

Filed October 2, 1972  
10:50 am

Pers 1 to 27

STATE OF WISCONSIN )  
 )  
DEPARTMENT OF ADMINISTRATION ) ss  
 )  
STATE BUREAU OF PERSONNEL )

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, C. K. Wettengel, Director of the State Bureau of Personnel, Department of Administration and custodian of the official records of said Bureau, do hereby certify that the Wisconsin Administrative Code Chapters Pers 1 through 27 promulgated to implement the provisions of the recently revised Civil Service Law by the enactment of Chapter 270, Laws of 1971, were duly approved and adopted by me on September 15, 1972, were reviewed and approved by the State Personnel Board on September 15, 1972 and filed with the Governor of the State of Wisconsin on Thursday, September 21, 1972.

I further certify that said copy has been compared by me with the original on file with this office and that the same is a true copy thereof and of the whole of such original.

IN TESTIMONY WHEREOF,

I have set my hand at the State Office Building, in the City of Madison, Wisconsin, this 2nd day of October, A. D. 1972.

C. K. Wettengel  
C. K. WETTENGEL, DIRECTOR

STATE OF WISCONSIN  
DEPARTMENT OF STATE  
RECEIVED AND FILED

OCT 2 1972

ROBERT C. ZIMMERMAN  
SECRETARY OF STATE

ORDER OF THE DIRECTOR, STATE BUREAU OF PERSONNEL  
ADOPTING, AMENDING OR REPEALING RULES

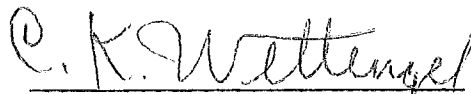
Pursuant to authority vested in the Director of the State Bureau of Personnel by subsection 16.03(6) and Chapter 227, Wis. Stats., the Director of the State Bureau of Personnel hereby repeals, amends, and adopts rules as follows:

Chapter Pers 1 through 27 of the Wisconsin Administrative Code, Rules of the State Personnel Board are repealed.

Chapter Pers 1 through 27 of the Wisconsin Administrative Code, Rules of the Director are adopted to read as stated on the material attached hereto.

The rules contained herein shall take effect on November 1, 1972 in accordance with s.s. 227.026(1), Wis. Stats.

OCTOBER 2, 1972



C. K. Wettengel, Director  
State Bureau of Personnel

STATE OF WISCONSIN  
DEPARTMENT OF STATE  
RECEIVED AND FILED

OCT 2 1972

ROBERT C. ZIMMERMAN  
SECRETARY OF STATE

PROPOSED

RULES OF THE DIRECTOR

STATE BUREAU OF PERSONNEL

FOR

SUBCHAPTER II OF CHAPTER 16, WIS. STATS.

AS PROVIDED UNDER

CHAPTER 270, LAWS OF 1971

## TABLE OF CONTENTS

Pers 1	Force and Effect of Rules; Definitions
Pers 2	Classification Plan
Pers 3	Position Classification Actions
Pers 4	Compensation Plan
Pers 5	Compensation Provisions
Pers 6	Recruitment and Examinations
Pers 7	Appointing Procedure for Unskilled Labor and Service Classes
Pers 8	Kinds of Employment and Types of Appointments
Pers 9	Seasonal Employment Provisions
Pers 10	Limited Term Employment
Pers 11	Employment Registers
Pers 12	Certification
Pers 13	Probationary Periods
Pers 14	Promotion
Pers 15	Transfer
Pers 16	Reinstatement and Restoration
Pers 17	Demotion
Pers 18	Absences
Pers 19	Seniority
Pers 20	Employe Training and Development
Pers 21	Resignation
Pers 22	Layoffs
Pers 23	Disciplinary Actions
Pers 24	Code of Ethics
Pers 25	Grievance Procedure
Pers 26	Appeals
Pers 27	Exceptional Methods and Kinds of Employment
Pers 28	Workmen's Compensation and Hazardous Duty Pay
Pers 29	Employe Safety Programs

## Chapter Pers 1

### FORCE AND EFFECT OF RULES; DEFINITIONS

Pers 1.01 FORCE AND EFFECT OF RULES. These rules of the Director of the State Bureau of Personnel are promulgated under authority of subsection 16.03(6), and chapter 227, Wis. Stats., and approved pursuant to subsection 16.05(1)(c) Wis. Stats., to specifically apply to provisions of the civil service law, subchapter II of chapter 16, Wis. Stats. As provided under subsection 16.01(3), Wis. Stats., nothing in subchapter II of chapter 16 or in these rules shall be construed to either infringe upon or supersede the rights guaranteed state employes under the provisions of the state employment labor relations action subchapter V of chapter 111, Wis. Stats.

Pers 1.02 DEFINITIONS. In addition to those terms defined pursuant to section 16.02, Wis. Stats., the following are definitions for terms used in these rules: (1) "Appointing Authority" means the officer, commission, board or body having the power of appointment to, or removal from, subordinate positions in any office, department, commission, board or institution. An appointing authority may delegate the power of appointment to subordinate officers providing such delegated authority is in writing and a copy is filed with the Director.

(2) "Board" means the State Personnel Board.

(3) "Bureau" means the State Bureau of Personnel in the Department of Administration.

(4) "Department" or "Agency" means any officer whose office is created by constitution or statute, or any agency so created, except legislative and judicial officers, and offices and agencies created within departments as herein defined.

(5) "Director" means the Director of the State Bureau of Personnel. Where the provisions of delegation under section 16.03, Wis. Stats., apply, the term "Director" is also defined to include the designated agency representative.

(6) "Employee" means any person holding a position in the classified civil service.

(7) "Employing Unit" means an agency or an established functional, organizational or geographical unit within the agency for the purposes of promotion, demotion, transfer, reinstatement, layoff and other related personnel transactions. Employing units shall be established upon recommendation of the appointing authority subject to approval by the director.

Chapter Pers 2

CLASSIFICATION PLAN

Pers 2.01 DEFINITION. The listing of classes in effect as identified by class titles in the bureau's "Classification and Compensation Plan for Positions in the Classified Service" and as described in class specifications shall constitute the classification plan for all positions in the classified service. For the purpose of these rules, class and classification are synonymous.

Pers 2.02 CLASSIFICATION PLAN MAINTENANCE. The Director shall establish and maintain a classification plan in accordance with the provisions of section 16.07, Wis. Stats.

Pers 2.03 CLASS TITLES. (1) Any title, other than the official class title established under subsection 16.07(1)(b), Wis. Stats. desired by the appointing authority may be used to designate any position for purposes of internal administration not involving the personnel processes covered by the law or these rules, but should be consistent with terminology in section 15.02, Wis. Stats., to identify the position's relative placement in the organizational structure.

(2) When the special character and qualifications of one or more positions in a class requires the use of options for recruitment, examination and certification or layoff, subsequent personnel transactions may be based on both the classification and option.

Pers 2.04 CLASS SPECIFICATIONS. Class specifications shall consist of 3 major parts: title, position standards, and qualification standards. Subject to (1) and (2) the class specifications shall be the basic authority for the allocation of positions to a class and for all phases of the selection process for any class or position therein.

(1) Position standards shall include a definition statement identifying the nature and character of the work, and examples of work performed. In addition, any or all of the following may be included: areas of specialization; allocation patterns, standards and factors; and such other information necessary to facilitate allocation of positions to the appropriate classification. Position standards are descriptive and not restrictive, and they shall not be construed to limit or modify the power of the appointing authority to assign tasks or direct or control the work of employes under his supervision. The use of particular examples of work performed shall not be held to exclude others not mentioned that are of a similar kind or level, nor is it implied that all those mentioned must be performed by all persons whose positions are so classified.

(2) Qualification standards shall contain a description of the required knowledges, skills, abilities, education, training, and experience or any such other credentials which a person shall possess to insure reasonable prospects of success in the position, area of specialization, option, or class as described in the position standards. These standards shall be considered basic guidelines and shall not preclude more definitive nor more general statements in recruitment announcements, provided that the kind and level of qualifications are not decreased.

Chapter Pers 3

POSITION CLASSIFICATION ACTIONS

Pers 3.01 ESTABLISHING A POSITION. (1) If an appointing authority has made budgetary provisions for a new position in his agency and desires to fill the position he shall in writing describe the duties, responsibilities and essential qualifications of the position and provide other pertinent information required by the director.

(2) The director shall then allocate the position to the appropriate class.

Pers 3.02 ALLOCATION, REALLOCATION, REGRADE, RECLASSIFICATION, DEFINITIONS. (1) ALLOCATION. The initial assignment of a position to the appropriate class by the director as provided in subsection 16.07(2) Wis. Stats.

(2) REALLOCATION. The assignment of a position to a different class by the director as provided in subsection 16.07(2) Wis. Stats., based upon:

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

(b) The creation of new classes.

(c) The abolishment of existing classes.

(d) The reappraisal of the level of the class in terms of the total service such as that resulting from personnel management surveys.

(e) The correction of an error in the previous placement of a position.

(f) The redefinition of the duties and responsibilities of a vacant position.

(g) Reclassification as provided in (4).

(3) REGRADE. The action by the director under subsection 16.07(2)(d), Wis. Stats., following the reallocation of a filled position, which results in the determination that consideration of other employes to fill the position is not necessary, and therefore the incumbent remains in the position.

(4) RECLASSIFICATION. The reallocation of a filled position to a different class and the subsequent regrading of the incumbent by the director as provided in subsection 16.07(2) Wis. Stats., based upon:

(a) A logical and gradual change to the duties and responsibilities of a position.

(b) Attainment of specified training and experience, and demonstrated performance by an incumbent in a position identified in a classification series where the class levels are differentiated on this basis.

Pers 3.03 REALLOCATION OR RECLASSIFICATION OF POSITIONS. (1) As the needs of the service require, the director shall reallocate or reclassify positions. Appointing authorities shall notify the director of any change in the duties of positions in accordance with the procedures established by the director.

(2) Normally, filled positions will not be reclassified until the incumbent has carried the duties and responsibilities for a period of at least 6 months.

Pers 3.04 NOTICE OF REALLOCATION OR RECLASSIFICATION. Whenever a position is reclassified or reallocated, the appointing authority and the incumbent shall be notified in writing.

Pers 3.05 REALLOCATION OR RECLASSIFICATION APPEALS. If the employe or appointing authority 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 or she shall, upon written request, be entitled to an appeal from such action provided in Wis. Adm. Code chapter Pers 26.



Chapter Pers 4

COMPENSATION PLAN

Pers 4.01 DEFINITION. The compensation plan in effect as identified in the "Classification and Compensation Plan for Positions in the Classified Service" published by the bureau, composed of the various pay schedules, rates and ranges, within grade movements, and administrative directives and other provisions as approved pursuant to section 16.086, Wis. Stats., together with amendments and revisions, shall constitute the official compensation plan for all positions in the classified service, subject to the provisions of section 16.084, Wis. Stats. For the purpose of this definition the terms "pay schedule" and "salary schedule" are synonymous.

Chapter Pers 5

COMPENSATION PROVISIONS

Pers 5.01 BASIC PAY. (1) Definition. The terms "basic pay" and "base pay" mean the pay rate excluding any overtime or supplementary compensation.

(2) The rates prescribed in the compensation plan are the rates authorized for full-time employment. When employment regularly equals or exceeds half-time on a daily, weekly or monthly basis, the proportionate part of the rate shall be paid. When employment is less than half-time on a daily, weekly or monthly basis, the rate paid shall be according to the pay schedule for limited term employment.

Pers 5.02 BEGINNING PAY. (1) Initial rate to be paid. (a) The lowest or initial rate in the pay range shall be the rate payable to any person on first appointment to a position in the class except as otherwise provided.

(b) When competitive labor market conditions have been evaluated and the initial rate as established is determined to be below the market rate for a class, or when the class, or the recruitment option for the class has unique requirements or geographic location and it is unlikely that quality applicants would be available under such conditions, the director, at the request of the employing department, may establish an initial rate above the pay range minimum for recruiting and hiring. Such actions shall be reported to the board annually.

(c) When necessary for effective recruitment, the director may, at the request of the employing agency, give pay recognition at the time of appointment to individuals who have more than the minimum qualifications for the class or recruitment option provided that the increased pay potential was included in the recruitment information. A report of individuals appointed under this subsection shall be made to the board annually.

(2) Subject to the pay range maximum, if the initial hiring rate is adjusted, the permanent status in class minimum (PSICM) shall be adjusted by a like amount and the provisions in the rules relating to PSICM shall apply. In applicable pay schedules, the term "Permanent Status In Class Minimum" is defined as the minimum rate to be paid within the pay range to an employe who is not serving a probationary period.

(3) For pay provisions on promotion, transfer, reinstatement, demotion and for trainees and intern classes see Wis. Adm. Code chapters Pers 14, 15, 16, 17 and 20 respectively.

Pers 5.03 PAY ADJUSTMENTS. (1) Probationary Increase. In Schedules where appropriate, a probationary increase of one intermediate step shall be granted to an employe effective the beginning of the pay period closest to the completion date of the first six months of the probationary period, except that such increase shall not exceed the maximum rate of the pay range, nor shall a probationary increase be granted for completion of any probationary period required on a transfer, demotion or reinstatement.

(2) Regrading Increase. (a) Pay adjustments resulting from regrading an employe shall be effective at the beginning of the pay period following completion of the transaction.

(b) Pay adjustments for regraded employes whose positions are reallocated pursuant to Wis. Adm. Code subsection Pers 3.02(2)(a) through (f) shall be:

1. To PSICM if the incumbent has permanent status in the class and is below this rate.

2. To the minimum of the new class if the incumbent does not have permanent status in the class and is below this rate.

3. If an employe's position is reallocated to a classification in a pay range with a higher maximum, and the incumbent's present pay rate is above PSICM of the new class, the employe shall receive no pay increase as a result of the reallocation.

(c) When a position is reclassified pursuant to Wis. Adm. Code subsection Pers 3.02(4) to a classification in a pay range with a higher maximum, the incumbent, who has permanent status in that position and is regraded, shall, if applicable, receive a pay increase to the permanent status in class minimum of the new class or a one step increase, whichever is greater.

(d) Regraded employes whose positions are reclassified or reallocated pursuant to Wis. Adm. Code subsection Pers 3.02(2) to a classification with a lower pay range maximum than their current classification carries shall retain their current rate of pay, subject to Wis. Adm. Code subsection Pers 5.03(3).

(3) Red Circle Rates. In accordance with subsection 16.07(2)(f), Wis. Stats., if a position in the classified service is reclassified or reallocated to a classification with a lower pay rate or pay range maximum, or if a position in the unclassified service is brought under the classified service and allocated to a classification having a lower pay rate or pay range maximum than the incumbent's current pay rate, the effect shall be as follows:

(a) If the incumbent is serving a probationary period for an original appointment in the affected class or position, he or she shall continue to be compensated at his or her present rate of pay as long as it does not exceed the pay range maximum for the classification to which his or her position is allocated.

(b) If the incumbent has previously attained permanent status in class but is serving a probationary period in the affected class or position because he or she was promoted or transferred within the agency, the appointing authority, pursuant to subsection 16.22(1)(d), Wis. Stats., shall restore the incumbent to his or her former position or a similar position allocated to a classification in the same pay range if the incumbent requests such action in lieu of continuing in the reallocated position. In such action the employe shall be paid the same rate he or she received prior to the promotion or transfer except for the addition of intervening servicewide adjustments.

(c) If an incumbent has previously attained permanent status in class but is serving a probationary period in the affected class or position because he or she was promoted or transferred between agencies, the incumbent shall be compensated at his or her present rate of pay as long as it does not exceed the pay range maximum for the classification to which the position is allocated.

(d) If the incumbent of such position has permanent status in class in the class to which his or her position is allocated and his or her present pay is within the pay range for the classification, he or she shall continue to be compensated at their present rate of pay.

(e) If the incumbent of such position has permanent status in class in the class to which his or her position is allocated and his or her present pay is above the maximum of the range for the classification, he or she shall continue to receive their present rate of pay until the maximum pay rate for the classification exceeds their present rate of pay. The employe shall not be eligible to receive any pay adjustments other than the cost of living adjustments under section 16.085, Wis. Stats.

(f) Subsequent position movement (except reassignment as provided in subsection (g)). If the incumbent under the provisions of subsection (e) moves to a position in a different classification his or her pay shall be immediately adjusted to a certifiable rate for which he or she is eligible within the pay range for that classification.

(g) If the incumbent under the provisions of subsection (e) moves by reassignment (i.e. to a different position in the same class in the same employing unit) or between employing units of the same agency, he or she shall retain their red circle rates.

(h) In any action resulting in the red circling of an employe pay rate every effort shall be made by the appointing authority and the bureau to restore the employe to a position commensurate to his or her former status. Any such employe with the approval of the director shall be placed on the appropriate employment lists. (See Wis. Adm. Code chapter Pers 16.)

(4) Promotional Increase. See Wis. Adm. Code section Pers 14.04.

(5) Merit Increases. See subsections 16.086(5) and (7), Wis. Stats.

(6) Merit Increases, Intent. (a) POLICY. The state's policy on merit increases is to establish a system of evaluation through performance standards consistent with good personnel management practices so that merit increases may be granted solely in recognition of and to encourage meritorious service, and provide justification to the employe for either the award or denial of merit increases.

(b) APPLICATION. Each department shall adopt a plan for the distribution of merit increases to accomplish the legislative intent and the policy expressed in this rule. The plan thus adopted may be drawn up by the bureau or it may be one drafted by the given department to fit its own needs and circumstances.

(c) REPORTING OF DEPARTMENTAL PLAN. Appointing officers shall report to the director their plan of employe evaluation for increase purposes, including method and procedures, and furnish any supplementary forms or related information as the director may require for his evaluation on the operation of the state's merit increase program.

(7) Merit Increases, Administration. (a) Fiscal year merit increases. Appointing authorities shall file with the director and the department of administration their annual merit increase reports in the manner and form prescribed by the director.

1. Funds Available. Pursuant to subsection 16.086(5)(a)1.a., Wis. Stats., the funds available for distribution of merit increases shall not exceed 4% of the applicable gross payroll as defined by the director.

2. Four percent of the applicable gross payroll is defined as: eighty percent of the amount which would be required if every employe eligible for a merit increase on July 1 were to receive an increase equal to one intermediate step or the portion thereof required to reach the maximum in the range; but if such 80% is not an exact multiple of \$1, it shall be increased to the next higher \$1 multiple.

(b) Interim Merit Increases. Pursuant to subsections 16.086(5) and (7), Wis. Stats., and the limitations below, appointing authorities may grant merit increases throughout the fiscal year.

1. Funds Available: Merit increase money distributed to employes on July 1, who have subsequently terminated their employment with the agency during the fiscal year shall be available for interim increases to eligible employes. However, merit increases granted to employes who are subsequently laid off shall not be included in the determination of funds available for interim merit increase.

2. Reports: Appointing authorities shall report information relating to each such interim merit increase as the director may require.

3. Effective Dates: Such interim merit increases shall be effective at the beginning of the pay period following receipt of such written notice by the director on the form prescribed by him.

(8) Simultaneous Pay Increases, Order of Application. Pay adjustments resulting from personnel transactions that have the same effective date shall occur in the following order:

- (a) Reallocation
- (b) Reclassification
- (c) Probationary Increase
- (d) Promotional Increase
- (e) Compensation Plan Adjustment pursuant to subsection 16.086(3), Wis. Stats.
- (f) Merit Increase

(9) Retroactive Salary Increase or Decrease. Except for action in accordance with subsection 16.05(1)(e), Wis. Stats., or to correct an error, no pay increases or decreases shall be retroactive.

Pers 5.04 SUPPLEMENTARY COMPENSATION. (1) Definition. Supplementary compensation, established in the compensation plan under subsection 16.086(1)(c), Wis. Stats., shall not be considered part of an employee's base pay. Supplementary compensation shall apply as provided in the compensation plan and shall be discontinued by the appointing authority when no longer applicable. Such supplementary compensation shall be separately recorded by the director and by the employing agency.

(2) Night Differential Compensation. (a) Definition. Extra compensation for regularly scheduled shift hours worked of not less than 2 hours duration between 6 p.m. and 6 a.m. by employes in permanent and seasonal positions (as defined in chapter Pers 8) whose employment regularly equals or exceeds one-half time on a daily, weekly or monthly basis.

(b) Rate for Night Differential. 1. Night differential compensation shall be at the rate specified in subsection 16.086(1)(c) 2., Wis. Stats.

2. Subject to 3., night differential work that is compensable shall be on an hour-for-hour basis for each regularly scheduled hour worked between 6 p.m. and 6 a.m. as authorized and certified by the appointing authority.

3. No employe shall be eligible for such extra compensation unless he or she has worked for a period of 2 or more qualifying hours on a regularly scheduled shift basis between 6 p.m. and 6 a.m.

4. Night differential payment shall be considered separately from an employe's base pay rate and such payment shall be separately recorded on the payroll.

5. Night differential compensation shall not be paid to an employe absent on leave with pay (vacation, sick leave, military leave, etc.) during the period in which the employe would otherwise be regularly scheduled to work between 6 p.m. and 6 a.m.

6. Night differential compensation shall not be authorized for irregularly scheduled hours of work.

7. Any night differential compensation shall cease to be payable without the right of appeal whenever the employe's regularly scheduled hours of work on a shift between 6 p.m. and 6 a.m. are reduced to under 2 hours.

8. For purposes of this section the following interpretation shall apply:

a. REGULARLY SCHEDULED HOURS shall mean work hours repetitively occurring on a standard, split, or rotated shift basis.

b. IRREGULARLY SCHEDULED HOURS shall mean work hours not scheduled on a permanent and repetitive basis.

c. FRACTIONAL HOURS. In computing total shift hours worked each day between 6 p.m. and 6 a.m. any remaining fractional work period of 30 or more minutes shall be rounded off to the next highest full hour. Fractional periods of less than 30 minutes shall not be compensable.

d. SUBSTITUTION. Night differential compensation shall be paid to an employe who is temporarily assigned to fill a position that requires regularly scheduled work hours between 6 p.m. and 6 a.m. provided that substitute employe works for 2 or more hours within the prescribed time period.

(3) Meals while on duty. As provided under subsection 16.086(1)(c) 3., Wis. Stats., when a state agency provides meals to employes who are required as a condition of employment to take such meals in the performance of employer assigned duties or responsibilities, said meals shall be provided without charge to the employe. All of the following conditions must be met for an employe to be eligible for such meals:

(a) An employe works a straight 8-hour shift without an unpaid lunch period.

(b) Meals eaten while on duty must be taken at the employe's assigned work post.

(c) Meals are presently delivered to the assigned work post or would have been if so requested and facilities are in operation at the time the meal is to be consumed.

Pers 5.05 COMPENSATION FROM OTHER SOURCES. Regardless of the source of funds, all compensation for services in a given position shall be combined to the end that the total compensation of any employe for any period shall not exceed the amount payable at the rate prescribed for the class of the position concerned except as provided by section 16.086, Wis. Stats.

Pers 5.06 OVERTIME (1) Definition: (a) Overtime: Time that an employe works in excess of 40 hours per each 7 consecutive calendar day period.

(b) Regular rate: Rate based on the basic pay rate plus the total paid in night differential compensation, responsibility pay and specialty pay.

(c) Premium rate: Compensation in cash at a rate of one and one-half times the regular rate paid the employe for the workweek in which overtime is worked or compensation in time off at a rate of one and one-half the number of hours worked.

(d) Continuing overtime: Overtime which can be anticipated within 3 or more weeks in advance of its occurrence and which is expected to require 40 or more hours of overtime for any one employe within any 10 week period.

(2) General Policy On Overtime. (a) Overtime work is to be held to a minimum consistent with the needs of the service.

(b) All overtime work for either compensatory time off or for cash payment must be authorized by the appointing authority.

(c) Bureau of Personnel approval is also required for cash payment when the conditions of employment are expected to require continuing overtime.

(d) Additional pay for overtime work shall not be considered as a part of an employe's base pay.

(e) All cash overtime payments shall be separately recorded on the payroll.

(f) Any additional cash compensation shall cease to be payable without the right of appeal whenever the employe's scheduled hours of work are reduced to 40 hours per week.

(g) Compensatory time off for overtime hours shall be used as soon as possible after the time is earned. If compensatory time off is to be granted to an included employe, it must be granted within the pay period that it is earned except that if requested by an included employe who is not an employe of a hospital, nursing home, school or institution of higher education, compensatory time off may be granted in accordance with provisions under (4) pertaining to exempt employes. If compensatory time off is to be granted to an exempt employe, it must be granted within the calendar year earned, except that with the approval of the appointing authority, compensatory time off may be used within the first 6 months of the ensuing calendar year. Within the time limitations specified

herein, the appointing authority shall respect the wishes of employes relative to the time at which compensatory time off may be used, insofar as he determines the needs of the service will permit.

(h) The state is considered as one employer for the purposes of determining the number of hours worked.

(i) Employes shall be categorized as "included" or "exempt" from requirements of premium pay for overtime according to the standards established by the director.

(3) Provisions for Included Employees. Included employes shall be paid at a premium rate for all hours worked in excess of 40 hours per workweek.

(4) Provisions for Exempt Employees. (a) The pay rates for exempt employes are generally intended to compensate for all required employment work hours. However, compensation in cash or time off at up to a straight time basis for work hours over 40 per week may be granted at the discretion of the appointing authority for emergency, scheduled, or non-regular overtime work.

(b) If continuing overtime work is required by the nature of the function to be performed and in the judgment of the appointing authority payment for such overtime in cash or compensatory time off at up to one and one-half times the basic rate is in the best interest of the service, or if cash or compensatory time off at a rate in excess of straight time at up to one and one-half times the basic rate for non-continuing overtime is considered appropriate by the appointing authority the appointing authority shall submit a request to the director for authorization of such payment. Each such request shall be considered based on the facts in each situation and a decision shall be made by the director to authorize or not authorize such payment, consistent with the needs of the service and fair treatment of employes.

Pers 5.07 ADDITIONAL EMPLOYMENT. (1) Definition: Additional employment is work performed by an employe outside of his or her regular full-time position. Additional employment is of 2 types:

(a) Employment in the same employing unit but in a different class of position than that of the employe's regular position.

(b) Employment in a different employing unit of the same agency or in a different agency in the same or different class of position than that of the employe's regular position.

(2) Policy on Additional Employment. (a) Included employes shall be paid a premium rate for additional employment work hours which together with regular employment hours exceed 40 hours of work per week according to Wis. Adm. Code subsection Pers 5.06(3). It shall be the responsibility of the agency employing a person on additional employment to determine the total hours worked by the employe and to pay the premium rate when applicable.

(b) Exempt employes shall be paid the straight time rate for the additional employment except that in exceptional cases a rate at up to one and one-half times the basic rate may be authorized by the director at the request of an appointing authority.

(3) Processing. Additional employment is limited term employment and shall be processed subject to the provisions of Wis. Adm. Code chapter Pers 10.

Pers 5.08 JOINT EMPLOYMENT. (1) Definition. Joint employment is employment of a person in more than one permanent position by more than one agency during the same workweek.

(2) Policy. When an employe works on joint employment the hiring agencies shall coordinate with each other the total number of hours worked by the employe in any workweek. If any premium pay is required, the costs of such additional pay shall be shared on the basis of time worked for each department or on some other basis agreeable to the agencies involved.

Pers 5.09 TOTAL REMUNERATION. The rates of pay as prescribed under the appropriate pay schedules shall constitute total remuneration except for: approved overtime; lawful reimbursement for necessary expenses authorized and incurred incident to employment; special equipment; clothing; or services considered necessary for performance of the job.

Pers 5.10 LENGTH OF SERVICE PAY. (1) Statutory Authority. As provided under subsection 16.086(1)(am), Wis. Stats., an eligible employe shall be paid an annual length of service payment. It is the intent of this subsection that no employe shall be granted more than one length of service payment for the twelve month period beginning January 1 and ending the following December 31.

(2) Eligibility. All employes, except employes paid on a prevailing rate and employes on part-time (which is less than half-time, on a daily, weekly or monthly basis), short-term, project and student employments, who have completed 5 or more years continuous service as defined in Wis. Adm. Code subsection Pers 18.02(2) prior to December 31, shall be paid a length of service payment specified under subsection 16.086(1)(am), Wis. Stats. To be eligible an employe must have completed the required number of years of continuous service prior to or during the calendar year in which the payment is to be made.

(3) Computations. Computations for determining such continuous service and number of years of service shall be made according to provisions of Wis. Adm. Code subsections Pers 18.02(2) and (3).

(4) Payment. (a) When the rate of length of service payment changes during the 5th, 10th, 15th, 20th, or 25th calendar year, such payment shall be based upon the highest rate for which eligibility has been gained during the calendar year.

(b) The length of service payment for eligible employes shall be prorated according to the number of paid work hours during the period specified in (1) above excluding time considered to be overtime as defined in Wis. Adm. Code section Pers 5.06 or additional employment as defined under Wis. Adm. Code section Pers 5.07. Any absences without pay totaling 30 calendar days or less in a calendar year may be included in computing paid work hours.

(c) Pursuant to subsection 16.086(1)(am), Wis. Stats., such payment shall be made on a date in December as determined by the director.

(d) Upon termination, retirement, or death of an eligible employe the length of service payment shall be prorated and paid on a date as determined by the director in accordance with subsection 16.086(1)(am), Wis. Stats.

(5) Transfer of Credits. Transfer of length of service credits shall be consistent with Wis. Adm. Code subsection Pers 18.04(2).

Pers 5.11 PAY FOR MILITARY SERVICE. See subsection 16.30(3)(a), Wis. Stats.

Pers 5.12 PAY FOR JURY SERVICE. See subsection 16.30(3)(c), Wis. Stats.

Pers 5.13 REIMBURSEMENT FOR APPLICANT'S TRAVEL EXPENSES. As provided by subsection 20.916(2), Wis. Stats., an applicant may be reimbursed for all or part of his or her actual, reasonable and necessary travel expenses consistent with the applicable provisions of section 20.916, Wis. Stats., and any regulations prescribed thereunder, which are incurred in connection with reporting for an oral examination or employment interview by the employing agency, provided the director, upon request of the appointing authority, determines that reimbursement for expenses is a necessary part of the effective recruitment process and prior authorization for such reimbursement has been given to each applicant to be reimbursed before the expenses are incurred.



Pers 5.14 MAINTENANCE PROVISIONS. Except as provided in Wis. Adm. Code subsection Pers 5.04(3), where full or part maintenance such as laundry, meals, lodging or quarters is furnished for the employe or the employe and his family, the employe shall be charged for the value of the allowance as established by the director based upon recommendations made by the employing agencies prior to implementation. Any exception to this policy shall require the approval of the director. The director shall review these rates as required.

Pers 5.15 AUDIT OF RECORDS. As provided in subsections 16.04(2) and 16.37(1), Wis. Stats., the director shall have access to all records kept by agencies relating to personnel and employment processes.

Pers 5.16 HAZARDOUS DUTY PAY; WORKMEN'S COMPENSATION. See Wis. Adm. Code chapter Pers 28.

Chapter Pers 6

RECRUITMENT AND EXAMINATION

Pers 6.01 SOURCE OF RECRUITMENT. The director in determining the most appropriate source of recruitment shall consider such factors as agency goals, staff development patterns, availability of qualified applicants in the employing unit, agency or entire service, and effect on employe morale or turnover, designated promotional patterns in the classification series, availability of trained people in the broad labor market including the number who have completed or are completing training for the type and level of positions, value of bringing new personnel with different backgrounds into the service, current pay, employe benefits and hiring practices for the types of positions, the interests of other agencies which may use the eligible lists, and efficiency in conducting recruitment programs and examinations.

Pers 6.02 RECRUITMENT INFORMATION. (1) Information used in recruiting shall be based on the specification for the class and, if appropriate, the recruitment option for the position, and upon the needs of the agencies' programs.

(2) Recruitment information shall be directed to labor market sources which the director determines are most likely to provide qualified applicants.

(3) Recruitment materials shall contain such information which will help applicants evaluate their interest and qualifications.

Pers 6.03 INSUFFICIENT NUMBER OF APPLICANTS. In the event that a sufficient number of qualified applicants fail to apply for an examination or to qualify after the examination, the director may reannounce the examination, extend the date for filing of applications, or, if necessary, cancel the examination.

Pers 6.04 EMPLOYMENT REGISTER EXCEPTION. An existing appropriate register for a class shall be used to fill all vacancies in the class, except that the director may authorize new recruitment and examination to fill a specific vacancy when substantial differences in geographic location, program emphasis or other recognized employment considerations could be expected to attract new applicants who may be better qualified for that position. An eligible who is on an existing employment register for the class or option within the class shall, where practicable, be notified of the steps he must take to be considered for placement on the new register to be established.

Pers 6.05 EXAMINATIONS. (1) Examinations shall be based upon the specification for the class and other sources of information indicating the qualification requirements for the classification, recruitment option, or position.

(2) The examination may include any technique or techniques which the director deems appropriate to evaluate applicants such as: written, oral, physical, or medical examinations; an evaluation of training, experience, and other biographic information; a demonstration of skill or potential; or, in the case of promotions, a promotional potential rating.

(3) The examinations shall assess factors such as education, experience, aptitude, skill, knowledge, character, physical fitness, and other factors which, in the judgment of the director, enter into the determination of the relative fitness of the applicants.

(4) The director shall establish criteria for evaluating applicant qualifications and shall apply the same criteria to all applicants competing in an examination.

(5) When formal academic training is included in qualifications, equivalent training and experience may be substituted, except that such substitution shall not be permitted when formal training is required to obtain a license or registration, or when the training is needed for recognized status in a profession, or when the training is required in standards set up by agencies making grants-in-aid or otherwise financing state programs.

Pers 6.06 PROMOTIONAL EXAMINATIONS DURING SCHEDULED WORK HOURS. Each employe with permanent status in class shall be eligible for reasonable paid leave time for the purpose of competing in examinations which could make the employe eligible for promotion and for participating in employment interviews in connection with such examinations when such examinations and interviews are conducted during an employe's scheduled work time. An employe shall not be denied his or her requests for time to participate in two examinations each calendar year and interviews in connection with such examinations, provided due notice has been given by the employe so that work coverage will not be interrupted. Such time shall not exceed the number of hours reasonably required to attend such examinations and interviews, including travel time. Leave time for more than two examinations in each calendar year and interviews in connection with such examinations may be granted to employes at the discretion of the appointing authority.

Pers 6.07 NOTICE OF EXAMINATION RATINGS. Each examinee shall be given written notice of his or her final results.

Pers 6.08 RELEASE OF EXAMINATION INFORMATION. (1) Any examinee may be given information on the results of his or her examination and the methods by which such results were determined in accordance with the following provisions:

(a) The following information may be released: The composition of the examination, as defined in Wis. Adm. Code subsection Pers 6.05(2); the weight of and score on each separately scored component; the results of performance or physical tests; information as to whether veterans preference was included in the grade; and except as provided in (b), any information which otherwise constitutes a public record as defined under subsection 16.80(2)(a), Wis. Stats.

(b) Information which shall not be released to the examinee or his or her representative under this section includes but is not limited to the following: copies of examination booklets or scoring keys; copies of written comments of oral board members; tapes of oral examinations; results of medical examinations except through the examinee's designated physician; scores of other candidates, with or without veterans preference, by name or by position on the register; and answers to specific items on written examinations.

(2) Information on his or her score on all or any part of an examination may not be released to an examinee until the notices of final results have been given to all examinees, except that an examinee who is unsuccessful in any step in the examination process may be so notified at any appropriate time without regard to release of final result notices.

Pers 6.09 ANONYMITY OF EXAMINEES AND SECURITY FOR WRITTEN EXAMINATIONS.

(1) The director shall use appropriate means to insure that the identity of the examinees in no way influences their score in a written examination.

(2) To maintain security of standardized written tests, written examination items exchanged with other jurisdictions, and those written items developed by the bureau, the director shall provide appropriate security for all written examination materials.

Pers 6.10 DISQUALIFICATION OF APPLICANTS OR ELIGIBLES. In addition to provisions stated elsewhere in the law or rules, the director may refuse to examine the applicant, or after examination to certify an eligible:

- (1) Who is found to lack any of the preliminary requirements established for the examination for the position or employment for which he or she applies;
- (2) Who has participated in the scheduled selection process so recently that the results of a reexamination would provide him or her an undue advantage;
- (3) Who is physically or mentally so disabled as to be rendered unfit for the performance of the duties of the position to which he or she seeks appointment, except that a person shall not be discriminated against because of total or partial blindness unless normal eyesight is absolutely indispensable to do the physical acts to be performed;
- (4) Who habitually uses alcohol or narcotics to excess;
- (5) Who has been guilty of any crime or of infamous or notoriously disgraceful conduct and whose subsequent record would, in the judgment of the director, make him or her unfit to carry the responsibility in the specific position;
- (6) Who has been dismissed from the public service for delinquency or misconduct;
- (7) Who has made a false statement of any material fact in any part of the selection process;
- (8) Who directly or indirectly gives, renders, or pays or promises to give, render or pay any money, service or other valuable thing to any person for or on account of, or in connection with, his or her test, appointment or proposed appointment;
- (9) Who practices, or attempts to practice, any deception or fraud in his or her application, certificate, examination, or in securing his or her eligibility or appointment;
- (10) Except on promotions, whose work record or employment references are unsatisfactory; or
- (11) Who refuses to furnish testimony as required in subsection 16.03(4)(b) or 16.05(3), Wis. Stats.

Pers 6.11 CRITICAL RECRUITMENT SELECTION. (1) The director shall identify classifications or positions for which qualified applicants are in critically short supply, and shall designate these as critical recruitment classifications.

(2) Specialized recruitment, examination, and certification processes may be established to fill positions in these classes, provided that due notice is given so that all interested and qualified applicants may be considered.

Pers 6.12 UNDERSTUDY SELECTION. (1) To provide continuity in leadership, the director may establish for upper level technical, professional or managerial positions a program through which appointment of a successor may be made by competitive examination to serve as an understudy.

(2) The director, after consultation with department administrators, may identify positions in programs in which overlap of leadership or service would be essential.

(3) A person may be appointed to serve as an understudy in a position having duties in addition to the understudy function or in a position specifically for understudy, but in no case shall a position having solely understudy functions be filled more than one year before the objective position vacancy is anticipated.

(4) The understudy appointee will serve a probationary period during the entire understudy period and will thereafter serve a probationary period upon appointment to the understudied position. It is the intent of this section to grant the understudy appointee the same status and rights relating to probation as those granted a trainee under Wis. Adm. Code chapter Pers 20 and subsection 16.22(5), Wis. Stats.

(5) Persons serving in positions having solely understudy functions may be paid on the same basis as provided for trainees under Wis. Adm. Code chapter Pers 20. Persons serving in positions having duties in addition to the understudy function shall be paid on the basis provided for the non-understudy functions.

Pers 6.13 ENTRY LEVEL PROFESSIONAL PROGRAMS. (1) An entry professional class selection program is established pursuant to section 16.18, Wis. Stats., whereby college seniors and graduates are recruited and examined to establish eligibility for entry professional classes in the state classified service.

(2) In accordance with the purpose expressed above and with the legislative intent expressed in section 16.18, Wis. Stats., the use of this procedure shall be subject to the following provisions:

(a) The director shall designate those positions which shall be filled through this selection program.

(b) The competitive examinations shall be free and open to all seniors and graduates of accredited institutions of higher learning regardless of residence.

(3) To facilitate employment of entry level professional employes, selection may be made from among any applicants who have attained eligibility. In those positions which require specialized training, selection may be made from among those eligibles who possess the special qualifications. The director may establish ranking or category procedures to meet the needs of effective selection in specific classifications.

(4) Appointments through this program shall be considered as an appointment made in accordance with the provisions of subsection 16.20(2), Wis. Stats. Career service immediately following appointment shall conform with all provisions of subchapter II of chapter 16, Wis. Stats. and related rules.

(5) Cooperative Program. To enable department administrators and faculty of institutions of higher learning to cooperate in training the highest caliber of students for government employment, the director may establish appropriate criteria and controls for program development, recruitment, selection and employment of eligibles for cooperative training programs. Successful completion of an approved cooperative program shall be deemed to fulfill the requirement for competitive selection and appointment to any position for which the cooperative training agreement was established.

Chapter Pers 7

APPOINTING PROCEDURE FOR UNSKILLED  
LABOR AND SERVICE CLASSES

Pers 7.01 ESTABLISHMENT OF EMPLOYMENT LISTS. For unskilled labor and service classes, as designated by the director, he may use such procedures as determined by him to be practical and appropriate in order to maintain employment lists based on merit and fitness.

Chapter Pers 8

KINDS OF EMPLOYMENT AND TYPES OF APPOINTMENTS

Pers 8.01 DESIGNATION BY DIRECTOR. The director shall designate kinds of employment for positions established in the classified service within the authority granted in subsection 16.08(3)(d), Wis. Stats., and these rules as permanent, seasonal, limited term and sessional. The director may also establish methods and kinds of exceptional employment under subsection 16.08(7), Wis. Stats. See Wis. Adm. Code chapter Pers 27.

Pers 8.02 KINDS OF EMPLOYMENT. The primary characteristics of each kind of employment are:

(1) Permanent. Employment of a career nature that requires the continuous services of an employe half-time or more on an annual basis. School year employment under subsection 16.08(3)(e), Wis. Stats., is also permanent employment.

(2) Seasonal. (a) Employment requiring the services of an employe on an intermittent and recurring basis for more than half-time on a daily, weekly or monthly basis, and which normally leads to a career through successive reinstatements. See Wis. Adm. Code chapter Pers 9. Such employment shall not exceed 24 biweekly payroll periods of any 26 consecutive full biweekly payroll periods.

(b) Recurring employment of extremely short duration which does not normally lead to a career shall be designated as limited term employment.

(3) Limited Term. Employment in which the nature and conditions do not lead to a career and for which the use of normal procedures for recruitment and examination are not practicable. See Wis. Adm. Code chapter Pers 10.

(4) Sessional. Employment in positions of legislative service agencies that require the services of an employe more than half-time on a daily, weekly or monthly basis, and which normally leads to a career through successive reinstatements, but the duration of which is closely related to the legislative session.

Pers 8.03 LEGISLATIVE EMPLOYMENT. See section 13.20, Wis. Stats.

Pers 8.04 DEFINITION OF APPOINTMENT. An appointment is the commitment of an appointing authority to place a person in a position in his agency in accordance with provisions of the law and these rules.

Pers 8.05 TYPES OF APPOINTMENTS. The following types of appointments are authorized:

- |                   |   |
|-------------------|---|
| (1) Promotion     | See Wis. Adm. Code chapter Pers 14.           |
| (2) Transfer      | See Wis. Adm. Code chapter Pers 15.           |
| (3) Reinstatement | See Wis. Adm. Code chapter Pers 16.           |
| (4) Demotion      | See Wis. Adm. Code chapter Pers 17.           |
| (5) Provisional   | See subsection 16.21(2), Wis. Stats.          |
| (6) Emergency     | See subsection 16.21(3), Wis. Stats.          |
| (7) Limited Term  | See Wis. Adm. Code chapter Pers 10.           |
| (8) Special       | See subsections 16.11(1) and (2), Wis. Stats. |

(9) Original. All appointments to permanent, seasonal and sessional kinds of employment and positions in the classified service of persons who have not attained permanent status in class and who are not appointed under the provisions of (1) through (7) above.

Pers 8.06 LIMITATION OF MULTIPLE APPOINTMENTS. An employe shall not be appointed to more than the equivalent of one full-time permanent position (excluding over-time, deviation work week) or other variations in that one position. The combination of permanent positions and limited term positions held by an employe shall not exceed the equivalent of one full-time permanent position, plus work on a limited term basis totaling less than half-time on a daily, weekly or monthly basis. However, an employe may work in excess of the half-time rate for 7 consecutive biweekly pay periods in any 26 consecutive biweekly pay periods, but in no case shall the total limited term employment time in such positions exceed that stated in Wis. Adm. Code section Pers 10.03.



Chapter Pers 9

SEASONAL EMPLOYMENT PROVISIONS

Pers 9.01 POLICY ON SEASONAL EMPLOYMENT. It is the policy of the state to consider employes of seasonal positions as career employes of the state during the course of employment and to provide, subject to the limitations and fluctuations of the seasonal cycles, a reasonable guarantee of successive reinstatements to these positions during the following seasons.

Pers 9.02 APPOINTMENT FROM SEASONAL TO PERMANENT EMPLOYMENT. (1) When the nature and conditions of employment in a seasonal position approaches year-round full-time employment (more than 24 biweekly pay periods in any 26 consecutive full biweekly pay periods) the appointing authority shall request establishment of a permanent position and abolish the seasonal position. An employe occupying such abolished seasonal position shall be appointed to the position.

(2) An employe with seasonal status may be appointed to a permanent position in the same grade and class after establishment of eligibility by noncompetitive examination according to standards established by the director and after certification by the director.

Pers 9.03 SEASONAL STATUS. The probationary period of an employe appointed to a seasonal position shall be for a period of 6 consecutive months. Upon satisfactory completion of the probationary period the employe shall have seasonal status.

(1) This status requires reinstatement of this employe to the same or similar positions within the department during succeeding seasons subject to section 16.28, Wis. Stats., provided the employe continues to render satisfactory services during his employment and his conduct and capacity, after he has been separated, merit such reinstatement. The seasonal status of any employe, however, shall have no bearing on the duration of the seasonal period, in that employes in seasonal positions may be laid off at the expiration of the seasonal period, at the discretion of the appointing authority.

(2) For reinstatement to other agencies, see Wis. Adm. Code subsection Pers 16.03(4).

(3) An employe who has completed a probationary period in a seasonal position and is subsequently appointed to a permanent position in the same classification in the same department shall not be required to serve a new probationary period in the permanent position.

Pers 9.04 REINSTATEMENT OF SEASONAL EMPLOYEES WITHOUT SEASONAL STATUS. Seasonal employes in seasonal positions the duration of which is less than 6 months in a single season may be reinstated to the same or similar positions at the discretion of the appointing authority.

Pers 9.05 SENIORITY. See Wis. Adm. Code chapter Pers 19.

Pers 9.06 LEAVES OF ABSENCE, VACATION, SICK LEAVE. See Wis. Adm. Code chapter Pers 18.

Chapter Pers 10

LIMITED TERM EMPLOYMENT

Pers 10.01 DEFINITION AND DURATION OF CATEGORIES OF LIMITED TERM EMPLOYMENT. Limited Term Employment means employment on a non-career basis which may be identified as short term, project, part-time or student. In addition, emergency and provisional appointments are included under limited term employment as provided under subsection 16.21(1), Wis. Stats.

(1) Short-term. Employment in a position that shall not exceed 1044 consecutive work hours duration and which does not recur at regular intervals. Employment durations for emergency and provisional short-term appointments shall be as specified under subsections 16.21(2) and (3), Wis. Stats., respectively.

(2) Project. Employment in a planned undertaking which is not a regular and continuing function of the department and which has an established probable date of termination. The duration of employment shall normally not exceed one year. The director may approve an extension of the duration of this employment upon receipt of written justification from the appointing authority.

(3) Part-time. Employment in any position where the time worked is less than half-time on a daily, weekly or monthly basis.

(4) Student. Employment of a student at the University of Wisconsin System or other state educational institution, who is currently enrolled or who will enroll at the next session.

Pers 10.02 PROHIBITIONS ON THE USE OF LIMITED TERM EMPLOYMENT. Limited term employment shall not be used to fill vacancies in permanent, seasonal or sessional positions in the classified service, except as provided in subsections 16.21(2) and (3) Wis. Stats.

Pers 10.03 MAXIMUM WORK DURATIONS. The total time worked in any one position by a limited term employe on a short-term or part-time basis shall not exceed 1044 hours of employment in any 26 consecutive biweekly pay periods.

Pers 10.04 CLASSIFICATION AND COMPENSATION. (1) Classification titles for these employments shall be determined in accordance with the provisions of the limited term employment classification and pay schedule.

(2) Pay rates for this type of employment shall be in accordance with the provisions of the limited term employment pay schedule.

(3) No pay increases shall be allowed for this kind of employment except those approved by the director for economic adjustment for comparable work on a permanent basis or for a distinctly different duty assignment.

Pers 10.05 APPROVAL BY DIRECTOR. (1) Except when delegated by the director, prior approval is required for the use of limited term employment including titles, pay, durations, procedures, records, etc.

(2) Authorization for use of limited term employment shall be based upon the nature of employment with due consideration given by the director to current labor market conditions, probable duration of employment, the need for formal examination procedures and other pertinent circumstances.

Pers 10.06 PROCEDURES AND RECORDS. Procedures for recruitment, examination, pay and record-keeping covering limited term employment may be abbreviated to provide only those minimum processes and records consistent with expediting employment and safeguarding public interests.

Pers 10.07 STATUS OF EMPLOYEES ON LIMITED TERM EMPLOYMENT. (1) Employees in these positions are not considered career employees and therefore are denied certain benefits but are eligible for others.

(a) Benefits denied include: tenure; vacation; paid holidays; sick leave; merit increases; the right to compete in promotional examinations; military leave; or time off with pay for jury duty, voting or preinduction physical examinations.

(b) Benefits specifically authorized by subsection 16.21(4), Wis. Stats. include workmen's compensation, unemployment compensation and social security coverage.

(c) In certain circumstances limited term employees may be eligible for group insurance and retirement benefits.

(2) Salary shall be paid limited term employees only for actual time worked at the assigned work station.

Pers 10.08 RENEWALS, EXTENSIONS, CHANGE OF CATEGORIES AND CLASSIFICATION. Renewal of employment, extension of time duration, change in category or classification for any employee on a limited term employment shall not be permitted except for unusual unforeseeable circumstances. Justification is required for any such renewal, extension, change in category, or classification, and each case will be determined on its own merits.

Pers 10.09 CHANGE IN STATUS BETWEEN LIMITED TERM AND SEASONAL OR PERMANENT.

(1) When a limited term employee approved under Wis. Adm. Code subsection Pers 10.01(3) works in excess of part-time for a period of seven consecutive biweekly payroll periods, and such work time is expected to continue to be in excess of part-time, the appointing authority shall request establishment of a new permanent or seasonal position. The employee shall be required to qualify for appointment to the new position through regular examination procedures.

(2) When a permanent or seasonal employee, except those affected by action taken in accordance with subsection 16.32(2), Wis. Stats., works less than half-time in a permanent or seasonal position (see Wis. Adm. Code subsection Pers 8.02(1) and (2) respectively) for seven consecutive biweekly payroll periods and such work time is expected to continue at this rate, the employee shall become a limited term employee, unless he chooses to induce layoff under the provisions of Wis. Adm. Code chapter Pers 22.

(3) Any annual leave or sick leave an employee has earned prior to his change to limited term status shall be available for use pursuant to Wis. Adm. Code chapter Pers 18.

Chapter Pers 11

EMPLOYMENT REGISTERS

Pers 11.01 ESTABLISHMENT AND MAINTENANCE OF REGISTERS. (1) The director shall establish and maintain employment registers needed to fill positions in the classified service.

(2) Employment registers shall be established by class title, recruitment option or position.

(3) Names may be integrated into employment registers when, in the judgment of the director, the needs of the service will be benefited.

Pers 11.02 TYPES OF REGISTERS. (1) Open Competitive. Registers established through competition open to all qualified applicants within and outside of the service.

(2) Promotional. Registers established through examinations open to qualified applicants who are employed in the classified service. This competition may be limited and separate registers established in one of the following ways: (a) Servicewide - Competition is open to all qualified state employes.

(b) Agency - Competition is open to all qualified employes of an agency.

(c) Unit - Competition is open to all qualified employes of an established employing unit within an agency.

(3) Reinstatement or Restoration. Registers established by listing the names of former or current employes eligible for and requesting either permissive or mandatory reinstatement or restoration. See Wis. Adm. Code chapter Pers 16.

Pers 11.03 TERM OF ELIGIBILITY ON AN EMPLOYMENT REGISTER. (1) Open Competitive or Promotional Registers. (a) Eligibility on a register continues for six months from the date the register was established or, on an integrated register, six months from the date the individual is placed on the register.

(b) The director may reactivate or extend a register up to three years from the date it was established. Names on the reactivated register may be integrated with those on a subsequent register established.

(2) Reinstatement or Restoration Registers. Eligibility on reinstatement or restoration registers is for a 3 year period from date of separation or demotion in lieu of layoff, except as provided under sections 16.26 and 16.27, Wis. Stats.

Pers 11.04 REMOVAL OF NAMES FROM REGISTERS. (1) In addition to the reasons given in Wis. Adm. Code section Pers 6.10, the director may remove a name from a register under any of the following circumstances:

(a) Appointment. When a person is appointed, his or her name shall be removed from the register, but may be reactivated on such register upon written request.

(b) Failure to respond to inquiry. When a person does not respond within 5 work days to an inquiry relative to availability for employment.

(c) Unable to locate. When a person cannot be located by reasonable means.

(d) Non-selection after three certifications.

(e) Termination from state service. Upon termination a person's name shall be removed from any promotional registers.

(2) Names may be reactivated on the registers whenever information is received by the director which nullifies the reason for removal.

Pers 11.05 STATEMENT OF AVAILABILITY. It shall be the responsibility of an eligible to inform the director of any change in his or her availability or the conditions under which he or she will accept employment.

Chapter Pers 12

CERTIFICATION

Pers 12.01 ACTION BY APPOINTING AUTHORITY. When an appointing authority wishes to fill a vacancy, he shall submit a request to the director on the prescribed form.

Pers 12.02 ACTION BY THE DIRECTOR. The director shall certify eligibles or authorize appointment by other means as provided in the law and rules. Except for persons who are on mandatory restoration registers from layoff or from demotions in lieu of layoff [see Wis. Adm. Code subsection Pers 16.03(1)] or who have specified right of reinstatement, employment registers shall normally be used in the following order of preference, subject to the discretion of the director; (a) promotional, (b) open competitive. The director shall place on file reasons for exceptions from this order of preference. The director may submit the names of persons interested in transfer or permissive reinstatement or restoration along with or in lieu of a certification.

Pers 12.03 SELECTIVE CERTIFICATION. Whenever in exceptional circumstances an appointing authority demonstrates a clear need for special qualifications, such as specialized training or pertinent prior experience, and such request is approved by the director, selective certification may be made of persons having those qualifications, even though in so doing other persons on the register with higher ratings but without such special qualifications may not be certified to that particular vacancy. In such cases, the qualifications of the eligibles on the register shall be reviewed to determine if they possess the special qualifications beginning with the highest ranking eligible and continuing until certification can be made. The director shall place on file the reasons for making such certifications.

Pers 12.04 USE OF RELATED REGISTERS. (1) Lacking a complete certification, the appointing authority may request additional names to complete the certification. Additional names may be certified and shall be considered in rank order following those originally certified.

(2) The director may certify additional names from registers of related higher or parallel classes to fill out an incomplete certification, or may make a complete certification from registers of related higher or parallel classes when no register exists for the class requested. This is provided that the examinations for the higher or parallel classes have measured the capability of eligibles to perform the work of the class for which certification is to be made.

Pers 12.05 TERMINATION OF A CERTIFICATION. Certification from a register must be made prior to the expiration date of the register, and eligibility for appointment from such certification shall not extend more than 30 calendar days beyond the expiration date, unless the register has been extended or renewed.

Chapter Pers 13

PROBATIONARY PERIODS

Pers 13.01 DEFINITION AND POLICY STATEMENT. The probationary period is an integral part of the examination process, applicable in situations as outlined in the law and in these rules, and shall be used to closely observe the work of appointees and determine whether they will be able to effectively carry out their duties and responsibilities.

Pers 13.02 DURATION. All probationary periods shall be for 6 months duration, except:

(1) In the case of an understudy or a trainee, the probationary period shall be lengthened by the total length of the understudy or training period,

(2) In the case of interns, the probationary period shall be lengthened by the total length of the internship period,

(3) In the case of employes who have not demonstrated the capacity to be granted permanent status in class within six months after the beginning of an original probationary period, the director may at the request of an appointing authority extend the probationary period for up to 3 additional months, provided the extension is required by either or both of the following circumstances:

(a) Unanticipated change in the program or duty assignment.

(b) Substantial improvement of performance near the end of the probationary period by employes whose performance during the earlier part of the probationary period is not sufficiently adequate to warrant granting permanent status in class.

(4) In the case of administrative, technical or professional positions, at the request of an appointing authority, the director may, prior to certification of applicants, establish a probationary period of up to 2 years in order to provide the appointing authority assurance that the employe will have adequate exposure during the probationary period to the various responsibilities which are a part of the position or classification,

(5) In the case of permissive probationary periods, the duration of the probationary periods may be less than six months at the discretion of the appointing authority, or

(6) As specifically provided in separate pay schedules.

Pers 13.03 SHORTENING LENGTHENED PROBATIONARY PERIOD. At any time after the first 6 months of a lengthened probationary period under Wis. Adm. Code subsection Pers 13.02(4) has been served by an employe, the appointing authority may waive the lengthened probationary period and shall so notify in writing both the employe and the director.

Pers 13.04 WHEN PROBATIONARY PERIOD REQUIRED. (1) Original appointments to permanent, seasonal or sessional positions.

(2) Appointment by promotion to permanent, seasonal or sessional positions.

(3) For the duration that an employe is holding a position classified as trainee, intern or understudy.

(4) Appointment of a trainee, intern or understudy to a permanent position in the objective class.

Pers 13.05 WHEN PROBATIONARY PERIOD PERMISSIVE. (1) At the discretion of the appointing authority a probationary period may or may not be required in the following cases when movement is to a different employing unit in the same agency or to a different agency.

(a) Transfer (See Wis. Adm. Code chapter Pers 15).

(b) Reinstatement (See Wis. Adm. Code chapter Pers 16).

Note: A probationary period shall not be required for reinstatement by the board under subsection 16.05(1)(e), Wis. Stats., except where employment is in a different agency.

(c) Voluntary demotion (See Wis. Adm. Code chapter Pers 17).

(2) The appointing authority shall specify upon appointment and notify the director and report to the employe his determination to require the employe to serve a probationary period.

(3) The appointing authority is empowered to waive these permissive probationary periods at any time. He shall notify the director and the employe of his determination to waive such employe's probationary period.

Pers 13.06 ABSENCE FROM EMPLOYMENT. (1) One month (174 work hours) of absence. If an employe has absences from employment not exceeding one month (174 work hours) due to: (a) injury arising from state employment and covered by workmen's compensation act, or (b) for another reason approved by the appointing authority, the appointing authority shall determine whether the probationary period is to be extended to cover such absence.

(2) More than one month (174 work hours) absence. If an employe has such absence from employment totaling more than one month (174 work hours), the probationary period shall be extended by the length of the time absent, except that up to one month (174 work hours) may be waived by the appointing authority.

(3) Layoff. If an employe is laid off due to lack of work or funds during a probationary period, and is later reappointed from the same employment register to a position in the same agency and employing unit, the time served shall be carried over and applied as part of the probationary period for the second appointment. In cases where the second appointment is to a different agency or employing unit, the time served may be carried over at the discretion of the new appointing authority. Determination of any such carry-over shall be specified at the time of the second appointment and written notice given to the director and to the employe.

(4) Resignation. If an employe resigns during a probationary period, and is later reappointed from the same employment register to a position in the same or a different department, the time served shall not be carried over.

(5) When an employe's position is reclassified as defined under Wis. Adm. Code subsection Pers 3.02(2) during the time the employe is serving a probationary period for an original or promotional appointment, he or she shall be required to serve a new probationary period starting with the effective date of the reclassification action.

Pers 13.07 LATERAL MOVEMENTS. (1) Definition. Lateral movements for the purpose of this section include any movement (in the nature of a transfer) to a permanent or seasonal position with the same pay rate maximum and in the same or closely related class, while the employe is serving a probationary period. The probationary period time served prior to such a movement shall be, may be, or shall not be carried over and applied to the new probationary period as follows:

(a) Within an employing unit. Shall be carried over.

(b) Between employing units of the same department. May be carried over.

(c) Between departments. Shall not be carried over when movement is from a probationary period resulting from an original appointment or promotion; may be carried over when movement is from a probationary period resulting from transfer.



(2) In any of the above cases where time served may be carried over, it shall be at the discretion of the appointing authority. Determination of any such carry over shall be specified upon appointment and reported to the Bureau. The appointing authority shall also give written notice to the employe of his determination.

(3) When such a movement is made to a position in an unrelated class, there shall be no carry over of probationary period and such appointment shall be treated as an original appointment.

Pers 13.08 TIME NOT COUNTED. Time served in limited term employment, including an emergency or provisional appointment shall not be counted as a part of any probationary period.

Pers 13.085 PROGRESS REPORTS. During the probationary period the appointing authority shall carefully observe and evaluate the employe's performance, attitude and work habits to determine whether he can effectively perform the work of the position. Each agency shall develop and implement a plan for evaluating probationary employes, or in lieu of developing its own plan, use a model developed by the bureau. Agencies shall file copies of their evaluation plan with the director or indicate their intent to use the bureau's model.

Pers 13.09 DISMISSAL. (1) Action by Appointing Authority. (a) Except as provided in (b), the appointing authority may dismiss any employe during a probationary period without the right of appeal.

(b) See subsection 16.22(1), Wis. Stats., Wis. Adm. Code sections Pers 14.03, Pers 15.04 and subsection Pers 20.03(5)(a) for rights of employes who are on probationary periods for certain transactions.

(2) Dismissal Notice Required. When a dismissal is to be effected, the appointing authority shall immediately notify in writing the person to be dismissed of the reasons for dismissal and the date on which dismissal is to occur, and send a copy of such notice to the director. Any employe who is dismissed while on a probationary period under the provisions of Wis. Adm. Code sections Pers 14.03, Pers 15.04 or subsection Pers 20.03(5)(a) shall also be notified whether or not he or she will be restored to their former position and pay.

(3) Reactivation of Name on Employment Registers. See subsection 16.22(3), Wis. Stats.

Pers 13.10 SUCCESSFUL COMPLETION. If the performance of an employe serving a probationary period has been satisfactory, the appointing authority shall notify the employe in writing that he will receive a permanent appointment. An employe gains permanent status in class immediately upon completion of his last assigned work period of his probationary period. Statutorily provided benefits for which the employe then becomes eligible shall take effect on the day following completion of the 6 calendar month period. No employe shall be denied permanent status after successfully completing a probationary period because an appointing authority fails to submit notice of the permanent appointment.

Pers 13.11 PERMANENT STATUS IN CLASS. Permanent status in class means the status of an employe in a position who has served a qualifying period to attain a permanent appointment in a position for that class.

Chapter Pers 14

PROMOTION

Pers 14.01 DEFINITION. Promotion is the movement of an employe with permanent status in class in one class to a different position in a class having a greater pay rate or a greater pay range maximum, or to a higher classification for the same position when competition was determined appropriate.

Pers 14.02 EXCLUSIONS. (1) The appointment of an employe to a position in a higher classification while the employe is serving a probationary period on an original or promotional appointment shall be considered as a new original appointment or new promotional appointment respectively.

(2) The appointment of a former employe with permanent status in class who returns to state service after a break in service not covered by leave to a position in a higher classification shall be considered as an original appointment.

(3) For provisions relating to the appointment of persons or employes to positions classified as trainee see Wis. Adm. Code chapter Pers 20.

Pers 14.03 KINDS OF PROMOTION: STATUS AND RIGHTS. (1) For Promotion Within the Same Agency. In accordance with subsection 16.22(1), Wis. Stats., the employe shall be required to serve a probationary period. At any time during this period the appointing authority may remove and shall restore the employe to his or her former position or a similar position and former pay rate without the right of appeal. Any other removal, suspension without pay, or discharge during the probationary period shall be subject to section 16.28(1), Wis. Stats.

(2) For Promotion Between Agencies. In accordance with subsection 16.22(1), Wis. Stats., the employe shall be required to serve a probationary period. At any time during this period the appointing authority may dismiss the promoted employe from the service without the right of appeal. See subsection 16.22(3), Wis. Stats., for provisions relating to reinstatement eligibility of an employe so dismissed.

Pers 14.04 PAY RATE ON PROMOTION. In this section "range" and "step" refer to the pay range and step amount in the range for the class to which an employe is promoted. In pay schedules where appropriate, an employe's present pay rate shall be increased to the minimum of the new range if his present rate is one step or more below the minimum of the new range. If an employe's present rate is less than one step below that minimum or is above the minimum of the new range, his present rate shall be increased by an amount equal to one step.

Chapter Pers 15

TRANSFER

Pers 15.01 DEFINITION. A transfer is the movement of an employe with permanent status in class from one position to a vacant position allocated to a class having the same pay rate or pay range maximum.

Pers 15.02 LATERAL MOVEMENT WHILE ON PROBATIONARY PERIODS. See Wis. Adm. Code section Pers 13.07.

Pers 15.03 APPROVAL BY DIRECTOR. A transfer may be made from one position to another only if specifically authorized by the director.

Pers 15.04 KINDS OF TRANSFER: STATUS AND RIGHTS. (1) Transfer Between Agencies. An employe who transfers between agencies may be required to serve a probationary period at the discretion of the appointing authority. If during this period the employe's services are found to be unsatisfactory, he or she may be separated from the service at the discretion of the appointing authority without the right of appeal. See subsection 16.25(2) Wis. Stats., for provisions relating to reinstatement eligibility of an employe so dismissed.

(2) Transfer Between Different Employing Units of the Same Agency. An employe who transfers between different employing units of the same agency may be required to serve a probationary period at the discretion of the appointing authority.

(a) If the appointing authority does not require a probationary period, the employe retains permanent status in class previously acquired if the transfer is to a position in the same class. If the transfer is to a position in a different class, and no probationary period is required, the employe shall be granted permanent status in class immediately.

(b) If a probationary period is required, the appointing authority, at any time during this period, may remove the employe from the position he or she transferred to. An employe so removed shall be restored to his or her previous position or similar position and former pay rate without a break in employment. Any other removal, suspension without pay, or discharge during the probationary period shall be subject to subsection 16.28(1), Wis. Stats.

(3) Transfer Within the Same Employing Unit. An employe who transfers to a position in a different class within the same employing unit or an employe who transfers to a position in the same class (reassignment) shall not be required to serve a probationary period.

Pers 15.05 PAY ON TRANSFER. In schedules where appropriate, when an employe transfers the rate paid may be any rate within the pay range which is not greater than the last rate received in his or her former position. In any transfer where an employe is required to serve a probationary period, completion of such probationary period shall not make the employe eligible to receive a probationary pay increase as provided in Wis. Adm. Code subsection Pers 5.03(1), provided, however, that any employe upon completion of any probationary period shall be paid not less than the permanent status in class minimum.

Chapter Pers 16

REINSTATEMENT AND RESTORATION

Pers 16.01 DEFINITION. Reinstatement and restoration are acts of re-employment, without competition, of an employe or former employe to a position in the same class in which he or she was previously employed or in a closely related class having the same or lower pay rate or pay range maximum for which he or she meets the qualification requirements. Such re-employment may be either at the discretion of the appointing authority (permissive) or may be required by the law or these rules (mandatory). In those instances where an employe has "eligibility" for reinstatement or restoration, the action is permissive. In those instances where an employe has the "right" of reinstatement or restoration, the action is mandatory. For purposes of these rules, the terms "reinstatement" and "restoration" are synonymous.

Pers 16.02 REPORT OF APPOINTING AUTHORITY; APPROVAL BY DIRECTOR. All reinstatements and restorations shall be reported to the director for his approval as he may require.

Pers 16.03 TYPES AND CONDITIONS OF REINSTATEMENT AND RESTORATION. (1) Layoff. An employe who has been laid off or demoted in lieu of layoff, under subsection 16.28(2) Wis. Stats., shall be granted the following considerations for a 3 year period from the date of such action:

(a) He or she shall be placed, in inverse order of his or her layoff or demotion in lieu of layoff, on an appropriate mandatory restoration register for the employing unit used for layoff and on a servicewide unranked permissive reinstatement register.

(b) When a vacancy for which he or she is qualified occurs in the employing unit from which he or she was laid off or demoted in lieu of layoff, he or she shall be mandatorily restored according to the inverse order of layoff or demotion in lieu of layoff, unless the employe files written waiver of such right.

(c) When a vacancy for which an employe is qualified occurs in state service other than in the employing unit from which the employe was laid off or demoted in lieu of layoff, he or she may be reinstated at the discretion of the appointing authority.

(2) Mandatory Reinstatement. An employe returning from military service or a leave to the unclassified service shall be mandatorily restored pursuant to the provisions of section 16.26 and subsection 16.27(1), Wis. Stats., respectively.

(3) Restoration by Personnel Board or Court Action. See subsections 16.05 (1)(e) and 16.38(4), Wis. Stats. A probationary period shall not be required for such reinstatement.

(4) Permissive Reinstatements. An employe who has separated from state service without misconduct or delinquency, or who has accepted demotion for personal reasons, or who has been granted a leave of absence to the unclassified service under subsection 16.27(2), Wis. Stats., may establish reinstatement eligibility for employment in any agency provided that the individual or an appointing authority requests reinstatement within 3 years from date of separation.

(5) Non-Completion of Probationary Period Upon Promotion. See subsection 16.22(1)(d), Wis. Stats., and Wis. Adm. Code subsection Pers 14.03(1).

(6) Non-Completion of Probationary Period Due to Layoff. An employe who is laid off while serving a probationary period for a promotion within an agency shall be restored to his previous position under Wis. Adm. Code subsection 14.03(1), and if a vacancy occurs in the higher class he shall be mandatorily restored to a position in that class in the inverse order of layoff. Such employe shall be treated consistent with the probationary employe returning from military leave.

Pers 16.04 KINDS OF REINSTATEMENT: EMPLOYE STATUS AND RIGHTS. (1)  
Reinstatement of persons who previously obtained permanent status in class.

(a) Reinstatement to Different Agency. A person who is reinstated to an agency other than the one from which he earned reinstatement eligibility may be required to serve a probationary period at the discretion of the appointing authority. If not required to serve a probationary period the employe resumes permanent status in class immediately if reinstated to the same class in which he or she earned permanent status in class. If not required to serve a probationary period and reinstated to a closely related class, the employe shall be granted permanent status in class immediately. If required to serve a probationary period and during such period the employe's services are found to be unsatisfactory, he or she may be separated from the service at the discretion of the appointing authority without the right of appeal.

(b) Reinstatement to a Different Employing Unit in the Same Agency. A person who is reinstated to a different employing unit in the same agency from which he or she earned reinstatement eligibility may be required to serve a probationary period at the discretion of the appointing authority. If not required to serve a probationary period the employe resumes permanent status in class immediately if reinstated to the same class in which he or she earned permanent status. If not required to serve a probationary period and reinstated to a closely related class the employe shall be granted permanent status in class immediately. If required to serve a probationary period and during such period the employe's services are found to be unsatisfactory he or she may be separated from the service at the discretion of the appointing authority without the right of appeal.

(c) Reinstatement to the Same Employing Unit. A person shall not be required to serve a probationary period when reinstated to the same employing unit from which he or she earned reinstatement eligibility. Such an employe resumes permanent status in class immediately whether reinstated to the class in which he or she previously obtained permanent status in class or to a closely related class.

(2) Reinstatement of a person who separates from a permanent, seasonal or sessional position while serving a probationary period. Pursuant to subsection 16.25(2), Wis. Stats., such a person may be reinstated at the discretion of an appointing authority at anytime during a three year period from the date of separation. Such person, except as covered in subsection 16.26(2)(b), Wis. Stats., shall be required to start a new probationary period upon reinstatement.

Pers 16.05 DISMISSAL DURING PROBATIONARY PERIOD. The name of an employe who is dismissed from a probationary period following reinstatement or restoration may at the discretion of the director be returned to the appropriate register.

Pers 16.06 PAY RATE UPON PERMISSIVE REINSTATEMENT. For the purposes of this subsection "last rate received" refers to the rate received in the last position in which the employe had gained permanent status in class.

(1) When an employe is reinstated, the pay may be at any rate within the pay range of the class reinstated to which is not greater than the last rate received plus intervening servicewide pay adjustments (excluding merit increases).

(a) For employes placed on probation when reinstated, the rate of pay shall not be less than the minimum of the pay range of the class.

(b) For employes not placed on probation when reinstated, the rate of pay shall not be less than the permanent status in class minimum of the class.

(2) In any reinstatement where an employe who had obtained permanent status in the class is required to serve a probationary period, completion of such probationary period shall not make the employe eligible to receive a pay increase as provided in Wis. Adm. Code subsection Pers 5.03(1). However, upon completion of any such probationary period an employe shall be paid not less

than the permanent status in class minimum.

(3) An employe reinstated under the provisions of Wis. Adm. Code subsection Pers 14.03(2) shall be paid as provided in Wis. Adm. Code subsection Pers 16.07(2).

Pers 16.07 PAY RATE UPON MANDATORY REINSTATEMENT: (1) Subject to the maximum of the pay range or rate to which the class is assigned, an employe, when reinstated under one of the conditions listed below, shall be paid the last rate received plus intervening servicewide pay adjustments and, where applicable, shall also be eligible to receive intervening merit increases:

(a) An employe restored following military service, pursuant to section 16.26, Wis. Stats.

(b) An employe restored following a leave to serve in the unclassified service, pursuant to section 16.27, Wis. Stats.

(c) An employe mandatorily restored following layoff pursuant to subsection 16.28(2), Wis. Stats.

(2) An employe restored under the provisions of Wis. Adm. Code subsection Pers 14.03(1), for non-completion of a promotional probationary period shall be paid the rate received prior to the promotional increase, plus any intervening servicewide pay adjustment (excluding merit increases).

Chapter Pers 17

DEMOTION

Pers 17.01 DEFINITION. A demotion is the movement of an employe with permanent status in one class to a position in another class that has a lower single rate or pay range maximum.

Pers 17.02 EXCLUSIONS. (1) The appointment of an employe to a position in a lower classification while the employe is serving a probationary period on an original appointment shall be considered as a new original appointment.

(2) The appointment of an employe with former permanent status to a position in a lower classification following a break in service not covered by leave shall be considered as an original appointment except when such return shall be considered as a reinstatement. See Wis. Adm. Code chapter Pers 16.

(3) The reduction in the classification of a position held by an employe with permanent status that does not involve movement of the employe to a different position is considered a reallocation. See Wis. Adm. Code chapter Pers 3.

(4) The action by which a promoted employe is restored to his previous position and pay as provided in Wis. Adm. Code subsection Pers 14.03(1) is not considered a demotion. See Wis. Adm. Code subsection Pers 16.03(5).

(5) Pay reduction that does not involve a change in positions or class is not considered a demotion. See subsection 16.28(1), Wis. Stats.

Pers 17.03 REPORT OF APPOINTING AUTHORITY; APPROVAL BY DIRECTOR. (1) All demotions shall be reported to the director in accordance with subsections 16.04(1)(d) and 16.28(1)(b), Wis. Stats.

(2) Approval of the director is required to determine the eligibility of the employe to perform the duties of the position in the class to which he or she is demoted.

Pers 17.04 KINDS OF DEMOTION; STATUS AND RIGHTS. (1) Involuntary Demotion for Disciplinary Purposes. An appointing authority may demote an employe for disciplinary purposes as provided in subsection 16.28(1), Wis. Stats.

(a) The demotion may be made to any position within the department regardless of employing unit; and the employe may appeal the demotion as provided under Wis. Adm. Code chapter Pers 26.

(b) An employe demoted for disciplinary purposes does not retain permanent status in class previously acquired in the higher class of position, nor does he or she retain reinstatement eligibility to the higher class of position. The employe does acquire permanent status in class and tenure rights in the class of position to which he or she is demoted. No probationary period shall be required for an employe demoted for disciplinary purposes.

(2) Involuntary Demotion in Lieu of Layoff. An appointing authority may demote an employe in lieu of laying him or her off as provided under subsection 16.28(2), Wis. Stats.

(a) The demotion may be made to any position of the employing unit; and the employe may appeal the demotion as provided under chapter Pers 26.

(b) An employe involuntarily demoted in lieu of layoff retains permanent status in class in the class of position from which he or she is demoted, and he or she immediately obtains permanent status in class in the class to which he or she is demoted.

(c) An employe demoted in lieu of layoff shall be placed on a mandatory reinstatement list for the classification and employing unit from which he or she was demoted in lieu of layoff. Such employe shall also be placed on the servicewide restoration register.

(3) Voluntary Demotion Within a Department. An employe may request and with approval of the appointing authority may accept a voluntary demotion within the department either to a position in the same employing unit, or to a position in a different employing unit. Acceptance of such voluntary demotion shall be furnished the director in writing by the employe.

(a) Tenure rights to the previously held position are not retained.

(b) If the demotion is to a position in the same employing unit, an employe retains permanent status in class previously acquired and a probationary period for employment in the lower class of position shall not be required. Such employe immediately attains permanent status in class in the class to which demoted.

(c) If the demotion is to a position in a different employing unit, the employe may be required to serve a probationary period at the discretion of the appointing authority. If during such period the services of the employe are found to be unsatisfactory, he or she may be separated without the right of appeal. If the employe is not required to serve a probationary period, he or she retains permanent status in class previously acquired and shall be immediately granted permanent status in class in the class to which demoted.

(d) For provisions relating to the return of an employe to his or her former class of position, see Wis. Adm. Code chapter Pers 16.

(4) Voluntary Demotion Within a Department In Lieu of Layoff. An employe may request and with approval of the appointing authority may accept a voluntary demotion within the department in lieu of being laid off. Written acceptance of such demotion shall be furnished to the director.

(a) If the demotion is to a position in the same employing unit, an employe retains permanent status in class previously acquired and a probationary period for employment in the lower class of position shall not be required. Such employe immediately attains permanent status in class in the class to which demoted.

(b) If the demotion is to a position in a different employing unit, the employe may be required to serve a probationary period at the discretion of the appointing authority. If during such period the services of the employe are found to be unsatisfactory, he or she may be separated without the right of appeal. If the employe is not required to serve a probationary period, he or she shall be immediately granted permanent status in class in the class to which demoted.

(c) The employe shall be placed upon a mandatory restoration register for the previous class of position. Such register shall be used to fill any vacancies in the class in the employing unit from which he or she was laid off.

(d) The employe shall also be placed upon a servicewide restoration register for the class of position from which he or she was laid off.

(5) Voluntary Demotion Between Departments. An employe may move to a position in a lower classification in a different department as a voluntary action either for personal reasons or in lieu of being laid off.

(a) The employe retains permanent status in class in the class from which he or she is demoted.

(b) In either case, the employe may be required to serve a probationary period at the discretion of the appointing authority, and if during this period the employe's services are found to be unsatisfactory, he or she may be separated without the right of appeal. If the employe is not required to serve a probationary period, he or she immediately obtains permanent status in class in the class to which he or she is demoted.

(c) For provisions relating to the return of an employe to his or her former class of position, see Wis. Adm. Code chapter Pers 16.



Pers 17.05 PAY RATE UPON DEMOTION. When an employe is demoted the rate paid may be at any rate within the pay range for the class to which he or she is demoted which is not greater than the last rate received immediately prior to their demotion unless demoted to a class with a single pay rate (which the incumbent shall be paid), subject to the following:

(1) Except as provided in (3), in any demotion where an employe is not required to serve a probationary period he or she shall be paid not less than the permanent status in class minimum for the class to which they are demoted.

(2) Except as provided in (3), in any demotion where an employe is required to serve a probationary period, completion of such probationary period shall not make the employe eligible to receive a pay increase as provided in Wis. Adm. Code subsection Pers 5.03(1). However, upon completion of the probationary period the employe shall be paid not less than the permanent status in class minimum.

(3) For a demotion in lieu of layoff within a department, the employe shall retain their current rate of pay, except that if their pay rate is above the maximum of the pay range or pay rate for the class to which he or she is demoted, their rate shall be reduced to that pay rate or pay range maximum.

Chapter Pers 18

ABSENCES

Pers 18.01 DEFINITION. Leave of absence means absence from employment with the approval of the appointing authority in accordance with the appropriate statutory provision or rule. Throughout these rules except for Wis. Adm. Code section Pers 13.06, the term "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.

Pers 18.02 ANNUAL LEAVE OF ABSENCE. (1) Employees who earn annual leave of absence. All employees shall earn annual leave of absence except:

(a) Limited term employees, including emergency and provisional employees.  
(b) Employees who do not qualify under subsection 16.30(1)(e), Wis. Stats.

(2) Continuous Service. Continuous service shall include all the time the employe has been in continuous employment status in a permanent, seasonal, sessional, or unclassified position. The continuous service of an employe eligible for annual leave shall not be considered interrupted if he:

(a) Was absent for not more than 30 consecutive calendar days.  
(b) Was on an approved leave of absence.

(c) Left the service and is reemployed within 3 years, subject to the following:

1. Employment prior to leaving the service and upon return to the service within three years must be in a permanent, seasonal, sessional or unclassified position that generates continuous service.

2. Any return to service following termination for cause is deemed to not be a qualifying reemployment under this provision, even though the return is within the three year period.

(d) Was absent on military leave.

(e) Was absent due to injury or illness arising from state employment and covered by the workmen's compensation act, or section 16.31, Wis. Stats.

(3) Computing Years of Service. In determining the number of full years of service completed, credit shall be given for all time in employment status in a permanent, seasonal, sessional or unclassified position. Any absences without pay totaling more than 174 work hours within each calendar year except for military leave and absence due to injury or illness arising out of state employment and covered by the workmen's compensation act or section 16.31, Wis. Stats., shall not be counted. Only the most recent period of continuous service may be counted in determining an employe's length of service. Employees subject to Wis. Adm. Code subsections Pers 18.02(4)(b) and 18.02(4)(c) shall be deemed to have completed one full year of service for each such seasonal, sessional or other part-time annual period of service in computing years of continuous service.

(4) Eligibility. After completion of the first 6 months in a permanent, seasonal or sessional position pursuant to subsection 16.22(1), Wis. Stats., or after the first 6 months of employment in an unclassified position or as a trainee unless covered under Wis. Adm. Code subsection Pers 18.04(3), employes shall be granted non-cumulative annual leave based on accumulated continuous state service as follows:

(a) Regular employes. Annual leave shall be based upon accumulated continuous state service, at the rate of 80 hours each year for a full year of service during the first 5 years of service; 120 hours each year for a full year of service during the next 10 years of service; 160 hours each year for a full year of service during the next 10 years of service; 200 hours each year for a full year of service after 25 years of service.

(b) School year employes. Employes who are regularly employed on a school year basis for less than 12 months out of a year shall be granted pro-rata annual leave consistent with par. (4)(a).

(c) Seasonal and sessional employes. Employes who are regularly employed for less than 12 months out of a year shall be granted prorata annual leave consistent with par. (4)(a).

(5) Computing Annual Leave. (a) Annual leave credits in any given year shall not be earned for any period of absence without pay, except that for administrative purposes, any approved leave or leaves of absence totaling 174 work hours or less in a calendar year may be disregarded.

(b) Annual leave for employes covered in Wis. Adm. Code subsection Pers 18.02(4) shall be prorated during the fifth year of employment at the rate of 80 or 120 hours respectively; during the fifteenth year of employment at the rate of 120 or 160 hours respectively; during the twenty-fifth year of employment at the rate of 160 or 200 hours respectively.

(c) Upon termination of employment annual leave shall be prorated.

(d) To determine the annual leave earned during the calendar year by a beginning or ending employe and to prorate annual leave, use Table I for determining the hours of annual leave earned for the full months worked and add to this amount the number of hours of annual leave earned for the fractional part of the month worked from Table II. To determine the annual leave earned during the year the employe attains a higher rate of leave, use Table I to determine the amount of leave earned at both the lower and higher rates for the 11 full months, and add to this amount the number of hours of annual leave earned during the month that the employe's rate changes from Table III.

TABLE I - HOURS OF ANNUAL LEAVE EARNED  
FOR FULL MONTH WORKED

Full Months Worked	80 Hour Rate	120 Hour Rate	160 Hour Rate	200 Hour Rate
1-----	6	10	14	16
2-----	14	20	26	34
3-----	20	30	40	50
4-----	26	40	54	66
5-----	34	50	66	84
6-----	40	60	80	100
7-----	46	70	94	116
8-----	54	80	106	134
9-----	60	90	120	150
10-----	66	100	134	166
11-----	74	110	146	184

TABLE II - HOURS OF ANNUAL LEAVE EARNED FOR FRACTIONAL PART OF MONTH WORKED

Beginning Employee					Ending Employee				
Beginning Date of Month	Hours Earned				Ending Date of Month	Hours Earned			
	80 Hour Rate	120 Hour Rate	160 Hour Rate	200 Hour Rate		80 Hour Rate	120 Hour Rate	160 Hour Rate	200 Hour Rate
1- 5-----	6	10	14	16	1- 5----	0	0	0	0
6-10-----	6	8	10	14	6-10----	2	2	2	4
11-15-----	4	6	8	10	11-15---	2	4	6	6
16-20-----	2	4	6	6	16-20---	4	6	8	10
21-25-----	2	2	2	4	21-25---	6	8	10	14
26-31-----	0	0	0	0	26-31---	6	10	14	16

TABLE III - HOURS OF ANNUAL LEAVE EARNED DURING ANNIVERSARY DATE MONTH

Anniversary Date During Month	5th Year	15th Year	25th Year
1 - 5	10	14	16
6 - 10	10	12	16
11 - 15	8	12	16
16 - 20	8	12	14
21 - 25	8	10	14
26 - 31	6	10	14

(6) Employee option. Pursuant to subsection 16.30(1), Wis. Stats., an employe eligible for 200 hours annual leave each year may, at his option, elect to receive 40 hours or prorated portion thereof of such benefit under one of the following options each year:

(a) As annual leave during the year earned or as authorized pursuant to Wis. Adm. Code subsection Pers 18.02(7).

(b) In cash payment during the year earned at the employe's base pay rate exclusive of any supplementary compensation as of the last day on the payroll in the calendar year.

(c) As credit for a combined termination/sabbatical leave plan with such credit being accumulated without limitation. Sabbatical leave means an extended leave requested by the employe and approved by the appointing authorities.

(7) When annual leave may be taken. In determining annual leave schedules the appointing authority shall respect the wishes of the eligible employes as to the time of taking their annual leave insofar as the needs of the service will permit. Annual leave allowance shall be taken during the calendar year except as follows:

(a) Employes who are required by their appointing authority to defer all or part of their annual leave for a given calendar year shall be permitted to take it within the first 6 months of the ensuing calendar year.

(b) However, employees who are unable to take unused annual leave as provided in (a) above due to their work responsibilities shall be granted additional time in which to use such annual leave. Any such extension shall be approved by the appointing authority and reported to the director.

Pers 18.03 SICK LEAVE. (1) Persons who earn sick leave. Pursuant to subsection 16.30(2), Wis. Stats., all persons in the employ of the state shall earn sick leave except limited term employes under subsection 16.21(4), Wis. Stats., members of the organized militia referenced under subsection 20.923(3)(d), Wis. Stats., and members of the University of Wisconsin System faculty referenced under subsection 20.923(3)(j), Wis. Stats.

(2) Accrual of sick leave. (a) Sick leave shall accrue at the rate of 4 hours for each full biweekly pay period of service.

(b) Sick leave credits in any given year shall not be earned for any period of absence without pay or time otherwise not worked or paid for except that for administrative purposes any approved absence or absences totaling 174 work hours or less in a calendar year may be disregarded.

(c) Unused sick leave shall accumulate from year to year in the person's sick leave account pursuant to subsection 16.30(2), Wis. Stats.

(d) Sick leave shall not be used until it has been accrued.

(3) Accounting for use of sick leave. The use of sick leave shall be charged to the person's account by the appointing authority.

(4) Eligibility for and use of sick leave. (a) Each person who has earned sick leave credits shall be eligible to use sick leave for any period of absence from employment which is due to his or her illness, bodily injury, maternity, exposure to contagious disease, attendance upon members of his or her immediate family (parents, grandparents, fosterparents, children, grandchildren, foster children, brothers (and their spouse), sisters (and their spouse), of the person or spouse; the spouse, aunts and uncles of the person; or, other relatives of the person or spouse residing in the household of the person) where person's presence is required; or death in the immediate family of the person or spouse. Each agency has the duty to require that the person make other arrangements, within a reasonable period of time, for the attendance upon children or other persons in their care.

(b) An appointing authority may require a medical certificate to justify the granting of sick leave.

(c) For the purpose of administering income continuation benefit payments established pursuant to section 40.13, Wis. Stats., the maximum number of sick leave days that an employe shall be required to use before benefits begin shall be 130 days [1040 hours] unless specifically waived by the employe.

(5) Effect of termination of employment. Previously accumulated sick leave shall not be terminated by absence on approved leave as provided in these rules. Separation from the service by resignation, or for cause as provided in subsection 16.28(1)(a), Wis. Stats., shall cancel all unused accumulated sick leave. Whenever a person who is an employe with permanent status in class is laid off due to lack of work or funds or resigns, any unused accumulated sick leave shall continue in effect, if he is restored to the same agency or is re-hired by any agency within three years.

(6) At the time of retirement or in event of death, accumulated unused sick leave shall be converted at current value and credited to the person's account in accordance with the provisions of subsections 16.30(2m) and 40.16(3), Wis. Stats. These provisions shall also apply to persons who retire or die while on an authorized leave of absence or while in layoff status.

(7) Table for Prorating Sick Leave.

Hours in pay status in biweekly pay period	Sick leave earned
Less than 20 hours . . . . .	0 hours
20 hours but less than 40. . . . .	1 hour
40 hours but less than 60. . . . .	2 hours
60 hours but less than 80. . . . .	3 hours
80 hours or more . . . . .	4 hours

Pers 18.04 OTHER PROVISIONS RELATING TO ANNUAL LEAVE AND SICK LEAVE. (1) Annual leave or sick leave on holidays. In the event that a holiday falls on a regular work day within the week or weeks taken as annual leave or sick leave, such holiday shall not be charged as annual leave or sick leave. For any day on which work is suspended, such suspension shall not be construed to extend any annual leave or sick leave to an employe in such status at the time.

(2) Transfer of credits. Whenever an employe eligible for annual leave or sick leave separates from the service of one employing unit and accepts, by certification, demotion or transfer, employment in a position in another employing unit in which he or she earns annual leave or sick leave, obligations for any accululated and unused annual leave and sick leave allowance shall be assumed by the new employing unit.

(3) Effect of classification changes. Promotion, demotion or change in classification of the position held by an employe shall not cause him or her to forfeit or lose their earned annual leave or sick leave rights or privileges.

(4) Effect of change in status. See Wis. Adm. Code subsection Pers 10.09(3).

Pers 18.05 LEAVE WITHOUT PAY. (1) When granted. (a) Administrative leave. Leave without pay for a period not to exceed 174 consecutive work hours may be granted by the appointing authority.

(b) Formal leave. Application for a leave in excess of 174 consecutive work hours shall be filed by the employe on forms supplied by the bureau. Any employe, other than a limited term employe, may be allowed a leave of absence without pay for a period not to exceed one year. Such leave is subject to the recommendation of the appointing authority and the approval of the director before becoming effective. Such leave shall be granted only when it will not result in prejudice to the interests of the state as an employer beyond any benefits to be realized upon the employe's return to the service. Leave without pay may be granted for: educational purposes where direct or indirect benefit accrues to the service; purposes of working for a limited period in other employment where the experience would afford a direct benefit in the performance of his or her work for the state upon his or her return; maternity cases and exceptional personal reasons other than those mentioned above. Leave of absence because of illness or for educational purposes may be extended up to 2 years on a year to year basis on the recommendation of the appointing authority and the approval of the director. No formal leave of absence shall exceed 3 years.

(c) Summer leave. Employes whose services are not required at institutions or schools during a summer recess shall be considered to be on leave of absence without pay.

(2) Rights upon return from leave of absence. A properly executed leave of absence without pay shall accord the employe the right to be returned to his or her position or one of like nature on the expiration thereof or sooner if agreeable to the appointing authority, except that if the position has been abolished through legislation or material reorganization of the agency, the employe shall be given consideration for any other position of similar pay grade and class which in the opinion of the director does not require qualifications substantially higher than or different from those of the position previously held, and if there be no such position, the layoff provisions of the law and these rules shall apply. If it is found necessary to fill the position during the interim, the new employe shall vacate the position upon the return of the absent employe subject to layoff, transfer, or demotion rights earned under the law and these rules. Such leaves without pay shall not operate to interrupt the seniority or pay advancement consideration, or cancel unused accumulated sick leave of the absent employe. Holidays or other non-work days immediately preceding the employe's return to duty, shall be counted as part of such absence.

(3) Absence without leave. Any absence of an employe that is not authorized under these rules shall be considered as an absence without leave. Any such absence may be grounds for disciplinary action.

Pers 18.06 LEAVE WITH PAY, INJURY. Continuing salaries to certain employes unable to work due to injuries incurred in line of duty and hazardous employments. See section 16.31, Wis. Stats., and Wis. Adm. Code chapter Pers 28.

Pers 18.07 HOLIDAYS. (1) Legal Holidays. Legal holidays are January 1; the last Monday in May; July 4; the first Monday in September; the fourth Thursday in November; December 25; the day following if January 1, July 4 or December 25 falls on Sunday; the afternoon on Good Friday; and the afternoons of December 24 and 31. In order to carry out the intent of subsection 16.30(4)(c), Wis. Stats., to grant employes 7 1/2 days annually for legal holidays, an employe shall be granted:

(a) Equivalent compensatory time off when the legal holiday falls on his or her regularly scheduled day off.

(b) Compensatory time off or cash payment, either of which shall be at a rate of time and one-half the employe's normal rate when the employe is required to work on a legal holiday. Normal rate is construed to include basic pay plus the total paid in night differential responsibility pay and specialty pay.

When such compensatory time off shall be granted is discretionary with the appointing authority and he may permit such time to be anticipated and used on the same basis as annual leave, as provided under Wis. Adm. Code subsection Pers 18.02(7), except that paragraph (7)(b) shall not apply.

(2) Personal holidays. Personal holidays shall be taken pursuant to subsection 16.30(4)(d), Wis. Stats., and shall be granted during the calendar year earned, and shall be noncumulative.

Pers 18.08 MILITARY SERVICE. (1) National Guard, State Guard, Reserve Corps. Attendance at duly ordered military and naval schools, field camps of instruction and naval exercises. See subsection 16.30(3), Wis. Stats.

(2) Active service. See section 16.26, Wis. Stats.

Pers 18.09. CIVILIAN SERVICE. Service during a period officially proclaimed to be a national emergency or limited national emergency. See subsection 16.26(1) Wis. Stats.

Pers 18.10 JURY SERVICE. As provided in subsection 16.30(3)(c) Wis. Stats., employes (except those on limited term appointment) summoned for grand or petit jury service shall be entitled to leave with pay. However, when not impaneled for actual service and only on call, the employe shall report back to work unless authorized by the appointing authority to be absent from his work assignment.

Pers 18.11 UNCLASSIFIED SERVICE. Employes in the classified service appointed to positions in the unclassified service. See section 16.27, Wis. Stats.

Pers 18.12 WORKMEN'S COMPENSATION. Relation to the use of sick leave and vacation. See Wis. Adm. Code chapter Pers 28.

Pers 18.13 VOTING TIME. Pursuant to section 6.76 and subsection 16.30(4)(e), Wis. Stats., an employe who is eligible to vote but is unable to vote during nonworking hours may be granted time off with pay for not to exceed three consecutive hours upon written application to his or her appointing authority at least two work days prior to the election date. Such application shall state the need and the amount of reasonable time off required to exercise this right. If granted, the appointing authority may designate the time of day that the employe shall be allowed the time off.

Pers 18.14 LEAVES OF ABSENCE FOR PROMOTIONAL EXAMINATIONS AND INTERVIEWS. See Wis. Adm. Code section Pers 6.06.

Pers 18.15 LEAVE OF ABSENCE FOR MILITARY PREINDUCTION PHYSICAL EXAMINATION. See subsection 16.30(3)(b), Wis. Stats.



Chapter Pers 19

SENIORITY

19.01 DEFINITION. Seniority, is defined as an employe's continuous state service as computed under Wis. Adm. Code subsections Pers 18.02(2) and (3).

Chapter Pers 20

EMPLOYEE TRAINING AND DEVELOPMENT

Pers 20.01 DEFINITION OF STATE TRAINING PROGRAMS. State training programs include all formal and informal, off-the-job and on-the-job developmental activities and devices that are conducted as part of, or associated with state employment, which increase the knowledge, skill and general competency of employes, and which aid in establishing favorable employe attitudes and work habits.

Pers 20.02 TRAINING POLICY. Recognizing that training is an integral part of the management process, the director, in order to implement the state training policy as set forth in subsection 16.33(1), Wis. Stats., shall assist operating agencies by promoting, formulating, conducting, coordinating and assisting in state training programs to the end that transaction of the state's business will be performed effectively, efficiently, and with the greatest economy to the state through satisfied employes.

Pers 20.03 TRAINEE CLASSIFICATION. (1) Use of Trainee Classification. The director may authorize the use of the trainee classification when:

- (a) Qualified applicants are not available for the objective classification, or
- (b) Filling the position as a trainee will be more appropriate than appointment in the objective classification, or
- (c) Special conditions exist as part of the provisions for the use of gifts, grants, bequests, or other devices from individuals, partnerships, associations, or corporations for providing employes with the training and/or experience to meet the qualifications of the objective classification.

(2) Trainee Pay Range. The pay range for a position classified as trainee shall be subject to the approval of the director.

(a) The minimum of such range shall be comparable to the minimum pay of classifications having similar qualifications.

(b) The maximum of such range shall not exceed the minimum pay of the objective classification for which the employe is trained unless a higher maximum is determined by the director to be in the best interests of the civil service.

(c) When hiring above the minimum as set forth in Wis. Adm. Code subsection Pers 5.02(1)(b), the provisions of (a) and (b) may be adjusted accordingly.

(3) Pay of a Trainee. The starting pay rate and pay increases during the training program shall be subject to the approval of the director. Appointment may be made at that point in the pay range commensurate with previous training and/or experience.

(4) Pay of an Employe with Permanent Status in Class Appointed as Trainee. This subsection applies to the pay of an employe appointed to fill a vacancy in a trainee position either in the same agency or in a different agency. The term step as used in this subsection refers to the pay step amount in the pay range from which the employe moves when appointed to the trainee position.

(a) When the employe's pay rate is above the maximum for the trainee pay range, his rate may be reduced to the maximum of such range or, with the approval of the director, established at a point above the maximum rate in the range not to exceed the employe's previously earned rate.

(b) When the employe's present pay rate is less than one step below the minimum of the trainee pay range, or is above the minimum but less than the maximum of such range, his present rate shall be increased by an amount equal to one step, or determined in accordance with subsection (3), whichever is higher.

(c) When the employe's present rate is more than one step below the minimum of the trainee pay range, his present rate shall be increased to the minimum of the trainee pay range, or determined in accordance with subsection (3).

(5) Status and Rights. A trainee shall be on a probationary period for the duration of his training program as provided in subsection 16.22(5) Wis. Stats.

(a) However, the appointment of an employe with permanent status in class to a trainee position within the agency shall, as provided in subsection 16.22(1), Wis. Stats., be deemed a change in job status, and shall not affect the permanent status and rights previously acquired within such agency. At any time during the probationary period the appointing authority may remove and restore the employe to his or her former position and former pay rate without the right of appeal. Any other removal, suspension without pay, or discharge during the probationary period shall be subject to subsection 16.28(1), Wis. Stats. Upon successful completion of the training program the trainee shall assume the class title of the objective classification. He or she shall serve a probationary period in the objective classification.

(b) An employe with permanent status in class appointed to a trainee position in another agency, or a person entering a trainee position on an original appointment, may be separated at the discretion of the appointing authority, at any time prior to achieving permanent status in class in the objective class without the right of appeal. Upon successful completion of the training program the trainee shall assume the class title of the objective classification. He or she shall serve a probationary period in the objective classification.

(c) The appointment of an employe who has qualified at the objective classification following completion of the training program shall not be considered a promotion for salary purposes. The employe shall be paid the initial rate in the objective class which shall be the minimum of the pay range for such class. However, if an employe earned a higher rate of pay in a class in which he or she had permanent status in class immediately prior to entry in the training program, the appointing authority may set the employe's pay at any rate in the pay range for the objective class, not to exceed the previously earned rate. Determination of this rate shall be made at time of appointment in the objective class and reported to the director. In cases where the objective class for which the employe is being trained is in the same or lower pay range than the class of the employe's position in which he or she had permanent status in class immediately prior to entry in the training program, no probationary increase shall be granted upon completion of the probationary period. However, such employe shall be paid not less than the permanent status in class minimum upon completion of such probationary period.

(6) Approval and Reporting. No person shall be appointed to a trainee position prior to approval of the written training program by the director. The written training agreement shall be submitted to the director at the time of appointment.

Pers 20.04 PERFORMANCE DEVELOPMENT. In accordance with standards and procedures established by the director, a task and performance review shall be made at least once each year by the appointing authority for and with each classified employe in a permanent position for the purpose of helping each employe maintain and surpass minimum performance standards of all the tasks of their position. The plan shall allow for the employe's performance review on his or her employment anniversary date, project completion date, or any other mutually agreed upon date between the supervisor and employe that differs from the merit increase date. The plan shall also allow for employes to be rated against a set of mutually agreed work standards by which the results of their performance can be objectively evaluated. To the extent practicable, employe performance shall be evaluated on the basis of individual performance and accomplishments and not necessarily by comparison with the performance of other employes.

Chapter Pers 21

RESIGNATION

Pers 21.01 POLICY. An employe, with permanent status in class, who voluntarily leaves the service is required to submit a letter of resignation as notice of termination. Under authority of section 16.03 and subsection 16.28(4), Wis. Stats., and these rules, the director delegates to the appointing authority the responsibility to obtain, record and file such letter of resignation.

Pers 21.02 SUBMISSION OF RESIGNATION. The employe's letter of resignation shall contain the reasons for termination, effective date and be submitted to the appointing authority not less than 10 working days prior to the effective date, except where shorter notice is permitted by the appointing authority. The original of such resignation letter shall be placed in the employe's "Official Employe Personnel Record" folder. Failure of an employe to submit such a letter of resignation may result in forfeiture of reinstatement eligibility.

Pers 21.03 CONDITIONS OF RESIGNATION. An appointing authority shall not be required to formally acknowledge or accept an employe's resignation, and the resignation shall become effective as specified in the resignation letter. If an effective date is not supplied in the notice of resignation, the separating date shall be the date the resignation letter is filed with the appointing authority or a date established by mutual agreement. Upon submission of a notice of resignation either verbally or in writing there can be no withdrawal or stopping of the termination action except by mutual agreement.

Chapter Pers 22

LAYOFFS

Pers 22.01 PURPOSE. This layoff procedure is adopted pursuant to subsection 16.28(2), Wis. Stats., and is intended to give due consideration to the essential factors of length of service, performance and other factors, considered in such a way as to be fair to all employes and to retain for the state service its most effective and efficient personnel.

Pers 22.02 LAYOFF UNIT DEFINED. A layoff unit shall be synonymous with employing unit as defined and established under Wis. Adm. Code subsection Pers 1.01(7).

Pers 22.03 PROCEDURE FOR MAKING LAYOFFS. (1) Layoff by class; other limitations. Whenever it becomes necessary for an appointing authority to lay off an employe as a result of shortage or stoppage of work or funds, functional reorganizations, or the abolishing of a position, he shall do so by classes or options within the class within an employing unit. An employe with permanent status in class in a permanent position shall not be laid off from any position while any limited term employe (including emergency and provisional) or original appointment probationary employe is continued in a position of the same class or equivalent class in the layoff unit involved. Where a reduction in force involves all employes in an employing unit, the appointing authority shall determine the order of layoff of employes for purposes of establishing the mandatory restoration register.

(2) Assignment of seniority credit. The seniority credit of all employes in the class in which layoff is to occur shall be computed on the basis of length of service as set forth in Wis. Adm. Code section Pers 19.01. A seniority ranking of all such employes shall be made accordingly, with any resulting tie cases to be ranked (relative to each other) according to their total length of service in the class.

(3) Number considered for layoff. Within the total number of employes in the given class and layoff unit, the group considered for layoff shall consist of those with the lowest seniority ranking, as follows: that group shall number 3 employes, where only one employe is being laid off. In all other cases, that group shall number double the number of positions to be vacated; except that it shall include no greater number of employes with 5 or more years of seniority credit (under Wis. Adm. Code section Pers 19.01) than is necessary to consider for layoff 2 more employes than there are positions to be vacated.

(4) Ranking by performance. All employes in the group thus to be considered for layoff shall be ranked by the appointing authority according to their relative performance in the given class and unit. Such ranking shall be based on recent and comparable standards of performance. When layoff is induced in another class as a result of any employe exercising his "bumping" rights, all employes in the resulting layoff group shall be ranked according to their relative performance on a man-to-man comparison basis. Other factors such as specialized skills which will enable retaining the most efficient and effective employes may be considered in making the ranking when deemed appropriate.

(5) Resulting layoffs. The relative ranking of all employes within the group thus considered shall determine which employes are laid off, so that the most efficient and effective employes will be retained.

Pers 22.04 DEMOTION IN LIEU OF SEPARATION. In the event that the services of an employe with permanent status in class are about to be terminated in a given class as a result of reduction in force, such employe shall be entitled to a position in the employing unit in a lower-class in the series or to transfer to a class in another series for which his or her training and experience

has qualified them, and that they can immediately assume the duties and responsibilities of the new position with no break-in or undue familiarization period, provided that the order of layoff as set forth in the law and these rules permit. Because the employe has no control over the circumstances that cause him or her to be either voluntarily or involuntarily demoted in lieu of being laid off they shall not lose their permanent status in class in the class from which they were demoted.

Pers 22.05 WRITTEN NOTICE PRIOR TO LAYOFF. Any employe affected by such layoff or reduction in pay or position shall be given written notice of such action, not less than 15 calendar days prior to the effective date thereof and upon written request filed within 15 days of the effective date of the decision or within 15 days after receipt of notice of the action, whichever is later, shall be entitled to an appeal from such action to the board.

Pers 22.06 REINSTATEMENT OF PROMOTED OR TRANSFERRED EMPLOYEES. If an employe, promoted or transferred from one appointing authority to another, is laid off due to lack of work or funds while serving a probationary period in the new position, he or she may be reinstated to the position they vacated, or one of like nature, under the first appointing authority if such position is available.

Pers 22.07 LAYOFF OF SEASONAL EMPLOYEES. For provisions of layoff of seasonal employes see Wis. Adm. Code chapter Pers 9.

Pers 22.08 EMERGENCY LAYOFF OF EMPLOYEES. The director may in emergency conditions approve exceptions to the layoff procedure outlined above. However, such layoffs shall be temporary and not exceed 20 working days. The specific number of such days affected employes are laid off, as recommended by the appointing authority, is subject to approval by the director.

Chapter Pers 23

DISCIPLINARY ACTIONS

Pers 23.01 PROVISIONS. Disciplinary action against an employe with permanent status in class, by an appointing authority shall be taken in accordance with the provisions of subsection 16.28(1), Wis. Stats. The appointing authority shall at the time of the action furnish such employe with a written statement as provided in subsection 16.28(1), Wis. Stats., setting forth his reason therefor, the time limitations thereof, and the employe's right of appeal. A copy of such notice to the employe shall be filed with the director within 5 calendar days of the effective date thereof.

Pers 23.02 RIGHT OF APPEAL. (1) When any disciplinary action has been taken by an appointing officer and the affected employe alleges that such action was not based on just cause, he or she may appeal such action to the board in the manner specified in section 16.05, Wis. Stats.

(2) When disciplinary action has been taken by an appointing officer, and it is alleged to be illegal, an abuse of discretion or that the provisions of Pers 23.01 or other provisions of law have not been complied with and such decisions are not subjects for consideration under the grievance procedure, collective bargaining, or hearing by the board, such affected employe may file an appeal to the director as authorized by subsection 16.03(4), Wis. Stats.

Pers 23.03 DISPOSITION ON DIRECTOR'S APPEAL. When an appeal has been made to the director under this chapter or the provisions of subsection 16.03(4), Wis. Stats., the director may issue a summary order or, after hearing, may order the action taken to be set aside, voided, modified, amended, or remanded to the appropriate agency as the equitable interests of the parties may appear.

Chapter Pers 24

CODE OF ETHICS

Pers 24.01 POLICY STATEMENT. To provide a guide for employes and administrators in the continuance of a responsible, loyal and efficient public service, each agency shall adopt a code of ethics applicable to all employes of the agency. Appointing authorities shall file a copy of the agency code with the director and shall file any amendments to the code before they become effective.

Pers 24.02 CONTENTS OF CODE. Each agency's code of ethics shall cover the following items:

- (1) Conflicts of interest.
- (2) Outside employment.
- (3) Use of privileged information.
- (4) Acceptance of gifts and favors.
- (5) Use of state property.

Pers 24.03 FORCE AND EFFECT. The contents of the code shall be made known to all employes by their appointing authority. A disregard for the provisions of any such code may be considered as a basis for disciplinary action.



Chapter Pers 25

GRIEVANCE PROCEDURE

Pers 25.01 ESTABLISHMENT OF PROCEDURE. Recognizing the value of a formal grievance procedure in a sound management program, each department shall, as required by the director, establish a written grievance procedure. Such procedure shall meet standards established by the director.

Pers 25.02 LIMITATION OF APPLICATION. Grievance procedures established as provided in this section will not be used in lieu of procedures established elsewhere for actions described in subsections 16.05(1) and (3) or 16.28(1), Wis. Stats.

Chapter Pers 26

APPEALS

Pers 26.01 EMPLOYEE'S RIGHT TO APPEAL. As provided in subsection 16.03(4) and section 16.05, Wis. Stats., an employe affected by an action resulting from a personnel decision of the appointing authority or the director shall have the right to appeal.

Pers 26.02 APPEALABLE ACTIONS. Personnel actions which are appealable include:

- (1) Position allocations, reallocations or reclassifications.
- (2) Certifications.
- (3) Refusal to examine.
- (4) Disciplinary actions (removal, suspension without pay, dismissal, reduction in pay or position, discharge or demotion) against employes with permanent status in class.
- (5) Layoffs.
- (6) Denial of benefits under section 16.31, Wis. Stats.
- (7) Demotions.
- (8) Actions alleged to be illegal or an abuse of discretion.

Pers 26.03 TYPES OF APPEALS. Appeals are of two types, those heard by the director and those heard by the board.

(1) As provided in subsection 16.03(4)(a), Wis. Stats., the director shall hear appeals on decisions alleged to be illegal or an abuse of discretion and such decisions are not subjects for consideration under the grievance procedure established pursuant to Wis. Adm. Code chapter Pers 25, collective bargaining or hearing by the board.

(2) The board shall hear appeals on decisions:

(a) Of appointing authorities on

1. Demotions

2. Layoffs

3. Suspensions or discharges when it is alleged that such decisions were not based on just cause.

(b) Actions, decisions and orders of the director.

(c) Grievances - final step - see subsection 16.05(7), Wis. Stats.

Pers 26.04 PROCEDURE FOR DIRECTOR'S APPEALS. An employe shall file a written request appealing the personnel decision with the director within 15 days after the effective date of the decision, or within 15 days after being notified of such decision, whichever is later. Within 45 days after the receipt of such request, the director shall hold a hearing thereon in the manner provided for in subsections 16.03(4) and (5), Wis. Stats.

Pers 26.05 PROCEDURE FOR BOARD APPEALS. See section 16.05, Wis. Stats., and Wis. Adm. Code Rules of the Personnel Board.

Chapter Pers 27

EXCEPTIONAL METHODS AND KINDS OF EMPLOYMENT

Pers 27.01 POLICY. To enable the state, as an employer, to carry out its social, economic, and community responsibilities through employment of the occupationally disadvantaged by reason of, but not limited to, sex, ethnic background, or age and the occupationally handicapped by reason of, but not limited to mental or physical disability, or to meet the needs of the service during periods of disaster or natural emergency, the director shall provide for exceptional methods and kinds of employment pursuant to subsection 16.08(7), Wis. Stats.

Pers 27.02 EXCEPTIONAL METHODS OF EMPLOYMENT; OCCUPATIONALLY DISADVANTAGED.

(1) Exceptional Employment List Establishment. The director may authorize establishment of exceptional employment eligible lists to enable departments to hire the occupationally handicapped or disadvantaged. In establishing such lists the director shall employ merit system principles which are broadly comparable to those which are used in establishing standard eligible lists for the same classification and may use such processes as:

(a) Limitation of recruitment to the specific occupationally handicapped or disadvantaged applicant target group.

(b) Use of category rating in the examination and certification process.

(2) Use of Exceptional Employment Lists. Under his authority to determine appropriate eligible lists, the director may, upon written request of an appointing authority, authorize the establishment of an exceptional employment list or the creation of an exceptional employment list from a standard employment list when:

(a) Such list is required to meet the criteria outlined in the contract or guidelines under which a position is fully or partially funded, or

(b) Such list is required to meet an approved department affirmative action goal.

(3) Appointee status. Persons appointed from an exceptional employment eligible list to a vacancy in the classified service shall become employes with permanent status in class after successful completion of a probationary period as provided in section 16.22, Wis. Stats.

Pers 27.03 EXCEPTIONAL KINDS OF EMPLOYMENT; OCCUPATIONALLY HANDICAPPED.

Occupationally handicapped employment is a kind of employment for occupationally handicapped persons who would not otherwise be employed in the competitive labor market. Occupationally handicapped employment may include: exceptional provisions for selection, work assignment, pay, employee benefit coverage and length of employment.

(1) The director may authorize under occupationally handicapped employment an exceptional plan to employ persons who, because of severe occupational handicaps, would not otherwise be able to compete in the labor market. The plan shall include provisions for:

(a) Tasks to be done;

(b) Plans for training, safety, and supervision;

(c) Proposed definition of disability and of essential abilities;

(d) Funding source for appointee pay, supervision, and overhead;

(e) Proposed processes for identification and fair selection of appointees; and

(f) Length of employment.

(2) Appointees to positions in approved occupationally handicapped employment may have up to the same but no more rights than appointees to limited term employment positions. If an exception to this limit is considered appropriate because of a special feature of a proposed plan, the director may waive that limitation. Any such waiver shall be reported to the board.

Pers 27.04 OTHER EXCEPTIONAL METHODS AND KINDS OF EMPLOYMENT. When other exceptional employment situations occur or when exceptional state or federal employment programs are developed to fit the employment potential of occupationally disabled, handicapped, or disadvantaged persons, the director may establish other types of methods and kinds of exceptional employment. The director shall report any such actions to the board.

Chapter Pers 28

WORKMEN'S COMPENSATION AND HAZARDOUS DUTY PAY

Pers 28.01 STATUTORY AUTHORITY. Subject to the provisions of chapter 102, Wis. Stats., an employe suffering an injury while performing service growing out of and incidental to his employment, is entitled to Workmen's Compensation. Certain employes injured while performing hazardous duties and who are unable to work may continue to receive their full pay, as provided under section 16.31 Wis. Stats., while unable to work as a result of the injury or until termination of their employment.

Pers 28.02 EFFECT OF WORKMEN'S COMPENSATION. (1) During the period an employe is absent from work due to injury from state employment and is awaiting a determination under chapter 102, Wis. Stats., the employe personally or through his or her representative may elect to:

(a) Use accrued paid leave credits, e.g. sick leave, vacation, holiday, compensatory time, to cover their absence from work and consequent loss of earnings, or

(b) Request leave without pay and await payment of workmen's compensation.

(2) The employe shall give written notification to the employing department of the elected manner of coverage for such absence before the end of the pay period in which the absence occurs. If the employe fails to specify how the absence should be covered, the absence shall be charged against the available leave options as determined by the agency, which may be later amended upon the employe's request.

(3) In instances where accrued leave with pay credits have been used to cover an absence which is later found compensable, the appointing officer shall if requested by the employe, provide leave without pay on a day for day basis, with such leave to be taken in accordance with Wis. Adm. Code subsection Pers 18.02(7).

(4) If the employe elects to await workmen's compensation and the claim is later found non-compensable, accrued leave with pay credits may be used for the absence.

(5) An employe may elect to use accrued sick leave to supplement workmen's compensation benefits provided pursuant to chapter 102, Wis. Stats., to the extent that the employe shall receive the equivalent of his regular base pay as defined under Wis. Adm. Code section Pers 5.01. Notice of such election by the employe shall be reported in the same manner provided for in (2) of this section.

Pers 28.03 CONCURRENT BENEFITS. An employe may be entitled to concurrent benefits, i.e. workmen's compensation for medical treatment expenses and benefits for time lost from work provided under section 16.31 Wis. Stats., in which case the appropriate provisions of this Chapter apply.

Pers 28.04 INJURY WHILE ON HAZARDOUS DUTY. (1) Application for benefits under section 16.31 Wis. Stats., shall be made by the employe or his or her representative to their appointing authority within 30 calendar days from date of injury on forms prescribed by the Director. In extenuating circumstances, at the discretion of the Director, the time limit for application for benefits may be waived. The application shall contain sufficient and factual information to indicate the nature and extent of the injury or illness, the circumstances surrounding its occurrence and the qualifying duties on which the application is based.

(2) Within 30 days after receipt of the claim the appointing authority shall notify the employe of his decision to authorize or deny the claim and file a copy of the notice of action with the director.

(3) Upon approval of an employe's claim, he or she shall receive his full pay from the date of their inability to work until they either return to work

or their employment is terminated by the appointing authority. Periodic reports on the status of the employe's disability and anticipated date of return to work shall be required by the appointing authority.

(4) An employe on leave with pay under this section shall be entitled to servicewide salary adjustments, consideration for merit increase if eligible, and personal holidays. However, personal holidays shall lapse if the employe does not return to full work status by the end of the calendar year.

(5) Benefits denied an employe while in non-work status include earning of vacation during the period of leave with pay (vacation credits earned prior to the date of injury may be carried over pursuant to section 18.02(7) Wis. Adm. Code), time off for legal holidays which occur during the period of approved leave with pay and accrual of sick leave.

Pers 28.05 MEDICAL EXAMINATIONS (1) Employes on leave with pay shall submit to such physical and/or medical examinations as may be required by the appointing authority to determine the extent of or continuation of disability and inability to work. Such examination(s) shall be at the expense of the agency and performed by physicians selected by the agency. A complete report indicating the nature and extent of disability and prognosis for a reasonable return to duty and date of such return shall be submitted to the agency.

(2) Refusal by the employe to submit to examinations ordered by the appointing authority or medical treatment ordered by the examining physician shall constitute grounds for disciplinary action.

(3) Based upon the information provided by the medical reports the appointing authority shall determine the extent to which leave with pay shall be granted or take action to terminate employment.

(4) Upon return to full work status, an employe's benefits under this section shall cease, providing his or her attending physician has released them from further medical treatment. In the event that the employe is able to return to full work status but further medical treatment is required for the sustained injury, benefits shall continue to be granted to cover the treatment time providing the attending physician has made a prior determination that such treatment is necessary for full recovery.

(5) When an employe suffers further aggravation of an injury for which benefits have ended, he or she may, upon recommendation of their attending physician, have such benefit resumed for the period of treatment recommended, provided such aggravation meets the qualifying provisions of section 16.31 Wis. Stats.

Pers 28.06 APPEAL RIGHTS If an employe's claim for leave with pay due to hazardous duty injury is denied by the appointing authority, the employe may appeal the action to the director by filing a written request within 15 days after being notified of such decision or within 15 days from the effective date of the decision, whichever is later. The employe may appeal the director's decision to the personnel board by filing a written request within 15 days after being notified of such decision or within 15 days from the effective date of the decision, which is later. Failure to file the appeal within the specified time limit shall bar the employe from any future claims to section 16.31 Wis. Stats., benefits related to the particular injury incurred.

Chapter Pers 29

EMPLOYEE SAFETY PROGRAMS

Pers 29.01 SCOPE AND CONTENT The employe safety program under section 16.325, Wis. Stats., shall include standards and procedures that the director deems are necessary for the effective operation of the state employe safety program, including Wis. Adm. Code chapter Safety 1.

Pers 29.02 MEANS TO INFORM AGENCIES AND EMPLOYEES The Director shall inform agencies and employes of safety standards and procedures by any practical means such as, but not limited to: Administrative Practices Manuals, Informational Bulletins and Employe Handbooks.