

Chapter: Suspension and Separation	<b>Effective Date: 4/15/16</b>
<b>Title: Administrative Separation – Reduction in Force</b>	Page: 1 of 3
ACA: N/A	Replaces: PRS.11.15, 12/1/11
Statutes: Gov't Code §§657.007, 657.010, §672.004	

(a) **Policy.**

The Texas Juvenile Justice Department (TJJD) may initiate a reduction in force (RIF) to conserve funds, eliminate program areas, promote organizational efficiency, or for other reasons as determined by the executive director or his/her designee.

(b) **Definitions.**

For definitions of certain terms used in this policy, see the [PRS glossary](#).

(c) **General Provisions.**

- (1) A RIF generally occurs when a facility is closed; the number of positions allocated to an office, department, or facility is reduced; a department or program is eliminated; or a grant is discontinued. Closure of a facility or elimination of a major program activity requires approval from the executive director.
- (2) Separation of employment through a RIF is an administrative separation and is not a disciplinary termination of employment.
- (3) Separation of employment due to a RIF does not preclude TJJD from continuing or initiating an investigation of alleged misconduct. Information regarding misconduct discovered or confirmed after a RIF separation may be considered in future hiring decisions and may result in a former employee's rehire status being changed to ineligible for rehire.

(d) **RIF Position Identification.**

- (1) Employees are selected for retention through a systematic, objective evaluation of relevant factors, including but not limited to the following:
  - (A) combined length of TJJD service (including its predecessor agencies);
  - (B) length of other state service;
  - (C) length of service with a Texas juvenile probation department or program or a facility regulated by TJJD if such service:
    - (i) is identified by the executive director as relevant to the employee's current job classification; and
    - (ii) the employee provides proof of the length of service upon request;
  - (D) performance;
  - (E) the possession of skills or credentials unique to the job classification or otherwise deemed to be of importance to organizational goals and objectives; and
  - (F) other legitimate, non-discriminatory, work-related factors, as determined by management.
- (2) If two or more employees in a targeted position are determined to be equally qualified for retention, the length of combined TJJD service (including its predecessor agencies) will be the determining factor.

- (3) If two or more employees in a targeted position are determined to be equally qualified for retention and their length of combined TJJJ service (including its predecessor agencies) is the same, the veteran's employment preference and/or former foster child's employment preference is appropriately applied.

(e) **RIF Notification.**

- (1) Written notice of the elimination of an employee's position, including the effective date of separation, is provided to the employee.
- (2) Whenever possible, the notice is given at least 60 days before the effective date of separation. In limited situations, less than 60 days' notice may be given, but never less than two weeks' notice.

(f) **Employment Opportunities.**

- (1) An employee whose position has been eliminated due to a RIF is given priority consideration when he/she applies for a vacant position with TJJJ if:
  - (A) the employee meets the minimum qualifications for the position; and
  - (B) the vacant position is in a salary group equivalent to or lower than the employee's salary group at the time of the RIF separation (e.g., an employee who is in salary group B10 would receive priority consideration for positions in salary group A10/B10 or lower).
- (2) The priority consideration is effective upon the employee's receipt of the written RIF notification and continues for 12 months after the effective date of the RIF separation.
- (3) The priority consideration extended to a RIF applicant consists of the following:
  - (A) excluding the applicant from any [higher qualification screening](#), which ensures the applicant will have the opportunity to interview for the position if he/she meets the minimum qualifications; and
  - (B) giving the applicant priority consideration over other equally qualified applicants for the same position. If two or more applicants are equally qualified for the position (i.e., all other job-related factors under consideration are equal), the [hiring authority](#) must select the RIF applicant.
- (4) During the period that the priority consideration is in effect, the RIF applicant is considered an [internal applicant](#).
- (5) If a RIF applicant declines a job offer in an equivalent salary group, the RIF applicant will not be given priority consideration for future positions.

(g) **Grievance Rights.**

- (1) A decision by TJJJ to conduct a RIF is not grievable.
- (2) An employee who believes the procedures within this policy were not followed correctly may file a grievance.
  - (A) The issues addressed in the grievance must be limited to the process used to rate employees involved in a RIF.
  - (B) The deadline for filing the grievance is 21 [calendar days](#) after the date the employee receives written notice that he/she will be separated from employment, not from the date of separation.

- (3) An employee qualified for a veteran's employment preference or former foster child's employment preference who is aggrieved by TJJJD's decision to not retain the employee may appeal the decision by filing a written complaint.
- (A) Complaints from employees qualified for a [veteran's employment preference](#) are submitted to the executive director. The deadline established by state law for responding to the complaint is 15 working days after receipt.
- (B) Complaints from employees qualified for the [former foster child's employment preference](#) are submitted to the TJJJD board. The deadline established by state law for responding to the complaint is 15 working days after receipt.
- (C) The response to the complaint will advise the employee of the final determination regarding whether the employment preference was properly applied and whether a change in the retention decision will be made.
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