

Chapter Pers 22

LAYOFFS

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Pers 22.01 Purpose. This layoff procedure is adopted pursuant to section 16.28 (2), Wis. Stats., and is intended to give due consideration to the essential factors of length of service, performance and other factors, considered in such a way as to be fair to all employes and to retain for the state service its most effective and efficient personnel.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72.

Pers 22.02 Layoff unit defined. A layoff unit shall be synonymous with employing unit as defined and established under Wis. Adm. Code sec Pers 1.01 (7).

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72.

Pers 22.03 Procedure for making layoffs. (1) **LAYOFFS BY CLASS; OTHER LIMITATIONS.** Whenever it becomes necessary for an appointing authority to lay off an employe 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 or options within the class within an employing unit. An employe with permanent status in class in a permanent position shall not be laid off from any position while any limited term employe (including emergency and provisional) or original appointment probationary employe is continued in a position of the same class or equivalent class in the layoff unit involved. Where a reduction in force involves all employes in an employing unit, the appointing authority shall determine the order of layoff of employes for purposes of establishing the mandatory restoration register.

(2) **ASSIGNMENT OF SENIORITY CREDIT.** The seniority credit of all employes in the class in which the layoff is to occur shall be computed on the basis of length of service as set forth in Wis. Adm. Code section Pers 19.01. A seniority ranking of all such employes 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 employes in the given class and layoff unit, the group considered for layoff shall consist of those with the lowest seniority ranking, as follows: that group shall number 3 employes, where only one employe 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 employes with 5 or more years of

seniority credit (under Wis. Adm. Code section Pers 19.01) than is necessary to consider for layoff 2 more employes than there are positions to be vacated.

(4) **RANKING BY PERFORMANCE.** All employes in the group thus to be considered for layoff shall be ranked by the appointing authority 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 employe exercising his "bumping" rights, all employes in the resulting layoff group shall be ranked according to their relative performance on a man-to-man comparison basis. Other factors such as specialized skills which will enable retaining the most efficient and effective employes may be considered in making the ranking when deemed appropriate.

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

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72.

Pers 22.04 Demotion in lieu of separation. In the event that the services of an employe with permanent status in class are about to be terminated in a given class as a result of reduction in force, such employe shall be entitled to a position in the employing unit in a lower-class in the series or to transfer to a class in another series for which his or her training and experience has qualified them, and that they can immediately assume the duties and responsibilities of the new position with no break-in or undue familiarization period, provided that the order of layoff as set forth in the law and these rules permit. Because the employe has no control over the circumstances that cause him or her to be either voluntarily or involuntarily demoted in lieu of being laid off they shall not lose their permanent status in class in the class from which they were demoted.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72.

Pers 22.05 Written notice prior to layoff. Any employe affected by such layoff or reduction in pay or position shall be given written notice of such action, not less than 15 calendar days prior to the effective date thereof and upon written request filed within 15 days of the effective date of the decision or within 15 days after receipt of notice of the action, whichever is later, shall be entitled to an appeal from such action to the board.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72.

Pers 22.06 Reinstatement of promoted or transferred employes. If an employe, promoted or transferred from one appointing authority to another, is laid off due to lack of work or funds while serving a probationary period in the new position, he or she may be reinstated to the position they vacated, or one of like nature, under the first appointing authority if such position is available.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72.

Pers 22.07 Layoff of seasonal employes. For provisions of layoff of seasonal employes see Wis. Adm. Code chapter Pers 9.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72.

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Pers 22.08 Emergency layoff of employees. The director may in emergency conditions approve exceptions to the layoff procedure outlined above. However, such layoffs shall be temporary and not exceed 20 working days. The specific number of such days affected employees are laid off, as recommended by the appointing authority, is subject to approval by the director.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72.