

(b) *Between agencies.* An employe may move to a position in a lower classification by demotion in a different agency in lieu of being laid off.

1. The employe may be required to serve a probationary period at the discretion of the appointing authority, and if during this period the employe's services are found to be unsatisfactory, the employe may be separated without the right of appeal. If the employe is not required to serve a probationary period, the employe immediately obtains permanent status in class in the class to which the employe is demoted.

2. An employe who demotes in lieu of layoff between agencies may be paid at any rate within the pay range for the class to which demoted which is not greater than the last rate received by the employe immediately prior to the demotion, except that no employe with permanent status in class shall be paid less than the PSICM for the class.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72; emerg. am. 4-26-76; am., Register, September, 1976, No. 272, eff. 10-1-72; (intro.), (1) and (2) renum. from Pers 22.04 and am., r. (3) and (4), cr. (3), Register, February, 1981, No. 302, eff. 3-1-81.

Pers 22.09 Failure to accept reasonable offer of appointment. (1) An employe who has been notified of layoff and fails to accept a reasonable offer of appointment within the agency within 10 work days of the offer or who, upon acceptance, fails to be available for work within 10 work days after acceptance or 15 work days from the date of offer, whichever is less, shall forfeit any further rights to an appointment under s. Pers 22.08, Wis. Adm. Code.

(2) An offer of appointment shall be considered reasonable if it meets the following 4 conditions as of the date of the offer:

(a) The position is one which the employe would be qualified to perform after customary orientation provided to new workers in the position;

(b) The position is the highest level position available within the agency to which the employe could either transfer or demote;

(c) The number of work hours required does not vary substantially from the number of work hours previously worked; and

(d) The position is located at a work site that is within reasonable proximity of the original work site.

History: Cr. Register, February, 1981, No. 302, eff. 3-1-81; reprinted to correct error, Register, July, 1981, No. 307.

Pers 22.10 Restoration rights and conditions. An employe or former employe who exercises displacement rights in lieu of layoff under s. Pers 22.08 (2), Wis. Adm. Code, is demoted in lieu of layoff under s. Pers 22.08 (3), Wis. Adm. Code, or is laid off, shall, under s. 230.34 (2), Stats., be granted the following considerations for a 3-year period from the date of such action:

(1) **RETURN TO SAME EMPLOYING UNIT.** When a vacancy occurs in the employing unit at or closest to the same or counterpart pay range level from which an employe was laid off, exercised displacement rights, or demoted in lieu of layoff, the employe shall be recalled in inverse order of layoff providing the employe is qualified to perform the work after being given the customary orientation provided newly hired workers in such position.

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(2) **RETURN TO THE AGENCY.** When a vacancy occurs in the agency in the class, class subtitle or progression series from which the employe was laid off, exercised displacement rights or demoted in lieu of layoff, the employe shall be recalled in inverse order of layoff.

(3) **REQUIREMENTS FOR RESTORATION.** An employe or former employe having restoration rights under this section who fails to accept a reasonable offer of reappointment within the agency within 10 work days of the offer or who, upon acceptance, fails to be available for work within 10 work days after acceptance or 15 work days from the date of the offer, whichever is less, shall forfeit any further restoration rights under s. Pers 22.10, Wis. Adm. Code. If extenuating circumstances prevent an employe or former employe from reporting for work within 10 work days after acceptance or making other arrangements with the employer, the employe shall not forfeit the right to further restoration when other vacancies occur, providing the nature of the extenuating circumstances was acceptable to the appointing authority.

(4) **PAY ON RESTORATION.** See s. Pers 20.03 (7), Wis. Adm. Code.

(5) **RED CIRCLING.** If the employe is restored to the highest level vacancy within the employing unit or within the agency, if the vacancy in the agency is at a higher level than available in the employing unit from which the employe was laid off, the employe's pay rate calculated in accordance with s. Pers 22.10 (4), Wis. Adm. Code, shall be red circled if it is above the maximum of the pay rate or pay range for the class to which the employe is restored. See s. Pers 29.025, Wis. Adm. Code.

(6) **EXPIRATION OF RIGHTS.** An employe who transfers in lieu of layoff under s. Pers 22.08 (1), Wis. Adm. Code, or who is restored after termination in lieu of layoff while serving a probationary period resulting from a transfer or promotion within the agency under ss. Pers 15.04 (2) and 14.03 (1), Wis. Adm. Code, respectively, shall have no further restoration or recall rights.

History: Cr. Register, September, 1975, No. 272, eff. 10-1-75; cr. (intro.), (1) renum. from Pers 22.055 (1) and am., cr. (2) to (6), Register, February, 1981, No. 302, eff. 3-1-81.

Pers 22.11 Reinstatement privileges and conditions. (1) When a vacancy, for which the employe is qualified, occurs anywhere in state service other than the agency from which the employe was laid off, exercised displacement rights, or demoted in lieu of layoff, the employe may be reinstated at the discretion of the appointing authority within a 3-year period from the date of such action resulting from layoff.

(2) A person who is reinstated to an agency other than the one from which the person earned reinstatement eligibility may be required to serve a probationary period. See s. Pers 16.04 (1) (a), Wis. Adm. Code.

(3) For pay provisions upon reinstatement following layoff, see s. Pers 29.03 (6), Wis. Adm. Code.

(4) For pay provisions upon reinstatement where a probationary period is required, see s. Pers 29.03 (2) (b), Wis. Adm. Code.

History: Cr. Register, September, 1975, No. 272, eff. 10-1-75; (1) renum. from Pers 22.055 (2) and am.; cr. (2) to (4), Register, February, 1981, No. 302, eff. 3-1-81.

Pers 22.12 Layoff of seasonal and sessional employes. (1) Employes in seasonal or sessional positions are employed for specific sea-
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