Chapter Pers 16

REINSTATEMENT

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Pers 16.01 Definition. Reinstatement is the restoration without competition of an employe or former employe to a position in the same or a closely related class in which he was previously employed. Reinstatement applies to permanent and legislative employes as covered in subsection 16.23 (2), Wis. Stats.; employes who enter military service as covered in subsection 16.276 (1) (b), Wis. Stats.; and for seasonal employes as provided in Wis. Adm. Code chapter Pers 9.

History: Cr. Register, June, 1964, No. 102, eff. 7–1–64.

Pers 16.02 Types and conditions of reinstatement. (1) LAYOFFS HAVE PRIORITY. An employe who has been laid off or accepted a voluntary demotion in lieu of an impending layoff shall be reinstated when a vacancy for which he is qualified occurs in the employing unit from which he was laid off, according to the inverse order of the layoff. The appointing officer shall notify each person laid off that he may establish service-wide reinstatement eligibility through the bureau within one year from the date of layoff, and that he may request that his eligibility be extended for one year intervals not to exceed 3 years from date of layoff.

(2) PERMISSIVE REINSTATEMENTS. An employe who has been separated from state service without misconduct or delinquency, or who has accepted a voluntary demotion for personal reasons, may establish reinstatement eligibility for employment in any department subject to approval of the director, provided that:

(a) The individual or an appointing officer requests reinstatement within one year (a legislative employe 2 years) from date of separation; or

(b) An appointing officer requests an individual's reinstatement after the first year and within 3 years from date of separation; and approval is given pursuant to subsection 16.17 (2), Wis. Stats.

(3) REINSTATEMENT BY PERSONNEL BOARD OR COURT ACTION. See section 16.24, Wis. Stats. A probationary period shall not be required for such reinstatement.

(4) NON-COMPLETION OF PROBATIONARY PERIOD UPON PROMOTION. See subsections 16.22 (1), Wis. Stats. and Wis. Adm. Code subsection Pers 14.03 (1).

History: Cr. Register, June, 1964, No. 102, eff. 7–1–64; emerg. am. (1) eff. 6–27–71; am. (1), Register, September, 1971, No. 189, eff. 10–1–71.

Pers 16.03 Kinds of reinstatement; status and rights. (1) REINSTATEMENT TO DIFFERENT DEPARTMENT. An employe who is reinstated to a department other than the one from which he earned rein-

statement rights may be required to serve a probationary period at the discretion of the appointing officer. If not required to serve a probationary period the employe resumes permanent status immediately. If required to serve a probationary period and during such period the employe's services are found to be unsatisfactory he may be separated without the right of appeal at the discretion of the appointing officer.

(2) REINSTATEMENT TO A DIFFERENT EMPLOYING UNIT OF THE SAME DEPARTMENT. An employe who is reinstated to a different employing unit in the same department from which he earned reinstatement rights may be required to serve a probationary period at the discretion of the appointing officer. If not required to serve a probationary period the employe resumes permanent status immediately. If required to serve a probationary period and during such period the employe's services are found to be unsatisfactory he may be separated without the right of appeal at the discretion of the appointing officer.

(3) REINSTATEMENT TO THE SAME EMPLOYING UNIT. An employe shall not be required to serve a probationary period when reinstated to the same employing unit that he left. Such an employe resumes permanent status immediately.

History: Cr. Register, June, 1964, No. 102, eff. 7-1-64.

Pers 16.04 Dismissal during probationary period. The name of an employe who is dismissed from a probationary period following reinstatement may at the discretion of the director be returned to the reinstatement list.

History: Cr. Register, June, 1964, No. 102, eff. 7-1-64.

Pers 16.05 Salary on reinstatement. (1) Subject to the maximum of the salary range to which the class is assigned, the appointing officer shall determine the salary rate of an employe who is reinstated as follows:

(a) An employe placed on probation may be paid at any rate between the minimum of the range for the class reinstated to and the last rate received plus intervening service-wide salary adjustments excluding merit increases.

(b) An employe not placed on probation may be paid at any rate between the PSICM of the range for the class reinstated to and the last rate received plus intervening service-wide salary adjustments excluding merit increases.

(2) In any reinstatement where an employe is required to serve a probationary period, completion of such probationary period shall not make the employe eligible to receive a salary increase as provided in section 16.105 (2) (d), Wis. Stats. However, upon completion of any such probationary period an employe shall be paid not less than the permanent status in class minimum.

(3) An employe reinstated under the provisions of Wis. Adm. Code Pers 14.03(2) shall be paid as provided in (1) except that he shall not retain his promotional increase.

(4) Salary on restoration. Subject to the maximum of the salary

range for the class assigned, the appointing officer shall determine the salary rate under one of the following:

(a) An employe restored following military service, pursuant to section 16.276, Wis. Stats., shall be paid the last rate received plus intervening service-wide salary adjustments and shall be eligible to receive merit increases.

(b) An employe restored following a leave to serve in the unclassified service, pursuant to section 16.274, Wis. Stats., shall be paid the last rate received plus intervening service-wide salary adjustments and shall be eligible to receive merit increases.

(c) An employe restored under the provisions of Wis. Adm. Code Pers 14.03(1), shall be paid the rate received prior to the promotional increase, plus any intervening service-wide salary adjustments.

History: Cr. Register, June, 1964, No. 102, eff. 7-1-64; emerg. rules am. (1) (a), (b), (c), cr. (d), am. (2), eff. 2-22-66; am. (1) (a), (b), (c), and cr. (d), am. (2), Register, May, 1966, No. 125, eff. 6-1-66; emerg. r. and recr. (1) and cr. (3) and (4) eff. 6-27-71; r. and recr. (1) and cr. (3) and (4), Register, September, 1971, No. 189, eff. 10-1-71.

Pers 16.06 Seniority. See Wis. Adm. Code chapter Pers 19.

History: Cr. Register, June, 1964, No. 102, eff. 7-1-64.