




June 30, 2015

To: Lisa Goetsch, University Staff Council  
Jill Reichenberger, University Staff Council

From: Andrew Leavitt, Chancellor 

I am pleased to approve the new "layoff" provisions of the University Staff Personnel Rules. I have asked that this material be organized and presented along with other pertinent information and rules as articulated by the existing governance groups.

Enc. (University Staff Personnel Rules – Layoff)

cc: Chancellor's Staff  
Jenny Watson, AVC  
Laurie Textor, AVC-HR

# University Staff Personnel Rules

## Chapter TBD - Layoff

### **UNS TBD** Introduction.

The purpose of this policy is to provide a specific course of action to be used by the University of Wisconsin-Oshkosh in cases of layoff of university staff for reasons of budget or program.

### **UNS TBD.** Purpose.

UPS Operational Policy: GEN 13 details the procedure to follow in the event layoff becomes necessary at UW System institutions. It is presented here along with UW Oshkosh's campus-specific procedures.

### **UPS OP: GEN 13** Layoff.

For the purpose of this chapter, "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.

### **UNS TBD.** Consideration and Consultation Prior to Layoff Decisions.

- (1) Prior to proceeding with a decision to identify a layoff group because of budget or program decisions requiring program discontinuance, curtailment, modification, or direction, the Chancellor or designee shall prepare an analysis of the conditions which necessitate such action. In preparing the analysis the Chancellor or designee will consult with groups or committees on campus as necessary.
- (2) The Chancellor or designee, after such consultation, shall meet with the University Staff Council for discussion and advice. The Council shall be provided with and consider information including:
  - (a) budget detail on proposed decisions showing the need to layoff a specific number of personnel;
  - (b) the criteria and/or rationale used in determining the operational unit(s) selected for reduction in positions; and
  - (c) the criteria to be applied within the operational area in determining the individuals who will be affected by the reduction.

### **UNS TBD.** Layoff Selection and Plan.

- (1) Prior to providing layoff notice to any employees, the employer shall 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.
  - (a) Temporary layoffs, a period not to exceed 20 working days, are not subject to layoff procedures.
  - (b) Employees subject to layoff will be determined and evaluated by using the following criteria:
    - i. Needs of institution to deliver services;

- ii. Relative skills, knowledge, or expertise of employees;
  - iii. Length of service of employees; and
  - iv. Other appropriate criteria.
- (c) 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.

**UNS TBD. Notice and Conditions of Layoff**

- (1) 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. At any time during the notification of layoff period and with mutual agreement of the employee and appointing authority, a lateral movement or demotion to a different position within the UW institution may be made outside of a recruitment process.
- (2) 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.

**UNS TBD. Alternatives to Layoff.**

- (1) An employee may be moved to another position regardless of being designated in layoff status. The employee shall receive 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.
- (2) The employee may choose not to accept the involuntary 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.
- (3) 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.

**UNS TBD University Staff Benefits Upon Layoff**

Please see UPS Operational Policy: GEN 13

**UNS TBD Reappointment Rights of University Staff on Layoff**

- (1) If an employee who is or will be affected by a layoff may request, in accordance with the hiring authority's requirements, to be considered for other vacancies within the UW System. Such consideration does not guarantee an interview or mandatory job offer.
- (2) 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 area's ability to fulfill its mission.
- (3) 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.
  - a. For three 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. An employee's failure to accept such an offer of return shall terminate the employee's rights under this section.

**UNS TBD**      **Appeal Rights of University Staff on Layoff.**

Upon layoff notification to an employee, the employee may appeal the layoff decision through the appropriate grievance procedure (see Operational Policy GEN 14: Grievance Procedures and applicable local policy).