

CITY OF BRANSON, MISSOURI  
ADMINISTRATIVE RULES

RULE NUMBER 5 REFERENCING ARTICLE 13 OF THE HUMAN RESOURCES MANUAL  
AMENDED 7-10-2012

A RULE PERTAINING TO **NON-DISCIPLINARY REDUCTIONS IN FORCE**

**Section 1. Reductions in Force (RIF)**

- A. A RIF is a reduction in the work force due to a shortage of funds, lack of work, abolishment of a position, or other material change in duties or organization.
- B. The order of separation due to a RIF will be as follows:
  - (1) Temporary, part-time and probationary employees in a class shall be the first affected by a RIF, before regular full-time employees in the same class.
  - (2) The order of dismissal for regular, full-time employees shall be determined by a combination of performance and seniority.
    - a. Performance: Employees with the highest consistent performance as compared to other employees in the same class over a comparable period of time shall be retained, provided they can perform the specific requirements of the position. Performance shall be determined through the following criteria:
      - (1) The employee's last four (4) written performance evaluations, if in existence. However, this shall not include any evaluations given after any notice of a RIF or within 90 calendar days of such notice.
      - (2) The history of an employee's written disciplinary actions during the past three (3) years.
      - (3) The employee's written record of attendance for the past three (3) years.
      - (4) A written assessment from the current Director.
    - b. Seniority: If two candidates are equal with regard to performance, seniority shall be used to determine the order of separation. Seniority is measured as the length of continuous unbroken service as a regular full-time employee of the City.

- c. The Human Resources Director shall attempt to effect the reassignment, transfer or demotion of an employee who is faced with a RIF, provided that there is an existing, vacant position for which the employee is qualified.

C. Re-employment.

- (1) An employee who has been dismissed due to a RIF shall have his or her name entered on a re-employment list and shall be given first consideration when a vacancy occurs in the same or similar position the employee last held. In the event that there are two RIF'd employees in the same position, seniority will be considered in the call-back decision.
- (2) An employee's name shall be removed from the re-employment eligibility list for any one (1) of the following reasons:
  - a. Expiration – Expiration of time limit eligibility is detailed in the following schedule.

Time Limit For Recall As Determined By Length Of Service

<u>Year(s) Of Continuous Service (Employment)</u>	<u>Maximum Period of Recall Eligibility</u>
0 - 1 Year	-0-
1 - 2 Years	4 Weeks
2 - 3 Years	8 Weeks
3 - 4 Years	12 Weeks
4 - 5 Years	16 Weeks
5 - 6 Years	20 Weeks
6 - 7 Years	24 Weeks
7 - 8 Years	28 Weeks
8 - 9 Years	32 Weeks
9 - 10 Years	36 Weeks
10 - 11 Years	40 Weeks
11 - 12 Years	44 Week
12 Years and Over	48 Weeks

- b. Waiver: After a period of eight (8) weeks, an employee may elect to waive the right to recall by signing a waiver form provided by the City.
- c. Forfeiture: Employees may forfeit the right to recall if they:
  - (1) Refuse a job in a position that is not more than two ranges below their position at the time of the RIF, with the understanding that their names will be left on the recall list for consideration for future vacancies.

- (2) Refuse to respond to a recall within five (5) days of notice and to return to work within a two week period.
- (3) Fail to answer written inquiries from the City's Human Resources Director.
- (4) Fail to advise the City of a change of address or telephone number.

D. Reinstatement.

(1) Wages: If employees are recalled to their former position within six (6) months, they shall be paid at their previous rate of pay plus any across-the-board adjustments to which they would have been entitled had the RIF not occurred. If recalled to a lower position, employees shall receive compensation at a rate of pay consistent with the duties and responsibilities of that position.

(2) Benefits.

- a. Vacation: When employees dismissed due to a RIF are recalled within the time limits provided in this policy, they will then recommence to accrue and be entitled to vacation pay.
- b. Sick leave: Any sick leave accumulated and not utilized at the time of the RIF will be reinstated at the time of recall.
- c. Seniority: Employees retain seniority for the sole purpose that they be able to resume earning leave time immediately upon recall.

E. Notice

(1) Regular Full-time Employees

- a. Director shall give written notice to the employee of any RIF and the reasons therefore at least five (5) working days prior to the effective date of the RIF, provided the employee is being dismissed due to the RIF and through no fault of his own.
- b. This five (5) working day notification may be waived in lieu of five (5) days pay at the employee's straight time, base rate.

(2) Non Full-time and Probationary Employees

- a. Because temporary and part-time employees are hired for a specific period of time, the Director may notify those employees of their starting and termination dates at the time of hiring.
- b. Temporary, part-time and probationary employees may be terminated at any time, without prior notice.

F. Employee Benefits During RIF's

- (1) Vacation time: An employee dismissed due to a RIF may elect to take any vacation or compensatory time which the employee has accrued prior to the RIF. Vacation time, however, does not accrue during the separation. Payment for vacation time taken during the RIF may be made by the City in equal increments on a pay period basis.
- (2) Group Insurance: An employee may elect to continue group insurance to the extent required by law. Timely payment of premiums will be the responsibility of the employee.
- (3) Other benefits: Additional benefits (sick leave, holiday, retirement contribution or other insurance) will neither accrue nor be paid when an employee has been dismissed due to a RIF.

G. Grievance

Dismissals and demotions necessitated by RIF's shall not be subject to grievance procedures except in regard to the order of reduction in force among affected employees.