

## Frequently Asked Questions on At-Risk and Layoff

### 1. What does it mean to be at risk?

Employees may be designated as at risk if they meet one of the following:

- Employees whose positions have been scheduled for deletion or reduction in budgeted time percentage.
- Employees who have been notified that they may be affected as the result of layoff.
- Employees who may be affected by displacement/bumping as a result of layoff.
- Employees returning from leave of absence that need to be returned to a classification in the layoff group.
- Employees whose positions have been identified for relocation to another agency or to another geographic location.

Employees designated "at risk" are granted priority employment consideration for vacant positions over most other employees who are not "at risk" or other applicants who are not current state employees. This is done by giving them priority consideration to positions for which they are eligible and qualified. This consideration typically occurs after mandatory union postings.

### 2. How is an employee designated as being at risk?

When an employee has received official notice *in writing* by their division or institution appointing authority that they have been identified as being at risk.

### 3. At what point in the process are at-risk employees considered for a vacancy?

When an agency has approval to fill a particular vacancy, they must first complete any mandatory requirements such as union postings and restoration procedures. If the position remains vacant, the agency will post the vacancy on the Wisconsin Employee Referral Service (WISCERS) to allow any eligible at-risk employees to apply for permissive consideration.

### 4. What is WISCERS?

WISCERS is a public site accessible by anyone with Internet access. **However you must be officially identified as an "at-risk" employee to use this site to apply for jobs.** You may be asked to provide your official "at-risk" or layoff letter when you apply for a position.

The purpose of WISCERS is to provide priority consideration to employees who are threatened with actual job loss. The service provides pre-announcement of vacancies in all state agencies. Instructions on how to access and utilize the WISCERS can be found at: <http://ers.state.wi.us/public/indexers.asp>.

### 5. When considering at-risk employees for hiring, what determines if they are minimally qualified?

To be minimally qualified, an at-risk employee must be able to perform the duties and responsibilities of the job within the customary orientation period.

**6. Are vacancies in other agencies available to at-risk employees?**

Employees may search for vacancies on-line with WISCERS. WISCERS is an internet-based referral system for at-risk or laid-off employees. Information on how to use WISCERS is available at <http://ers.state.wi.us/>.

**7. Which positions are posted on WISCERS?**

Classified permanent vacancies at state agencies and within the University of Wisconsin System are posted on WISCERS.

**8. What responsibilities do at-risk employees have to find and apply for vacancies?**

The at-risk employee has the responsibility to review job announcements posted in WISCERS and Wisc.Jobs to find vacancies within state agencies and campuses. At-risk employees are responsible to follow the application instructions in the job postings.

Preparation for employment searches may include activities such as maintaining copies of your official "at-risk notice," updating résumés, coordinating job references and seeking refresher training for job interviews.

**9. What positions should an at-risk employee apply for?**

At-risk employees are eligible for permissive consideration for transfer or demotion movements through WISCERS. If you are not sure if the posted position is in a counterpart pay range to your own, you may wish to consult with the local union, your human resources office or you go to <http://oser.state.wi.us/docview.asp?docid=1424> for information.

Next, give close scrutiny to the job description, knowledge, skills and abilities and any special notes provided in the job announcement to help determine if you are qualified and interested in the position. Be sure also to review the position location, pay provisions and the hours (full-time or part-time) from the job announcement.

When searching for a job, an employee may not find a position available that is exactly like the job from which they were separated. Employees are encouraged to broaden their search and look for different kinds of positions that may be of interest and would utilize their skills. One's knowledge, skills and abilities may be applicable to a variety of jobs or careers. Employees are encouraged to "self-screen" their own qualifications and interests against posted vacancies to look for a good match.

**10. Can at-risk employees be placed on probation?**

If the appointment is to a position in a different employing unit (possibly another division or institution) or agency, the employee may be required to serve probation. If the appointment is to a position within the same employing unit where the employee currently works, they may not be required to serve probation.

**11. What happens to an at-risk employee's pay if they accept a position at a lower pay range than their current position?**

Section 12/11/11 of the WSEU contract says, if you demote after being designated At-Risk of layoff, an employee will continue to be compensated at their present rate of pay as long as it does not exceed the new pay range maximum. If an employee's pay were above the new pay range maximum, s/he would keep their current rate of pay as a temporary rate for two years.

**12. Will an at-risk employee who accepts other state employment with reduced hours or pay be kept on the at risk list?**

Yes, but only if they request it in writing to the Human Resources Department

**13. If an appointment of an at-risk employee requires relocation, will moving expenses be reimbursed?**

Article 8, Section 13 of the collective bargaining agreement outlines the employer's responsibility for moving expenses. If an employee transfers, voluntarily demotes or bumps into a vacancy in lieu of layoff while at risk the employer **may** pay reasonable moving expenses. If any of these moves are made once the employee has been notified of an actual layoff the employer **shall** pay reasonable moving expenses.

**14. What are the policies covering at-risk employee use of paid time and state-owned equipment such as telephones, faxes, copiers, computers and printers for job search activities, interviewing such as preparing résumés?**

Article 8/15/1 and 8/15/2 of the collective bargaining agreement states that with the approval of the appointing authority an employee that has been notified of being at risk or layoff shall be granted one or more of the following:

- a. Time off without loss of pay to attend job training
- b. Assistance or training in the preparation of a resume
- c. Up to 80 hours time without loss of pay for job search activities. This is in addition to time specified in 13/7/1 that allows for time off without loss of pay to attend promotional tests and exams.
- d. Unpaid leave of absence for job search activities
- e. Use of office equipment and supplies where available.
- f. Access to the WISCERS referral service once weekly without loss of pay.

Employees should check with their human resources office for additional resources.

**15. If an at-risk employee demotes or leaves state service, do they retain reinstatement eligibility?**

Employees have eligibility for permissive reinstatement into state service if they voluntarily demote or leave state service.

**16. What is the period of eligibility for reinstatement?**

The period of reinstatement eligibility is five years.

**17. How are layoffs done?**

Layoffs are done by employing unit within the bargaining unit.

**18. What happens when an employee has been notified they are being laid off?**

The employee will be contacted by their human resources department and given the option to bump the least senior employee in the employing unit, in the same classification, request a voluntary demotion in lieu of layoff or be laid off.

**19. If the employee takes a voluntary demotion in lieu of layoff what happens to their pay?**

The employee will retain their current rate of pay for 2 years.

**20. How long does a laid off employee have restoration rights?**

5 years

**21. What happens once an employee has been offered restoration rights?**

The employee has 5 days to accept the restoration and must be available for work in 10 days.

**22. What is considered a reasonable offer?**

A reasonable offer is defined as a position that:

- a. The employee is qualified for
- b. Is less than 40 miles from the employees home unless the employee was traveling 40 or more miles prior to the layoff
- c. The number of hours are not substantially different that the previous position
- d. The pay range for the position is not more than 2 pay ranges lower than the position the employee is laid off from

The offer of an LTE position or a project position is not considered a reasonable offer.

**23. What happens to employee's benefits when they are laid off?**

- Health Insurance - If an employee requests, the employer will convert their sick leave balance into sick leave credits to pay for the employee's health insurance for up to 5 years.
- Retirement - Contributions and service credits end on the date the employee is laid off. The employee may be eligible to take a separation or retirement benefit depending on their age.
- Life Insurance - Coverage will continue through the end of the month following the month in which the employee terminates.
- ICI - Coverage ends on the date the employee is laid off. Employees already on ICI continue to receive benefits for as long as they remain disabled under the terms of the ICI contract
- EPIC - Contact Epic at 1-800-520-5750 for details
- ERA Account - Contact your HR department for details
- Union Dental - Union Dental will be terminated upon being laid off unless you contact Council 24 at 608-836-0024 to make premium payment arrangements.
- Deferred Compensation - An employee must contact the plan administrator within 60 days at 1-800-257-4457.

See attachment for additional information on benefits.

**24. What happens to my leave balances?**

The employee will be paid for all earned, unused vacation, personal and/or Saturday/Legal holiday, sabbatical and compensatory time. Accrued sick leave will be restored to your sick leave account if you return to state employment within 5 years.



# STATE OF WISCONSIN

## Office of State Employment Relations

101 East Wilson St., 4<sup>th</sup> Floor  
P.O. Box 7855  
Madison, WI 53707-7855  
Voice (608) 266-9820  
FAX (608) 267-1020  
TTY (608) 267-1004

Jim Doyle  
Governor

Jennifer Donnelly  
Director

### WORKFORCE REDUCTION RESOURCES For State Employees

**Employee Referral Service (WISCERS)** <http://ers.state.wi.us/public/indexers.asp>  
Instructional Manual for Users of Employee Referral Service  
<http://oser.state.wi.us/docview.asp?docid=1350>

**State Government Job Opportunities (WiscJobs)** <http://www.wisc.jobs>

**Employee Assistance Program** [http://oser.state.wi.us/section\\_detail.asp?linkcatid=332](http://oser.state.wi.us/section_detail.asp?linkcatid=332)

**Coping with Change for Employees**  
<http://oser.state.wi.us/subcategory.asp?linksubcatid=651&linkcatid=332&linkid=26>

**Frequently Asked Questions and Answers for "At Risk" Employees**  
<http://oser.state.wi.us/docview.asp?docid=1278>

#### **Dislocated worker resources**

The Department of Workforce Development has a resource website for dislocated employees. It provides helpful information for all types of dislocated workers and web links to job resources.  
[http://dwd.wisconsin.gov/dislocatedworker/worker\\_info.htm](http://dwd.wisconsin.gov/dislocatedworker/worker_info.htm)

**Unemployment Insurance** <http://www.dwd.state.wi.us/ui/default.htm>

#### **Fringe Benefits and Health Insurance**

Effect of Layoff on Fringe Benefits (October 2004 bulletin from Department of Employee Trust Funds) [http://etf.wi.gov/employers/bulletins\\_state/ebs20041013.htm](http://etf.wi.gov/employers/bulletins_state/ebs20041013.htm)

**Badger Care** is a program that provides health insurance for the uninsured in Wisconsin.  
<http://www.badgercareplus.org/>

**Wisconsin Department of Health Services** provides information to people who have lost their group health insurance. <http://dhs.wisconsin.gov/guide/pay/losing.htm>

**U.S. Department of Labor** has information for dislocated workers about health care and retirement benefits. [http://www.dol.gov/ebsa/publications/dislocated\\_workers\\_brochure.html](http://www.dol.gov/ebsa/publications/dislocated_workers_brochure.html)

*Our mission is to lead Wisconsin state government's innovative human resource system by recruiting and retaining a talented and diverse workforce to ensure the best service to the public.*

Updated 6/10/09

**Benefits for Veterans**

If you are a veteran, go to the Wisconsin Department of Veterans Affairs web site for information about employment assistance [http://dva.state.wi.us/Ben\\_employment.asp](http://dva.state.wi.us/Ben_employment.asp) and other benefits like job retraining grants, subsistence aid grants, personal loans and educational benefits <http://dva.state.wi.us/benefits.asp>. Information about Veterans employment services from the Department of Workforce Development can be found at <http://dwd.wisconsin.gov/veterans/>.

**Starting a Small Business**

The Department of Commerce has a wealth of information and resources on starting a business in Wisconsin, including regulatory requirements, financing alternatives, and assistance programs. <http://www.commerce.state.wi.us/BD/BD-EntrepreneursStartups.html>

**Small Business Development Center (UW-Madison)** <http://exed.wisc.edu/sbdc/>

**Job Center of Wisconsin**

<https://jobcenterofwisconsin.com/> Offers quick access to Job Center services.

**Labor Market Information**

<http://worknet.wisconsin.gov/worknet/> Excellent resource for LMI information.

**List of State agencies**

[http://www.wisconsin.gov/state/core/agency\\_index.html](http://www.wisconsin.gov/state/core/agency_index.html)

**University of Wisconsin Office of Human Resources.** <http://www.ohr.wisc.edu>

**Compare health insurance quotes**

Dental <http://dentalplans.com>

Health [www.ehealthinsurance.com](http://www.ehealthinsurance.com)

## FEELING THE ECONOMIC CRUNCH?

More people than ever will need help making ends meet, including many who never expected to be on the receiving end of assistance. Knowing where to begin isn't always easy. There ARE services available in the greater community to help get you through this period of furloughs and increasing economic uncertainty.

First of all, plan ahead as much as you can - look at your family budget (or come up with one if you don't currently have one). Figure out where you're spending your money. Be proactive with lenders - including your landlord/mortgage company, your utilities, any credit card companies, call them and explain your situation BEFORE it's too late or you go into default. Try to arrange smaller payments or defer payments if possible. Don't ignore your mail and stop using credit cards whenever possible!

For many, you have not had to ask for assistance in the past. You have been independent and able to take care of your family's needs. Please don't hesitate to reach out for help. A number that is available statewide that can provide information and referral to available services is **2-1-1**. That number can be called from all landline telephones and most cellular telephones. [If **2-1-1** does not work on your telephone, please dial 800-924-5514.] **2-1-1** is a free, confidential information and referral resource available via telephone AND online, 24 hours a day, every day.

### CALL 2-1-1 FOR INFORMATION CONCERNING:

- **Food** - to get information concerning food pantries, food stamps, and congregant meal programs in your area; using free, available food is a great way to stretch your household budget.
- **Housing and Utilities** - limited resources are available to avoid foreclosure/eviction or possible energy assistance.
- **Financial Counseling** - is available to implement a family budget and consider ways to reduce debt or monthly expenses.
- **Legal Assistance** - in case you already are in too deep or need help with other family problems.
- **Family Issues** - whether it is caring for your parents or other seniors, child care/parenting situations, ask for help with respite care or other available options.
- **Alcohol and Other Drug Abuse** - at a time of stress, what might have been a problem of the past or even just a "bad" habit can become overwhelming; please don't hesitate to reach out for assistance.
- **And much more ...**

Just dial **2-1-1** (or 800-924-5514) from your telephone or visit <http://www.211now.org>.

