

FREQUENTLY ASKED QUESTIONS AND ANSWERS FOR THE “AT-RISK” EMPLOYEE

The following are 21 questions and answers specifically for employees who have been placed “at risk” by their State Of Wisconsin employer. It is strongly recommended to read the entire document to ensure a more comprehensive understanding of the information regarding at risk situations.

1. What does it mean to be at risk?

Agencies will designate employees as at-risk if they meet any of the following criteria:

- a. Employees whose positions have been scheduled for deletion or reduction in budgeted time percentage.
- b. Employees whose position may be affected by reassignment or displacement (“bumping”) as a result of layoff.
- c. Employees returning from leave of absence who need to be returned to a classification in the layoff group if no suitable vacancy exists.
- d. Employees whose positions have been identified for relocation to another geographic location. For changes to the geographical area, the new assigned headquarters must be 40 miles or greater from the employee’s home except in cases where the new work site is at a shorter distance than the current work site is from his/her home.
- e. Employees in filled positions whose duties and responsibilities will be changed significantly enough to re-fill the position on a promotion or demotion basis.
- f. Employees in filled positions whose duties and responsibilities will be changed enough to require significantly different skills and the position will be re-filled on a transfer basis.

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 as applicants for appointment 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. What happens when an employee has been designated as being at risk?

The employee receives written notification and may be referred to their human resources representative for additional information. The employee may at this time receive a packet of information including any forms that must be completed by the employee.

4. 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, as well as any permissive internal transfer procedures. If the position remains vacant, the agency will post the vacancy on the

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Wisconsin Employee Referral Service (WISCERS) to allow any eligible at-risk employees to apply for permissive consideration. An open application period may be posted concurrently with the WISCERS announcement, or it may follow if a selection has not been made. (Also see 10, below.)

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. (Also see 10, below)

6. For vacancies in a progression series in which the job could be filled at more than one level, how is the classification level determined?

When it is possible to fill a vacancy at more than one level within a progression series, the hiring supervisor along with the agency’s human resources office will determine the most appropriate action.

7. 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/>. Questions regarding the use of WISCERS may be directed to your human resources office, or to the Department of Administration - Division of Personnel Management – Employment Services Center, at (608) 266-1731.

8. Which positions are posted on WISCERS?

Classified permanent vacancies at state agencies are posted on WISCERS.

9. 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. Consultation with human resources staff may be helpful if you have difficulty getting started.

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

Pay level is the first consideration when deciding to pursue a posted WISCERS vacancy. Determine if you are eligible for consideration for the vacancy by comparing the pay schedule and range of the posted position with the pay schedule and range of your current position. 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 your human resources office. If your movement to the posted position would be a promotion, you will have to compete for the vacancy if and when it is posted for open competition.

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.

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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. If you are not sure, you may contact the hiring agency human resources office through the contact information on the job announcement to request a copy of the position description or ask any questions that may help you decide whether or not to apply.

11. Can at-risk employees be placed on probation if appointed?

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.

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

Some collective bargaining agreements contain mandatory or permissive provisions for relocation expenses. For more detail on employee reimbursement of moving expenses, employees should contact their human resources office.

13. 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?

Employees should check with their human resources office for information regarding layoff assistance policies and programs including use of paid time and use of state owned equipment for job search related activities.

14. Will at-risk employees who transfer within or outside the agency retain transfer rights back to their previous employing unit?

The current transfer provisions of the applicable union contract or administrative rules apply in this situation. For more detail employees should contact their human resources office.

15. What is reinstatement?

Under state civil service law and code, reinstatement is the permissive reappointment without competition of an employee or former employee to a position that is in the same class in which the person was previously employed, or to another classification to which the person would have been eligible to transfer if there hadn’t been a break in their employment, or to a class having a lower pay rate or pay range maximum for which the person is qualified to perform the work after receiving customary orientation that is provided to newly hired workers in the position. The employee must not have been separated for misconduct or delinquency from the former position from which reinstatement eligibility is derived.

The decision to reinstate (or not to reinstate) an employee or former employee is permissive and at the discretion of the hiring authority.

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16. 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 without misconduct or delinquency.

17. What is the period of eligibility for reinstatement?

The period of reinstatement eligibility is five years from the date of separation from the position in which the eligibility was earned.

18. How may an employee pursue reinstatement?

An employee or former state employee who wishes to be considered for permissive reinstatement must apply directly to the state agency where the vacancy in which the employee is interested is located. A written request for reinstatement to the specific vacancy must be received by that agency before the five-year eligibility period has expired. Some state agencies may require candidates for reinstatement to participate in the examination process in order to evaluate qualifications for the job.

19. What is restoration?

Under state civil service law and code, restoration is the mandatory reappointment without competition of an employee or former employee to a position which is in the same class as the person was previously employed, or to another classification to which the person would have been eligible to transfer if there hadn't been a break in their employment, or to a class having a lower pay rate or pay range maximum for which the person is qualified to perform the work after receiving customary orientation that is provided to newly hired workers in the position.

To be eligible for restoration under the state civil service law and code, a person must have been affected by a layoff, granted military leave, or granted a leave of absence to the unclassified service.

Restoration rights and provisions under union contracts may vary substantially from restoration rights under civil service law and code described above. Note: under some union contracts, 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 agency and shall be appointed if the contractual language is satisfied and if the employee meets the necessary qualifications for the position. Please refer to individual collective bargaining agreements for specifics.

20. What is the period of eligibility for restoration?

Under state civil service law and code, the period of eligibility for restoration begins the date of separation from the position in which the eligibility was earned and ends the last day of the third year after the date of separation. The period of restoration under union contracts is determined by the contracts and is typically five years. Nonrepresented employees have a restoration period of three years.

21. What about other questions about at-risk status?

If you have other questions, please contact your human resources office.