



Approved by Vice President for Administration David Miller and  
Approved by University Staff Council 7/1/15

**UNIVERSITY OF WISCONSIN SYSTEM ADMINISTRATION  
UNIVERSITY STAFF POLICY AND PROCEDURES ON  
LAYOFF FOR REASONS OF BUDGET OR PROGRAM**

**Original Issue Date: July 1, 2015**

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**Policy Purpose:**

The purpose of this policy is to establish the University of Wisconsin System Administration (UWSA) layoff procedures for reasons of budget or program for UWSA university staff. UWSA has developed formal layoff procedures in accordance with [UPS Operational Policy GEN 13: Layoff for Reasons of Budget or Program](#).

**Definitions Specific to this Policy:**

“Customary orientation and training” means the training provided to an individual who is considered qualified to perform the work with “customary orientation and training” if the individual currently possesses the basic knowledge, training or experience to successfully perform the work immediately upon appointment after a short introduction to workplace policies and procedures.

“Demotion” means the appointment of an employee with an expectation of continued employment to a position with a title in a lower salary range.

“Layoff” means separation from employment for reasons of budget or due to the discontinuance, curtailment, modification, or redirection of a program.

“Layoff group” means a combined group of employees in related positions from which the layoff will be made. The layoff group will generally include all employees employed in a particular operational area that are similarly, although not necessarily identically, situated by title, pay range, and/or function.

“Length of service” means “adjusted continuous service” which in simple terms is all time spent in continuous employment for the State of Wisconsin during which an employee was eligible to earn sick leave.

“Operational area” means an area of focus or function in a division, department, or office. An operational area will generally be a subset of a division, department, or office, and need not encompass the whole unit.

“Priority consideration” for vacant UWSA positions means the consideration given to applications from qualified laid off individuals.

“Probationary period” means the initial period of employment in an appointment during which the employee has no right to appeal discharge.

“Temporary employment” means employment in a university staff temporary or project appointment.

## **Policy and Procedures:**

### **A. Temporary and Probationary Employment**

Whenever practicable, the employment of temporary or project appointments within the defined operational area shall be terminated prior to laying off non-probationary employees. The employment of probationary university staff should be terminated prior to laying off non-probationary employees, providing the remaining employees have the necessary skills, knowledge, and ability to perform the work. In the event that an employee is on probation because he or she has moved to a different UWSA position, an exception may be made to the rule that probationary employees should be terminated prior to laying off non-probationary employees.

### **B. Layoff Selection and Plan**

Prior to providing layoff notices to any university staff employees, UWSA shall develop a layoff plan. The UW System President or the President's designee shall discuss layoff plans with representatives of the UWSA University Staff Advisory Council. The plan will include the reasons 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.

University staff employees subject to layoff will be determined and evaluated by using the following criteria:

- Needs of institution to deliver services;
- Relative skills, knowledge, or expertise of employees; and
- Length of service of employees.

Upon the layoff notification to a university staff employee, the employee may appeal the layoff decision by submitting a grievance in accordance with the procedures set forth in [UPS Operational Policy GEN 14: Grievance Procedures](#).

Once the layoff group has been determined, employees from within the affected layoff group may elect to retire or voluntarily be laid off to avoid an involuntary layoff.

The employer reserves the right to rescind a layoff notice and/or postpone the layoff date. However, once the university staff employee has been officially notified of the intended layoff date, the employer may not make the layoff date any earlier.

### **C. Notice**

A full or part-time university staff employee who is designated for layoff must be given written notice as soon as practicable, but not less than 60 calendar days prior to the effective date of the layoff.

At the time of layoff, the employee shall receive a letter that identifies the employee's job title pay range. The letter must state whether the employee was in the classified service on June 30, 2015, and is therefore eligible to retain reinstatement privileges under Wis. Stat. § 230.31(1), which provides that employees are eligible for permissive reinstatement to classified service positions in state

agencies for a five-year period. University staff employees eligible for such permissive reinstatement will retain eligibility for reinstatement to classified service positions in state agencies until July 1, 2020.

The letter will also inform employees of the expiration date of the three years of priority consideration (to which they will be entitled under section F of this policy) and of the three-year restriction on rehiring another employee to perform duties reasonably comparable to the duties of the laid off employee (to which they will be entitled under section G of this policy).

#### **D. Alternatives to Layoff**

UWSA shall devote its best efforts to securing alternative UWSA employment in positions for which laid-off university staff are qualified.

*Lateral Move or Demotion.* At any time during the notification of layoff period, and with mutual agreement of the employee and the UW System President or the President's designee, a lateral movement or demotion to a different position within UWSA may be made outside of a recruitment process.

*Involuntary Reassignment Prior to Layoff Process.* UWSA may propose the movement of a university staff employee who has received a notice of layoff to another position. Such involuntary employee movements are not meant to circumvent the recruitment process and should only be used to avoid a reduction in force. All involuntary reassignments must be to a position for which the employee is qualified to perform the work after customary orientation and training, or – if the employee is not qualified – the employee must be provided with sufficient job-related training. If the employee accepts the involuntary reassignment, the employee's rate of pay and applicable benefits will not decrease. The employee may choose not to accept the involuntary reassignment and as a result be laid off.

#### **E. Employee Benefits Upon Layoff**

Outplacement services such as resume preparation or help developing job search strategies or interviewing skills will be made available to each university staff employee who has received a layoff notice. Subject to supervisor notification and workplace needs, employees who have received layoff notices shall be granted time off without loss of pay for job search activities.

University staff employees enrolled in State Group Health Insurance at the time of layoff are eligible to continue coverage under the group plan following the layoff date. The employee's coverage will continue through the month in which premiums are paid, and the employer contribution towards the health insurance premium is paid for an additional three (3) months. The employee must pay his or her share of the health insurance premium during these months to maintain coverage. The employee may pay the premium through payroll deduction, personal check, or converted sick leave credits.

Employees who terminate due to layoff are eligible for the conversion of their sick leave credits to pay for State Group Health Insurance provided eligibility requirements are met under the Accumulated Sick Leave Conversion Credit (ASLCC) and Supplemental Health Insurance Conversion Credit (SHICC) programs as outlined in [Wis. Stat. §§ 40.05\(4\)\(b\) and 40.95](#).

Health insurance premiums are paid from sick leave credits until the earliest of the following events:

- (1) The credits are exhausted;

- (2) The first of the month following the begin date of other employment offering comparable health insurance coverage;
- (3) Five (5) years have elapsed from the date of layoff (no time restriction if the employee has over 20 years of WRS creditable service at time of layoff); or
- (4) The employee dies. If the employee dies, the employee's surviving spouse/domestic partner and dependents can continue to use remaining sick leave credits to pay for health insurance.

Coverage under all other benefit plans ends according to the normal termination rules of the plan.

#### **F. Consideration for Vacant UWSA Positions**

A university staff employee who is or will be affected by a layoff may request to be considered for other UWSA vacancies and will receive priority consideration. Such consideration does not guarantee an interview or mandatory job offer. The applications from individuals eligible for priority consideration will be reviewed by supervisors and considered for employment before any applications from other applicant pools are reviewed or considered. Other applicants will only be considered if a determination is made that that no priority applicants would fill the employing unit's needs or if no qualified priority applicants accepted the job offer. A laid-off university staff employee may receive priority consideration for a period of three years from the date of layoff.

#### **G. Three Year Restriction on Rehiring for Duties of Laid Off Employee**

For three years from the effective date of the layoff, no person may be employed in a position with an expectation of continued employment in that operational area to perform duties reasonably comparable to the duties of the laid-off university staff employee, without first making an offer of return to the laid-off employee. An employee's failure to accept such an offer of return shall terminate the employee's rights under this section.

#### **Contact Information**

For information about layoff procedures, contact the UWSA Office of Human Resources and Workforce Diversity.