

Chapter ER 3

POSITION CLASSIFICATION ACTIONS

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Note: Corrections made under s. 13.93 (2m) (b) 6., Stats., Register December 2003 No. 576.

ER 3.01 Definitions. (1) ALLOCATION. “Allocation” means the initial assignment of a position to the appropriate class by the director as provided in s. 230.09 (2), Stats.

(2) REALLOCATION. “Reallocation” means the assignment of a position to a different class by the director as provided in s. 230.09 (2), 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) A change in the pay range of the class;
- (e) The correction of an error in the previous assignment of a position;
- (f) A logical change in the duties and responsibilities of a position; or
- (g) A permanent change in the level of accountability of a position such as that resulting from a reorganization when the change in level of accountability is the determinant factor for the change in classification.

(3) RECLASSIFICATION. “Reclassification” means the assignment of a filled position to a different class by the director as provided in s. 230.09 (2), Stats., based upon a logical and gradual change to the duties or responsibilities of a position or the attainment of specified education or experience by the incumbent.

(4) REGRADE. “Regrade” means the determination of the director under s. 230.09 (2) (d), Stats., that the incumbent of a filled position which has been reallocated or reclassified should remain in the position without opening the position to other candidates.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72; am. (2) (g), Register, September, 1975, No. 237, eff. 10-1-75; renum. from Pers 3.02 and am. Register, February, 1981, No. 302, eff. 3-1-81; am. (2) (f), (3) and (4), Register, February, 1983, No. 326, eff. 3-1-83; renum. from ER-Pers 3.01 and am., Register, May, 1988, No. 389, eff. 6-1-88.

ER 3.015 Regrading provisions. (1) Regrading of incumbents shall be done on a non-discriminatory basis.

(2) Incumbents of filled positions which will be reallocated or reclassified may not be regraded if:

- (a) The appointing authority has determined that the incumbent’s job performance is not satisfactory;
- (b) The incumbent has not satisfactorily attained specified training, education or experience in a position identified in a classification series where the class levels are differentiated on this basis; or
- (c) The director determines that the position should be filled by competitive examination under s. 230.15 (1), Stats.

(3) Incumbents of filled positions which will be reallocated under s. ER 3.01 (2) (f) or reclassified may not be regraded:

- (a) While the incumbent is serving the first 6 months of a trial or probationary period; and
- (b) Until the incumbent has performed the permanently assigned duties and responsibilities for a minimum of 6 months.

The 6 month period may include a portion of a trial or probationary period.

History: Cr. (1) and (2), (3) renum. from Pers 3.03 (2) and am., Register, February, 1981, No. 302, eff. 3-1-81; renum. (2) to be (2) (intro.), cr. (2) (a) to (c), am. (3), Register, February, 1983, No. 326, eff. 3-1-83; renum. from ER-Pers 3.015 and am. (2) (c) and (3), Register, May, 1988, No. 389, eff. 6-1-88.

ER 3.02 Establishing the classification of a position. (1) After an appointing authority has received budgetary approval for a new position and desires to fill the position, a written description of the position’s duties and responsibilities and any other pertinent information as required shall be submitted to the director.

(2) The director shall then allocate the position under s. 230.09 (2) (a), Stats.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72; renum. from Pers 3.01 and am., Register, February, 1981, No. 302, eff. 3-1-81; renum. from ER-Pers 3.02 and am. Register, May, 1988, No. 389, eff. 6-1-88.

ER 3.03 Changing the classification of a position.

(1) Appointing authorities shall notify the director of any changes in the duties or responsibilities of individual positions which may affect the classification level of the position. Notification shall be in accordance with the procedures established by the director.

(2) All requests for classification actions which are not specifically delegated to appointing authorities must be reviewed and a specific class recommended by the appointing authority prior to a review by the director, except in those cases where the action is initiated by the director.

(3) When a non-delegated reclassification request, submitted in writing by an employee, is not recommended for approval by the appointing authority, the employee shall be so notified in writing by the appointing authority. If the incumbent feels that the decision of the appointing authority is incorrect, the incumbent may submit to the appointing authority a written request for review by the director. Such requests shall be forwarded to the director by the appointing authority along with a copy of the written notice to the employee and any other pertinent materials. The director shall review the action and make the final decision, notifying both the employee and the appointing authority of the result in writing.

(4) Requests for reallocation, reclassification or regrade are canceled when an employee resigns, retires or is terminated from pay status in the position prior to the effective date of the requested action. The effective date of the requested action shall be determined in accordance with s. ER 29.03 (3).

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72; am. Register, September, 1975, No. 237, eff. 10-1-75; am. (1), renum. (2) to be Pers 3.015 (3), renum. (3) and (4) to be (2) and (3) and am. Register, February, 1981, No. 302, eff. 3-1-81; cr. (4), Register, February, 1983, No. 326, eff. 3-1-83; renum. from ER-Pers 3.03 and am. Register, May, 1988, No. 389, eff. 6-1-88.

ER 3.04 Notice of reallocation or reclassification.

Approvals or denials of reallocations or reclassifications shall be made to the appointing authority in writing. The appointing authority shall immediately notify the incumbent in writing.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72; am. Register, September, 1975, No. 237, eff. 10-1-75; am. Register, February, 1981, No. 302, eff.

3-1-81; renum. from ER-Pers 3.04 and am. Register, May, 1988, No. 389, eff. 6-1-88.

ER 3.05 Exclusion. The position of a classified employee shall not be reclassified while the employee is on a temporary interchange under s. 230.047, Stats.

History: Cr. Register, February, 1983, No. 326, eff. 3-1-83; renum. from ER-Pers 3.05 and am. Register, May, 1988, No. 389, eff. 6-1-88.