**Section 420.400 Layoffs and Reemployment**

a) For purposes of layoff and reemployment, Secretary of State continuous service shall mean the period of uninterrupted service from the date of entry into service with the Office of the Secretary of State, whether by appointment or transfer.

b) Layoff Procedure:

1) A department may request the layoff of an employee because of lack of funds, material change in duties or organization, or lack of work, or the abolition of a position for any of these reasons. Based on class, department, county or other designation, layoffs shall be within organizational units justified by operations and approved prior to the layoff by the Director of Personnel.

2) Based on class, department, county or other designation, layoffs shall be within organizational units justified by operations and approved prior to the layoff by the Director of Personnel. Within selected designations and organizational units, employees will be laid off in order of length of Secretary of State continuous service.

3) A proposed layoff is subject to the approval of the Director of Personnel before becoming effective and shall include the following in the organizational unit in which the layoff is proposed:

A) A list of all employees in the selected designation and organizational unit showing status and total Secretary of State continuous service;

B) A listing of the employees to be laid off;

C) An explanation of any layoff not in order of Secretary of State continuous service;

D) An explanation of the organizational unit selected, identifying the department, division, facility, geographical location, operational needs and other elements deemed relevant by the department director.

c) Order of Layoff:

1) The following order shall be observed in implementing layoffs:

A) No certified or probationary employee may be laid off until all temporary, emergency, provisional and trainee employees in the same class and organizational unit are terminated;

B) No certified employee may be laid off until all probationary employees in the same class and organizational unit are terminated.

2) Within status groups and in accordance with the layoff plan submitted under subsection (b), consideration shall be given to performance records and Secretary of State continuous service.

3) For purposes of this Section, "certified employee" shall mean any employee who has satisfactorily completed a required period of probation and/or attained certified status in any position during the employee's current period of continuous service.

d) Effective Date of Layoff: Unless extraordinary operating conditions or events are specified in the proposed layoff plan, no layoff shall be effective until 10 working days after the Director of Personnel's approval of the layoff plan.

e) Disapproval: The Director of Personnel may disapprove or modify any layoff plan that results in a disproportionate impact on any protected class, as defined by federal civil rights laws, judicial decisions and the Illinois Human Rights Act [775 ILCS 5], within the layoff unit.

f) Notice of layoff to the affected employee shall be given within a reasonable time period after approval of the layoff plan by the Director of Personnel.

g) Reemployment Lists:

1) The Director of Personnel shall, before the effective date of layoff, approve and establish a reemployment list, by class and department and designated geographical area. A certified employee who has been laid off shall be placed in order of length of Secretary of State continuous service on a reemployment list for recall to the first available assignment to a position in the class and department and designated geographical location or area in which the employee was assigned prior to being placed on the reemployment list.

2) When circumstances warrant, at the discretion of the Director of Personnel, the reemployment list may be established by related classes whose duties are substantially similar to the class from which the employee was laid off.

3) An employee whose name has been placed on the reemployment list will also be eligible for reinstatement in accordance with Section 420.420(b).

h) Employment from Reemployment List: Whenever there is any person available on a reemployment list for recall to a vacant position for the same class, department and geographical area, no permanent position may be filled by any of the following means:

1) By probationary appointment from the appropriate open competitive list;

2) By provisional appointment;

3) By reinstatement of a former certified employee, except by an employee on the reemployment list; or

4) By merit system transfer in.

i) Removal of Names from Reemployment List:

1) A laid off employee's name shall be removed from the reemployment list when:

A) The employee is recalled from layoff;

B) The employee refuses an offer of permanent reemployment;

C) The employee's name has remained on the reemployment list for 12 months; or

D) The employee has been reinstated in accordance with Section 420.420(b).

2) Offers of temporary or emergency appointment shall not be considered as recall or reinstatement.

j) Laid Off Probationary Employee:

1) The name of a probationary employee who is terminated as a result of layoff before the completion of the probationary period shall be returned to the eligible list with the same grade as when appointed, for the remainder of his/her one year eligibility.

2) An employee serving a probationary period but otherwise certified as defined in subsection (c)(3), who is to be laid off, shall be given notice and may request a voluntary reduction pursuant to Section 420.410(a) and (c). If no voluntary reduction is effected, the employee will be laid off and the employee's name placed on the reemployment list in order of continuous service for the department, work location and title in which last certified.

(Source: Amended at 37 Ill. Reg. 4282, effective April 1, 2013)