



## REDUCTION IN WORKFORCE POLICY

### 1.07

Effective Date: 07/18

**Purpose:** When, for any reason, it becomes necessary for the Barren River District Health Department (BRDHD) to reduce or reorganize the workforce because of a) curtailment of work, b) shortage of funds, c) abolishment of a position, d) modification of service requirements, or e) other material change in the duties or organization of the agency, the BRDHD will comply with the Statutory Authority of KRS 211.1755 and Administrative Regulation 902 KAR 8:080 (Initial appointment, probationary period, layoffs, performance evaluation, and the resignation of employees of local health departments) in developing a plan for layoffs, reorganization, reduced work demand, furlough, resignations, dismissals, and/or transfers.

**Failure to Comply:** Agency failure to comply with this policy could result in a grievance.

**Policy:** This layoff/reorganization plan is governed by Statutory Authority KRS 211.1755, KRS194A.050(1); KRS 211.170(1), (2); KRS 212.170 (4); and KRS 212.870, as well as Administrative Regulation 902 KAR 8:080 (Initial appointment, probationary period, layoffs, performance evaluation, and the resignation of employees of local health departments); 902 KAR 8:060 (Salary adjustment for local health departments); 902 KAR 8:070 (Recruitment, examination and certification of eligible applicants for local health departments); 902 KAR 8:090 (Promotion, transfer, and demotion of local health department employees); and 902 KAR 8:120 (Leave provisions applicable to employees of local health departments).

This plan establishes the policy and guidelines the BRDHD will follow to communicate to staff their options and the agency's commitment to support the staff and provide the general steps the agency will take should there be a reduction in workforce.

The BRDHD will attempt to avoid layoffs and, whenever possible, will consider alternatives to layoff before any final decisions are made. In the event a layoff is expected, the agency will attempt to communicate information about an impending layoff as soon as possible.

All involuntary separations not involving delinquency, misconduct, inefficiency or other matters of disciplinary action will be considered layoffs.

- A. The appointing authority shall submit a plan which includes the name(s) of the employee(s) and the reason(s) to the Department for Public Health.
- B. When possible, the agency will provide to employees affected by a layoff the option of transferring to another position, being placed on a re-employment register and/or employment assistance.

The following steps may be taken by the agency prior to implementing a layoff plan.

- A. Organizational changes within the agency.
- B. Assessment of all new or vacant position by the agency directors to determine if other qualified staff is available to fill the position(s).
- C. Assessment of the need to fill positions which result from resignation, retirement, etc.
- D. Reassignment of job duties when a position becomes vacant.
- E. Allowing voluntary efforts on the part of employees (changing position status from full time to part time 100 hours, or part time 100 hours to part time, retirement, resignation, etc.).
- F. Implementation of a flexible staffing plan which reduces the hours of employees, voluntarily and involuntarily (lull in clinic, no patient home visits scheduled, etc.).

#### **I. Circumstances leading to the development of the plan and policy**

- A. Change in reimbursement structure (federal and/or state programs)
- B. Changes in the responsibilities of the agency
- C. Decrease in number of clients
- D. Elimination of services
- E. Loss of funding

#### **II. Analysis and assessment of the situation**

- A. Impact on the agency. Where the agency is at presently and how the situation/circumstance will cause a change.
  - 1. Financially (affecting a specific program or several programs)
  - 2. Programmatically
  - 3. Staffing
- B. Description of the current situation and what will be happening to the agency as a result.
  - 1. Current level of staffing and the projected reduction in the number of employees
  - 2. Organizational changes that may be required
  - 3. Overview of services that are to be provided given the changes in the agency
  - 4. Staffing level by number, classification, skills-abilities and knowledge that are projected to be needed

#### **III. Intermediate steps that BRDHD will take prior to a reduction in workforce**

- A. Not filling positions due to attrition.

B. Reassignment of job duties when a position becomes vacant (possible reclassification, promotion, demotion, or in range salary adjustment).

C. Reducing hours of employees when there is a lull in clinic due to no appointments or services needed, no home patient visits scheduled, etc. voluntarily and involuntarily.

**1. Suggested flexible staffing plan to accommodate change in client volume**

As per 902 KAR 8:120 (hours of work) the appointing authority shall establish the hours and days of work for the agency or for specific employees. The work schedule may be changed by the appointing authority to provide for flexibility in meeting particular work requirements of the agency or specific employees whose schedules may require them to work different hours. When decreases in patient loads occur as outlined above, nursing supervisors, program directors, or other designated staff will have the authority to implement the flexible staffing plan. Accommodation of patient needs will be paramount in deciding which employees will be released for the day in the following sequence.

- a) PRN On-Call employees
- b) Any employee with overtime for the week
- c) Temporary employees
- d) Part Time employees
- e) Part time 100 and full time employees will be released on a rotation schedule, unless they do not meet the necessary training to meet clinic or patient needs.
- f) Contract staff will be treated the same as above according to their work status (i.e. PT-100, FT, etc.)

Employees will use available annual or compensatory leave time prior to leave without pay for hours not worked due to low patient volume if the employee's annual or compensatory leave time is greater than 37.5 hours. If the employee's leave balance is less than 37.5 hours, they may use leave without pay.

*Example: If by noon the clinic is experiencing a 50% no show rate, staff would be sent home for the remainder of the day; on light scheduling days, staff would be advised not to report to work.*

**2. Furlough**

If the agency cannot afford to pay employees by accommodating a flexible schedule and allow employees to take annual or compensation time with pay, as allowed by Regulation 902 KAR 8:080 (Layoffs, Voluntary and involuntary furlough, and Resignations) the agency will have to request and receive approval from the Department for Public Health to initiate a furlough without pay for the agency.

The following actions will be completed if a furlough is selected:

- a) The appointing authority will determine the extent of the furlough. Furloughs can be voluntary or involuntary and may apply to the entire agency, certain

branches, or to one or more individual employees. The appointing authority shall base the extent of the furlough using the reasons identified in “Reducing hours of employees” Section III Number C.

b) Furloughed employees will continue to receive health, dental, life and flexible spending benefits. Although the employee will continue to earn annual and sick leave, leave shall not be used during a furlough. Holidays will not be paid if they occur during a furlough period.

c) The furlough may consist of a shorter work day, consecutive days off, or intermittent days off. The furlough may not exceed twenty-two (22) working days per year.

d) If an employee volunteers for a furlough, the employee must submit a written request as stated in 902 KAR 8:080 (Layoffs, Voluntary and involuntary furlough). This request shall include the reason for and the manner in which the employee proposes to use the furlough period that may include (a) shorter work days (b) intermittent days off or (c) consecutive days off.

e) The appointing authority may direct an employee to be placed in furlough status in lieu of layoff status.

f) The appointing authority will hand deliver, or send by United States Postal Service certified mail, a written notice to each employee at least fifteen (15) calendar days prior to the beginning date of the furlough. The notice will state the following:

- i) The period of the furlough;
- ii) If the furlough is continuous or non continuous;
- iii) The status of employee benefits;
- iv) That failure to return to work after the completion of the mandatory furlough may be grounds for disciplinary action, including dismissal from employment.

D. Voluntary efforts on the part of employees (changing position status from full time to part time 100 hours or part time 100 hours to part time, retirements, resignations.)

#### **IV. Identification of criteria to be used to identify employees affected by the policy and plan**

A. Must consider the following:

1. Qualifications of employees
2. Seniority of employees
3. Type of appointment and source of funding
4. Results of employee evaluations
5. Work Station

B. Criteria for Selection-Sample Policy Statement.

1. In implementing a Layoff Plan the following criteria shall be used in the selection of which employees shall be laid off:
  - a. **Department/Program** – In the event it is necessary to discontinue or reduce a particular agency department or program, *employees working in that department or program shall be selected for layoff prior to employees working in other departments/programs shall be selected for layoff based on the criteria in sections 1-3 below.*
  - b. **Job Classification** – In the event it is necessary to discontinue or reduce services affecting two (2) or more departments and/or programs, employees working in the affected job classification shall be selected for layoff based on the criteria in sections 1-3 below:
    - 1) **Performance/Qualification** – A significant difference in level of performance and qualifications when clearly documented in performance appraisals, disciplinary actions and other personnel records shall be the primary determining factor in selection for reduction (i.e. less qualified/poorer performers are affected first).  
NOTE: 902 KAR 8:080 Section 12, (6): If two (2) or more employees subject to layoff in a layoff plan submitted to the department have the same qualifications, the employee with the lesser seniority shall be laid off first.
    - 2) **Length of Service In Class** – When performance and/or qualifications are indistinguishable or not clearly documented, length of service in class shall be the determining factor (shortest length of service selected first for layoff).
    - 3) **Length of Service with (County or District, choose which one is applicable to your agency)** – When length of service in class is the same, length of service with the District shall be the determining factor.
2. Order of Selection – Employees in departments/programs/classifications selected for reduction shall be selected for reduction status based on the above criteria in the following order of their current status:
  - a. Emergency
  - b. Provisional
  - c. Temporary
  - d. Contract
  - e. Variable Hour
  - f. Probationary
  - g. Part-time regular status employee shall be selected based on the criteria outlined in 1-3 above.
  - h. Part-time 100 hour regular status employee shall be selected based on the criteria outlined in 1-3 above.

- i. Full-time regular status employee shall be selected based on the criteria outlined in 1-3 above.

NOTE: Employees on leave of absence or workers' compensation at the time of reduction shall be treated as if he/she is on active status, along with all other employees in his/her department or program.

#### **V. Identification of staff affected by the reduction in force plan**

A. Employees whose working hours will be reduced and necessitate a change in position status (FT to PT-100, PT-100 to PT).

B. Employees who may be demoted to a lower classification and the salary level (902 KAR 8:090 and 902 KAR 8:060, Demotion).

C. Employees that will be laid off and the effective date.

D. Employees that may be transferred within the agency and the rationale for the transfer (902 KAR 8:090 Transfers). An employee subject to layoff shall be transferred to a vacant position of the same pay grade, level of duties and responsibilities for which he/she is qualified.

1. He/she shall retain his/her current rate of pay and benefit status. If such a vacancy does not exist, the employee shall be notified of all vacant position within the Barren River District for which he/she is qualified.

2. Employees transferred into a position in a lower grade shall have their rate of pay established in accordance with 902 KAR 8:090 and 902 KAR 8:060 Demotion.

3. An employee may transfer into a position that is considered a promotion in terms of pay and responsibility. If this is the case, the employee shall receive an increase in pay subject to the provisions of 902 KAR 8:090 and 902 KAR 8:060 Promotion.

4. If no position is available to an employee subject to layoff, the employee shall be laid off.

#### **VI. Notification of employees**

A. Prior to the notification of an employee that he/she is subject to layoff and prior to the layoff of the employee; the appointing authority shall submit a reduction in workforce policy and plan to the department for approval.

B. Employees to be laid off must receive written notification at least fifteen (15) calendar days in advance of the layoff effective date. Written notification must include:

1. Reason for layoff
2. Procedures established for the layoff
3. Rights granted employees subject to layoff

#### **VII. Rights of the employee(s) affected by the reduction in workforce**

A. If requested by the employee, they shall be placed on the reemployment register for one year as per regulations 902 KAR 8:070 (Recruitment, examination and certification) and 902 KAR 8:080 (Layoffs).

- B. For a period of one year, laid off employees shall be placed on layoff status and shall be eligible for recall to a position in the class from which they were laid off or other classes they are qualified for.
- C. Individuals on layoff status shall be recalled to an open position for which they qualify. The order of selection for recall shall be based on the individual's performance and qualifications. If performance/qualifications are indistinguishable, length of service shall be the determining factor.
- D. If an individual is recalled to a position in a class other than the class from which they were laid off, their rate of pay shall be determined by 902 KAR 8:080 (Layoff, Reinstatement), 902 KAR 8:090 (Promotion, transfer and demotion of local health department employees), and 902 KAR 8:060 (Salary adjustments for local health departments).
- E. Individuals to be recalled shall be notified of their recall by telephone or certified mail to their last known address. It shall be the responsibility of the persons on layoff status to notify the personnel administrator of any change of address and/or phone number.
- F. Laid off individuals shall remain on layoff status for a period of one year, unless:
1. He/she notified the appointing authority in writing that he/she no longer desires recall to a position.
  2. He/she declines two (2) offers of recall to a position of the same classification and salary, and located in a reasonable locality.
  3. The appointing authority is notified that the laid off employee has accepted another position with equal or higher pay.
- G. When a laid off employee is removed from layoff status, he/she shall be notified in writing by the agency.

#### **VIII. Resignation (Ref. 902 KAR 8:080 Section 11; 902 KAR 8:120 Sections 3, 5 & 21)**

It is the policy of the BRDHD to accept written employee resignations as planned, considered and final decisions. Written resignation notices may be addressed to the immediate supervisor\* or the appointing authority. Upon receipt of the written resignation, the supervisor or appointing authority will respond promptly in writing to the employee, acknowledging receipt and acceptance of the resignation notice. It is the policy of the BRDHD that written resignations cannot be rescinded by the employee nor will the agency ask the employee to reconsider the decision. If the resignation is addressed to the immediate supervisor, the supervisor must forward the original of the resignation notice to the appointing authority for review. The notice and any supporting written information will be placed in the employee's official personnel record for archival purposes.

To resign in good standing, an employee must submit a written resignation to the immediate supervisor or the appointing authority at least fourteen (14) calendar days before the final working day. Failure to comply with this requirement may result in denial of reemployment in the district service and/or cause the forfeiture of any lump sum payment for accumulated annual leave. Exceptions may be granted by the appointing authority. In such cases, a written explanation shall be placed in the personnel record of the employee.

Employees who have tendered their resignation, retirement notice, or have received layoff notification will not be allowed to use accumulated sick leave during the notice period without a

statement from a licensed practitioner [902 KAR 8:120, Section 5, (6)] certifying the need for leave. The appointing authority may disallow the use of sick leave during the notice period in the absence of required justification or require an opinion from another practitioner at departmental expense. An employee's lump sum payment for accumulated annual leave and compensatory leave will be held until the employee returns agency properties including credit cards, keys, etc. The agency may withhold all or any portion of a lump sum payment to replace lost or damaged properties or to compensate for outstanding "debts" to the department.

**IX. Dismissal for cause is addressed in 902 KAR 8:100**

**X. Compulsory resignation (Ref. 902 KAR 8:120, Section 17, {4})**

An employee who has been absent without leave or notice to the supervisor for more than three (3) consecutive working days shall be considered to have resigned the employee's position with an unfavorable standing.

An employee's lump sum payment for accumulated annual leave will be held until the employee returns agency properties including credit cards, keys, etc. The agency may withhold all or any portion of a lump sum payment to replace lost or damaged properties or to compensate for outstanding "debts" to the department.

**XI. Transfers (Ref. 902 KAR 8:090, Section 2)**

- A. An employee of one (1) agency shall not transfer to another agency without the prior approval of each appointing authority.
- B. Accrued annual and sick leave shall be transferred to the receiving agency.
- C. Accumulated compensatory leave shall be paid in a lump sum by the sending agency.
- D. The annual increment date shall be retained by the transferred employee.
- E. An employee appointed to a position in an agency having prior work experience in a health department established under KRS 212.350, KRS 212.640, or KRS 212.782 may use the length of employment in determining the rate of earning annual leave provided for under 902 KAR 8:120.
- F. For purposes of a layoff, a transferred employee's service time from a sending agency will not be used to credit length of service in the receiving agency.

**XII. Benefit status**

- A. Health insurance (COBRA) - If an employee is terminated (resignation, layoff, or dismissal) on the 1st -15th of a month, the employees coverage will term on the 15th of the same month. If an employee is terminated on the 16th through the end of the month, the employee's coverage will term on the last day of that same month. The employee would be eligible for COBRA coverage on the day following the termination of insurance, based on current Kentucky Employees Health Plan policy for current year.
- B. Dental and/or vision insurance (COBRA) - Employees (resignation, layoff, or dismissal) are eligible for COBRA the following 18 months.
- C. Life insurance, disability insurance, and supplemental insurances (resignation, layoff, or dismissal) have the option to convert the policy to an individual policy.



D. Annual leave, compensatory time and on-call time - Persons on layoff status shall be paid for unused accrued annual leave on the first pay period that does not include hours worked. Annual leave shall not accrue while on layoff status.

E. Sick leave- Persons on layoff status shall not be paid for unused accrued sick leave. However, their accrued sick leave balance shall be reinstated if they are reemployed per [902 KAR 8:080 \(Reinstatement\)](#) or [902 KAR 8:120 \(Leave provisions applicable to employees of local health departments\)](#).

F. Length of service - For retirement and other purposes, length of service shall not accrue during layoff status.

G. Agency property - Keys, nametags, ID cards and other agency property are to be returned to personnel or the immediate supervisor on the last day worked.

H. Medical leave of absence - An employee on approved medical leave will be returned from medical leave and placed on layoff status with the approved effective date of layoff.

I. Workers compensation - An employee currently receiving workers compensation insurance due to a work related injury who is selected for layoff shall be afforded coverage entitled in accordance with workers compensation policy. This will hold true throughout the entire life of the work comp claim, regardless and independent of any changes that may take place in their employment status.

J. Retirement - Persons eligible for retirement under the regulations of KERS shall be assisted by contacting Kentucky Retirement Systems in evaluating this option.

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**Forms:** None

**References:** [KRS 211.1755 – Merit System for Local Health Department Personnel](#); [902 KAR 8:080 – Initial Appointment, Probationary Period, Layoffs, Performance Evaluation, and the Resignation of Employees of Local Health Departments](#); [KRS 194A.050 – Execution of Policies, Plans, and Programs](#); [KRS 211.170 – Functions of Cabinet Relating To Local Health Departments](#); [902 KAR 8:060 – Salary Adjustments for Local Health Departments](#); [902 KAR 8:070 – Recruitment, Examination, and Certification of Eligible Applicants for Local Health Departments](#); [902 KAR 8:090 – Promotion, Transfer, and Demotion of Local Health Department Employees](#); [902 KAR 8:120 – Leave Provisions Applicable to Employees of Local Health Departments](#); [902 KAR 8:100 – Disciplinary Procedures Applicable for Local Health Department Employees](#); [KRS 212.350](#); [KRS 212.640](#); [KRS 212.782](#)

**Contact Person:** Human Resources Manager

**Policy Origination, Revision, and Review Tracking**

Policy Number	Origination Date	Description of Revision or Reviewer Name
1.07	12.14.2017	HR Manager – Policy Creation
1.07	9.24.2020	HR Manager-review