

# Pers 1-10 17 The State of Misconsin

BUREAU OF PERSONNEL MADISON 2

Filed Uper 3-1958

STATE OF WISCONSIN ) BUREAU OF PERSONNEL ) SS.

I, Carl K. Wettengel, Director of Personnel, do hereby certify that pursuant to section 16.05 (1) Wis. Stats. the attached Rules of the Personnel Board were duly approved and adopted by the Personnel Board on March 26, 1958 and approved by Governor Vernon W. Thomson on April 2, 1958 to be effective May 1, 1958 as provided in section 227.026 (1) Wis. Stats.

I further certify that these are a true, correct and complete copy of the rules as duly and regularly adopted after public hearing held on February 14, 1958 pursuant to law following due notice thereof.

> IN TESTIMONY WHEREOF, I have hereunto set my hand at the Capitol, in the City of Madison, this 3rd day of April, A.D., 1958.

CARL K. WETTENGEL ( Director of Personnel

### WISCONSIN ADMINISTRATIVE CODE

### Rules of

### PERSONNEL BOARD

BUREAU OF PERSONNEL

State Capitol, Madison, Wisconsin

1958

#### CLASS IFICATION PLAN

Pers 1.01 Preparation and adoption of the classification plan. (No change)

Pers 1.02 Revision of the classification plan. (No change)

Pers 1.03 Establishment list. Repealed

Pers 1.04 is repealed and created to read:

Pers 1.04 Establishing a position. If an appointing authority desires a position added to the establishment list for his department, he shall make formal request, describe the position, and explain the need for it. The director shall then allocate it to the appropriate class and enter it on the departmental establishment list.

Pers 1.05 is repealed and created to read:

Pers 1.05 Abolishing or discontinuing a position. The director shall remove a position from the department's establishment list upon recommendation of the appointing authority. Any position vacant for one year shall be dropped from the departmental establishment list unless the appointing authority gives reasons acceptable to the director for retaining it.

Pers 1.06 Allocation of positions. Repealed

Pers 1.07 (1) is amended to read:

Pers 1.07 (1) Reallocation of positions. (1) Appointing authorities shall give notice in writing to the director of material changes of a permanent nature in the duties and responsibilities of the positions occupied by their employes. If the facts warrant it, the position shall be reallocated or reclassified, and the establishment list revised accordingly.

Pers 1.07 (2) is renumbered to read 1.07 (3)

Pers 1.07 (3) is renumbered to read 1.07 (2)

Pers 1.08 is amended to read:

Pers 1.08 Allocation appeals. Whenever a position is reallocated or reclassified, the appointing officer and the incumbent employe shall be notified in writing. If the employe or appointing officer believes the allocation or reallocation to be incorrect on the basis that the specification on which the action was based does not adequately reflect the duties and responsibilities of the position, he shall, upon written request, be entitled to an appeal from such action. Any such appeal shall be made within 15 days from the effective date of **such action**, and such reallocation action shall be held in abeyance until the appeal has been disposed of.

Pers 1.09 Class specifications. (1), (2) and (2)(a). (No change) Pers 1.09 (2)(b) is amended to read:

(b) Qualifications commonly required of incumbents of positions of different classes, such as acceptable physical condition, freedom from disabling defects, United States citizenship, residence within the state of Wisconsin except as otherwise provided in the law or rules, honesty, sobriety, and industry, shall be implied as qualification requirements for all classes even though they are not specifically mentioned in the specifications.

Pers 1.09 (2)(c). (No change)

Pers 1.10 Class titles. (No change)

### COMPENSATION PLAN

### Pers 2.01 Official compensation plan. (No change)

Pers 2.02 (1) is amended to read:

Pers 2.02 Beginning salary. (1) INITIAL RATE TO BE PAID. (a) The lowest or initial rate in a given range shall be the rate payable to any person on first appointment to a position in the class except as otherwise provided.

(b) When economic and employment conditions make it impossible to fill a given vacancy at the initial rate, the board may approve a higher initial rate in the range upon request of the employing department and recommendation of the director.

Pers 2.02 (2) is amended to read:

(2) EFFECT OF REINSTATEMENT. If a former employe is appointed from a reinstatement register, the rate paid may be any rate within the range for the class in which he is employed which is not greater than the last rate received before his separation from the service, except that intervening service-wide salary adjustments may also be paid.

Pers 2.02 (3) is repealed and created to read:

(3) EFFECT OF TRANSFER, PROMOTION OR DEMOTION. (a) When an employe is transferred the rate paid may be any rate within the range for the class to which he is transferred which is not greater than the last rate received in his former position.

(b) When an employe is promoted the rate paid may be his present rate if that is above the minimum for the class to which he is promoted.

(c) When an employe is demoted the rate paid may be any rate within the range of the position for the class to which or in which he is demoted which is not greater than the last rate received in his former employment.

(d) When an employe is promoted he serves a new probationary period; when he is transferred, reinstated or demoted he may be required to serve a new probationary period. Probationary increases may be granted at the termination of these probationary periods.

(e) When an employe hired from an original employment register is currently working in the classified service, the rules on transfer, promotion or demotion above may apply where pertinent. Pers 2.03 Full-time and part-time service, (No change)

Pers 2.04 Salary increases (No change)

Pers 2.05 Equivalent compensation. -Repealed.

Pers 2.06 is amended to read:

Pers 2.06 Total remuneration. The rates of pay prescribed shall be deemed to include pay in every form, except legally approved overtime, lawful reimbursement for necessary expenses authorized and incurred incident to the employment, special equipment, clothing, or services considered necessary for performance of the job, and cost-of-living bonus.

Pers 2,07 is amended to read:

Pers 2.07 Maintenance allowance. Where allowances are provided, such as full or part maintenance consisting of meals, lodging or quarters for the employe or the employe and his family, such compensation in kind shall be treated as part payment and be deducted from the cash payable to the extent of the value of the allowance as established by the bureau based upon recommendations made by the employing departments.

Pers 2,08 Compensation from other sources. (No change)

Pers 2.09 Overtime. (1) LIMITATION (No change)

Pers 2.09 (2) is amended to read:

(2) COMPUTATION OF OVERTIME. Whenever the director, on application and recommendation of the employing department, determines (a) that individuals or groups of individuals in an employment unit are required by their employing department to work an increased schedule of weekly hours which exceeds by one hour or more the number of weekly hours of work which normally applies to their positions, and (b) that it is not practicable to allow each such individual compensatory time off for the excess working hours thus required of him, each individual's basic rate of pay shall be increased in the same proportion as are his regularly required hours of work subject to the starting date specified by the director. The amount of additional salary thus payable for additional hours of work shall be separately recorded by the director and by the employing department, and shall cease to be payable, without the application of Chapter Pers 16, whenever the individual's scheduled hours of work are reduced to the normal level.

### Pers 2.10 is amended to read:

Pers 2.10 Amendments to the compensation plan. Before becoming effective salary ranges not heretofore established for grades or classes of positions must be approved by the board and record thereof incorporated in the minutes. Whenever an hourly rate of pay for the crafts or skilled trades, commonly called the "prevailing rate", is incorporated in the schedules, a rate of pay shall be allowable which is as much below the journeyman rate for a given craft or trade as is the apprentice rate for such employment, or lower if circumstances justify, for member employes of such trades or crafts who, because of age or physical incapacity or both, according to the judgment of the appointing authority, and the director, are unable longer to fully meet all the requirements of the job.

A proposal for the reassignment of a class to a different salary range may be considered at any meeting of the board. The action of the board shall be entered in the minutes, and, if the recommendation is approved, notice thereof, together with such supporting data as may be at hand, shall be forwarded to the director of budget and accounts for action in accordance with the provisions of section 16.105 (4), Wis. Stats.

PREPARATION AND USE OF EMPLOYMENT REGISTERS

Pers 3.01 Maintenance of registers. (No change)

Pers 3.02 Consideration of qualifications. (No change)

Pers 3.03 Requirements for filing. (No change)

Pers 3.04 Extension of filing dates. (No change)

Pers 3.05 is amended to read:

Pers 3.05 Notice of ratings. All persons competing in any examination shall be given written notice of their final earned rating or of their failure to attain a place upon the register. The test papers resulting from the work of any applicant in any examination shall be held by the bureau as official records as prescribed in section 16.05 (2), Wis. Stats. Any person who has taken an examination, or his duly authorized representative, shall be permitted to inspect his test papers and the results of his test and the method by which the ratings were determined, upon written application presented in person or by his duly authorized agent at the office of the bureau in Madison during regular office hours with the exception that a person may not inspect his test papers during a 30 day period immediately preceding the date on which he is to write an examination for the same classification or for a classification in the same series. Reports on character and of other investiga-tion by the bureau, however, shall be kept confidential. Inspection of test papers and records shall not be permitted until after the grading of the total examination has been completed by the bureau.

### EMPLOYMENT REGISTERS

#### Pers 4.01 is amended to read:

Pers 4.01 Types of registers. In accordance with the requirements of the service, there shall be three types of employment registers considered in the following order of preference: (1) promotion registers, (2) reinstatement registers, (3) original employment registers.

### Pers 4.02 is repealed and created to read:

Pers 4.02 Reinstatement registers. (1) PERMANENT EMPLOYES. Upon written request filed with the bureau within twelve months of the date of separation, the name of any employe with permanent status who has been separated from the classified service without delinquency or misconduct on his part may be placed on the reinstatement register for the class of position in which he was serving at the time of separation or on a reinstatement register for a related class at the same level or lower in the series.

(2) SEASONAL EMPLOYES. Persons who have served meritoriously through one seasonal period may be reemployed in the same or similar seasonal positions within a year. At the request of an appointing authority, the eligibility of a seasonal employe may be extended by the board to a maximum of 3 years.

Pers 4.03 is amended to read:

Pers 4.03 Duration of registers. The term of eligibility of persons named on original entrance and promotion registers shall be calculated from the date upon which the results of the examination are released by the director.

### REEMPLOYMENT

### (This chapter is repealed)

(EXPLANATORY NOTE: Content of rule has been incorporated in Chapter Pers 4.)

Chapter Fers 6 is created to read:

Chapter Pers 6

#### KINDS OF EMPLOYMENT

Pers 6.01 Seasonal employment. Definition. Employment in positions, the need for which may reasonably be anticipated and is likely to recur periodically each year or within shorter periods, may be designated by the director as seasonal. Incumbents of such positions are designated as seasonal employes.

Pers 6.02 Provisional, temporary and emergency employment. See Sec. 16.20 Stats. and Pers rule 7.

Pers 6.03 Employment covered by Section 16.105 (2) (bn) of the Statutes shall be designated as limited term employment.

Pers 6.04 The use of limited term employment shall be restricted to those positions where the nature and conditions of employment will not lead to a career and where the use of normal procedures for recruitment and examinations are not practicable.

Pers 6.05 Limited term employment shall not be used to fill vacancies in permanent or seasonal positions in the classified service.

Pers 6.06 The use of limited term employment shall be subject to prior approval by the director with due consideration being given to current labor market conditions, probable duration of the employment, the need for formal examination procedures and other pertinent circumstances.

Pers 6,07 Procedures for recruitment, examination, compensation and record keeping covering limited term employment may be abbreviated to provide only those minimum processes and records consistent with expediting employments and safeguarding public interests.

Pers 6.08 The following definitions shall apply to limited term employment:

- (1) Short-term means employment of less than 6 months duration which does not recur at regular intervals.
- (2) Project employment means a planned undertaking which is not a regular and continuing function of the department and which has an established probable date of termination.

- (3) Part-time employment is employment on any basis less than the statutory work period for full-time service.
- (4) Student employment means the employment of a bona-fide student of the University of Wisconsin, any of the State Colleges or the Institute of Technology currently enrolled or who will enroll at the next session.

PROVISIONAL, EMERGENCY AND TEMPORARY APPOINTMENTS

Pers 7.01 Length of provisional appointment. (No change)

Pers 7.02 is amended to read:

Pers 7.02 Length of emergency appointment. The limitations to length of emergency employments provided for in section 16.20 (2), Wis. Stats. shall be construed to mean 20 work days.

Pers 7.03 is repealed and created to read:

Pers 7.03 Successive appointments prohibited. At least one payroll period must lapse before a provisional, emergency, or temporary employment may be repeated in the same employing unit. Such employment in a related class is likewise prohibited.

### SEASONAL EMPLOYMENT

(This chapter is repealed.)

#### PROBATION

Pers 9.01 (1) is renumbered to read:

Pers 9.01 Duration of Probation (1) (a) (No change)

Pers 9.01 (1) (b) is created to read:

(b) EFFECT OF TRANSFER, REINSTATEMENT OR DEMOTION. When an employe is transferred, reinstated or demoted he may be required to serve a new probationary period.

Pers 9,01 (2) is amended to read:

(2) LAPSE IN EMPLOYMENT. When an employe serving a probationary period suffers a lapse in employment, approved by his appointing authority, of not more than 30 calendar days or due to injury arising from state employment and covered by the Workmen's Compensation Act, the appointing authority, in consideration of the employe's performance during that portion of the probationary period actually worked, may, at his discretion, determine whether the employe's probationary period shall be extended to cover such absence.

Pers 9.01 (3) Reemployment. Repealed.

Pers 9.01 (4) is amended to read:

(4) CARRY-OVER OF PROBATION. (a) If an employe is laid off from the service during the probationary period and is later reappointed from the same register to the same or a similar job in the same department, the probationary period already served shall be carried over and applied toward the period following the second appointment.

(b) When an employe is reinstated, transferred, or changed from a seasonal to a permanent position he may be given credit for that part of the probationary period already served.

Pers 9.01 (5) Transfer during probation. Repealed. Pers 9.01 (6) Transfer of permanent employes. Repealed. Pers 9.01 (7) is repealed and created to read:

(7) NOTICE TO EMPLOYE REQUIRED. In cases where an employe is required to serve a probationary period on transfer, reinstatement or demotion, written notice shall be given to the employe and a copy of this notice shall be filed with the director within 30 days of the effective date of the action. In the absence of such notice this employment shall not be subject to a probationary period. Pers 9.01 (8) is amended to read:

(8) EMERGENCY, PROVISIONAL, TEMPORARY, SHORT-TERM, PROJECT, PART-TIME AND STUDENT EMPLOYMENT. Time served on emergency, provisional, temporary, short-term, project, part-time or student employment shall not be counted as part of the probationary period.

Pers 9.02 Dismissal during the probationary period. (1) APPOINTING AUTHORITY MAY DISMISS DURING PROBATION. (No change)

Pers 9.02 (2) DISMISSAL NOTICE REQUIRED. (No change)

Pers 9.02 (3) NAME TO BE RETURNED TO EMPLOYMENT REGISTER. (No change)

Pers 9.03 Probationary service reports. (No change)

Pers 9.04 is amended to read:

Pers 9.04 Permanent appointment. If the probationer's services have been satisfactory during the probationary period, the appointing authority shall notify the director in writing that such is the case and that the employe will be continued on a permanent basis. A copy of such notice shall be given the employe. However, if the appointing authority fails to send such notice, the employe's permanent status shall become effective on the first work day after the completion of the 6 months probationary period.

### VACATION, SICK LEAVE, AND LEAVE WITHOUT PAY

Pers 10.01 is amended to read:

Pers 10.01 Employes who earn vacation and sick leave. All classified employes shall earn vacation and sick leave except: (1) emergency employes, (2) temporary employes, (3) provisional employes, and (4) shortterm, project, part-time, and student employes. Upon termination, vacation and sick leave may not be earned subsequent to an employe's last actual work day.

Pers 10.02 is repealed and created to read:

Pers 10.02 Vacation. (1) CONTINUOUS SERVICE. Continuous service shall include all time the employe has been in continuous employment status. Any absence on approved leave under Pers 10.05 (1), absence on military leave or absence due to injury arising from state employment and covered by the Workmen's Compensation Act or any other absence of 30 calendar days or less shall not interrupt employment status.

(2) COMPUTING YEARS OF SERVICE. In determining the number of full years of service completed, credit shall be given for all time in employment status except for time spent on an approved leave of absence under Pers 10.05 (1) of more than 30 calendar days. Only the most recent period of continuous service may be considered in determining an employe's length of service.

(3) COMPUTING VACATION. Vacation credits in any given vacation year shall not be earned during any period of absence without pay except that for administrative purposes any approved leave of absence of 30 calendar days or less may be disregarded.

(4) ELIGIBILITY. Eligibility for non-cumulative leave of absence without loss of pay (vacation) shall be based on accumulated continuous state service as follows:

(a) Employes who have completed ten years of continuous service prior to January 1, 1958, will receive 3 weeks vacation during the calendar year 1958 and subsequent calendar years.

(b) Employes who have completed two years of continuous service prior to January 1, 1958, will receive 2 weeks vacation in each calendar year until they reach the year in which their tenth anniversary of continuous service occurs. During that calendar year they will be eligible to take 3 weeks of vacation, 1 week of which may not be taken until after their tenth anniversary date. In subsequent calendar years they will be entitled to 3 weeks vacation.

(c) Employes who have completed one year of continuous service prior to January 1, 1958, and whose second anniversary falls in the calendar year 1958 will be eligible to take 2 weeks of vacation, 1 week of which may not be taken until after their second anniversary date. In subsequent calendar years until they reach their tenth anniversary date they will receive 2 weeks vacation each calendar year. During the calendar year in which their tenth anniversary occurs they will be eligible to take 3 weeks of vacation, 1 week of which may not be taken until after their tenth anniversary date. In subsequent calendar years they will be entitled to 3 weeks vacation.

(d) Employes who reach their first anniversary date of continuous employment on or after January 1, 1958, will receive 1 week vacation after they have completed one year of continuous service, 2 weeks after completion of two years of continuous service, and 3 weeks after completion of ten years of continuous service. The vacation year for these employes will be from their anniversary date in one calendar year to their anniversary date in the following calendar year.

(5) WHEN VACATION MAY BE TAKEN. In determining vacation schedules the appointing authority shall respect the wishes of the eligible employes as to the time of taking their vacation insofar as the needs of the service will permit consistent with 10.02 (4) above. Vacation allowance should normally be taken during the vacation year as prescribed under 10.02 (4) above or such allowance shall lapse except that employes who are required to defer all or a part of their vacation for a given vacation period may be permitted to take it within the first six months of the ensuing vacation year.

Pers 10.03 Sick leave. (1) ACCURAL OF SICK LEAVE. (No change) Pers 10.03 (2) ELIGIBILITY FOR SICK LEAVE. (No change) Pers 10.03 (3) EFFECT OF TERMINATION OF EMPLOYMENT. (No change) Pers 10.04 (1) is amended to read:

Pers 10.04 Other provisions relating to vacation and sick leave. (1) VACATION OR SICK LEAVE ON HOLIDAYS. In the event that a holiday comes on a regular work day within the week or weeks taken as vacation or sick leave, such holiday shall not be charged as vacation or sick leave. For any day on which work is suspended, such suspension shall not be construed to extend any vacation or sick leave to an employe in such status at the time.

Pers 10.04 (2) TRANSFER OF CREDITS. (No change) Pers 10.04 (3) EFFECT OF CLASSIFICATION CHANGES. (No change) Pers 10.05 (1) is amended to read:

Pers 10.05 Leave without pay. (1) WHEN GRANTED. Leave without pay for a period not to exceed one month may be granted by the appointing authority. Application for leave for a longer period shall be filed by the employe on forms supplied by the bureau. A classified 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

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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 (a) educational purposes where direct or indirect benefit accrues to the service. (b) purposes of working for a limited period in other employment where the experience would afford a direct benefit in the performance of his work for the state upon his return. (c) maternity cases, and (d) exceptional personal reasons other than those mentioned above. Failure to return on or before the expiration of such leave or upon the cancellation or revocation thereof by the director shall be considered as separation from the service, and the nature of the separation action shall be determined on the merits of the case unless it is shown to the satisfaction of the appointing authority and the director that failure to report was excusable. Leave of absence because of illness or for educational purposes may be extended an additional year on the recommendation of the appointing authority and the approval of the director.

Pers 10.05 (2) RIGHTS UPON RETURN FROM LEAVE OF ABSENCE. (No change)

Pers 10.05 (3) VACANCIES OCCASIONED BY MILITARY LEAVE. (No change)

Pers 10.05 (4) ABSENCE WITHOUT LEAVE. (No change)

### SERVICE STANDARDS AND RATINGS

Pers 11.01 Establishment of service rating program. (No change.)

Pers 11.02 is amended to read:

Pers 11.02 Service reports not required. Service reports shall not be submitted on emergency, provisional, temporary, short-term, project, part-time, student or legislative employes. Employes upon completion of their probationary period and seasonal employes who work more than 6 months in any 12 month period shall be reported upon on the same basis as permanent employes.

### EMPLOYE TRAINING

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Pers 12.01 Training policy. (No change)

### RESIGNATION

Pers 13.01 Submission of resignation. (No change)

Pers 13.02 Written resignation not required. (No change)

### LAYOFFS

Pers 14.01 Purpose. (No change)

Pers 14.02 is amended to read:

Pers 14.02 Limitations. No permanent employe in the classified service shall be laid off because of lack of work or funds from any position while any limited term, emergency, temporary, provisional, or probationary employe is continued in a position of the same class in the department or other layoff unit involved.

Pers 14.03 is amended to read:

Pers 14.03 Iayoff by departments. The normal layoff procedure shall be by departments, provided, however, the board, upon the application of the appointing authority and the recommendation of the director, may authorize the use of well established functional, organizational, or geographical units within the employing department.

Pers 14.04 is amended to read:

Pers 14.04 Procedure for making layoffs. (1) Whenever it becomes necessary for an appointing authority to lay off an employe in the classified service 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 in accordance with seniority and efficiency, except where a reduction in force involves all employes in an employing unit.

Pers 14.04 (2) ASSIGNMENT OF SENIORITY CREDIT. (No change)

Pers 14.04 (3) NUMBER CONSIDERED FOR LAYOFF. (No change)

Pers 14.04 (4) RANKING BY PERFORMANCE. (No change)

Pers 14.04 (5) RESULTING LAYOFFS. (No change)

### Pers 14.05 is amended to read:

Pers 14.05 Reduction in pay or position. The appointing authority may, in lieu of layoff, demote or reduce an employe in pay or position.

Pers 14.06 Written notice prior to layoff. (No change)

Pers 14.07 Right of reinstatement of transferred employes. (No change)

### SENIORITY

Pers 15.01 is repealed and created to read:

Pers 15.01 Limitations. Service in emergency, provisional, temporary, short-term, project, part-time after January 1, 1958, and student employment shall not be considered in computing seniority. Service during the probationary period and in seasonal employment contiguous to permanent employment shall be considered in computing seniority after permanency in a position has been earned.

Pers 15.02 (1) is repealed and created to read:

Pers 15.02 Computation of seniority credit. (1) LIMITED TO DEPARTMENT. (a) For promotion. Seniority credit shall be computed upon the **total** length of continuous service within the department.

(b) For layoff. Seniority credits shall be computed upon length of service within a class and higher classes within the department.

(c) Reinstated employes shall be granted credit for prior service within the department in which they are currently employed.

Pers 15.02 (2) EFFECT OF EXPIRATION OF REEMPLOYMENT ELIGIBILITY. Repealed

Pers 15.02 (3) EFFECT OF LEAVE WITHOUT PAY. (No change)

Pers 15.02 (4) EFFECT OF SEPARATION FOR MORE THAN ONE YEAR. Repealed.

Pers 15.02 (5) EFFECT OF TRANSFER. Repealed.

Pers 15.03 Demotion in lieu of separation. (No change)

SUSPENSIONS, REDUCTIONS, OR DISMISSALS

Pers 16.01 Provisions. An appointing authority may, for disciplinary purposes, suspend without pay, reduce in pay, demote or dismiss a permanent employe within his jurisdiction, as provided in Section 16.24 (1), Wis. Stats. The appointing authority shall at the time of such action supply the employe involved a statement in writing as provided in Section 16.24 (1), Wis. Stats. setting forth his reason therefor and the time limitations thereof.

Pers 16.02 Right of appeal. (No change)

## Chapter Pers 17 APPOINTING PROCEDURE FOR UNSKILLED AND CUSTODIAL POSITIONS

Pers 17.01 Establishment of registers. (No change)

Pers 17,02 Examination of applicants. (No change)

Pers 17.03 Ineligible to continue in positions. (No change.)