



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 01-140

AN ORDER to repeal ER 30.065; to amend ER 29.04 (10) and 30.085; to repeal and recreate ER 30.02 and 30.09; and to create ER 30.01 and 30.03, relating to career executive employment and various technical changes to bring the rules into consistency with the statutes and compensation plan.

Submitted by **DEPARTMENT OF EMPLOYMENT RELATIONS**

12-03-01 RECEIVED BY LEGISLATIVE COUNCIL.
01-04-02 REPORT SENT TO AGENCY.

RNS:PC:ksm:jal



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Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

- a. Since the titles of chs. ER 29 and 30 are not affected by the rule, they should not be shown.
- b. There are two SECTIONS in the rule that are labeled SECTION 1.
- c. The first sentence in s. ER 30.01 is explanatory material to the rule and therefore should be a note to s. ER 30.01.
- d. Subsections 1., 2., and 3. in s. ER 30.02 should be in parentheses; i.e. (1), (2), and (3).

4. Adequacy of References to Related Statutes, Rules and Forms

In the analysis, the final statutory citation should be to "s. 230.24 (1), Stats."

**PROPOSED ORDER OF THE SECRETARY
OF EMPLOYMENT RELATIONS
ADOPTING RULES**

To amend ER 29.04 (10), ER 30.085, to repeal ER 30.065, to repeal and recreate ER 30.02 and 30.09, and to create ER 30.01 and ER 30.03 relating to career executive employment and various technical changes to bring the rules into consistency with the statutes and compensation plan.

ANALYSIS PREPARED BY DEPARTMENT OF EMPLOYMENT RELATIONS

On June 9, 1999, the Joint Committee on Employment Relations (JCOER) approved the consolidation of certain positions assigned to former pay range 17 and all positions in former pay ranges 18 and 19 into compensation broadband 81-02 for non-represented positions in these ranges. Before this consolidation many non-represented pay range 18 positions were granted career executive status along with positions in the compensation broadband 81-01. Positions in pay range 17 were not eligible to be included in the career executive program under the provisions of the Wisconsin Administrative Code. Prior to March 12, 2000, there were approximate 900 positions in the career executive program. These positions performed general management duties. With the consolidation of broadband 81-02, the number of career executive positions expanded to 1500 including management positions responsible for highly technical programs and positions requiring various professional certifications or expertise.

~~These rule changes update the pay range references consistent with the compensation plan approved by JCOER.~~ The changes eliminate references to compensation provisions that no longer apply. ER 30.085 is amended to make career executive temporary assignments regulations consistent with those for interchange of non career executive employees

*Addessee 30.09
ER*

Auth

1. S. 230.04(5), Stats, grants the Secretary of Employment Relations authority to promulgate rules on all matters relating to the administration of the department and the performance of the duties assigned to the secretary.
2. S. 230.24, ⁽¹⁾ Stats., grants the Secretary of Employment Relations authority to develop a career executive program.

FISCAL EFFECT

Flexible certification for career executive vacancies will simplify and speed the hiring process for vacant positions and so save time for state agencies. Revised layoff rules for career executives will result in retaining for the state service its most effective and efficient personnel. Allowing permissible transfers of career executives between agencies will speed staffing vacant positions as well as increase opportunities for career executive incumbents. Increasing the trial or probationary period from three months to six months on a career executive move between agencies will give hiring officials the extra time needed to evaluate the performance of employees in these critically important jobs. Eliminating the career executive opt in/out provision upon placement of a position in the career executive program will eliminate wasted administrative effort which currently adds no value. These changes will have no direct fiscal effect other than administrative efficiency.

TEXT OF PROPOSED RULE

Chapter ER 29 COMPENSATION ADMINISTRATION PROVISIONS

Section 1. ER 29.04 (10) is amended to read:

ER 29.04 (10) Career executive reassignment or voluntary movement to a class assignment assigned to the same pay range.

Chapter ER 30 CAREER EXECUTIVE EMPLOYMENT

Section 1. ER 30.01 is created to read:

ER 30.01 Included classifications. [Designation of a classification as a career executive classification by the secretary is authorized under s. 230.24 (1), Stats.] All permanent positions in classifications assigned to pay range 81-01 or 81-02 shall be designated as career executive positions and shall be governed by the provisions of the career executive program.

Section 2. ER 30.02 is repealed and recreated to read:

ER 30.02 Included positions. The secretary may include a permanent position in any classification, other than one designated as a career executive classification, in the career executive program after consulting with the appointing authority for the position, and after an analysis to determine if the position satisfies all of the following career executive program requirements:

- (1) The position meets the definition of management under s. 111.81 (13), Stats.
- (2) The position is predominately administrative in nature.
- (3) The position is assigned to a classification that is assigned to a nonrepresented pay range that the secretary has determined to be comparable to pay ranges 81-01 or 81-02.

Section 3. ER 30.03 is created to read:

ER 30.03 Eligible employees. Career executive status is limited to permanent classified appointments.

Section 4. ER 30.065 is repealed.

Section 5. ER 30.085 is amended to read:

ER 30.085 Career executive temporary assignment. A career executive employe may be assigned to a position for employe development purposes or to complete a special project for a duration not to exceed 2 4 years. The employe's classification and pay status shall not be affected. ~~An intra-agency temporary assignment requires the written agreement of the employe and the appointing authority. An inter-agency temporary assignment requires the written agreement of the employe, and the appointing authorities of both the sending and receiving agencies. The appointing authority in an intra-agency temporary assignment or the appointing authority of the receiving agency in an inter-agency temporary assignment shall send a copy of the written agreement to the secretary prior to the effective date of the assignment. If the employe is expected to return to the sending agency upon completion of the temporary assignment, the employe and the appointing authority of the sending agency shall develop a formal leave agreement under s. ER-18.14 (2)(a).~~

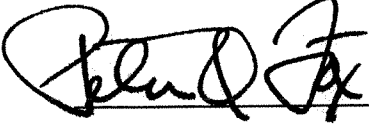
Section 6. ER 30.09 is repealed and recreated to read:

ER 30.09 Pay adjustments resulting from career executive reassignment or voluntary movement.
Upon reassignment as defined under s. ER-MRS 30.07 (1) or voluntary movement to a position allocated to a classification assigned to the same, to a higher, or to a lower pay range, the career executive employee's pay shall be determined in accordance with the provisions of the compensation plan.

EFFECTIVE DATE

This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2)(intro), Stats.

Dated: 12-3-01 Agency:



Secretary,
Department of Employment Relations