University of Wisconsin-Stout
University Staff-Layoff for Reasons of Budget or Program Procedure

Introduction
The UW-Stout layoff procedure provides the process used in the event of layoff due to budget, or discontinuance, curtailment, modification, or redirection of a program. UW-Stout has developed formal layoff procedures in accordance with UPS Operational Policy: GEN 13.

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.

Operational Area
For the purpose of this procedure, operational area means an area of focus or function in a school, college, division, or department as defined in the employee’s appointment letter. An operational area will generally be a subset of a school, college, division, or department and need not encompass the whole unit.

Temporary, Project, and Probationary Employment
Whenever practical, employees in temporary or project appointments in the operational area shall be reduced or discontinued before invoking layoff procedures.

Employees in a probationary period may be dismissed prior to laying off permanent employees, providing that those remaining employees, in the operational area, have the necessary skills, knowledge, and ability to perform the work.

Layoff and Selection Plan
Prior to providing layoff notice to any university staff employee the respective operational area leader shall work collaboratively within their school, college, division, or department, and with Human Resources to develop and document a layoff plan under which a layoff will occur. The plan document will include:

1. The justification for the layoff;
2. The effective date of the layoff;
3. The eliminated functions, and the position(s) to be eliminated;
4. Operational area(s) affected;
5. Position title(s); and
6. Number of employees expected to be laid off

Employees subject to layoff will be evaluated on and determined by using the following criteria:
- Needs of institution to deliver services;
- Relative skills, knowledge, or expertise of the employee;
- Length of service of employee; and
- Other appropriate criteria, such as:
  - Performance appraisals
  - Specialized skills; or
  - Ability to perform essential functions of the position
Prior to any official notice of a layoff, the Director of Human Resources will discuss the layoff plan with the Chair of University Staff Senate. All layoff plans will be reviewed by the Director of Human Resources and approved by the Chancellor prior to notification.

Once a 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.

**Notice**
A full or part-time university staff employee who is designated for layoff must be given written notice from Human Resources as soon as practical, but not less than 30 calendar days prior to the effective date of the layoff. At any time during the official notice or layoff period a lateral movement or demotion to a vacant position within UW-Stout may be made outside of the established recruitment process. This provision will apply providing the employee is qualified to perform the work after customary orientation and training.

Upon an employer’s layoff notification to a university staff employee, the employee may appeal the layoff decision through the University Staff Grievance Procedure.

The employer may 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**
As an alternative to a layoff, a university employee may be assigned to another position for which they are qualified to perform the duties within the operational area or institution as determined by the employer. The employee’s rate of pay and benefits will not decrease with an involuntary lateral movement, but pay may be adjusted with a downward movement. This method of avoiding layoffs is not meant to circumvent the recruitment process and should only be used to avoid a reduction in workforce. The employee may choose to decline the reassignment and as a result be laid off.

**Employee Benefits upon Layoff**
Employee benefits upon layoff are outlined in Operational Policy: Gen 13.

**Consideration for Vacant Positions within UW System**
An employee who is or will be affected by a layoff may request assistance from Human Resources, in accordance with the hiring authority’s requirements, to be considered for vacancies within the UW System. Such consideration does not guarantee an interview or a mandatory job offer.

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.

**Three Year Restriction on Rehiring for Duties of Laid Off Employees**
For three (3) years from the anniversary of the employee’s layoff no person may be employed in a position 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. The employee will have five working days to accept the offer and must start work within 30 calendar days after the date of acceptance.
There shall be no temporary or project employee hired to fill the laid off employee’s position without first offering the temporary or project position to the laid off employee. Such temporary or project employment offer, whether accepted or rejected, does not void the laid off employee’s rights under this section. The employee will have five working days to accept the offer and must start work within 30 calendar days after the date of acceptance.

During this three-year period the laid off employee shall retain the right to grieve the recruitment practices pertaining to the operational area in which the laid off employee worked if there is evidence that an offer of employment to perform duties reasonably comparable to the duties of the laid off employee was not first extended to the laid off employee.

It is the employee’s obligation to make certain the Human Resources office has current contact information and employment status.

University Responsibility
The Office of Human Resources will maintain this procedure. Any changes made will be made in conjunction with, and input from, University Staff Senate.

Background
This procedure document was approved on June 15, 2015 and defines the UW–Stout University Staff layoff procedures as of July 1, 2015. The revised procedure was approved on August 24, 2015.

Related Documents/References
UW System Operational Policy GEN 13 – Layoff for Reasons of Budget or Program
UW System Operational Policy GEN 14 – Grievance Policy
UW–Stout Grievance Local Procedure
UW System Operational Policy BN 3 – Sick Leave

Contact
Please direct questions about this procedure to the Office of Human Resources.