

DEPARTMENT OF EMPLOYEE RELATIONS



12/17/2013

Salary, Benefits and Seniority Rights of Individuals who are Reinstated following Resignation

— Summary —

Salary, benefits and seniority rights of an individual who is reinstated after having resigned.

Description

At its meeting of December 17, 2013, the Commission approved the following policy regarding salary, benefits (i.e., sick leave and vacation), and seniority rights to be granted to any individual who has been reinstated after resignation.

1. Any individual who is reinstated shall receive the same salary as at the time of resignation or the minimum of the pay range, whichever is higher.
 - a. When the request for reinstatement is received in DER within three years of the date of resignation, and approved by the Commission, the individual shall be granted “full rights”, meaning service credit for vacation accrual and job class seniority¹ as held when last employed by the City and having the sick leave balance restored.
 - b. When the request for reinstatement is received in DER after three years from the date of resignation the individual is ineligible to receive prior credit for sick leave, vacation accrual or job class seniority.
2. Individuals who have retired are not eligible for reinstatement, unless otherwise provided in the CSC Rules.
3. Exceptions to this policy may only be made by action of the board of City Service Commissioners.
4. This CSC policy on reinstatement does not address employee’s ERS contributions or benefits.

¹ Job class seniority is determined by City Service Rules.

Guidelines for Reinstatement after Resignation Under Civil Service Rule X, Section 8

1. To be eligible for reinstatement under this policy, the individual must have resigned in good standing and the appointing authority must recommend approval.
2. Individuals not eligible for reinstatement under this policy include:
 - a. Individuals who did not complete their probationary period prior to resignation
 - b. Individuals having held only Emergency, Temporary or Provisional appointments
 - c. Individuals who have retired, unless otherwise allowed under the CSC Rules
 - d. Milwaukee Public Schools certificated staff
 - e. Milwaukee Fire or Police Departments (covered under Rules of the Milwaukee Fire and Police Commission)
3. All requests for reinstatement must be sent to DER. Once received, DER will ask the department in which the individual was previously employed for their recommendation.
 - a. When the request for reinstatement is made within one year from the date of resignation, the appointing authority may approve the reinstatement, and must notify DER of the reinstatement or denial of such.
 - b. When the request for reinstatement is made after more than one year from the date of resignation. The City Service Commission may approve the reinstatement considering the recommendation of the head of the department in which the individual was previously employed.
4. An individual whose name has been placed on a reinstatement list shall remain there for up to two years. If an individual has not been hired within two years of having been placed on a reinstatement list, he/she will be removed from that list and may submit another request for reinstatement.
5. No more than two reinstatements (hires) after resignation shall be granted to any individual.
6. Any individual who is reinstated receives the same salary as when the separation occurred or the minimum recruitment rate of the pay range, whichever is higher.
 - a. When the reinstatement occurs within three years after the resignation the following dates are adjusted to reflect the length of time that the employee was off payroll between the dates of separation and rehire:
 - i. Benefits Service Date
 - ii. Seniority Date
 - iii. Sick leave balance is restored to amount that was accrued at the time of separation
 - b. When the reinstatement occurs after three years from the date of resignation:
 - i. Benefits Service Date becomes date of reinstatement
 - ii. Seniority Date becomes date of reinstatement
 - iii. Sick leave balance is reset to zero
7. Any individual who is reinstated should contact the Employees' Retirement System directly in regards to his/her pension benefits.