

## 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 demoted in lieu of layoff shall be reinstated when a vacancy for which he is qualified occurs in the department 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 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.

**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) When an employe is reinstated, the salary may be:

(a) At any rate within the salary schedule range of the class reinstated to, which is not greater than the last rate received (plus intervening service-wide salary adjustments), or

(b) For employes placed on probation when reinstated: At the minimum of the salary schedule range if the minimum exceeds the last rate received, or

(c) For employes not placed on probation when reinstated: At the permanent status in class minimum of the class if this rate exceeds the last rate received.

(d) In the case of employes restored following military service see section 16.276, Wis. Stats.

(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.

**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.

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

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