

ARTICLE 27 – REDUCTION-IN-FORCE

27.1 Definition

Reduction-in-force (RIF) is the elimination of a position or positions because of a lack of sufficient funds, a change in the approved work program/plan/design for a department/office/ agency; administrative reorganization of a department/office/agency; or a technological change or advancement that impacts on work force needs.

27.2 Policy

A bargaining unit employee will not be laid off if there is a probationary, temporary or seasonal employee in the same occupational series and status. In this Article, status is defined as part-time versus full-time. **Furthermore, any bargaining unit employee replacing a probationary, temporary, or seasonal employee under this subsection, must meet the minimum qualifications as defined in AP 4-19, Section 3.14.**

The retention of Term employees will be determined in accordance with AP 4-19, Section 3.7.

In accordance with AP 4-19, Section 2.0, the following alternatives are to be exhausted before a reduction in force is instituted:

- (a) Effective position management and employee placement
- (b) Reducing work hours
- (c) Restructuring positions
- (d) Retraining of incumbents
- (e) Discontinued/ Administrative Retirements
- (f) Implementing a hiring freeze as defined in AP 4-19, Section 5.2

The parties reserve their rights in accordance with Montgomery County Code 33-107.

27.3 Procedure

Any reduction-in-force affecting a unit employee shall be done in accordance with Administrative Procedure No. 4-19, effective November 7, 1991, except where modified by this Agreement. Moreover, AP No. 4-19 shall be amended to extend full application of the procedure to merit status term (grant-funded) employees in the bargaining unit.

27.4 Notification

- (a) An employee who is affected by a reduction-in-force must be given at least 30 days written notice. Whenever practicable, a longer notice should be given.
- (b) On **March 15**, the Union shall be provided a list of **proposed** bargaining unit positions, **which** as a result of budget decisions by the Employer be abolished. **At a later date, a list will be provided to the Union to include affected bargaining unit employees' names, home addresses and seniority rank within the class.**

27.5 Bargaining Unit Job Security

The County recognizes the bargaining units' support of the County's role in the implementation of the Personal Responsibilities and Work Opportunities Act of 1996 and the Welfare Innovations Act of 1997. In implementing those acts, the County will comply with the Agreement as well as all federal, State, and County laws, regulations, and policies pertaining to employee displacement and job protections. The County shall make every effort to avoid the layoff of bargaining unit members consistent with Article 27 of this Agreement to include the elimination/reduction of services provided by contractor(s) either employed by an outside vendor or by the county as an individual contractor, regardless of funding source. In addition, the County will continue to use Discontinued Service Retirement as in the past.