Office of the Commissioner of Higher Education
Personnel Policies

SUBJECT: Reduction in Work Force
Policy Number: 405
Adopted: December 10, 2001

Policy

A. Classified Employees

1. Classified employees may be laid off when in the judgment of the employer it is necessary to reduce the number of classified employees. Layoffs may take place for reasons including but not limited to: elimination of programs; lack of work; lack of funds; expiration of grants; and, reorganization.

2. If it is necessary to achieve a reduction in the work force, consideration must be given to the functions to be performed by the office and the staff structure which, after the reduction, will most expeditiously achieve office objectives. Accordingly, employees will be retained based on a consideration of qualifications and job performance. If the above factors do not differentiate between employees, length of service within the Commissioner's office shall then be considered.

3. Written notice of layoff shall be given to employees at least 30 calendar days in advance of the layoff date and shall specify the date the layoff is to be effective.

4. In the event that the employer decides to conduct an external recruitment to fill a position for which an employee was laid off, the employee has the right to be recalled to the position within one year of the date of layoff. Employees eligible for recall shall be notified by mail at their last known address of the recall opportunity. If the employee fails to respond to the recall offer within ten calendar days, the employee shall be considered as having forfeited any right to be recalled.

B. Employees with Individual Employment Contracts

Employees who are employed through individual employment contracts under the authority of the Board of Regents may be laid off at the discretion of the Commissioner. Such employees shall be given notice prior to layoff as specified in Regent Policy 711.1 and OCHE policy 401.0.

C. Employees who are laid off shall receive all unpaid wages on the employee's next regular payday for the pay period or within 15 calendar days of the effective date of the layoff, whichever occurs first.

D. Employees who are laid off may be eligible for continuation of the employer's health insurance contributions for up to 6 months in accordance with 2-18-1205 MCA or the purchase of additional retirement service in accordance with 19-2-706 MCA.

References:
Regent Policy 711.1