



ADMINISTRATIVE PRACTICES MANUAL

SUBJECT: DISABILITY LAYOFF BUMPING

Policy

The following guidelines apply to employees that are governed by the Employee Benefit Handbook. This Policy does not apply to Managerial employees who are governed by the Code of Ordinances nor to Limited Term Employees (LTE's).

Medical Leave of Absence Without Pay.

- a. Employees with a disability shall be entitled to a leave of absence without pay for a period not to exceed six (6) months, subject to the following provisions:
 1. The employee shall apply in writing for such leave to the County.
 2. The County may require the employee to submit a physician's report to further verify the extent of the disability.
 3. The County shall have the right to receive a satisfactory request from the employee to return to work and a satisfactory physician's statement of release for work from their physician before allowing the employee to return to work. If the physician's release is not satisfactory to the County, the County will direct the employee to a physician selected and paid for by the County for examination to determine if the employee is fit to return to their position. In the event that the employee shall be found fit to return to their position, the employee shall be returned to their position and made whole for any necessary travel expense from and to their home involved in their examination by the County's appointed physician or loss of earnings incurred as a result of being directed to the County's physician.

In the event that the County's physician does not find the employee fit to return to their position, and the employee's physician disagrees with the County's physician's finding, a third physician shall be mutually selected by the County and employee to make the final determination on the employee's fitness. The fees charged by the third physician in connection with that physician determining the fitness of the employee to return to their position shall be shared equally by the County and the employee.

- b. In the event the employee is unable to return to work at the end of the aforementioned six months, the employee shall be placed in a layoff status for a period not to exceed an additional eighteen (18) months.
 1. During the period of layoff, should the employee's physician approve, in writing, the employee's return to work, said employee may, on the basis of the general seniority and provided they have the ability to do the work, displace the most junior employee in any job classification equal to or lower in grade than their original position within the Employee Group.



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2. An employee's general seniority shall be frozen thirty (30) days from the initial date of said disability leave.
3. During all such time an employee is on leave of absence or on layoff and unemployed, they shall have the option of being included in the group health insurance plans in force provided that they shall pay all premiums to the County prior to the tenth (10th) day of the month preceding the month of coverage. Failure to make timely payments to the County shall be grounds for termination of coverage from the group plans.

Process

1. When an employee is placed on disability layoff the employee is notified by Employee Relations of their layoff status and their rights through the Employee Benefits Handbook.
2. When an employee submits a return to work slip to Employee Relations, a meeting is set up with the employee and their Employee Group Representative, if any, to go over their return to work options.
3. Employee Relations creates two lists for the employee: (1) the seniority roster list within the Employee group and (2) the current vacant positions within the Employee Group list.
4. The seniority roster is sorted in order of seniority with the returning employee being number 1 on the list. This list will include the most junior employee in any job classification equal to or lower in grade than the employee's original position within the Employee Group. The completed seniority list is printed and provided to the employee and their Employee Group Representative, if any, at the bump meeting.

When preparing the seniority roster, Employee Relations will apply the following rules:

- a. If the employee bumping is a Clerk I-II (range 7-10) and is at the top of the range, step 8, they have bumping rights for classifications in ranges 8, 9 and 10.
- b. If an employee is in a multi-range classification, Employee Relations will consider how many longevity credits the individual has earned as to what range they would be able to bump.
- c. If more than one employee is hired in the same classification on the same day, seniority is based on last four (4) digits of social security number. The higher number has the higher seniority.
- d. If the classification of the position eliminated is reclassified during the time the employee is on disability layoff, the employee can bump from the higher classification. For example, if an employee was in a position classified as a G 10, Security Support Specialist and the position was reclassified to a G 13, during the layoff period, then the individual in the bump process would bump from a G 13.
- e. If an employment offer has been made on a vacant position, Dane County needs to honor the employment offer and the position is taken off the vacancy log and the new hire is added to the seniority roster if applicable.



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5. The vacancy list is also prepared. Only positions within the bumping employee's employee group and within their range or below are presented to the bumping employee.
6. At the bump meeting the employee is given the general information sheet, seniority and vacancy list as well as a layoff preference sheet. This is the "bump packet".
7. In preparation for the bump meeting, the returning employee should update their profile (application) through the online process or prepare and updated resume. During the bump meeting the positions in the bump packet are discussed using the returning employee's work and educational experience and any limitations noted by the return to work form to be sure minimum qualifications for the classification are met. The employee may ask for copies of class specifications, information on work performed, work schedule, hours, etc. Employee Relations contacts supervisors from other departments asking for information.
8. The employee has 3 working days (72 hours) to decide their bumping rank preference using both prepared lists after the initial meeting if they desire. If the bumping employee would like to meet again, another meeting for the employee and the Employee Group Representative, if any, is scheduled within this timeframe.
9. Within the 3 working days (72 hours) the employee must submit their list of ranked choices to Employee Relations along with the other required documents from the bump packet. If the employee chooses not to bump into another position they would be placed back on disability layoff for the remaining time available or terminated from employment if all layoff time has been exhausted.
10. After the employee has chosen the position to bump into, Employee Relations will prepare a letter confirming what position was selected and the effective date, time, location and who to report to. A copy is sent to the Employee Group Representative, if any, and the department.
11. Employees who have passed their probationary period shall serve an eighty-four (84) day trial period in the new position. If the department does not pass the employee or the employee does not feel the position chosen is a good fit for them, the employee is allowed to bump again using the same process described above. If an employee bumps from a G 17 to a G 16, for example, and the department or employee ends the eighty four (84) day trial period, the list for the second meeting starts at G 17. For those employees who have not completed their original probationary period they shall have three months added to the remainder of their probationary period. Employees who bumped into the same classification they were laid off from (eg. Janitor to Janitor) and do not pass their probationary period will be terminated. Those employees who bumped from one classification into another classification (eg. Janitor to Terminal Maintenance Worker) and do not pass their probationary period will be placed back on the mandatory reemployment list.
12. Employees are limited to a total of three (3) bump options. After two (2) unsuccessful bumps, only vacant positions will be offered at the third meeting. After the third unsuccessful



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employment placement, the employee is placed back on disability layoff for the remainder of any available time. If no time remains the employee is terminated.