

Chapter Pers 1

FORCE AND EFFECT OF RULES; DEFINITIONS

Pers 1.01 Force and effect of rules Pers 1.02 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 section 16.03 (6), and chapter 227, Wis. Stats., and approved pursuant to section 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 section 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 employees under the provisions of the state employment labor relations act, subchapter V of chapter 111, Wis. Stats.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72.

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) *Except as provided in sub. (8) (a)*, "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.

(8) In chapter Pers 24, Code of Ethics: (a) "Employee" means a person holding any position in the classified service and in the unclassified service except persons identified under section 20.923, Wis.

Stats., officers of the judiciary, and university of Wisconsin system teaching personnel as defined by the state ethics board.

(b) "Immediate family" means the employe's spouse and legal dependents as defined by the state ethics board.

(c) "Anything of value" means a gift, favor, service or promise of future employment, but does not include the exchange of seasonal, anniversary or customary social gifts among relatives and friends.

(d) "Business" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual or any other legal entity which engages either in nonprofit or profit-making activities.

(e) "Significant fiduciary relationship" means owning or controlling, directly or indirectly, at least 10% or \$5,000 of the outstanding stock of or at least 10% or \$5,000 of any business.

(f) "Confidential information" means information obtained under government authority which has not become part of the body of public information.

(g) "State property" includes, but is not limited to, facilities, vehicles, supplies, equipment, stenographic assistance and reproduction services.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72; am. (6); cr. (8), Register, March, 1974, No. 219, eff. 4-1-74.