

## Chapter Pers 14

## LAYOFFS

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## (Section 16.24 (2) Wis. Stats.)

**Pers 14.01 Purpose.** The intent and purpose of this layoff procedure is to give due consideration to the 2 essential factors which should determine an employe's right to be retained in the service—length of service and efficiency, 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.

**Pers 14.02 Limitations.** No permanent employe in the classified service shall be laid off because of lack of work or funds from any position while any limited term, emergency, temporary, provisional, or probationary employe is continued in a position of the same class in the department or other layoff unit involved.

**History:** 1-2-56; am. Register, April, 1953, No. 28, eff. 5-1-58.

**Pers 14.03 Layoff by departments.** The normal layoff procedure shall be by departments, provided, however, the board, upon the application of the appointing authority and the recommendation of the director, may authorize the use of well established functional, organizational, or geographical units within the employing department.

**History:** 1-2-56; am. Register, April, 1953, No. 28, eff. 5-1-58.

**Pers 14.04 Procedure for making layoffs.** (1) SENIORITY AND EFFICIENCY. Whenever it becomes necessary for an appointing authority to lay off an employe 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 employes in an employing unit.

(2) ASSIGNMENT OF SENIORITY CREDIT. The seniority credit of all employes 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 section Pers 15.02 (1). 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 lengths of state service.

(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

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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 section Pers 15.02 (1)) 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.

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

**History:** 1-2-56; am. (1), Register, April, 1958, No. 28, eff. 5-1-58.

**Pers 14.05 Reduction in pay or position.** The appointing authority may, in lieu of layoff, demote or reduce an employe in pay or position.

**History:** 1-2-56; am. Register, April, 1958, No. 28, eff. 5-1-58.

**Pers 14.06 Written notice prior to layoff.** Any employe 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, and upon written request, filed within 10 days from the effective date of the action, shall be entitled to an appeal from such action to the personnel board, as provided in section 16.24, Wis. Stats. and chapter Pers 16.

**Pers 14.07 Right of reinstatement of transferred employes.** If an employe, transferred from one appointing authority to another, is laid off while serving a probationary period in the new position, he shall be reinstated to the position he vacated, or one of like nature, under the first appointing authority, if such position is available.