

DEPARTMENT OF EMPLOYMENT RELATIONS

**-DIVISION OF COMPENSATION AND LABOR RELATIONS-
- DIVISION OF MERIT RECRUITMENT AND SELECTION -**

Date: June 11, 2001

Locator No. CLR/CBB-114; MRS-216

**Subject: Mandatory Restoration Right of
Laid Off Represented
Employees Between
Departments**

The State of Wisconsin and a number of labor unions have contractual agreements providing mandatory restoration rights between departments to employees who have received an official notice of layoff or have separated from the service due to layoff. Presently, the following contracts include provisions for mandatory restoration between departments: Wisconsin State Employees Union (8/6/3), State Engineering Association (8/4/1-B), and United Professionals for Quality Health Care (10/4/1-H). The purpose of this bulletin is to describe how employees should exercise this right for current or future vacancies under these contracts using the recently revised form designed for this purpose.

In order to exercise this mandatory restoration right between departments, the following procedure must be followed:

1. At the time the employer provides the employee with formal written notification of layoff as required under the contract, the employer will also provide a copy of form DER-DMRS-77 (rev. 5/01), Restoration from Layoff. The layoff letter must include a paragraph explaining that if the employee wishes to notify other agencies of his/her right of mandatory restoration to any department, he/she must complete the form and return it to the Human Resources (HR) Manager of the department initiating the layoff. The HR Manager will certify the information is correct, then sign and return the completed form to the employee.
2. The employee is responsible for notifying any other department of his or her interest in mandatory restoration to that department using a copy of the completed DER-DMRS-77 (rev. 5/01).
3. Agencies receiving completed and signed DER-DMRS-77 (rev. 5/01) forms from laid off employees shall include the employee's name on their Mandatory Restoration from Layoff List, maintained separately by contract. Prior to filling a vacancy covered by the respective contract, the agency must offer the position to interested bargaining unit employees eligible for mandatory restoration, in accordance with par. 5. and 6., below.
4. WSEU and UPQHC limit restoration between departments to the same class. SEA limits restoration between departments to the same or lower pay range.

5. The agency will contact and interview interested employees in seniority order. The agency will offer the job to the most senior interested employee who meets the special requirements or qualifications for the position specified in the notice to the Union under the provisions of the appropriate labor agreement. If the most senior employee is not offered the position, the agency shall notify the employee in writing of the reason(s) if the employee or the Union requests.
6. When an employee accepts or rejects a reasonable offer, as defined in the relevant paragraph of the contract, the hiring agency must notify the Human Resources Director in the agency from which the employee was laid off. One of the following actions will be taken:
 - a. The agency that laid off the employee will remove the name of the employee who accepts an offer of restoration from the mandatory restoration list.
 - b. The agency that laid off the employee will convey the information regarding a person who rejects a reasonable offer of restoration under the appropriate contract to the Department of Employment Relations Bureau of Collective Bargaining (BCB). If an employee turns down an offer, of course the selection process can proceed. BCB will make the determination whether the offer was reasonable and will notify the agency from which the employee was laid off whether the person's name is to be removed from the mandatory restoration list maintained by the agency. Removing the person's name from further mandatory restoration eligibility will not affect his/her reinstatement eligibility under the applicable contract.

A copy of form DER-DMRS-77 (rev. 5/01) is attached for your agency to photocopy as needed.

As noted in a previous bulletin [MRS-204; CLR/CBB-89 (15.0900) issued January 6, 2000], the Shared Human Resources System (SHRS) can also provide valuable assistance to agency and university SHRS users who are interested in using these capabilities. The information contained in the previous bulletin is repeated below for your convenience. The information below does not alter the requirements for adhering to the steps numbered 1-6, above.

“At Risk” Employees in SHRS – Within SHRS, agency/university HR personnel must identify an employee as “at risk” of layoff. To take this action, check the status box on the specific individual employee's window in SHRS to identify the employee as at-risk. SHRS will not overwrite this status; the at-risk status will remain for an individual employee once it is set until the SHRS user (HR staff) manually removes that status from the specific employee window by unchecking the at-risk factor. The agency or university office that originally identified the employee as at risk should remove the designation promptly once the employee is no longer identified as at-risk. For example, a voluntary termination of an employee in at-risk status removes him/her from that status (as would a transfer) and there is no reason to keep that person identified in the system as at-risk.

Agency and university SHRS users can identify the at-risk employees in a specific class. Taken one step further, if the agency or university has a vacancy in a comparable class, the agency HR

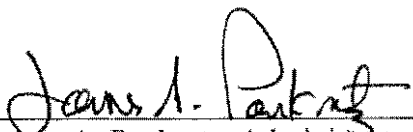
staff can use the information in SHRS to contact those employees and give them a chance to be considered for the vacancy before the position is announced in the *Current Employment Opportunities Bulletin* (COB). DER's OIS also anticipates establishing a report for agency/university HR personnel for use in printing mailing labels addressed to at-risk employees.

SHRS does not have a function to post vacancies or provide information on vacancies to individuals at risk.

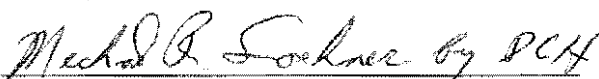
Laid-Off Employees in SHRS – SHRS employee information includes the combined DOA payroll and UW payroll information, which is called Personnel Management Information System (PMIS). SHRS is updated with PMIS information biweekly. When an employee is laid-off, payroll enters a code on PMIS identifying that individual as laid-off. SHRS will carry this information from PMIS for this employee until payroll drops the employee from the laid-off status.

SHRS does not currently have a layoff report function.

Questions regarding contractual restoration provisions should be directed to Kathy Kopp, Bureau of Collective Bargaining, at (608)266-0711, e-mail Kathy.Kopp@der.state.wi.us or FAX (608)267-1020. Questions regarding restoration in general should be directed to Denny Huett, Division of Merit Recruitment and Selection, at (608) 266-7296, e-mail Denny.Huett@der.state.wi.us or FAX (608) 267-1000.



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Attachment (Restoration from Layoff form, DER-DMRS-77 (Rev. 5/01))

State of Wisconsin

Department of Employment Relations

RESTORATION FROM LAYOFF

Under several labor union agreements, an employee who has received an official notice of layoff or who is separated from the service due to layoff may file a request for mandatory restoration with any other department and shall be appointed if the contractual language is satisfied. The employee must meet the necessary qualifications for the position.

This form must be completed to receive consideration for restoration. The form must also include the signature of the agency Human Resources (HR) Director initiating the layoff. A copy of this completed and signed form must be filed with the HR Director of any other department to which consideration for mandatory restoration for current or future vacancies is being requested. Be sure to list only those geographic areas where an offer of employment will be accepted (see block 10 below and the map on the back of this form).

Complete this form and return it for signature to the HR Office in the agency from which notice of layoff was received or from which layoff occurred. The HR Office will assist in completion of this form, upon request. The **HR Office will not forward this form to other departments ; that is the employee's responsibility.**

① Civil Service Title:
② 5-digit Class Code Number to which restoration is being requested: <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
③ Last Name, First Name, Middle Initial:
④ Employing Department (please include Division, Institution, & Assigned Headquarters mailing address):
⑤ Home Mailing Address:
⑥ Phone Number: (<input type="text"/> <input type="text"/> <input type="text"/>) <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> (List a daytime telephone number).
⑦ Social Security Number: <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> (Or written request for a nine-digit number)
⑧ Seniority Date (adjusted continuous service date): <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> (Use numbers, e.g., 02-24-71)
⑨ At the time of layoff, my position was <input type="checkbox"/> Full time, <input type="checkbox"/> Part-time. If Part-time, the Personnel Office will complete this line showing the percent (%) FTE: _____%. Effective Date of Layoff _____ Type of employment preferred - FT / PT / Either (Circle choice(s))
⑩ I wish to be considered for the following areas identified by the map on the back of this form (list the numbers off the map (located on the back side) to identify the specific areas where you are certain you will accept employment):
Employee's signature:
Signature of Personnel Director/Manager:

State of Wisconsin

Department of Employment Relations

RESTORATION FROM LAYOFF

