

PLAN SUMMARY

The department met with TSEA as a courtesy to inform them of pending actions and options available to affected employees.

- Tennessee is a “Right To Work” State
 - TSEA – Tennessee State Employee Association, optional for employees to join

Information concerning the state’s RIF policy was shared with TSEA:

- The state agency notifies/works with Human Resources
 - Formal, written notification to Commissioner of Human Resources, which includes
 - Reason for RIF
 - Number of positions affected
 - Number of affected positions currently filled
 - Once approved, it becomes the agency RIF plan
 - Must get approval prior to any notices being sent to employees
- Determining a Layoff
 - Must consider all employees within the agency within the affected classification and within the affected county.
 - Thereafter, may give consideration to:
 - Seniority (total months of State service)
 - Abilities (specific knowledge, skills, competencies)
 - Disciplinary record (demotions, suspensions, written warnings)
- Sharing information with employees:
 - Notice Letter
 - 60 Day Notice
 - Policy and Process for Reduction in Force (RIF)
 - Designated Contact in HR for questions/concerns
 - Details on benefits and compensation for employees
 - Bump and Retreat Protections (Seniority)
 - At the time of the FM RIF, the state’s Human Resources regulations contained significantly more employee safeguards such as the “bump & retreat” policy. The Bump and Retreat policy allowed senior employees to have preference “bump” over junior employees, and employees could “retreat” to previously held positions with the state if they were bumped from a position.

- Employee Options:
 - Apply for another position in State Service
 - Apply for position with FM contractor
 - Retire, if eligible -> Retirement benefits and eligible for severance
 - Resign (Prior to Layoff) -> No severance
 - RIF (still working after 60 day notice) ->Eligible for severance package/benefits

 - Benefits/Severance Package
 - Lump Sum \$3,200
 - Lump Sum of annual leave and compensatory time balance
 - Receive final paycheck, including leave balance, within 30 days of date of layoff
 - Education/Tuition Assistance for 2 years (state-funded college, university or technical school)

 - Ineligible Employees
 - Probationary
 - 120 Day Appointments
 - Executive Service Positions
 - Interim, Emergency, Part-Time, Seasonal, or Temporary Employees

 - Layoff List
 - Dept. must maintain list of all preferred service employees affected by RIF
 - Dept. requested employees to provide up to 4 additional counties willing to work in, if any
 - Remain on list for 1 year from date of RIF or until employee accepts another position in State service
 - Dept. must review layoff list first and determine eligible individuals for vacancy and send employee an offer to apply for the position
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STATE OF TENNESSEE
DEPARTMENT OF GENERAL SERVICES

COMMISSIONER

GOVERNOR

April 25, 2013

EMPLID:

HAND DELIVERED

Dear

This letter serves to provide you with formal notice that your position is being eliminated on July 1, 2013 as a result of the Department of General Services entering into a contract with a third party contractor to perform facilities management services for the State of Tennessee. Pursuant to Tenn. Code Ann. § 8-30-314, the required sixty (60) calendar day notification period begins April 25, 2013.

If you are unable to find other employment, you will be laid off at the end of this 60 day notice period which is June 30, 2013. You will receive a lump sum payment for any annual and/or compensatory leave balances you have at that time and you will be eligible for the severance package as outlined in Department of Human Resources Policy 12-062. The Department of Human Resources will place your name on the Reduction in Force Layoff List (layoff list) for a period of up to one (1) year. Your name will be removed from the layoff list if you accept an offer of employment within the state service to a permanent full-time position or after one year passes.

You may find the Department of Human Resources Policy 12-061, Reduction in Force Procedures, and Policy 12-062, Reduction in Force Severance Benefit Package, at <http://www.tn.gov/dohr/ogc-cr/policies/policies.shtml>. The contact person for discussing your particular situation is _____, Director of Organization Development, at 615-741-1399 or _____, Employee Relations and Compliance Specialist, at 615-253-3966.

We appreciate your service to this department and the citizens of the State of Tennessee. Please contact us should you need assistance during this time of transition.

Best Regards,

Commissioner

cc: Commissioner

Department of Human Resources

HUMAN RESOURCES OFFICE

312 ROSA L. PARKS AVENUE, 24TH FLOOR • NASHVILLE, TENNESSEE 37243
VOICE AND TDD: (615) 741 1379 • FAX: (615) 741 5605 • WWW.TN.GOV/GENERALSERV/

THE STATE OF TENNESSEE IS AN EQUAL OPPORTUNITY/EQUAL ACCESS/AFFIRMATIVE ACTION PUBLIC ENTITY.

Notice

If you are impacted by the RIF, your Edison access will be removed on Monday, July 1, 2013.

Please make sure the following items are completed before the close of business on Friday, June 28, 2013.

- ✓ Make sure all time and requests for leave or overtime are submitted in Edison.

- ✓ Make sure your address and phone numbers are correct. The address listed in Edison is the location to which your final paycheck will be mailed.

- ✓ Print any pay or leave information that you wish to retain for your records.

Also, be sure to return all uniforms, keys, ID badges, phones, and any other assigned property, to avoid a deduction from the final payroll check.

If you have questions or need assistance, please contact _____ at (615) 532-0453 or _____, at (615) 532-7247.



POLICY

Approved by: Rebecca R. Hunter, Commissioner	Policy Number: 12-061
Signature: <i>Rebecca R. Hunter</i>	Supersedes: 11-061, 09-021
Application: Executive Branch Agencies, Human Resource Officers	Effective Date: October 3, 2012
Authority: T.C.A. § 4-3-1703, T.C.A. § 8-30-104, T.C.A. § 8-30-314	Rule: Chapter 1120-02 and Chapter 1120-03

Subject:

Reduction in Force Procedures

This policy shall remain in effect until June 30, 2013. The Department shall issue a new policy regarding reduction in force procedures consistent with Tenn. Code Ann. § 8-30-314 to take effect on July 1, 2013.

Required Notice to the Department of Human Resources

Pursuant to Tenn. Code Ann. § 8-30-314, a Reduction in Force (RIF) occurs when a preferred service employee is subject to layoff due to a lack of funds, a reduction in spending authorization, lack of work, efficiency or other material change in duties or organization.

An appointing authority determines the extent, effective dates, the number of positions in each classification and each county to which a reduction in force applies. The appointing authority shall submit a formal written notification in memorandum format to the Commissioner of the Department of Human Resources (Commissioner) which provides the following information:

1. The reason for the reduction in force;
2. The number of positions affected by the reduction in force; and
3. The number of affected positions which are currently filled.

The agency must receive a written notification from the Commissioner acknowledging the agency's plan. Once approved, this memorandum becomes the agency's reduction in force plan. The memorandum must be acknowledged by the Commissioner prior to the agency taking any action, including delivery of any notices to agency employees.

Determining a Layoff

In determining a layoff, the appointing authority must consider all employees within the agency, within the affected classification and within the affected county. Thereafter, consideration shall be given to the following relevant factors:

- Seniority;
- Abilities; and
- Disciplinary record.

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DOHR Policy: Reduction in Force Procedures

Policy Number: 12-061

Seniority shall be determined based on the total months of state service as defined in Tenn. Code Ann. § 8-30-102. For purposes of seniority as a consideration for a reduction in force, a person with veteran's status shall have an additional sixty (60) months of service credit added to their total months of state service. Eligibility for veterans status is determined pursuant to Tenn. Code Ann. § 8-30-307.

When determining a layoff, an agency may consider abilities only when all positions in the affected classification and county have been through the job analysis procedures and the specific knowledge, skills, abilities and competencies have been developed and approved by the Classification/Compensation Division of the Department of Human Resources. Ability is defined as the capacity to perform a physical or mental activity at the present time. Typically, abilities are apparent through functions completed on the job.

When considering discipline in relation to determining a layoff, disciplinary actions issued within the last two (2) years will be considered as follows:

- a. Demotions; then
- b. Suspension without pay three (3) days or more; then
- c. Suspensions without pay of less than three (3) days; then
- d. Written warnings.

The agency shall maintain any documentation used in determining a layoff and in resolving any tie-breaking decisions and shall be responsible for resolving any disputes arising from such decisions.

Required Notice to Employees

Effective October 1, 2012, any preferred service employee who is subject to layoff as the result of a reduction in force shall be provided written notice from the appointing authority containing the reason for the layoff at least sixty (60) days prior to the effective date of the layoff. This notice period shall be used for career counseling, job testing, and placement efforts.

Agencies shall hand-deliver the reduction in force notice to the employee, who must acknowledge receipt by signing and dating the notice at the time of hand delivery. If an agency is unable to hand-deliver the notice, the agency must mail the notice by U.S. certified mail with return receipt requested. The notification period shall begin upon actual receipt as indicated by the signature and date if hand delivered, or three (3) days after the notification is sent via U.S. certified mail, return receipt requested to the employee's residence.

Employees serving an initial probationary period shall receive a standard notice of separation and shall not be considered to be affected by a reduction in force. Probationary employees receiving a notice of separation must actually separate from the agency no later than two (2) weeks prior to the end of the employee's initial probationary period. In addition, employees serving executive service appointments and interim, emergency, part-time, seasonal, temporary or 120-day appointments shall not be considered affected by a reduction in force. The agency shall provide these employees a standard notice of separation.

Agencies must provide the Director of Technical Services with a copy of all RIF-related correspondence, both initial notice and any subsequent correspondence, to employees affected by

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DOHR Policy: Reduction in Force Procedures	Policy Number: 12-061
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a reduction in force. The agency shall include the employee's Edison employee identification number (Empl ID) in the top right-hand corner of each page. The Technical Services Division will review each letter to ensure that employees are included on the layoff list.

Sample letters to employees affected by a reduction in force can be obtained from the Employee Relations Division.

Requirements for Processing Reduction in Force Transactions

Pursuant to Tenn. Code Ann. § 8-30-314, preferred service employees who are laid off because of a reduction in force shall receive their final paycheck, including accumulated leave, no later than thirty (30) days after the date of layoff. In order to meet this provision, the agency shall submit each employee's personnel file and all required documents to the Technical Services Division within three (3) work days from the date of layoff. The agency must also submit a copy of the employee's official reduction in force notice and a supplemental pay request for any applicable severance. The transaction shall be entered into Edison as a "RIF" with an effective separation date no less than sixty (60) days from the date of the reduction in force notice. Agencies should include the message "RIF RELATED" in the comments box of the employee transaction resulting from a reduction in force when entered into Edison.

Layoff List

The Department shall compile and maintain a list containing the names of all preferred service employees affected by a reduction in force. After placement on the layoff list, the Department will request that the individuals select up to four (4) additional counties where they are willing to work, if any. Individuals shall remain on the layoff list for a period of one (1) year from the date of the reduction in force notice or until they accept an offer of employment to a permanent full-time position in the state service.

Individuals on the reduction in force recall list as of October 1, 2012, will be transferred to the layoff list. These individuals shall remain on the layoff list until either two (2) years pass from the date they received their original reduction in force notice or until they accept an offer of employment to a permanent full-time position in the state service.

Requirements for Filling Vacant Preferred Service Positions

When filling a vacant preferred service position, the agency shall first review the layoff list and determine if the list contains any individuals for the job classification and county where the vacancy exists. If so, the agency must send those individuals an offer to apply for the vacancy and must extend an offer to interview to anyone who appears on both the layoff list and referred list. Those interviewed from the layoff list must be considered, along with any other eligible candidates the agency interviews for the position. The agency may select the individual from the referred list who best meets the knowledge, skills, abilities, and competencies identified for the position. The agency must maintain documentation of all interviews for three (3) years after the appointment of an individual to the position.

When the transaction is entered to fill the vacant preferred service position, the agency shall submit along with other required documentation, a copy of the coded layoff list signed by the appointing

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authority or his or her designee. The agency must identify those individuals on the layoff list who elected not to apply, who appeared on the referred list but elected to not accept an interview, and who were interviewed but were not selected for the vacancy. Along with the signed and coded layoff list, the agency must submit copies of all notices to individuals on the layoff list offering an opportunity to apply for the vacancy and copies of notices offering interviews to those who appeared on both the layoff list and the referred list. If an individual on the layoff list is appointed to the vacancy, the agency shall submit a copy of the applicable page from the layoff list with the individual coded with a "30" and signed by the appointing authority or their designee. The Technical Service Division shall remove the individual's name from the layoff list after the appointment is processed.

Abolishing Positions as a Result of Reduction in Force

Prior to the abolishment of a position, agencies shall submit to the Classification/Compensation Division a document detailing the position numbers and class titles of positions to be abolished. This document must be approved by the Budget Division of the Department of Finance and Administration and delivered to the Department of Human Resources within two (2) weeks of budget approval.

Questions regarding reduction in force policy and procedures may be directed to the Employee Relations Division. Questions regarding reduction in force related transactions and the layoff list may be directed to the Technical Services Division. Questions regarding abolishing positions may be directed to the Classification/Compensation Division.



POLICY

Approved by: Rebecca R. Hunter, Commissioner	Policy Number: 12-062
Signature: <i>Rebecca R. Hunter</i>	Supersedes: 11-060, 10-024, 09-024
Application: Executive Branch Agencies, Human Resource Officers	Effective Date: October 3, 2012
Authority: T.C.A. § 4-3-1703, T.C.A. § 8-30-104	Rule: 1120-04

Subject:

Reduction in Force Severance Benefit Package

Upon allocation by the General Assembly in the annual appropriations bill, qualifying employees who are separated due to a reduction in force (RIF) shall receive a severance benefits package.

For Fiscal Year 2012-2013, the severance benefits package shall consist of:

1. A one-time lump sum payment of \$3,200 (base gross pay), and
2. College tuition assistance for two (2) years for the employee to attend any state-funded college, university or technical school. The tuition assistance amount is to be capped at the average of the highest priced four-year public Tennessee college/university undergraduate level institution; provided, however, that such assistance shall only be provided for periods of actual attendance within a period of time to be determined by the Commissioner of Finance and Administration.

In order to qualify for this severance package, preferred service employees must have received an official notice signed by the appointing authority and ultimately be laid off from state service because of the agency's reduction in force. The employee's separation date shall be the same date of layoff by the agency in order for the employee to qualify for the severance package.

Preferred service employees involved in a reduction in force and placed in other positions within the state service prior to the effective date of the layoff are not eligible to receive the severance package. In addition, employees involved in a reduction in force who elect to resign prior to the date of layoff are not eligible. However, employees who elect to take their retirement at the conclusion of the sixty (60) day notice are eligible to receive the severance benefits package. The Department of Human Resources, in consultation with the respective agencies, will determine final eligibility for each individual.

Any qualifying preferred service employee who is laid off as a result of a reduction in force and receives the severance benefits package, but is subsequently reemployed by the State within sixty (60) days of termination, shall reimburse the state on a pro-rata basis. The reimbursement amount shall be calculated and determined by the Department of Human Resources in consultation with the Department of Finance and Administration. The reimbursement shall be made in accordance with applicable payroll and accounting policies and procedures. This will ensure that the entire amount to be reimbursed is repaid to the State by the end of the calendar year.

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Any preferred service employee whose position is abolished because of a reduction in force shall receive the employee's final paycheck, including accumulated leave, no later than thirty (30) days after the date of layoff. The agency human resource office shall submit the employee's personnel file and all required documents to the Technical Services Division within three (3) work days from the date of separation. In addition to an employee's separation papers, the Department must also receive a copy of the employee's reduction in force notice as well as a supplemental pay request for \$3,200 gross pay. The agency shall also enter employee's separation into Edison as a "RIF" with an effective separation date no less than sixty (60) days from the date of the official reduction in force notice. The State will deduct from the severance payment all legally required taxes, other withholdings, and any sums owed to the State.

Tennessee Student Assistance Corporation (TSAC) shall manage the tuition payments of employees affected by a reduction in force who enroll in a state funded university, college, or technical school.

If an employee accepts employment in the state service during the time in which the employee is eligible for the college tuition assistance provided in the severance benefit package, the employee may complete any class(es) in which the employee is enrolled prior to the effective date of the reemployment of the employee. However, as a condition of reemployment, the employee becomes ineligible for the remainder of the college tuition assistance. The employee shall be eligible to participate in all educational benefits provided to active state employees.

As stated above, the severance benefits package is available as determined by the Tennessee General Assembly through the annual appropriations bill. The Department will communicate any changes to this package to the agencies as information becomes available.

Questions regarding this policy may be directed to the Technical Services Division.

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