

COMPARISON OF LAYOFF PROCEDURES
Revised March 3, 2015

| CURRENT CHAPTER 230 (OSER) CLASSIFIED STAFF LAYOFF PROCEDURES Procedures in effect for layoffs when the affected employee receives notice of the layoff prior to July 1, 2015 | UNIVERSITY STAFF LAYOFF PROCEDURES Procedures in effect when the affected employee receives notice of the layoff on July 1, 2015 or later |
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| <u>When the Chapter 230 Layoff Procedures Must be Followed</u> | <u>When the UPS University Staff Layoff Procedures Must be Followed</u> |
| The current Chapter 230 and related administrative code layoff procedures will remain in effect for layoffs if receipt of notice of a layoff occurs prior to July 1, 2015. After Act 10 became law, collective bargaining has been limited to bargaining over base wages; therefore, layoff procedures for employees in unions (e.g., for crafts workers) are the same as the procedures for non-represented employees. | UPS layoff procedures will be in effect for layoffs if receipt of notice of a layoff occurs after June 30, 2015. |
| <u>Source of the Layoff Procedures</u> | <u>Source of the Layoff Procedures</u> |
| The current procedures governing layoffs of classified staff are contained in Wis. Admin. Code Chapter ER-MRS 22 and Chapters 232 and 236 of the Wisconsin Human Resources Handbook. | Following the framework set forth in UPS Operational Policy GEN 13: Layoff for Reasons of Budget or Program , each UW System institution establishes and administers layoff procedures for university staff. |
| <u>Authority for the Establishment of the Layoff Procedures</u> | <u>Authority for the Establishment of the Layoff Procedures</u> |
| Under Wis. Stat. § 230.34(2) , the administrator of the division of merit recruitment and selection in the Office of State Employment Relations (OSER) is authorized to promulgate rules governing layoffs; to establish alternative procedures in lieu of layoffs; and to cover restoration and reinstatement rights for laid off employees. | Under Wis. Stat. § 227.01(13)(Lm) , the Board of Regents may establish a framework for university staff layoff procedures for UW System institutions by developing operational policies such as UPS Operational Policy GEN 13: Layoff for Reasons of Budget or Program , which provides UW System institutions with guidelines for the establishment of layoff procedures. |
| <u>Releasing Temporary and Probationary Employees</u> | <u>Releasing Temporary and Probationary Employees</u> |
| Under § ER-MRS 22.04 , before a permanent employee may be laid off, limited term employees, project employees, and probationary employees must be laid off as long as the permanent employee is qualified to perform the duties. | Whenever practicable, the number of temporary positions shall be reduced before invoking the layoff procedures. Employees on probationary appointments must be dismissed prior to laying off non-probationary employees, providing that those remaining employees have the necessary skills, knowledge, and ability to perform the work. |

| <p align="center">CURRENT CHAPTER 230 (OSER) CLASSIFIED STAFF LAYOFF PROCEDURES</p> <p align="center">Procedures in effect for layoffs when the affected employee receives notice of the layoff prior to July 1, 2015</p> | <p align="center">UNIVERSITY STAFF LAYOFF PROCEDURES</p> <p align="center">Procedures in effect when the affected employee receives notice of the layoff on July 1, 2015 or later</p> |
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| <p align="center"><u>Employees At Risk of Layoff</u></p> <p>Employees potentially affected by layoff may have alternatives for other employment prior to the implementation of layoff. In order to be eligible for these alternatives, an employee needs to be formally notified that he or she is at risk of layoff. This at-risk notice is not mandatory and is not a layoff notice; rather, it is a warning that a layoff notice may be issued at a future date.</p> | <p align="center"><u>Employees At Risk of Layoff</u></p> <p>UW System institutions will not be required to identify employees at risk of layoff and will therefore not have to send employees at-risk notices. UW System employers should, however, identify the employees in related positions from which a layoff will be made. This group of employees, known as the “layoff group,” will generally include all similarly situated employees in a particular operational area.</p> |
| <p align="center"><u>Layoff Selection and Plan</u></p> <p>The appointing authority must submit a layoff plan to the administrator of the division of merit recruitment and selection. The layoff plan should explain what alternatives to layoff have been implemented and why the layoff is necessary. It is important for employees who will be laid off or reassigned to know that all other solutions have been considered. The layoff plan must include the following information.</p> <ol style="list-style-type: none"> 1. The employing unit(s) affected. 2. The layoff group (i.e., classification title or series), number of positions to be eliminated, names of employees, seniority date, gender, racial/ethnic code, disability status, and percentage of position. 3. Exemptions to layoff and the reasons for the exemptions. 4. Names of employees to be laid off and date of layoff. 5. Order of release of employees. 6. Date that written notice of layoff will be provided to affected employees. 7. Alternatives in lieu of termination as a result of layoff. 8. Signature of agency affirmative action officer. | <p align="center"><u>Layoff Selection and Plan</u></p> <p>Prior to providing layoff notice to any employees, the UW System employer must develop a plan under which a layoff will occur. The plan will document the justification for the layoff, the effective date of the layoff, identification of eliminated functions, and the position(s) to be eliminated. The plan will identify the operational area(s), position title(s) and the number of employees that are expected to be laid off.</p> <p>Employees subject to layoff will be evaluated by administrators who consider the following criteria:</p> <ul style="list-style-type: none"> • Needs of institution to deliver services; • Relative skills, knowledge, and expertise of employees; • Length of service of employees; and • Other appropriate criteria. <p>Once the layoff group has been determined, any employee from within the affected layoff group may elect to retire or voluntarily be laid off to avoid involuntary layoffs.</p> |

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| <p align="center"><u>Notice Prior to Layoff</u></p> <p>Any employee affected by layoff shall be given written notice of the action, not less than 15 calendar days prior to its effective date.</p> | <p align="center"><u>Notice Prior to Layoff</u></p> <p>A full or part-time staff member who is designated for layoff must be given written notice as soon as practicable, but not less than 30 calendar days prior to the effective date of the layoff. A lateral movement to a different position or a demotion may be made any time during the notification of layoff period with mutual agreement of the employee and the UW System employer.</p> |
| <p align="center"><u>Appeal Rights</u></p> <p>An employee who will be laid off may appeal his or her layoff to the Wisconsin Employment Relations Commission within 30 calendar days of the effective date of the decision or within 30 calendar days after receipt of notice, whichever is later.</p> | <p align="center"><u>Appeal Rights</u></p> <p>Upon an employer's layoff notification to an employee, the employee may appeal the layoff decision through the appropriate grievance procedure (see UPS Operational Policy GEN 14: Grievance Procedures).</p> |