

681—3.104(19A) Terminations.

3.104(1) Resignations. To resign in good standing employees must notify the employing department of their intention to resign in writing at least ten days prior to the effective date of resignation, except in cases where the employing department agrees to a shorter period of notice. An employee who fails to give proper notice may, at the request of the employing department, be barred from future certification to that department or from reinstatement as provided for in these rules. Employees who resign will have no rights of appeal under these rules.

3.104(2) Termination on expiration of appointment. On expiration of an appointment of limited duration the employing department will report such action in writing to the resident director.

3.104(3) Retirement. Employees who retire will be considered to have terminated in good standing and without prejudice and will have no rights of appeal under these rules.

3.104(4) Reduction in force. An institution may lay off an employee when it deems necessary because of shortage of funds or work, a material change in duties or organization or abolishment of one or more positions. When individual(s) directly affected is identified the individual(s) may request and accept layoff with reemployment rights as provided in 3.104(4) "j." If an individual(s) directly affected does not request layoff with reemployment rights, the reduction in force procedures which follow shall be implemented. Reduction in force will be accomplished in a systematic manner and will be made in accordance with formula developed by the institution and reviewed and approved by the merit system director for its conformance to these rules:

- a. Reduction in force will be made by class of position.
- b. Reduction in force may be made by organizational unit within an institution or institutionwide, as designated by the institution, provided such designation is reported to the merit system director before the effective date of the reduction.
- c. The order of reduction in force will be by type of appointment as follows: emergency, temporary, provisional, trainee, initial probationary, permanent.
- d. Each employee affected by a reduction in force will be notified in writing of the layoff and the reasons for it at least 20 days prior to the effective date of the layoff unless budgetary limitations require a lesser period of notice.
- e. There will be competition among all employees in the class of position or positions affected by the layoff based on a retention points system that will consist of points for length of service and performance evaluation of all employees in the class within the organizational unit or units affected. Retention points will be calculated as follows:

(1) Length of service credit will be allowed at the rate of one point for each month of service. For the purpose of computing length of service credits, the institution will include all continuous periods of employment between the date of the original appointment and the date of the layoff. Approved leaves of absence without pay, suspensions and layoffs for periods exceeding 15 consecutive days will not be counted; however the periods of service immediately preceding and following such periods will be counted. An employee who is returned to duty following approved military service will have all such time counted as continuous service. When employees are off the payroll of the institution for more than 15 consecutive days for a reason other than an approved leave of absence, suspension, layoff or military service, the date that they return to duty will be considered the date of original appointment for purposes of computing retention points.

(2) Performance evaluation credit will be allowed at the rate of one point for each month of service rated as satisfactory under a performance evaluation plan approved by the institutions and the merit system director. An additional point will be added for each month of service during which performance is rated one or more levels above satisfactory. No credit will be allowed for service rated less than satisfactory. No performance evaluations which are made less than three months prior to a reduction in force will be used in determining performance evaluation credits. In the absence of a performance evaluation review, service will be considered as satisfactory and one point will be given for each month thereof.

(3) Length of service and performance evaluation points for service less than full-time will be prorated in accordance with the percent of fractional employment. Reduction in force retention points

will be the total of length of service and performance evaluation points in accordance with the approved formula.

f. Employees will be placed on the layoff list beginning with the employee with the greatest number of retention points at top. Layoffs will be made from the list in reverse order. Copies of the computation of retention points will be made available to affected employees. One copy will be retained by the resident director and one copy will be forwarded to the merit system director at least ten days prior to the effective date of the layoff.

g. When two or more employees have the same total of retention points, the order of termination will be determined by giving preference for retention to the employee who has the highest total earnings in the class of position affected by the layoff excluding pay for special assignment, overtime, call back, lead worker status, shift differential, and on-call.

h. The reduction in force formula approved by the merit system director will be posted by the resident director so that all employees will have access to it.

i. An affected employee may appeal a reduction in force by filing, within five days after notification as provided in paragraph “*d*” of this subrule, a written grievance with the resident director (at Step 3 of the grievance procedure provided in 3.129(19A) or at a comparable step of a procedure approved under 3.129(1)). If not satisfied with the decision rendered at that step, the employees may pursue their appeal in accordance with the grievance procedure.

j. A permanent employee in a class of position in which layoffs are to be effected may, in lieu of layoff, elect voluntary demotion to a position in the next lower class of position in the same series, or, in the absence of a lower class in the same series, to a class of position which the employee has formerly occupied while in the continuous employment of the institution. Such demotion or the occupying of a formerly held position will not be permitted, however, if the result thereof would be to cause the layoff of a permanent employee with a greater combined total of retention points. To exercise the right of voluntary demotion or to occupy a formerly held position in lieu of layoff, the employee must notify the resident director in writing of such election not later than five days after receiving notice of layoff. Any permanent employee displaced under these provisions will have the right of election as provided herein.

Employees who are laid off or who accept voluntary demotion in lieu of layoff will, at their request, have their names placed on the reemployment eligibility list(s) for the class from which they were laid off, either the lower class(es) in the same series or a class formerly occupied in accordance with 3.67(19A) to 3.70(19A), or both.

3.104(5) *Abandonment of position.* Employees who are absent from duty for three consecutive work days without proper notification and authorization thereof shall be deemed to have resigned their positions.

This rule is intended to implement Iowa Code section 19A.9(14).