



## UNIVERSITY STAFF LAYOFF FOR REASONS OF BUDGET OR PROGRAM

### BACKGROUNDS AND DEFINITIONS

The UW-Green Bay University Staff layoff procedures provide a framework for the process used in the event of layoff due to budget, or discontinuance, curtailment, modification, or redirection of a program.

UW- Green Bay has developed formal layoff procedures in accordance with [UPS Operational Policy: GEN 13](#). Temporary layoffs are not subject to the layoff procedures within this policy.

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

“Layoff procedure” means the process through which a layoff group, is selected, notified, and the conditions for which the layoff will occur.

“Layoff group” means a combined group of employees in related positions from which layoff will be made. Generally this will include all employees employed in a particular operational area that are similarly situated by title, pay range, and/or function.

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

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

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

“Temporary layoff” means a layoff for a period not to exceed 20 working days.

### LAYOFF AND SELECTION PLAN

In the event layoff is determined, whenever practicable all temporary and probationary employees within the defined [operational area](#) will be dismissed prior to laying off non-probationary employees, providing those remaining employees have the necessary skills, knowledge, and ability to perform the work.



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If after dismissal of temporary and probationary employees, layoff is still determined to be necessary, the employer shall develop a plan, to be communicated with the University Staff Committee, under which the layoff will occur. Contained within the layoff plan will be the following:

- Justification for the layoff
- Effective date of the layoff
- Identification of eliminated functions
- Position(s) to be eliminated
- Operational area(s), position title(s), and number of employees expected to be laid off

Employees subject to layoff per the layoff plan will be determined and evaluated using the following criteria.

- Needs of institution to deliver services;
- Relative skills, knowledge, or expertise of employees;
- Length of service of employees; and
- Other criteria defined in the layoff plan

Temporary layoffs are not subject to layoff procedures within this policy.

## **NOTICE**

As soon as practicable, employees in classifications set forth in layoff plan will be put on notice that they are At Risk of layoff.

All employees designated for layoff will be provided a written notice confirming layoff as soon as practicable, but not less than 30 calendar days prior to the effective date of layoff.

Any employee designated for layoff will be provided time off (using paid leave), at the discretion of the appointing authority, for career counseling, interviews, and job searches.

Upon notification to an employee, the employee may appeal the layoff decision through [UW-Green Bay University Staff Grievance Procedure](#).



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

## **ALTERNATIVES TO LAYOFF**

If practicable, employees to be laid off within an operational area may be given the option to decrease their budgeted FTE to meet programmatic, budget, or departmental needs to prevent full layoff.

### Involuntary Reassignment

- An employee may be involuntarily reassigned to another position regardless of being designated in layoff status. The employee will be provided written notice as to why s/he is being moved. Involuntary employee movements are not meant to circumvent the recruitment process and should only be used to avoid a reduction in force.

The employee may choose to not accept the reassignment and as a result be laid off. If the employee accepts the involuntary reassignment, the employee's rate of pay and applicable benefits will not decrease if the movement is lateral; however, the rate of pay may be adjusted with a downward movement.

At any time during the notification period, with mutual agreement by the employee and appointing authority, a lateral movement or demotion to a different position within UW-Green Bay for which the employee is qualified may be made outside of the recruitment process. If movement is a demotion, the employee's rate of pay and applicable benefits may be adjusted.

Employees within the affected group may elect to retire or voluntarily be laid off to avoid involuntary layoff.

An employee who will be affected by layoff may request, in accordance with the hiring authorities requirements, to be considered for other vacancies within UW System. Such consideration does not guarantee an interview or mandatory job offer.

Every effort will be made to maintain active positions for employees so long as this effort does not adversely affect the operational area's budget or impede the areas full ability to fulfill its mission.



## **BENEFITS AND RIGHTS UPON LAYOFF**

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/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.

UW System 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:

- The credits are exhausted;
- The first of the month following the begin date of other employment offering comparable health insurance coverage;
- 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
- 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.

University staff in layoff status are accorded the same privileges as an employed University staff concerning the use of UW-Green Bay facilities, service, and voting privileges on university committees and similar bodies and the use of office space if available.

## **POST LAYOFF RIGHTS**

University staff in layoff status or on notice of layoff shall be given the right of first referral to current vacancies with UW-Green Bay for which they may reasonably qualify. Human Resources will inform University staff in layoff status of current vacancies for which the employee may reasonably qualify for one (1) year after the layoff date.



University staff contacted and given first referral shall have five (5) working days from the date of such referral to request consideration for a particular position. If a request for consideration is not received within this time frame, authorization will be provided to move forward with a recruitment for the vacant position.

If, after reasonable effort, the appointing authority is unable to reach the laid off employee, authorization will be provided to move forward with a recruitment for the vacant position. University staff in layoff status are requested to keep current contact information, resume and qualifications on file with the Human Resources office.

A laid off employee may apply for vacant positions in the same manner as a current employee for a period of three (3) years from the date of layoff.

## **RESTRICTION FOR REHIRING LAID OFF POSITIONS**

For three (3) years from the anniversary 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 employee, without first making an offer of return to the laid off employee.

If a position is reinstated, the appointing authority will make a reasonable effort to reach any laid off employee(s) to offer return to the position(s). Laid off employees will be given five (5) working days to respond to any employment offer set forth.

An employee's failure to accept such an offer of return shall terminate the employee's rights under this section. If, after reasonable effort, the appointing authority is unable to reach the laid off employee, authorization will be provided to move forward with a recruitment for the vacant position.

Any employee who returns to a position within three (3) years that is reasonably comparable to the laid off position will retain rights, and pay at the prior rate plus any applicable pay plan increases that occurred since the date of layoff.