



**STATE OF MONTANA  
DEPARTMENT OF CORRECTIONS  
POLICY DIRECTIVE**

Policy No. DOC 1.3.10	Subject: <b>REDUCTION IN FORCE</b>
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Section 3: Human Resource Bureau	Effective Date: July 1, 1996
Signature: /s/ Mike Batista, Director	Revised: 8/20/2013

## **I. POLICY**

The Department of Corrections recognizes that at times a Reduction in Force (RIF) may be required. The Department strives to manage RIFs in the fairest way possible in accordance with state statutes, administrative rules, the Department of Administration's Reduction in Workforce Guide, and appropriate provisions of the Montana Operations Manual (MOM),

## **II. APPLICABILITY**

All divisions, facilities, and programs Department-owned and contracted, as specified in contract.

## **III. DEFINITIONS**

Effective Date of Lay-Off – The date agency managers determine will be the last day of work for an employee.

Job Registry – A special job registry from which all agencies may attempt to hire laid-off employees prior to seeking applications from the general public.

Reduction in Work Force (RIF) – A management action taken for non-disciplinary reasons in which an employee is laid-off from employment. The RIF may take place for reasons including, but not limited to: elimination of programs; reduction in full-time employees (FTEs) by the legislature; lack of work; lack of funds; expiration of grants; reorganization of a state agency; or privatization of a service normally or traditionally provided by an employee of a department.

## **IV. DEPARTMENT DIRECTIVES**

### **A. General Requirements**

1. A RIF is not used as an alternative to discharging an employee for cause or disciplinary purposes; unsatisfactory employees are terminated subsequent to complete and appropriate evaluation, review, and documentation. If an unsatisfactory employee is laid off without appropriate evaluation, review, and documentation, the employee must be treated the same as any other laid-off employee.
2. When reducing the workforce, the administrator, or designee, will consider the following:
  - a. the staff structure that most efficiently accomplishes the objectives of the administrator's division, facility, or program; and
  - b. a skill assessment analyzing the qualifications, skills, and performance history of employees in relation to remaining positions prior to making RIF decisions in accordance with [03-0155, MOM](#).

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2. When a skill assessment does not adequately distinguish between employees, the administrator, or designee, will consider continuous lengths of service to make a decision.
3. The administrator, or designee, will apply veterans' employment preference during a RIF in accordance with [39-29-111, MCA](#).
4. An employee is counseled as much in advance of the anticipated action as possible regarding available options and reasons for lay-off and is given a written notice of anticipated lay-off including a tentative effective date of lay-off.
6. The administrator, or designee, must provide notice to the employee and/or employee's collective bargaining unit with required advanced notice, benefits, and reinstatement rights in compliance with [03-0155, MOM](#) and [2-18-1206, MCA](#).
7. An employee laid off because of a RIF may choose either:
  - a. retirement benefits provided under [19-2-706, MCA](#); or
  - b. State Employee Protection Act benefits provided under [2-18-1201, MCA](#).
8. Retirement benefits, State Employee Protection Act benefits, sick leave, and annual leave are administered in accordance with [03-0155, MOM](#).
9. A laid-off employee may be reinstated in accordance with [03-0155, MOM](#).
10. Laid-off employees may utilize the Job Registry in accordance with [03-0155, MOM](#).

## V. CLOSING

An employee may file a grievance under the grievance policy, [2.21.8010, ARM](#) based on receipt of a written notice of lay-off due to reduction in force.

Provisions of this policy not required by statute will be followed unless the provisions conflict with negotiated labor contracts, which will take precedence to the extent possible.

Questions concerning this policy should be directed to the Human Resource Bureau.

## VI. REFERENCES

- A. [3-0155, MOM](#)
- B. [The Reduction in Work Force Guide](#)
- C. [The Job Registry](#)
- D. [Title 2, Chapter 18, Part 12, MCA](#); [19-2-706, MCA](#); [39-29-111, MCA](#)
- E. [2.21.8010, ARM](#)

## VII. ATTACHMENTS

None