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DIVISION OF MERIT RECRUITMENT AND SELECTION)

I, Robert Lavigna, Administrator of the Division of Merit Recruitment and Selection in the Department of Employment Relations and custodian of the official records, certify that the annexed rules, relating to relating to recruitment, evaluation and certification procedures for Corrections positions and entry professional positions, were duly approved and adopted by this Division on February 14, 1992.

I further certify that this copy has been compared by me with the original on file in this Division and that it is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Division of Merit Recruitment and Selection at 137 E. Wilson Street in the city of Madison, this 14th day of February, 1992.

Robert Lavigna

Robert Lavigna, Administrator
Division of Merit Recruitment and Selection

4-1-92

ORDER OF THE ADMINISTRATOR OF THE
DIVISION OF MERIT RECRUITMENT AND SELECTION

ADOPTING RULES

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To amend ER-Pers 12.02 (intro) and to create ER-Pers 8, relating to recruitment, evaluation and certification procedures for Corrections positions and entry professional positions.

ANALYSIS PREPARED BY THE DIVISION OF MERIT RECRUITMENT AND SELECTION

These proposed administrative rules interpret the statutory authority given to the Administrator of the Division of Merit Recruitment and Selection (DMRS) in ss. 230.213 and 230.22 (3), Stats. These rules are promulgated under the authority of s. 230.05 (5).

S. 230.213, Stats., gives the DMRS Administrator, for affirmative action purposes, the authority to establish such recruitment, examination and certification procedures for positions in the Department of Corrections and for positions in juvenile correctional institutions in the Department of Health and Social Services as will enable the agencies to increase the number of employes of a specified gender or a specified racial or ethnic group. S. 230.22 (3), Stats., authorizes the administrator to establish separate recruitment, evaluation and certification procedures for entry professional positions.

Separate subchapters of proposed ER-Pers 8 are created for each statutory provision.

Corrections:

The rules relating to Corrections positions allow special procedures to be used to fill permanent classified positions in the Department of Corrections or in the juvenile correctional institutions in the Department of Health and Social Services. The rules are needed to enable the Department of Corrections and the juvenile correctional institutions in the Department of Health and Social Services to increase the number of employes of a specified gender or a specified racial or ethnic group.

In order to fill a position under these procedures, an appointing authority must prepare a recruitment plan and an assessment plan to establish methods of attracting and assessing applicants. The plans must be approved by the administrator.

The rules specify the assessment techniques that may be used by appointing authorities and allows the techniques to be designed to categorize the applicants into groups of eligible applicants.

Appointing authorities, with the administrator's approval, may determine how many applicants to interview for a position. The administrator is required to periodically review the results of the procedures used to fill positions.

Entry Professional Program:

The rules relating to the Entry Professional Program are intended to give appointing authorities of state agencies flexibility to recruit, assess and certify persons for entry professional positions. The rules are needed to give appointing authorities the ability to compete with other employers for the most qualified candidates in a shrinking labor market.

The separate procedures may be used to fill vacancies in job classifications which the Secretary of the Department of Employment Relations has determined may be included under the Entry Professional Program. Provisions of ch. 230, Stats., and other administrative rules which do not conflict with the rules of the Entry Professional Program shall apply to appointments under the new program. All appointments under the program must be made according to merit and fitness and all examinations must be job-related in compliance with appropriate validation standards.

In order to fill a position using these procedures, an appointing authority must prepare a recruitment plan and an assessment plan for attracting and evaluating applicants for entry professional positions. The plans must be approved by the Administrator. The rules spell out the assessment techniques and criteria that may be used (e.g. written and oral examinations, training and experience check lists, performance exercises, etc.). The assessment techniques may result in applicants being categorized into groups such as "eligible" or "ineligible" or other categories.

The appointing authority, with the administrator's approval, determines the number of applicants to interview. Additional names may be certified for affirmative action purposes.

The Administrator is required to conduct an annual written evaluation of the activities and results under the Entry Professional Program.

TEXT OF RULE

SECTION 1. Chapter ER-Pers 8 is created to read:

Chapter ER-Pers 8

PROCEDURES FOR CORRECTIONS AND ENTRY PROFESSIONAL POSITIONS

Subchapter I

AFFIRMATIVE ACTION PROCEDURES FOR CORRECTIONS POSITIONS

ER-Pers 8.01 POLICY. This subchapter implements s. 230.213, Stats., which authorizes the administrator, for affirmative action purposes, to establish such recruitment, examination and certification procedures for positions in the department of corrections and for positions in juvenile correctional institutions in the department of health and social services as will enable the agencies to increase the number of employees of a specified gender or a specified racial or ethnic group.

ER-Pers 8.02 APPLICABILITY. An appointing authority may use the procedures in this subchapter to fill permanent classified positions in the department of corrections or in the juvenile correctional institutions in the department of health and social services.

ER-Pers 8.03 RECRUITMENT. (1) An appointing authority shall submit to the administrator a comprehensive recruitment plan for each job classification subject to this subchapter. The plan shall outline approaches and strategies to attract qualified applicants from affirmative action groups.

(2) The appointing authority shall obtain approval of the recruitment plan from the administrator prior to announcing the position vacancy.

ER-Pers 8.04 ASSESSMENT. (1) The appointing authority shall develop a plan to assess applicants, establish employment registers and certify applicants to be interviewed. The appointing authority shall obtain approval of the plan from the administrator before announcing the position vacancy. Approval shall be based on both of the following:

(a) Whether the plan will provide the appointing authority with the greatest opportunity to select qualified applicants from affirmative action groups.

(b) Whether the plan includes valid, job-related assessment criteria.

(2) With the administrator's approval, the appointing authority may assess applicants using techniques including but not limited to written examinations; oral examinations; performance exercises; evaluation of training, education or experience; writing samples or other techniques. An appointing authority may design the assessment techniques to categorize applicants into groups of eligible applicants.

ER-Pers 8.05 CERTIFICATION. With the administrator's approval, the appointing authority may determine how many applicants to interview. The administrator may provide an appointing authority with additional names of qualified applicants from affirmative action groups in order to comply with an approved affirmative action plan or program or to hire persons with handicaps. The number of names shall not be limited to the number specified in s. 230.25 (ln)(a), Stats.

ER-Pers 8.06 REVIEW OF RECRUITMENT AND HIRING RESULTS. The administrator shall periodically review the results of recruitment and hiring procedures established under this subchapter. The departments of corrections and health and social services shall, on request, provide the administrator with the information and data needed to evaluate these programs.

Subchapter II

ENTRY PROFESSIONAL PROGRAM

ER-Pers 8.20 POLICY. (1) This subchapter implements s. 230.22 (3), Stats., which authorizes the administrator to establish separate recruitment, evaluation and certification procedures for entry professional positions. This authority is intended to give appointing authorities of state agencies flexibility to recruit, assess and certify persons for entry professional positions so that the state can compete with other employers for the most qualified candidates.

(2) In accordance with ss. 230.15 (1) and 230.16 (4), Stats., all appointments under this subchapter shall be made only according to merit and fitness and all examinations shall be job-related in compliance with appropriate validation standards.

ER-Pers 8.21 APPLICABILITY. (1) An appointing authority may use the recruitment, evaluation and certification procedures in this subchapter to fill vacancies in entry professional positions for which open recruitment under s. ER-Pers 11.02 (1) is used. The procedures in this subchapter or registers created under this subchapter may not be used to fill vacancies which an appointing authority elects to fill through agency or servicewide promotional registers under s. ER-Pers 11.02 (2).

(2) The secretary shall determine which entry professional job classifications may be filled under this subchapter, pursuant to criteria established by the secretary in ch. ER-8.

ER-Pers 8.22 RECRUITMENT. (1) The appointing authority shall develop a comprehensive recruitment plan for each job announcement on a form provided by the administrator.

Note: The recruitment form may be obtained from the Division of Merit Recruitment and Selection in the Department of Employment Relations, P.O. Box 7855, Madison, WI 53707-7855.

(2) The appointing authority shall submit the plan for the administrator's approval before announcing the position vacancy or beginning recruitment activities. The administrator shall decide whether the plan complies with this subchapter's requirements and intent.

(3) The recruitment plan shall include measures to achieve equal employment opportunities and affirmative action policies, standards and plans established under ss. 230.01 (2) and 230.04 (9), Stats.

ER-Pers 8.23 ASSESSMENT OF APPLICANTS. (1) The appointing authority shall develop a plan to assess applicants and establish an employment register. The appointing authority shall obtain approval of the plan from the administrator before announcing the position vacancy or beginning recruitment activities. The administrator shall determine whether the plan complies with this subchapter's requirements and intent and whether the plan includes valid, job-related assessment criteria.

(2) All applicants shall be admitted to the initial assessment process, but only those applicants who meet the assessment criteria for the position may be given further consideration.

(3) The assessment plan shall include the assessment techniques and criteria to be used to rate applicants. The assessment techniques and criteria shall include an evaluation of the applicant's qualifications which may be based on an evaluation of advanced educational achievements and relevant experience, written examinations, oral examinations, performance exercises, an evaluation of writing samples or other methods approved by the administrator. Additional assessment techniques may be used after the initial applicant evaluation to decrease or increase the number of applicants to be given further consideration in the hiring process.

(4) The assessment techniques may result in applicants being categorized into groups such as "eligible" or "ineligible" or other rating categories approved by the administrator.

(5) Not more than 25% of all vacancies in all entry professional positions, on an annual basis, may be limited to persons with degrees from institutions of higher education, as defined in s. 108.02 (18), Stats., or degrees under an associate degree program, as defined in s. 38.01 (1), Stats. Vacancies may not be limited to persons with degrees without the approval of the administrator.

ER-Pers 8.24 CERTIFICATION. (1) With the approval of the administrator, the appointing authority shall determine the number of applicants to interview. The determination shall be designed to produce a manageable number of qualified applicants to be interviewed and shall be based on job-related assessment and affirmative action criteria.

(2) The administrator may provide an appointing authority with additional names of qualified applicants from affirmative action groups in order to comply with an approved affirmative action plan or program or to hire persons with handicaps. The number of names shall not be limited to the number specified in s. 230.25 (1n)(a), Stats.

ER-Pers 8.25 REGISTERS. An applicant included on a register shall remain on the register for the time period specified in the appointing authority's assessment plan, but for not less than six months.

ER-Pers 8.26 REVIEW OF ENTRY PROFESSIONAL PROGRAM. The administrator shall annually prepare a written evaluation of recruitment and assessment activities and results under this subchapter.

ER-PERS 8.27 EFFECT OF OTHER LAWS AND RULES. The provisions of ch. 230, Stats., and chapters ER-Pers 6, 11 and 12 which do not conflict with this subchapter shall apply to appointments made under this subchapter.

SECTION 2. ER-Pers 12.02 (intro) is amended to read:

ER-Pers 12.02 (intro) ACTION BY THE ADMINISTRATOR The administrator shall certify ~~eligibles~~ eligible applicants as provided in the law and rules or authorize appointment by other means as provided in ~~ss.~~ ss. 230.15 (1) and (2), 230.213 or 230.22 (3), Stats.

EFFECTIVE DATE

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

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