Chapter ER−MRS 1

FORCE AND EFFECT OF RULES; DEFINITIONS

ER−MRS 1.01 Force and effect of rules.
ER−MRS 1.02 Definitions.
ER−MRS 1.03 Time, how computed.

Note: Chapter Pers 1 was renumbered to be chapter ER−Pers 1, effective March 1, 1983. Chapter ER−Pers 1 was renumbered chapter ER−MRS 1 under s. 13.93 (2m) (b) 1., Stats., Register, October, 1994, No. 466; Corrections made under s. 13.93 (2m) (b) 6., Stats., Register December 2003 No. 576.

ER−MRS 1.01 Force and effect of rules. Chapters ER−MRS 1 to 34 are promulgated under authority of s. 230.05 (5), Stats., and ch. 227, Stats., to specifically apply to provisions of the civil service law, subch. II of ch. 230, Stats. As provided under s. 230.01 (3), Stats., nothing in subch. II of ch. 230, Stats., or in chs. ER−MRS 1 to 34 shall be construed to either infringe upon or supersede the rights guaranteed state employees under the provisions of the state employment labor relations act, subch. V of ch. 111, Stats. Chapters ER−MRS 1 to 34 are superseded by the labor contract for employees under such contract for the subjects of bargaining under s. 111.91 (1), Stats.

History: Cr. Register, October, 1972, No. 202, eff. 11−1−72; am. Register, September, 1975, No. 237, eff. 10−1−75; am. Register, February, 1981, No. 302, eff. 3−1−81; am. Register, May, 1988, No. 384, eff. 6−1−88; corrections made under s. 13.93 (2m) (b) 7., Stats., Register, October, 1994, No. 466; corrections made under s. 13.92 (4) (b) 6., 7., Stats., Register September 2015 No. 717.

ER−MRS 1.02 Definitions. In addition to those terms defined under s. 230.03, Stats., the following are definitions for terms used in chs. ER−MRS 1 to 34:

(1) "Agency" has the meaning defined in s. 230.03 (3), Stats.

(2) "Appointment" means the action of an appointing authority to place a person in a position within the agency in accordance with the law and chs. ER 1 to 47 and ER−MRS 1 to 34, effective when the employee reports for work or is in paid leave status on the agreed starting date and time. "Appointment" does not include an acting assignment under ch. ER−MRS 32.

(3) "Compensation plan" means the compensation plan adopted under s. 230.12, Stats.

(4) "Counterpart pay ranges" means pay ranges or groupings of pay ranges in different pay schedules which are designated by the administrator to be at the same level for the purposes of determining personnel transactions.

(5) "Demotion" means the permanent appointment of an employee with permanent status in one class to a position in a lower class than the highest position currently held in which the employee has permanent status in class, unless excluded under s. ER−MRS 17.02.

(6) "Employee" means any person who receives remuneration for services rendered to the state under an employer−employee relationship in the classified civil service, except where otherwise stated or modified by rule.

(7) "Employing unit" means an agency or a functional, organizational or geographic unit within the agency which has been approved under s. 230.30, Stats., for the agency to use for any one or combination of the following: promotion, demotion, transfer, reinstatement, restoration, layoff and other related personnel transactions.

(8) "Higher class" means a class assigned to a higher pay range.

(9) "Higher pay range" means the pay range which has the greater pay range dollar value maximum when comparing pay ranges not designated as counterparts.

(11) "Layoff" means the termination of the services of an employee with permanent status in class from a position in a layoff group approved under s. ER−MRS 22.05, in which a reduction in force is to be accomplished.

(12) "Leave of absence" means absence from employment with the approval of the appointing authority with or without loss of pay in accordance with the appropriate statutory provision or rule.

(13) "Limited term appointment" means the appointment of a person to perform a grouping of duties and responsibilities on a non−project basis under conditions of employment which do not provide for attainment of permanent status under s. 230.26 (1), Stats.

(14) "Limited term employment" means employment in which the nature and conditions do not permit attainment of permanent status in class and for which the use of normal procedures for recruitment and examination are not practicable.

(15) "Lower class" means a class assigned to a lower pay range.

(16) "Lower pay range" means the pay range which has the lesser pay range dollar value maximum when comparing pay ranges not designated as counterparts.

(17) "Month" means a calendar month or the period from a given date in one month through the date preceding the given date in the following month, whichever the context requires.

(18) "Original appointment" means the appointment of a person who has not attained permanent status in class or permanent status, or the appointment of a former employee on other than a reinstatement or restoration basis to a classified position in which permanent status can be attained. Under s. ER−MRS 13.03, "original appointment" does not include appointment of an incumbent employee who is certified and appointed under s. 230.15 (1m) (c), Stats.

(19) "Pay range" means either of the following:

(a) With respect to a classification to which a non−trainee position is allocated, the range on an official hourly basis as prescribed in the compensation plan.

(b) With respect to a classification to which a trainee position is allocated, the minimum of the pay range for the trainee position up to the maximum of the pay range for a non−trainee position allocated to the same class.

(20) "Permanent appointment" means the appointment of a person to a classified position in which permanent status can be attained.

(21) "Permanent employment" means employment in a position in which permanent status in class may be obtained and which requires the services of an employee for 600 hours or more on an annual basis and includes seasonal employment under sub. (31), sessional employment under sub. (32) and school year employment under s. 230.08 (3) (e), Stats.

(22) "Permanent status" means the rights and privileges attained upon successful completion of a probationary period or career executive trial period required upon an appointment to permanent, seasonal or sessional employment.

(23) "Permanent status in class" means the rights and privileges attained upon successful completion of a probationary

period required upon an appointment to permanent, seasonal or sessional employment.

(24) "Probationary period" means the time period specified in s. 230.28, Stats.

(25) "Project appointment" means the appointment of a person to a project position under conditions of employment which do not provide for attainment of permanent status.

(26) "Project employment" means employment as a result of a project appointment in a project position.

(26m) "Project position" has the meaning defined in s. 230.27 (1), Stats.

(27) Except as provided in s. ER−MRS 14.02, "promotion" means any of the following:

(a) The permanent appointment of an employee to a different position in a higher class than the highest position currently held in which the employee has permanent status in class;

(b) The permanent appointment of an employee or former employee in layoff status to a different position in a higher class than the highest position in which permanent status in class was held at the time the employee or former employee became subject to layoff; or

(c) The permanent appointment of an employee on an approved leave of absence, either statutorily mandated or granted by an appointing authority to a different position in a higher class than the highest position in which permanent status in class was held at the time the employee began the leave of absence.

(28) "Recruitment option" means a grouping of job duties and responsibilities common to one or more positions assigned to a classification or classifications, used by the director to establish layoff groups under s. ER−MRS 22.06, selectively certify eligibles under s. ER−MRS 12.03 or establish registers under s. 230.25 (4) (a), Stats.

(29) "Reinstatement" means the act of permissive re−appointment without competition of an employee or former employee under s. 230.40 (3), 2013 Stats., or s. 230.31, 230.33, or 230.34, Stats., to a position:

(a) In the same class in which the person was previously employed;

(b) In another class to which the person would have been eligible to transfer had there been no break in employment; or

(c) In a class having a lower pay rate or pay range maximum for which the person is qualified to perform the work after the customary orientation provided to newly hired workers in the position.

(30) "Restoration" means the act of mandatory re−appointment without competition of an employee or former employee under s. 230.31, 230.32, 230.33 or 230.34, Stats., to a position:

(a) In the same class in which the person was previously employed;

(b) In another classification to which the person would have been eligible to transfer had there been no break in employment; or

(c) In a class having a lower pay rate or pay range maximum for which the person is qualified to perform the work after the customary orientation provided to newly hired workers in the position.

(31) "Seasonal employment" means employment which normally permits attainment of permanent status in class through successive reinstatements and requires the services of an employee on an intermittent and recurring basis for at least 600 hours each year, during no more than 24 biweekly payroll periods of any 26 consecutive full biweekly payroll periods.

(32) "Sessional employment" means employment in positions of legislative agencies that require the services of an employee more than 600 hours in any 26 consecutive full biweekly payroll periods and which normally permits attainment of permanent status in class through successive reinstatements, but the duration of which is closely related to the legislative session.

(33) "Transfer" means the permanent appointment of an employee to a different position assigned to a class having the same or counterpart pay rate or pay range as a class to which any of the employee's current positions is assigned.

(34) "Vacancy" means a classified position to which a permanent appointment may be made after the appointing authority has initiated an action to fill that position.

(35) "Year" means a calendar year or the period from a given date in one year through the date preceding the given date in the following year, whichever the context requires.

History: Cr. Register, October, 1972, No. 202, eff. 11−1−72; am. (6); cr. (8), Register, March, 1974, No. 219, eff. 4−1−74; am. (1), (6) and (7), r. and recr. (8) to be Pers 24.02, cr. (6n), (8) and (9), Register, September, 1975, No. 237, eff. 10−1−75; r. (1) to (6n) and (8), renum. (7) to be (4) and (9) to be (14) and am., cr. (1) to (3) and (5) to (13m), Register, February, 1981, No. 302, eff. 3−1−81; cr. (15) and am. (1), Register, February, 1983, No. 326, eff. 3−1−83; am. (intro.), r. (7) (intro.) and (14), renum. (1) to (6), (7) (a) to (e), (8) to (13m) and (15) to be (2), (4), (6) to (9), (21), (31), (14), (32), (26), (15), (16), (18), (20), (22), (23), (25) and (34) and am. (2), (4), (7), (14), (21), (26), (31) and (32), cr. (1), (5), (11) to (13), (17), (19), (24), (26m), (27) to (30), (33) and (35), Register, May, 1988, No. 389, eff. 6−1−88; emerg. am. (18) eff. 3−5−93; am. (18), Register, August, 1993, No. 452, eff. 9−1−93; corrections made under s. 13.93 (2m) (b) 7., Stats., Register, October, 1994, No. 466; am. (29), Register, December, 1999, No. 528, eff. 1−1−00: CR 04−138: cr. (3) Register June 2005 No. 594, eff. 7−1−05; corrections in (4), (28) made under s. 13.92 (4) (b) 6., Stats., and correction in (6) made under s. 35.17, Stats., Register September 2015 No. 717; **correction in (29) (intro.) under 13.92 (4) (b) 7., Stats., Register December 2016 No. 732.**

ER−MRS 1.03 Time, how computed. In chs. ER−MRS 1 to 34, the time within which an act is to be done or a proceeding taken shall be computed under s. 990.001 (4), Stats.

History: Cr. Register, May, 1988, No. 389, eff. 6−1−88; correction made under s. 13.93 (2m) (b) 7., Stats., Register, October, 1994, No. 466.