Budget Director at the earliest possible stage.

RIF Plan Development:

If the initial proposal is deemed necessary, the unit head, in close collaboration with HR, will develop a formal RIF plan. The RIF plan must include:

- A detailed justification for the RIF, including relevant data.
- The specific unit(s) affected.
- The number and types of positions to be eliminated or modified.
- The proposed criteria for identifying employees for layoff.
- An analysis of the impact on remaining operations and workload.
- A communication plan for affected employees and the broader KSU community.
- A proposed timeline for implementation.
- An EEO adverse impact statement, conducted in conjunction with HR.

- Consideration of WARN Act notification requirements, if applicable.

Review and Approval:

- The RIF plan is submitted through the appropriate administrative channels (e.g., to the relevant Vice President or Provost).
- HR and the Office of General Counsel must review and approve, in writing, the RIF plan for compliance with KSU policy and legal requirements.
- The President provides final written approval for the RIF plan, contingent upon Board of Regents approval for any include position elimination as stipulated in this policy. The comprehensive RIF plan, including the specific positions recommended for elimination, will then be submitted to the Board of Regents for its approval of such eliminations.

Documentation:

All aspects of RIF planning, decision-making, and implementation process must be thoroughly documented and maintained by HR and the affected unit.

Criteria for Identifying Positions and Employees for a RIF

Position-Focused Analysis First:

The primary focus will be on identifying positions for elimination or modification based on KSU's needs and the reasons for the RIF.

Criteria for Employee Selection:

When more employees occupy similar position than are needed after the RIF, or when specific skills within a job classification must be retained, decisions about which employees will be laid off from the affected positions will be based on a careful and consistent application of objective, job-related criteria. These criteria, which must be documented in the RIF plan, may include, in no particular order of priority unless specified in the RIF plan:

- **Skills, Qualification, and Competencies.** The specific documented skills, knowledge, qualifications, certifications, licenses, and competencies required for the remaining work and future needs of the unit/department and KSU.
- **Documented Performance.** The employee's documented history of performance in their current or similar roles, as reflected in official KSU performance evaluations.
- **University Service Date.** May be used as a determining factor when all other criteria are deemed relatively equal among affected employees.
- **Disciplinary Record.** Consideration of an employee's active disciplinary record, if relevant to job performance or suitability for remaining positions.

- **Position Funding.** In cases where positions are funded by specific grants or restricted funds, the availability and terms of that funding may be a factor.

Non-Permissible Criteria:

RIF decisions will not be based on an employee's race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, gender identity, genetic information, social or political belief, or any other status protected by federal, state, or local law, or KSU non-discrimination policies.

Review of Criteria Application:

HR will review the application of these criteria to ensure fairness, consistency, and compliance with non-discrimination laws before final decisions are made.

Notification Procedures

Official Written Notice:

Affected employees will receive official written notification of layoff from HR or their unit head after the RIF plan is approved and decisions are finalized.

Content of Notice:

The layoff notice will include, at a minimum:

- The effective date of the layoff.
- The specific reasons for the RIF.
- Information about severance pay, if any.
- Information about continuation of benefits (e.g., COBRA).
- Information about payout of accrued leave.
- Contact information for HR for questions.
- Information about any available outplacement services.

Notice Period:

KSU will strive to provide as much advance notice as practicable. Consistent with KSU's Termination Policy, employees whose positions are eliminated or who are laid off as part of a RIF are entitled to a minimum of thirty (30) calendar days' written notice prior to the effective date of the layoff, or thirty (30) days' pay in lieu of such notice, at KSU's discretion. This provision does not preclude longer notice periods if deemed appropriate by KSU or if required by laws such as the WARN Act.

If the RIF constitutes a “mass layoff” under the federal WARN Act, KSU will provide at least sixty (60) days’ written notice to affected employees, as required by the Act. The Office of General Counsel will determine WARN Act applicability.

Meeting with Employee:

Whenever possible, the written notice should be delivered in person in a meeting with the employee, their supervisor, and/or an HR representative to explain the decision and answer questions.

Employee Rights and Considerations Post-Layoff

Appeal/Grievance Rights:

Decisions regarding the necessity of a RIF and the positions to be eliminated are not subject to appeal or grievance. An employee may, however, file a complaint if they believe the layoff decision was based on unlawful discrimination or retaliation, following KSU’s existing non-discrimination and anti-harassment grievance procedures.

Severance Pay:

As provided in KSU’s Termination Policy, employees whose positions are eliminated or who are laid off as part of a RIF and who do not receive at least thirty (30) calendar days’ notice will receive thirty (30) days’ pay in lieu of such notice. Beyond this provision, KSU may, at its discretion, offer additional severance pay to eligible laid-off employees. The decision to offer additional severance pay and the terms of any such package will be determined by KSU leadership based on factors such as budgetary resources, length of service, and the circumstances of the RIF. If any severance pay (including the 30 days’ pay in lieu of notice, or any additional severance) is offered, it may be contingent upon the employee signing a separation agreement and general release of claims, which will comply with all applicable laws, including the Older Workers Benefit Protection Act (OWBPA) if the employee is age 40 or over.

Benefits Continuation and Payouts:

- **Health Insurance.** Laid-off employees will be offered the opportunity to continue health insurance coverage at their own expense through COBRA, in accordance with federal law. HR will provide COBRA enrollment information.
- **Accrued Leave.** Accrued, unused vacation/annual leave will be paid out to laid-off employees in accordance with KSU policy and Kentucky law.
- **Retirement Contributions.** Information regarding retirement plan accounts and options will be provided by HR. No further KSU contributions will be made after the layoff effective date (unless as part of a severance agreement).
- **Other Benefits.** HR will provide information regarding the status of other benefits, such as life insurance conversion privileges, if applicable.

Recall/Rehire Rights:

- Regular employees laid off under this RIF policy who performed their jobs satisfactorily may be eligible for recall to the same or substantially similar vacant position for which they are qualified within the same department/unit from which they were laid off.
- The recall period will be for one (1) year from the effective date of layoff.
- During the recall period, eligible former employees must keep HR informed of their current contact information. HR will maintain a recall list.
- If a recall opportunity arises, HR or the hiring department will notify the eligible former employee(s) on the recall list. The former employee will have five (5) business days to accept or decline the offer.
- Acceptance of a recall offer will restore the employee's university service date for benefits purposes, but not necessarily for other purposes like seniority.
- An employee who declines a recall offer for a position substantially similar to their former one, or who secures other employment and requests removal, will be removed from the recall list.
- This recall provision does not guarantee re-employment and is subject to KSU's hiring needs and qualification assessments.
- Beyond specific recall rights, former employees are eligible to apply as external candidates for any open KSU positions for which they qualify.

Outplacement Services:

- KSU may, at its discretion and depending on available resources, provide access to outplacement services (e.g., career counseling, resume assistance, job search workshops) for laid-off employees. Information about such services, if available, will be provided at the time of layoff notification or shortly thereafter.

REFERENCES AND RELATED MATERIALS:

- KSU Financial Exigency Policy
- KSU Termination Policy
- KSU Equal Opportunity & Non-Discrimination Policy
- KSU Anti-Discrimination & Non-Retaliation Policy
- Worker Adjustment and Retraining Notification (WARN) Act
- Age Discrimination in Employment Act (ADEA) / Older Workers Benefit Protection Act (OWBPA)
- Title VII of the Civil Rights Act of 1964
- Americans with Disabilities Act (ADA)
- Kentucky Civil Rights Act (KRS Chapter 344)

CONTACTS:

Subject	Office	Telephone	E-mail
Policy Questions	Human Resources	(502) 597-6667	Kendra.Herve@kysu.edu Human.Resources@kysu.edu

Policy Interpretation	General Counsel	(502) 597-6414	Zachary.Atwell@kysu.edu General.Counsel@kysu.edu
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HISTORY:

Revision Type	Date of Issuance/Revision	Drafter(s)/Editor(s)
Issued (New Policy)	June 2025	Zach Atwell
