

## **Appendix 19-D**

### **Utilizing Layoff Exemptions**

#### **For Classified employees**

Sec. 232.070 of Chapter 232 of the Wisconsin Human Resources Handbook says when considering exemptions from layoff pursuant to s. ER-MRS 22.06(2), Wis. Adm. Code, an appointing authority should "specifically identify the exemption in the rule and be able to justify it."

#### **For employees in represented positions**

DER Bulletin 120, dated February 27, 2003, states in the last paragraph of Section VI: "It is very important that documentation be maintained for each decision to exercise the exemption."

Employing Units are advised to provide the following information if they choose to use exemptions.

1. The name and position of the person(s) who requested the exemption.
2. The supervisor of the employee to be exempted should be consulted and his/her opinion should be documented.
3. The type of exemption found in s. ER-MRS 22.06(2), Wis. Adm. Code should be identified.
4. The specific reasons that justify the exemption should be listed:
  - a. The particular skills, knowledge and abilities of the exempted employee should be identified.
  - b. The reasons why the particular skills, knowledge and abilities of the exempted employee are so superior or special that they are needed after the layoff.
  - c. The reasons why the particular skills, knowledge and abilities of the exempted employee are superior or special in relation to the employee(s) that will be laid off instead.
5. Any documents that support the exemption should be maintained.
6. The above are not exclusive, as there may be additional types that are unique to the particular circumstances of an exemption.