**Section 600.650 Layoff**

a) Definition: A layoff is the placement of an employee in non-paid and non-working status without prejudice either temporarily or indeterminately. Layoff may not be used as a means or form of discipline.

b) Temporary Layoff: The Auditor General may temporarily layoff any employee for not more than five (5) scheduled workdays in any 12-month period as a result of or for lack of work or lack of funds. Temporary layoffs affecting more than one employee may occur with varying effective dates or may occur sequentially and from time to time as long as no employee is temporarily laid off for more than five scheduled workdays in any 12-month period. Subject to the agency's operating needs, the employee's preference in scheduling a temporary layoff shall be given consideration. An employee is not entitled to use any accrued benefit time in lieu of temporary layoff. Notice of temporary layoff shall be served on the employee ten (10) working days in advance of the effective date unless extraordinary operating conditions or events preclude giving this amount of advance notice. Upon expiration of a temporary layoff, the employee shall be returned to the position, position classification and location from which temporarily laid off.

c) Indeterminate Layoff Procedure

1) A Director may request the indeterminate layoff of an employee because of lack of funds, material change in duties or organization, reduced workload or lack of work, or the abolition of the employee's position. Based on classification, division or other designation, layoffs shall be within organizational units justified by operations.

2) A proposed layoff plan is subject to the Auditor General's approval before becoming effective and shall include the following:

A) A list of all employees in the organizational unit in classifications affected by the layoff plan, showing status and total continuous service;

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

C) Performance records of all employees affected by the layoff plan; and

D) An explanation of the organizational unit selected, reflecting division, geographical, operational, and other elements deemed relevant by the Director.

3) Order of Layoff

A) No certified employee may be laid off until all newly-hired probationary employees in the same position classification, work location and organizational unit are laid off.

B) In accordance with the layoff plan submitted under this subsection, consideration shall be given to performance records and continuous service.

4) Effective Date of Layoff: Unless extraordinary operating conditions or events are specified in the proposed layoff plan, no indeterminate layoff shall be effective until ten (10) working days after the Auditor General's approval of the layoff plan.

5) Layoff Rights: For a period of twelve (12) months following the effective date of his or her indeterminate layoff, a laid off employee shall be notified of any vacancy in the same position classification, work location and organizational unit held by the employee at the time of layoff and be given an opportunity to apply for that vacancy.

(Source: Amended at 33 Ill. Reg. 1704, effective March 10, 2009)