Chapter Pers 3

POSITION CLASSIFICATION ACTIONS

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Pers 3.01 Establishing, abolishing or discontinuing a position. (1) ESTABLISHING A POSITION. (a) If an appointing officer has made budgetary provisions for a new position in his department and desires to fill the position, he shall make formal request, describe the duties and responsibilities of the position and provide other pertinent information requested by the director.

(b) The director shall then allocate the position to the appropriate class and enter it on the departmental establishment list.

(2) ABOLISHING OR DISCONTINUING A POSITION. (a) The director shall remove a position from the department's establishment list upon recommendation of the appointing officer.

(b) Any position vacant for one year shall be dropped from the departmental establishment list unless the appointing officer gives reasons acceptable to the director for retaining it.

History: Cr. Register, June, 1964, No. 102, eff. 7–1–64.

Pers 3.02 Allocation, Reallocation; definitions. (1) ALLOCATION. The initial assignment of a position to the appropriate class in the classification plan by the director as provided in subsection 16.105 (1m), Wis. Stats.

(2) REALLOCATION. The reassignment of a position to a different class in the classification plan by the director as provided in subsection 16.105 (1m), Wis. Stats. based upon:

(a) Changes in the duties and responsibilities of a position. (Referred to as a *reclassification*).

(b) A change in concept of the class or series.

(c) The creation of new classes.

(d) Abolishment of existing classes.

(e) The reappraisal of the level of the class in terms of the total service.

(f) Selected classifications where the levels are differentiated by attainment of specified training and experience.

(g) The reassignment of a class to a different salary range.

(h) Any other circumstances covered by subsection 16.105 (1m), Wis. Stats.

History: Cr. Register, June, 1964, No. 102, eff. 7–1–64.

Pers 3.03 Reallocation of positions. (1) Appointing officers shall give notice in writing to the director of material changes of a permanent nature in the duties and responsibilities of positions. If the facts warrant, the director shall reclassify or otherwise reallocate the

position. Normally, filled positions will not be reclassified until the incumbents have carried the responsibilities for a period of at least 6 months.

(2) A competitive promotional examination may be required to fill a position reclassified or otherwise reallocated to a higher level when the director determines that the position should have originally been filled by promotion.

(3) The director may initiate classification surveys as may be required to meet the needs of the service. Positions covered by such surveys shall be reallocated by the director to the appropriate classification whenever he finds such action warranted.

(4) A competitive examination is required to fill certain reallocated positions. See Wis. Adm. Code section Pers 7.03.

(5) RED CIRCLE RATES. In accordance with sections 16.105 (lm) and (2) (b), Wis. Stats., whenever the director determines that positions are overclassified, appropriate action shall be taken as follows:

(a) *Action on the position.* The position shall immediately be reallocated to the proper classification. All salary references in Wis. Adm. Code section Pers 3.05 and its subsections shall coincide with the basic salary definition in Wis. Adm. Code section Pers 5.04.

(b) *Effect on probationary employes.* 1. If the incumbent does not have permanent status in the class because he was promoted within the department or does not have permanent status in the position because he had transferred within the department, he shall be paid not less than his salary prior to being placed on probation nor more than his present salary as long as neither rate exceeds the maximum of the salary range for the proper classification. In accordance with section 16.22 (1), Wis. Stats., the appointing officer shall restore the incumbent so affected to his former position or a similar position and salary if the incumbent requests such action in lieu of continuing in the reallocated position.

2. If the incumbent of such position does not have permanent status in the class or position for reasons other than those mentioned in subsection (b) 1. he may be paid any rate within the salary range for the proper classification which is not greater than the rate received prior to the reallocation.

(c) *Effect on permanent employes.* 1. If the incumbent of such position has permanent status in the position and his present salary is within the salary range for the proper classification, he shall continue to be compensated at his present rate of pay.

2. If the incumbent of such position has permanent status in the position and his present salary is above the maximum of the salary range for the proper classification, he shall continue to receive his present rate of pay. Until the maximum salary rate for the proper classification exceeds his present rate of pay, the employe shall not be eligible to receive any salary adjustments, other than cost of living adjustments, under section 20.932, Wis. Stats.

(d) *Subsequent position movement (except reassignment).* If the incumbent under the provisions of subsection (c) 2. moves to a different position his salary shall be immediately adjusted to a certifiable rate for which he is eligible within the proper salary range for that position. For purposes of this section the specific transaction identifying the subsequent position movement shall be determined in rela-

tion to the salary range maximum of the incumbent's present classification; however, the incumbent's certifiable rate shall be determined in relation to his red circle rate.

(e) *Movement by reassignment.* If the incumbent under the provisions of subsection (d) moves by reassignment to a different position in the same class in the same employing unit or between employing units of the same department, he shall retain his red circle rate.

(f) *Employe restoration.* In any such action, every effort shall be made by the appointing officer and the bureau to restore the employe to a position commensurate to his former status for which he is qualified. Any such employe with the approval of the director shall be placed on the appropriate employment lists.

History: Cr. Register, June, 1964, No. 102, eff. 7–1–64; emerg. rules, am. (5) intro. par., am. (5) (a), (b), (c), (d), cr. (e), eff. 2–22–66; am. (5) intro. par., (5) (a), (b), (c), (d), cr. (5) (e), and (f), Register, May, 1966, No. 125, eff. 6–1–66.

Pers 3.04 Reallocation appeals. Whenever a position is reclassified or otherwise reallocated, the appointing officer and the incumbent shall be notified in writing. If the employe or appointing officer believes the classification action to be incorrect on the basis that the class specification on which the action was based does not adequately reflect the duties and responsibilities of the position, he shall, upon written request, be entitled to an appeal from such action provided that a notice of such appeal is received by the board not more than 10 calendar days after receipt of notice of such action. The hearing shall be conducted pursuant to subsection 16.05 (1), Wis. Stats. within the time limitations consistent with Wis. Adm. Code section Pers. 23.02.

History: Cr. Register, June, 1964, No. 102, eff. 7–1–64.