

Frequently Asked Questions (FAQ) related to a Reduction in Force (RIF)

1. What Statutes or Rules govern a RIF?

Reductions in force within the Executive Branch of Wyoming State Government are governed by W.S. 9-2-1022(h),(j) and Chapter 17 of the Personnel Rules of the Executive Branch of Wyoming State Government.

2. What is the definition of a Reduction in Force (RIF)?

A reduction in force is an involuntary separation of an employee from State service due to a shortage of funds, lack of work, organizational changes, or other reasons of business necessity which require a reduction in staff. Separation by reduction in force shall not be used to discipline an employee for unsatisfactory work performance or undesirable conduct.

3. Are there steps required of an agency prior to a RIF?

Yes, all agencies must designate divisions within the agency for purposes of a RIF.

4. What happens when an agency does not designate divisions for purposes of a RIF?

In the event of a RIF and an agency has not designated divisions for purposes of a RIF, the entire agency shall be considered as the designated division.

5. What are the steps for an agency to designate divisions for purposes of a RIF?

Agencies may contact A&I Human Resources Division for the most current agency division designation on file.

Agencies shall submit their agency division designations to the A&I Human Resources Division for approval. No division designation is effective until approval by the Governor.

Agencies will be notified by A&I Human Resources Division of the Governor's approval.

6. Can agency division designations be appealed or challenged in court?

No. Division designations are not subject to contested case procedures or judicial review under W.S. 16-3-101 through 16-3-115.”

7. When do agency division designations become effective?

Agency division designations are effective upon approval by the Governor. However, no layoffs from a reduction in force shall occur within sixty (60) days of any designation.

8. If a RIF is necessary, which positions are first effected?

If a reduction in force is necessary, the agency head shall separate the employee in the following order. The employee:

- having the least amount of continuous equivalent Executive Branch service from the most recent date of hire,
- within the class
- within the agency
- within the division, and
- the same geographical area by employee status category.

9. What is the definition of geographical area for purposes of a RIF?

According to the definitions in the current Personnel Rules, geographical area is defined as, “An area surrounding a work location which includes those places within a distance from which an employee would reasonably be expected to be willing to commute to work. For purposes of these rules such distance will normally be considered to be fifty (50) miles from the work location.

10. What steps must occur before any employee is displaced?

Prior to a reduction in force, employees in the affected positions shall be given a transfer or reappointment within the agency to available vacant positions. Permanent employees shall also be offered positions held by non-permanent employees within their designated division only. Employees transferred or reappointed must qualify for the new position and be responsible for any cost of relocation.

11. Can an employee affected by RIF displace an employee in another division of the agency?

No. Layoffs due to a reduction in force shall occur within affected divisions designated. No employee affected by a reduction in force shall displace any other employee outside his designated division. This is commonly referred to as “bumping rights” and can only occur within the designated division.

12. What is the Order of Separation of employees?

The order of separation for employee status categories shall be as follows: first Non-permanent then Permanent. Any non-permanent employee would be separated before any permanent employee.

13. What happens if two employees have the same amount of continuous service for purposes of a RIF?

If two (2) or more employees within the class have the same amount of continuous equivalent service, the agency head shall determine who is to be separated.

14. Does previous state service count for purposes of a RIF?

No, only service from the most recent date of hire is considered.

15. Does service outside of the Executive Branch count?

No. For purposes of a RIF, Executive Branch service does not include service with the University of Wyoming. Service with the Judicial and Legislative branches of government is not counted for purposes of a RIF.

16. What is a class?

A set of similar positions classified to the same grouping and designated by a class title and class code. For example, BAAS03 Office Assistant I is a class.

17. What is the notification procedure?

Affected employees must be notified thirty (30) days in advance of the separation date. The agency head shall notify, in writing, the Human Resources Division and the affected employee at least thirty (30) days in advance of the separation date.

18. What rights does a permanent employee have for reinstatement?

A permanent employee, who has been separated due to a reduction in force, shall have reinstatement rights for a period of twenty-four (24) months to employee status, performance appraisal date, leave accrual rates, longevity benefits, and continuous service credits held at the time of separation.

19. How can a RIF employee be reinstated back to work with the State of Wyoming?

A permanent employee, who has been separated due to a reduction in force, shall automatically be considered in the candidate group for the class held at the time of separation for a period of twenty-four (24) months. Reinstatement shall be made in reverse order of separation (last separated, first hired).

20. Is an agency required to offer a RIF employee a job in the same class if they have a vacancy?

Prior to the appointment of any other candidates with no greater preference, a permanent employee separated by a reduction in force shall be offered reinstatement to a vacant position within the agency, within the division (as designated for purpose of reduction in force) last employed and within the class held at the time of separation.

21. How long does a RIF employee have reinstatement rights?

A permanent employee, who has been separated due to a reduction in force, shall be considered as a state employee for a period of twenty-four (24) months when applying for position vacancies limited to state employees.

22. Can a RIF employee decline an offer of reinstatement and if so, under what conditions?

A permanent employee shall have a right to decline offers of employment without forfeiture of reinstatement rights when:

- The geographical area of the position vacancy is different from that at the time of separation;
- The position funding is temporary or time-limited; or
- The class is different from that at the time of separation.
- The division is different from that at the time of separation.

23. What compensation is available to a reinstated RIF employee?

A permanent employee who is separated by a reduction in force (RIF) and reinstated within twenty-four (24) months to the same classification shall receive the same salary as when the RIF occurred, but not less than the minimum of the pay range.

An employee shall be granted any legislative, statewide or agency wide authorized base pay adjustments made during the period of separation on the condition that any eligibility requirements have been met.

If the reinstatement is to a different classification the employee shall be hired in accordance with Chapter 2, Section 1 of the Compensation Policy available on the A&I Human Resource Division website at <http://hr.wy.gov>

24. Is an employee required to meet the minimum qualifications of a position?

Yes. Employees transferred or reappointed must qualify for the position and are responsible for any relocation costs.

25. How is it determined which employee gets a position when transferring or reappointing an employee?

The agency has the discretion to determine which positions are available for transferring or reappointing employees in the affected positions.

26. What procedures have been established by the A&I Human Resources Division to assist RIF employees in finding other State employment.

- RIF employees may apply for any classification for which there is an active recruitment.
- RIF employees must meet the minimum qualifications for each class for which they have applied.
- RIF employees will be referred to agencies for all position vacancies for which they have met the minimum qualifications.
- RIF employees will be specifically identified to each agency as a RIF employee.

27. What should state agencies do in order to assist RIF employees?

- Notify the A&I Human Resources Division, in writing, of all employees that have been given a RIF notification. This information is required to verify if an applicant is a bona fide RIF employee.
- Inform RIF employees of the special considerations they will receive in finding other employment within the executive branch.
- Impress upon the RIF employee that it is their responsibility to submit their applications to us and make sure that they indicate in the upper right hand corner of the application that they are a RIF.
- Keep RIF employees informed of internal vacancies as well as announced vacancies within other State agencies.

Each agency should give as much support and assistance as possible to aid RIF employees in their search for employment.