

# **REDUCTION-IN-FORCE (RIF)**

## **Employee Questions and Answers No. 1**

**NOTICE:** The following questions and answers are specifically intended to briefly address Reduction-In-Force (RIF) related issues which may be of concern to you and shall not constitute a contract of employment. Please refer to Executive Orders 95-01 and 03-01 or your collective bargaining agreement for details of the RIF provisions as they apply to you. The Executive Orders and the collective bargaining agreements shall take precedence over any conflicting information in the questions and answers below.

### **GENERAL**

**Q1: What is a RIF?**

A1: A Reduction-in-Force (RIF) is a layoff of a permanent civil service employee whose position has been identified for abolishment due to lack of work, lack of funds, or other legitimate reasons.

**Q2: How much notice is given when there is a RIF?**

A2: A written 90-day notice of initial RIF is issued only to the permanent civil service employee whose position is identified for abolishment. Employees who are bumped or displaced will have a shorter notification period in accordance with their collective bargaining agreement.

**Q3: Do exempt and temporary employees have RIF rights?**

A3: No. Exempt and temporary employees can be laid off, but do not have RIF rights.

**Q4: Can a civil service employee with RIF rights bump an exempt employee?**

A4: No. A civil service employee's RIF placement is limited to only civil service positions in the same bargaining unit.

### **RIF PROCESS FOR PERMANENT CIVIL SERVICE EMPLOYEES**

**Q5: How will I know if my position is being eliminated?**

A5: You will receive an official written notice of an impending RIF. The notice will include the scheduled date of the layoff, reason for the layoff, and your RIF placement rights.

**Q6: What are my RIF placement rights?**

A6: In addition to your written notice of the impending RIF, you are entitled to the following RIF placement rights before being terminated from service:

- A departmental job search for placement in a civil service position within your bargaining unit based on the employment conditions you are willing to accept and for which you meet all minimum qualification requirements. Searches are limited to positions in the same or lower salary range of your current position.
- If the departmental search is unsuccessful and you have at least 24 retention points, then a jurisdiction-wide search will be conducted by the Department of Human Resources Development.
- If your searches are unsuccessful, you will receive a written notice of termination. Once your employment is terminated due to RIF, you will automatically be placed on a recall list (register) administered by the Department of Human Resources Development for priority re-employment referral.

**Q7: What happens after I receive the official RIF notice?**

A7: You must complete and submit an online RIF application and Work Force Reduction Placement Questionnaire to the Department of Human Resources Development as stated in your notice. After the deadline, all online applications and Work Force Reduction Placement Questionnaires will be forwarded to your Departmental Personnel Officer to begin the departmental search.

If you do not submit an online RIF application and Work Force Reduction Placement Questionnaire by the stated deadline, your search will be based on your most current employment application form on file in your department and/or the employment conditions of your current position (i.e., your current class of work, salary range, and geographical location).

**DEPARTMENTAL RIF SEARCH**

**Q8: How is the RIF search conducted?**

A8: The Departmental Personnel Office will identify appropriate positions in your bargaining unit for which you meet all minimum qualification requirements, based on your responses to the placement questionnaire. First, vacant positions are identified for placement. If there are no appropriate vacant positions, the search moves on to filled positions.

**Q9: Before I submit my RIF application and RIF availability forms, who can help explain the RIF process to me?**

A9: Your Departmental Personnel Officer (DPO) or your union agent.

**Q10: What are other requirements for my RIF placement?**

A 10: The requirements include meeting all minimum qualification requirements for the class of work and meeting requirements for continued public employment (e.g., background checks, citizenship and residency).

**Q11: I heard that I can bump another employee with less seniority. How does this work?**

A11: If you have more seniority based on retention points than a permanent civil service employee in a filled position, you may bump or displace the less senior permanent employee whose position has been identified in your RIF search in your same or related class. Relatedness for RIF bumping is determined by DHRD.

**Q12: How are retention points calculated?**

A12: Retention points are computed on the basis of one (1) point for each full month of continuous creditable service in the jurisdiction, i.e. Executive Branch.

**Q13: What happens if there are no vacant positions and I can't bump in my department?**

A13: If you have 24 or more retention points (2 years of continuous creditable service), your Departmental Personnel Office will refer you to the Department of Human Resources Development (DHRD) to conduct a jurisdiction-wide search.

**Q14: What happens if I have less than 24 retention points? Will I be eligible for a jurisdiction-wide search?**

A14: No. You will be given a written notice of termination.

**Q15: What happens if I bump another employee? How much notice will that bumped employee get before being terminated?**

A15: Unlike the permanent civil service employee whose position is being abolished and receives a 90-day notice, employees who are bumped or displaced will have a shorter notification period in accordance with their collective bargaining agreement.

## **JURISDICTION-WIDE RIF**

### **Q16: How is the jurisdiction-wide search conducted?**

A16: Based on your responses to the placement questionnaire, DHRD will conduct a similar search across all other Executive Branch departments and their attached agencies, including the University of Hawaii civil service and the Hawaii State Public Library System (HSPLS). The search will exclude the Department of Education (except for HSPLS), the Hawaii Health Systems Corporation, and the Judiciary as they are separate and independent civil service systems by law. The search begins with vacant positions in your bargaining unit, followed by filled positions provided you meet all minimum qualification requirements.

### **Q17: What if my jurisdiction-wide search is unsuccessful?**

A17: You will be given a written notice of termination.

### **Q18: After I am terminated, will I have re-employment rights?**

A18: Yes, you will automatically be placed on a recall list for your class of work.

### **Q19: What is a recall list?**

A19: The recall list is a list of employees who were terminated from service due to unsuccessful RIF searches. Persons on recall lists have priority referral before vacancies are filled through open competition.