

**The University of Wisconsin System
UPS OPERATIONAL POLICY: TR 4**



SUBJECT: Reinstatement of Employment
Privileges Under Wis. Stat. § 36.115(6)

Original Issuance Date: July 1, 2015

Last Revision Date:

1. POLICY PURPOSE:

The purpose of this policy is to establish a procedure that allows UW System employees holding positions in the classified service on June 30, 2015, to retain the reinstatement privileges that they had under [Wis. Stat. § 230.31\(1\)](#), which provides that employees are eligible for reinstatement to classified service positions in state agencies for a five-year period.

2. POLICY BACKGROUND:

Under [Wis. Stat. § 36.115\(6\)](#), employees holding positions in the classified service on June 30, 2015, who have achieved permanent status on that date, shall retain reinstatement privileges to the classified service. Under [Wis. Stat. § 230.31\(1\)](#), employees and former employees who have separated from state service are for a five-year period eligible for permissive reinstatement in a position in the classified service having a comparable or lower pay rate or range for which those employees are qualified.

3. POLICY DEFINITIONS:

Please see UPS Operational Policy [GEN 0: General Terms and Definitions](#) for a list of general terms and definitions.

Definitions specific to this policy:

“Reinstatement” means the act of permissive re-appointment without competition of an employee or former employee to a state agency position for which the person is qualified to perform the work after the customary orientation provided to newly hired workers in the position.

“University staff” are members of the university workforce who contribute in a broad array of positions in support of the University’s mission and are not exempt (hourly) from the overtime provisions of the Fair Labor Standards Act (FLSA).

[Note: All FLSA exempt employees holding positions in the State of Wisconsin “classified” service as of June 30, 2015 are given the choice to remain in the university staff for as long as they retain their existing positions, or to voluntarily be reassigned to a position that the institution has designated

as either an academic staff or limited appointment position - see [UPS Operational Policy TR 3: Voluntary Reassignment.](#)]

4. POLICY:

This policy applies to former classified staff who were employed by a UW System institution on June 30, 2015, and became university staff or academic staff on or after July 1, 2015. Under [Wis. Stat. § 36.115\(6\)](#), employees holding positions in the classified service on June 30, 2015, who had permanent status on that date, retain the privilege of having permissive reinstatement to the classified service. Since reinstatement privileges are retained for five years, employees who held classified positions on June 30, 2015 will retain eligibility for permissive reinstatement to classified service positions in state agencies until July 1, 2020. In those instances where an employee has eligibility for reinstatement, the State agency's appointing action is permissive. Employees who held positions in the classified service on June 30, 2015, who had not achieved permanent status on that date are eligible to receive the reinstatement privileges under [Wis. Stat. § 230.31\(1\)](#) for the five-year period starting on July 1, 2015, if they successfully completed the probationary period required for the position held on June 30, 2015.

5. RELATED DOCUMENTS:

Wis. Stat. § [36.115, University Personnel Systems](#)

Wis. Stat. Chapter [230, State Employment Relations](#)

Wis. Admin. Code Chapter [ER-MRS 16, Reinstatement and Restoration](#)

6. POLICY HISTORY: