**Section 500.280 Layoffs and Reemployment**

a) Layoff Procedure:

1) A department head 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, or other designation, layoffs shall be within organizational units justified by operations and approved prior to the layoffs by the Director.

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

A) A list of all employees showing status and total continuous service;

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

C) Performance records of all employees in classes affected by layoff plan;

D) An explanation of any layoff not in order of continuous service;

E) An explanation of the organizational unit selected, reflecting department, facility, geographical, operational, and other elements deemed relevant by the department head.

b) Order of Layoff:

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

A) No certified or probationary employee may be laid off until all temporary, intermittent, emergency, provisional, and exempt 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 accordance with the layoff plan submitted under subsection (a) of this Section, consideration shall be given to performance records and continuous service as defined in Section 500.230(a).

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

d) Disapproval: The Director may disapprove any layoff plan which results in a disproportionate impact on affected employees within the same race, sex, or religious group.

e) Reemployment Lists:

1) The department shall establish and maintain a reemployment list, by class, department, county, or other designated geographical area approved by the Director before layoff. A certified employee who has been laid off shall be placed in order of length of continuous service as defined in Section 500.230(a) on a reemployment list for recall to the first available assignment to a position in the class (or related classes with substantially similar requirements and duties), department, county, or other designated geographical location or area in which the employee was assigned prior to being placed on the reemployment list. Where circumstances warrant, at the discretion of the Director, such reemployment list may be established by related classes whose duties are substantially similar to the class from which the employee was laid off.

2) An employee whose name has been placed on the reemployment list will also be eligible for reinstatement in accordance with Section 500.290(b).

f) Employment From Reemployment List: Whenever there is any person available on a reemployment list for recall to a vacant position for the same class, or related classes where such have been established pursuant to subsection (e) of this Section, department, county, or other designated geographical area, no temporary, provisional, or probationary appointment shall be made to such vacancy.

g) 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 24 months;

D) The employee has been reinstated in accordance with Section 500.290(b).

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

h) Laid Off Probationary Employees:

1) The name of an original entrance employee who is terminated as a result of layoff before the completion of the probationary period shall be returned to eligible list with the same grade as when appointed.

2) An employee serving a probationary period subsequent to promotion from a position in which the employee was certified who is to be laid off shall be given notice, and may request a voluntary reduction pursuant to Section 500.285(a) and (c). If no voluntary reduction is effected, the employee will be laid off and the employee's name placed in seniority order as provided in Section 500.230(a) on the reemployment list for the department, work location, and title in which certified.

i) Reconsideration Request Laid Off Certified Employee:

1) Within 15 calendar days of receipt of notice of a certified employee's layoff and without prejudice to the right to request voluntary reduction, such employee may directly petition the Director of Personnel in writing for reconsideration of the decision approving the layoff.

2) In the event a request for reconsideration is made, the Director shall designate a hearing officer to hear, review, and investigate the application of this Part and the validity of the layoff and who shall submit findings to the Director for final determination. Notice of the final decision of the Director shall be served on the employee in person or by certified mail, return receipt requested, to the employee's last address appearing in the personnel file.

(Source: Amended at 21 Ill. Reg. 13294, effective September 15, 1997)