

## Chapter ER-MRS 34

### PROJECT APPOINTMENT

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**Note:** Chapter Pers 34 was renumbered to be chapter ER-Pers 34, effective March 1, 1983. Chapter ER-Pers 34 was renumbered chapter ER-MRS 34 under s. 13.93 (2m) (b) 1., Stats., Register, October, 1994, No. 466.

#### ER-MRS 34.01 Duration of project appointment.

The duration of a project appointment to a project position shall not exceed 4 years from the date of the appointment to the project position. Successive appointments to the same project position shall also not exceed 4 years from the date of the first appointment. If a project position is originally funded for less than 4 years and is later extended, any project appointment to such position may also be extended. The total duration of the original and extended appointment shall not exceed 4 years.

**History:** Cr. Register, February, 1981, No. 302, eff. 3-1-81; r. (1), renum. (2), Register, May, 1988, No. 389, eff. 6-1-88.

**ER-MRS 34.02 Exclusions.** The provisions of this chapter do not apply to the permanent appointment of a person to a project position. "Permanent appointment" means the appointment of a person to a classified position in which permanent status can be attained.

**History:** Cr. Register, February, 1981, No. 302, eff. 3-1-81; am. Register, May, 1988, No. 389, eff. 6-1-88.

**ER-MRS 34.03 Use of project appointments. (1)** A project position may be filled on a project appointment basis only if approved by the administrator. In evaluating requests to make project appointments, the administrator shall consider:

- (a) The duration of the proposed project appointment.
- (b) The availability of qualified candidates already on a register for the classification or related classifications.
- (c) The availability of qualified potential applicants in the state labor market.
- (d) The similarity of work to be performed by the project position to regular functions of the employing agency.
- (e) The economic and time limitations associated with initiating and completing the project.
- (f) Such other factors as deemed appropriate by the administrator.

**(2)** An appointing authority may not involuntarily appoint an employe in a permanent, seasonal or sessional position to a project position on a project appointment basis.

**History:** Cr. Register, February, 1981, No. 302, eff. 3-1-81; am. Register, May, 1988, No. 389, eff. 6-1-88.

**ER-MRS 34.07 Status and rights.** [s. 230.27 (2), Stats.] Employes serving a project appointment shall:

**(1)** Be ineligible to attain permanent status in class as a result of the project appointment.

**(2)** Be ineligible to transfer, promote or demote into a permanent, seasonal or sessional position.

**History:** Cr. Register, February, 1981, No. 302, eff. 3-1-81; reprinted to correct error, Register, April, 1981, No. 304; renum. (1) and (2) to be ER 34.07(1) and (2), renum. (3) and (4) to be (1) and (2), Register, May, 1988, No. 389, eff. 6-1-88.

**ER-MRS 34.08 Termination. (1)** Employes on a project appointment may be terminated at any time.

**(2)** Employes so terminated prior to July 5, 1998 do not have layoff, restoration or displacement rights or reinstatement eligibility to any permanent, seasonal or sessional position unless those rights or eligibilities were previously earned in a permanent, seasonal, or sessional position and are being applied within three years of the date of separation from that position or prior to the expiration of an approved leave of absence.

**(3)** Employes so terminated on or after July 5, 1998 do not have layoff, restoration or displacement rights to any permanent, seasonal or sessional position unless those rights were previously earned in a permanent, seasonal, or sessional position and are being applied within three years of the date of separation from that position or prior to the expiration of an approved leave of absence.

**(4)** Employes so terminated on or after July 5, 1998 do not have reinstatement eligibility to any permanent, seasonal or sessional position unless the eligibility was previously earned in a permanent, seasonal, or sessional position and is being applied within five years of the date of separation from that position or prior to the expiration of an approved leave of absence.

**History:** Cr. Register, February, 1981, No. 302, eff. 3-1-81; am. (1) to (4), Register, December, 1999, No. 528, eff. 1-1-00.

**ER-MRS 34.09 Procedures and records.** In order to safeguard the public interest, recruitment and selection procedures for project appointments shall be approved by the administrator, and the appointing authority shall maintain records of the procedures followed in making project appointments.

**History:** Cr. Register, February, 1981, No. 302, eff. 3-1-81; r. (1), renum. (2) and am. Register, May, 1988, No. 389, eff. 6-1-88.

**ER-MRS 34.10 Violations.** If the administrator finds that an agency has failed to comply with project appointment standards established under this chapter, the administrator may remove the incumbents of positions for which appointment standards were not followed. Employes subject to removal under this section shall be given notice and an opportunity to be heard. The administrator may also withdraw all delegated authority for making project appointments from the agency until such time as, in the judgment of the administrator, the agency takes appropriate measures to ensure that future project appointments will be in compliance with established standards.

**History:** Cr. Register, May, 1988, No. 389, eff. 6-1-88.