

## Chapter Pers 22

## LAYOFFS

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**Pers 22.01 Purpose.** This layoff procedure adopted pursuant to subsection 16.24 (2), Wis. Stats., is intended to give due consideration to the 2 essential factors which should determine a permanent employee's right to be retained in the service—length of service and efficiency, considered in such a way as to be fair to all employees and to retain for the state service its most effective and efficient personnel.

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

**Pers 22.02 Limitations.** A permanent employee in the classified service shall not be laid off from any position while any limited term, emergency, provisional or probationary employee is continued in a position of the same class or equivalent class in the department or other layoff unit involved.

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

**Pers 22.03 Layoff by departments.** The normal layoff procedure shall be by departments, provided, however, the board, upon the application of the appointing officer and after taking into consideration the recommendation of the director, may authorize the use of well established functional, organizational, or geographical units within the employing department.

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

**Pers 22.04 Procedure for making layoffs.** (1) **SENIORITY AND EFFICIENCY.** Whenever it becomes necessary for an appointing officer to lay off an employee in the classified service as a result of shortage or stoppage of work or funds, functional reorganizations, or the abolishing of a position, he shall do so by classes in accordance with seniority and efficiency, except where a reduction in force involves all employees in an employing unit.

(2) **ASSIGNMENT OF SENIORITY CREDIT.** The seniority credit of all employees in the class and organization unit in which layoff is to be made shall be computed on the basis of length of service as set forth in Wis. Adm. Code subsection Pers 19.01. A seniority ranking of all such employees shall be made accordingly, with any resulting tie cases to be ranked (relative to each other) according to their total length of service in the class.

(3) **NUMBER CONSIDERED FOR LAYOFF.** Within the total number of employees in the given class and layoff unit, the group considered for layoff shall consist of those with the lowest seniority ranking; as

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follows: that group shall number 3 employees, where only one employee is being laid off. In all other cases, that group shall number double the number of positions to be vacated; except that it shall include no greater number of employees with 5 or more years of seniority credit (under Wis. Adm. Code subsection Pers 19.01) than is necessary to consider for layoff 2 more employees than there are positions to be vacated.

(4) **RANKING BY PERFORMANCE.** All employees in the group thus to be considered for layoff shall be ranked by the appointing officer according to their relative performance in the given class and unit. Such ranking shall be based on recent and comparable standards of performance. When layoff is induced in another class as a result of any employee exercising his "bumping" rights, all employees in the resulting layoff group shall be ranked according to their relative performance on a man-to-man comparison basis.

(5) **RESULTING LAYOFFS.** The relative performance ranking of all employees within the group thus considered shall determine which employees are laid off, so that the most efficient employees will be retained.

**History:** Cr. Register, June, 1964, No. 102, eff. 7-1-64; emerg. am. (2), (3) and (4), eff. 6-27-71; am. (2), (3) and (4), Register, 1971, No. 189, eff. 10-1-71.

**Pers 22.05 Demotion in lieu of separation.** In the event that the services of a permanent employee are about to be terminated in a given class as a result of reduction in force, such employee shall be entitled to a position in the same department in a lower class in the series or to transfer to a class in another series in which his training and experience as a state employee have qualified him, provided that the order of layoff as set forth in the law and these rules permits.

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

**Pers 22.06 History:** Cr. Register, June, 1964, No. 102, eff. 7-1-64; emerg. r. eff. 6-27-71; r. Register, September, 1971, No. 189, eff. 10-1-71.

**Pers 22.06 Written notice prior to layoff.** Any employee affected by such layoff or reduction in pay or position shall be given written notice, not less than 15 calendar days prior to the effective date thereof.

**History:** Cr. Register, June, 1964, No. 102, eff. 7-1-64; emerg. renum. Pers 22.07 to be 22.06 and am. eff. 6-27-71; Pers 22.07 renum. to be 22.06 and am., Register, September, 1971, No. 189, eff. 10-1-71.

**Pers 22.07 Reinstatement of promoted or transferred employees.** If an employee, promoted or transferred from one appointing officer to another, is laid off due to lack of work or funds while serving a probationary period in the new position, he may be reinstated to the position he vacated, or one of like nature, under the first appointing officer if such position is available.

**History:** Cr. Register, June, 1964, No. 102, eff. 7-1-64; emerg. renum. Pers 22.08 to be 22.07, eff. 6-27-71; renum. Pers 22.08 to be 22.07, Register, September, 1971, No. 189, eff. 10-1-71.