



REDUCTION-IN-FORCE (RIF) ANALYSIS WORKSHEET

STATE OF NORTH DAKOTA

SFN 17168 (05-2022)

Department			Division/Unit
Job Code	Classification Name	Position Number	Status
			<input type="checkbox"/> Probationary <input type="checkbox"/> Temporary <input type="checkbox"/> Regular
			<input type="checkbox"/> Probationary <input type="checkbox"/> Temporary <input type="checkbox"/> Regular
			<input type="checkbox"/> Probationary <input type="checkbox"/> Temporary <input type="checkbox"/> Regular
			<input type="checkbox"/> Probationary <input type="checkbox"/> Temporary <input type="checkbox"/> Regular

(Attach additional sheets if necessary.)

Class identified for RIF has only one incumbent/position:

☐ No ☐ Yes - no further analysis is required

North Dakota Administrative Code (NDAC) 4-07-11-03 requires that prior to initiating a reduction-in-force, an appointing authority shall conduct a written analysis of the affected employees in the agency or in a division or unit within the agency to determine those employees who will be subject to the reduction-in-force. Affected employees means those employees in the same classification identified to be reduced in force within the agency, division, or unit within the agency. The appointing authority shall consider a comparison of the knowledge, skills, number of years and months an employee has in the classified service, other experience, and level of performance employees have with the knowledge, skills, and experience that the agency has determined it will need to accomplish the work to be done following the reduction-in-force.

NDAC 4-07-11-05 states that an appointing authority may NOT subject a classified employee who has satisfactorily completed the probationary period to a reduction-in-force while there are emergency, temporary, or probationary employees serving in the same class in the same agency location.

FACTORS FOR CONSIDERATION COLLECTIVELY (not in order of priority):

1. The acquired knowledge and demonstrated skills of the employees compared to the knowledge and skills the agency has determined it will need to accomplish the work following the reduction-in-force. Employees lacking the necessary knowledge and skills are subject to the reduction-in-force.
2. The number of years and months an employee has in the classified service and other experience in comparison to the experience that the agency has determined it will need to accomplish the work following the reduction-in-force. Employees with the fewer years and months of service and other pertinent experience are subject to the reduction-in-force.
3. The level of demonstrated work performance. Employees performing consistently at a lower performance level compared to other employees are subject to the reduction-in-force.

NDAC 4-07-20.1-07. A reduction-in-force appeal may be made only on the basis that the agency did not utilize a uniform comparative analysis as required by NDAC 4-07-11-03, or the reduction-in-force was conducted in a discriminatory manner that would violate the state's policy against discrimination as stated in North Dakota Century Code (NDCC) 14-02.4-01.

A former regular employee who was reduced in force may appeal a denial of reemployment only on the basis that the agency did not follow NDAC 4-01-22.07 or that the denial of reemployment was conducted in a discriminatory manner that would violate the state's policy against discrimination as stated in NDCC 14-02.4-01. The assessment of whether an individual meets the qualifications necessary for successful performance shall remain with the agency.

ADDITIONAL POLICY CONSIDERATIONS:

- NDAC 4-07-11-04 provides that an appointing authority that initiates a reduction-in-force is required to maintain written documentation of the analysis required by section 4-07-11-03
- NDAC 4-07-11-06 provides that an appointing authority that initiates a reduction-in-force shall do so only in a nondiscriminatory manner in accordance with NDCC 14-02.4-01. Additionally, an appointing authority may not use a reduction-in-force as a substitute for disciplinary measures.
- NDAC 4-07-11-07 provides that an individual who has lost employment due to a reduction-in-force shall be offered reemployment by the former employing agency if the following conditions are present:
 1. A regular position vacancy, in the same classification or lower classification in the same series, occurs in the former employing agency, and the appointing authority decides to fill the vacancy by appointing someone other than the current employee.
 2. The individual meets the qualifications determined to be necessary for successful performance of the position by the agency and successfully completes any examination specified by the agency, including an oral interview.
 3. No more than one year has elapsed since the individual lost employment due to the reduction-in-force.
 4. The individual is not currently employed in a regular position in state service.
- NDAC 4-07-11-08 provides that an individual who has lost employment due to a reduction-in-force shall for one year from the date of the reduction-in-force be considered an internal applicant for all positions within the former employing agency for which that individual applies pursuant to policies and practices established by that agency.
- NDAC 4-07-12-12 ...an employee affected by a reduction-in-force and rehired within three years must be credited with the employee's previous service for the purpose of determining the employee's annual leave accrual rate.
- NDAC 4-07-13-11 ...an employee affected by a reduction-in-force and rehired within two years must be credited with the amount of sick leave hours the employee had accumulated at the time of departure, less any amount for which the employee had subsequently been paid.

It is recommended that agencies assist employees in obtaining other employment whenever possible, including assistance in preparing, printing, and distributing resumes; the use of in-state telephone facilities; and approved leave for job interviews.

Human Resource Management Services will maintain a list of RIF'd employees, their former classification, and personal qualifications (resume). Agencies are encouraged to review the list of RIF'd employees prior to recruiting externally. The list of RIF'd employees can be obtained by calling Human Resource Management Services at 328-3290.

List the person(s)/position(s) identified to be RIF'd:

I certify that I have considered the written analysis and comparison required in NDAC 4-07-11-03 arriving at this Reduction-in-Force decision.

Appointing Authority	Date
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Provide a copy to the employee.