

STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION

PROCEDURE

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TITLE: VOLUNTARY SEPARATION PROGRAM

**POLICY
REFERENCE NUMBER:** 8-1-100

**DIVISION OF
RESPONSIBILITY:** Human Resource Services

DATE OF LAST REVISION: July 13, 2023

DISCLAIMER

PURSUANT TO SECTION 41-1-110 OF THE CODE OF LAWS OF SC, AS AMENDED, THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE SC STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION / THE SC TECHNICAL COLLEGE SYSTEM. THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION / THE SC TECHNICAL COLLEGE SYSTEM RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

I. PURPOSE

The purpose of the Voluntary Separation Program (VSP) is to provide the South Carolina Technical College System (SBTCE) the option of implementing a program to realign resources and/or permanently downsize based on the ability to demonstrate recurring cost savings. The intent of this procedure is to be used as a management tool and is not designed as a universal employee benefit. The System Office or College may opt to utilize the VSP through the development of a written plan, which must be developed in accordance with the Division of State Human Resources' (DSHR) model found at https://admin.sc.gov/dshr/cost_saving_programs. The plan will then be submitted through the System Office's Human Resource Services to DSHR. Approval will be based on the System Office/College President's ability to demonstrate recurring cost savings within a two (2) fiscal year period through the written plan.

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II. PARTICIPATION ELIGIBILITY

- A. The System Office/College President has the responsibility to determine and specify the division/departments/classifications that will be affected by realigning resources, reorganizing, or permanent downsizing. Only employees in a full-time equivalent (FTE) position in the affected areas may be eligible for the VSP.
- B. Employees who submit a notice of resignation, which has been accepted by the System Office/College prior to the effective date of the program, are not eligible to participate in the System Office/College VSP.
- C. Employees who were not eligible for Public Employee Benefit Authority (PEBA) insurance benefits prior to applying for the program, would not be eligible for those benefits through participation in the program.
- D. The System Office/College President and all employees who are exempt from the State Employee Grievance Procedure Act are not eligible to participate in the VSP.
- E. Employees participating in a Retirement Incentive Program (RIP) plan in accordance with Sections 9-1-1140 (I) and 9-11-50 (I) of the South Carolina Code of Laws are not eligible to participate in the VSP.
- F. Eligible employees who wish to participate in the VSP must indicate their intent through the completion and submission of the "Agreement and Release" form to the System Office/College's Human Resource Services by the date specified in the approved plan.
- G. In addition to receiving copies of the "Plan," "Acknowledgement Notice," and the "Agreement and Release," all employees who elect to participate in the VSP must be provided with a list of:
 - 1. all job titles and ages of the System Office/College employees who are eligible to participate in the VSP, and
 - 2. job titles and ages of System Office/College employees that are not eligible to participate in the VSP as required by the Age Discrimination in Employment Act (ADEA).

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- H. All decisions to request participation in the VSP are voluntary by each eligible employee. Employees participating in the VSP shall be considered to have voluntarily quit their employment without good cause and be subject to the provisions of Section 41-35-120 (1) of the South Carolina Employment Security Law.
- I. All decisions concerning approval of participants are within the discretion of the System Office/College President and in accordance with policy and procedure and the approved VSP Plan. The System Office/College plan may declare an employee or categories of job classifications ineligible based on financial considerations or on the business needs of the organization to retain the employee(s) in order for the System Office/College to continue its mission. The decision of the System Office/College President is final. Under no circumstances will race, color, religion, sex (including pregnancy, childbirth, lactation, or related medical condition), national origin, age (40 or older), disability, genetic information, or any other protected classes deemed unlawful under the State or Federal law will be used by any System Office/College official in making any decision under the VSP.

III. PROGRAM COMPONENTS

- A. The System Office/College President has the overall responsibility for the implementation of the program.
- B. The System Office or College must fund the program within existing funds.
- C. The program may be implemented based on the System Office or College's ability to demonstrate recurring cost savings for realignment and/or permanent downsizing.
- D. Implementation of the program will be based on fair and objective criteria developed by the System Office or College.
- E. An employee who elected and was approved to participate in the program will agree to:
 - 1. Voluntarily resign or retire from the System Office/College on or before the program effective date.

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2. Not become employed with the State of South Carolina in a full-time equivalent (FTE) position for a period of two years from the date of separation unless the employee reimburses the System Office/College from which the employee separated on a pro-rata basis for the benefits received.
- F. A participating employee may return to the former agency or another agency in State Government in a temporary, temporary grant, or time-limited project position.
- G. Participating employees may receive the following benefits:
1. Separation payment not to exceed one year's base salary; and
 2. Employer portion of health and dental benefits for up to one year, unless the employee otherwise becomes eligible for such benefits.
 3. In addition, employees will receive payment for unused annual leave/faculty non-work day balances as provided for in the State Human Resources Regulations and SBTCE Procedures 8-3-100.1 and 8-3-101.1.
- H. Individuals who are eligible to participate in the VSP must apply by the date specified by the System Office or College's approved plan.
- I. The eligible employees must have up to forty-five (45) calendar days to consider whether to participate in the VSP. An individual may waive the forty-five (45) day period in writing.
- J. In accordance with the Age Discrimination in Employment Act and the Older Workers' Benefit Protection Act, eligible employees will have seven (7) calendar days from the date of their acceptance to revoke the agreement. An individual may not waive the seven (7) day period.
- K. All decisions made under this program by employees to retire or resign are voluntary and are not considered grievable or appealable actions.
- L. All eligible employees may consult with a private attorney prior to agreeing to participate in the VSP. Any costs or fees for consultation with private attorneys are the responsibility of the employee.

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IV. APPROVAL AND REPORTING

- A. VSPs may be developed in consultation with the System Office's Human Resource Services and DSHR.
- B. The System/College President, along with DSHR, must approve the plan based on the ability to demonstrate recurring cost savings for realignment and/or permanent downsizing resulting in a reduction of full-time equivalent positions.
- C. Upon final approval of the VSP plan, the System Office/College shall notify all eligible employees of the program and the process for participation.
- D. The Colleges must report the prior year's results of the VSP through the Systems Office's Human Resource Services to DSHR by August 15 of the current fiscal year annually.