

Filed Jan 15-1959
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ORDER OF THE STATE DEPARTMENT OF PUBLIC WELFARE
ADOPTING, AMENDING OR REPEALING RULES.

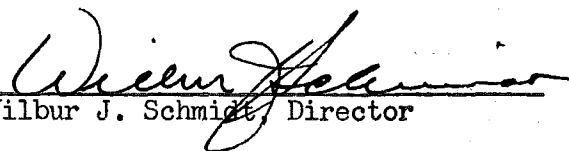
PW-PA 10.01

Pursuant to authority vested in the State Department of Public Welfare by sections 46.014 (3) and 49.50 (2), Wis. Stats., the State Department of Public Welfare hereby repeals, amends and adopts rules as follows: Sections PW-PA 10.01 (9) and (20), 10.08 (3) and 10.12 (7) of the Wisconsin Administrative Code are amended to read: (the rules as amended are attached hereto)

The rules, amendments and repeals contained herein shall take effect on March 1, 1959 pursuant to the authority granted by s. 227.026 (1) (b):

Dated: January 15, 1959

State Department of Public Welfare

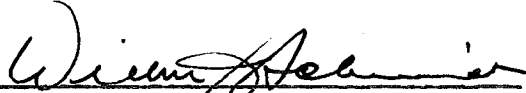

Wilbur J. Schmitt, Director

CERTIFICATION


I hereby certify that I have compared the attached copy of the changes made in Sections FW-PA 10.01 (9) and (20), 10.08 (3) and 10.12 (7) of the Wisconsin Administrative Code with the original of these changes made by the State Board of Public Welfare at its meeting on January 14, 1959 on file in my office, and that the same is a true and exact copy thereof.

Dated: January 15, 1959

State Department of Public Welfare



Wilbur J. Schmitt, Director



Notary Public, Dane County, Wisconsin
My Commission Expires July 22, 1962

MERIT SYSTEM RULE

FOR

COUNTY AGENCIES ADMINISTERING SOCIAL SECURITY AIDS

PW-PA 10.01 - DEFINITIONS

The following definitions apply throughout this rule, unless the context clearly requires another meaning.

- (1) "Director" means the Director of the State Department of Public Welfare.
- (2) "Division" means the Division of Public Assistance of the State Department of Public Welfare of Wisconsin duly constituted as provided by Chapter 435, Laws of 1939, and which Division shall be responsible, with the approval of the Director, for performance of the functions of the State Department of Public Welfare with respect to the application of this rule.
- (3) "Bureau" means the State Bureau of Personnel, whose duties are described in PW-PA 10.02 (1).
- (4) "Personnel Board" means the Personnel Board of the State Bureau of Personnel.
- (5) "Appointing Authority" means the officer, board, person, or group of persons having authority to make appointments as provided in PW-PA 10.02 (3).
- (6) "Agency" means the county agency charged with the administration of the social security aids.
- (7) "Social Security Aids" means old age assistance, aid to dependent children, aid to the blind, and aid to totally and permanently disabled persons as referred to in sections 49.18, 49.19, 49.20 to 49.38 and 49.61 of the Wisconsin Statutes.
- (8) "Position" means an office or employment in an agency (whether part-time or full-time, temporary or permanent, occupied or vacant) composed of specific duties.
- (9) "Exempt Position" means a position herein designated as a position exempted from the application of this rule. The exempt positions in the agencies are the following:

County Judges acting as administrators.

Attorneys serving as legal counsel.

Students of a recognized graduate school of Social Work engaged in field training.

- * Student case workers having a minimum of two years of college or university with a major in social science or a planned social science major during the Junior and Senior years may be employed for a period not to exceed 90 days per year. Such workers shall be paid a salary of \$70 per month below the beginning salary of a Case Worker I in the agency.

Psychiatrists, psychologists, and psychiatric social workers in a child guidance clinic, providing the qualifications as set up by the State Bureau of Personnel for similar positions are met.

Members of county welfare boards paid only for attendance at meetings.

Persons working in the county agency who are paid directly by the state and who are holding positions in the competitive division of the state classified service.

- (10) "Class" means a group of positions sufficiently similar as to the duties performed, degree of supervision exercised or required, minimum requirements of training, experience or skill, and such other characteristics, that the same title and the same tests of fitness may be applied to each position in the group.
- (11) "Minimum Qualifications" means the requirements of training and experience and other qualifications as prescribed for a given class in the classification plan.
- (12) "Eligible" means any person who is on a register for appointment, promotion, or reinstatement.
- (13) "Register" means an officially promulgated list of eligibles for a class of position in the order of their final ratings in a merit examination.
- (14) "Employee" means any person in the employ of an agency who is paid a salary or wage.
- (15) "Original Appointment" means the first appointment of an individual to an agency through selection from a register in accordance with PW-PA 10.08 (1).
- (16) "Probationary Period" means the first six months of employment beginning with the date of original appointment to a permanent position as described in PW-PA 10.09.
- (17) "Permanent Employee" means an employee whose permanent retention has been approved at the completion of a probationary period.
- (18) "Provisional Appointment" means an appointment to fill a position pending the establishment of a register for such position as described in PW-PA 10.08 (2).
- (19) "Temporary Appointment" means an appointment from a register for a period not to exceed six months as described in PW-PA 10.08 (4).
- * (20) "Emergency Appointment" means an appointment required by a state of emergency for not more than 30 working days as described in PW-PA 10.08 (3) (a) or for the period of the Civil Defense Emergency as described in PW-PA 10.08 (3) (b).
- (21) "Promotion" means a change in status of an employee, from a position in one class to a position in another class having a higher entrance salary as described in PW-PA 10.10.

- (22) "Salary Advancement" means an increase in salary within the salary range for the class of position.
- (23) "Demotion" means a change in status of an employee, from a position in one class to a position in another class having a lower entrance salary as described in PW-PA 10.11 (2).
- (24) "Transfer" means a change from one position to another in the same class or in another class on the same level within the agency or to another agency as described in PW-PA 10.11 (1).
- (25) "Resignation" means the termination of employment of an employee made at the request of the employee.
- (26) "Dismissal" means the termination of employment of an employee for cause.
- (27) "Suspension" means an enforced leave of absence for disciplinary purposes or pending investigation of charges made against an employee.
- (28) "Lay-off" means the termination of employment because of shortage of funds or curtailment of services.
- (29) "Allocation" means the official act by which a position is placed in one of the classes of positions in the classified service.

PW-PA 10.02 - ORGANIZATION FOR COUNTY MERIT SYSTEM

(1) - Bureau of Personnel

Within the scope of this rule, it shall be the duty of the Bureau:

- (a) to establish general policies for the administration of merit examinations;
- (b) to review the classification and compensation plans and to advise with the Division on their adoptions and subsequent revisions;
- (c) to develop and put into continuous effect procedures for the administration of the merit system as they relate to the preparation, administration, and scoring of examinations, preparation, custody, and maintenance of registers of eligibles, the certification for appointments, and the determination of the adequacy of existing registers;
- (d) to review and make written recommendations to the Director with respect to any amendments of this rule;
- (e) to submit periodically to the Director a report of actual expenditures with relation to the administration of merit system operations.

- (f) to hear all personnel appeals as provided in PW-PA 10.13.

(2) - Division of Public Assistance

Within the scope of this rule, it shall be the duty of the Division:

- (a) to develop and put into effect the merit system rules and regulations related thereto and be responsible for their application;
- (b) to develop general policies in the administration of the merit system;
- (c) to make recommendations to agencies relative to their internal personnel practices to assure conformity with this rule;
- (d) to confer with agencies on personnel matters, including placement problems;
- (e) to develop and administer the classification and compensation plans;
- (f) to receive requests from the agencies relative to all proposed personnel actions and to transmit such requests to the Bureau; when received from the Bureau to transmit decisions to the agencies;
- (g) to develop and administer a system of performance reports;
- (h) to promote understanding of the purposes, policies, and practices of the merit system;
- (i) to maintain personnel records of all persons employed in the agencies and records of all personnel actions;
- (j) to perform such other duties as may be found to be necessary by the Director.

(3) - County Appointing Authority

- (a) Each agency, except in counties where the administration is vested in the county judge, shall employ a director who shall be selected by the county board of public welfare pursuant to section 46.22 (2) (b) of the Wisconsin Statutes.
- (b) All other employees of the agency shall be selected by the director or the judge, as the case may be, upon proper certification from an appropriate register of eligibles or transfer in accordance with this rule, with the advice and consent of the appointing authority.

- (c) The provisions of this section shall not apply to counties having a county-wide civil service system provided the standards of qualifications and examinations have been approved and the Department has delegated to the civil service agency in such county responsibility for determining qualifications of applicants by merit examinations.

PW-PA 10.03 - CLASSIFICATION PLAN

(1) - Preparation and Adoption of Plan

(a) The Division, in cooperation with the Bureau, shall ascertain and record the duties and responsibilities of all positions to which this rule applies, and prepare a comprehensive classification plan. The classification plan shall include for each class of position an appropriate title, a description of the duties and responsibilities, and the minimum requirements of training, experience, and other qualifications.

(b) The classification plan as adopted shall be binding upon all agencies. The class titles contained therein shall be used in all personnel and financial records of the agencies, as well as in all examination procedures.

(2) - Allocation of Positions

Every position in the agencies shall be allocated by the Division, after consultation with the Bureau, to one of the classes established by the classification plan. No person shall be appointed or promoted to any position until it has been properly classified as herein provided. As additional classes are established or existing classes are abolished or changed, such necessary allocation or re-allocation shall be made to new or existing classes as is necessitated thereby.

(3) - Revision of Plan

Existing classes of positions may be abolished or changed, or new classes added, in the same manner as the classification plan was originally adopted.

(4) - Incumbents of Re-allocated Positions

(a) When a position is re-allocated to a different class, not because of a change in duties and responsibilities but because of a re-appraisal of the position in terms of the total classification plan, no examination is necessary for the permanent employee who has been occupying the position and who qualified for it through an examination on the basis of its former classification.

(b) When a position is re-allocated to a different class because of a change in duties and responsibilities and because of a subsequent re-survey, an examination may or may not be necessary for the permanent employee who has been occupying the position throughout the change and who originally qualified for it through an examination on the basis of its former classification. Decision as to the need for examination shall then be determined by the Bureau on the basis of whether the re-allocation represents a transfer, promotion, or demotion in relation to the former classification of the position.

PW-PA 10.04 - COMPENSATION PLAN

(1) - Preparation and Adoption of Plan

(a) The Division, in cooperation with the Bureau, shall assemble data and develop a comprehensive compensation plan for all classes of positions. The plan shall include salary schedules for the various classes, with the salary of each class consistent with the functions outlined in the class specifications. Initial, intervening, and maximum rates of pay for each class shall be established to provide for steps in salary advancement without change of duty in recognition of meritorious service. In arriving at such salary schedules, prevailing rates in the counties of the state, conditions affecting the supply of competent persons, and other relevant factors shall be taken into consideration. The plan shall also include regulations covering salary increases and adjustments.

(b) The compensation plan as adopted shall be binding upon all the agencies.

(2) - Administration of Plan

(a) The approved compensation plan shall constitute the official schedules of salaries for all classes of positions in the agencies. No salaries shall be recognized for reimbursement by the Division unless they conform to the approved compensation plan. The entrance salary for an employee shall be at the minimum salary for the class to which he is appointed, or as otherwise provided in the plan. Necessary salary adjustments affecting employees at the time of adoption or amendments of the compensation plan, or resulting from promotions, demotions, or transfers, shall be administered in accordance with the requirements of the plan.

(b) Salary advancements shall not be automatic, but shall be based upon quality and length of service, and shall be controlled by the provisions of the compensation plan, providing for fixed times for consideration of increases, for a reasonable distribution among classes, and for increases that an individual employee may receive.

(3) - Revision of Plan

Salary ranges for classes of positions shall be amended in the same manner as originally adopted.

PW-PA 10.05 - APPLICATIONS AND EXAMINATIONS

(1) - Character of Examinations

(a) State-wide examinations for entrance to the service shall be conducted on an open-competitive basis. Examinations shall be practical in nature, shall be constructed to reveal the capacity of the applicant for the particular position for which he is competing as well as his general background and related knowledge and shall be rated objectively. A practical written test shall be included, except that where peculiar and exceptional qualifications of a scientific or

professional nature are required and competition through an assembled examination is impracticable, an unassembled examination may be held. The Bureau shall determine when competition through an assembled examination is impracticable.

(b) Examinations shall also include:

1. a competitive performance test for stenographic and typing positions and other positions involving the operation of office machines;
2. a rating of training and experience for the more responsible positions, including some professional, technical, supervisory and administrative positions;
3. an oral examination when practicable for positions requiring frequent contact with the public, or which involve important supervisory or administrative duties.

(2) - Notice of Examinations

The Bureau shall give public announcement of all entrance examinations at least two weeks in advance of the closing date for receipt of applications. The Bureau and the Division shall make every reasonable effort to attract qualified persons to compete in these examinations. Public announcement of examinations shall specify the title and salary range of the class of position, the duties to be performed, the minimum qualifications required, the final date on which applications will be received, except that for those classes for which there is to be continuous recruitment as provided in (3) (b), a statement shall be included that applications will be received until further notice is given.

(3) - Filing Applications

(a) All applications shall be made on forms prescribed by the Bureau and must be filed with the Bureau on or prior to the closing date specified in the announcement. Such applications shall include a statement from the applicant of all pertinent information regarding his training, experience, and any other information which the Bureau may deem necessary. All applications shall be signed, and the truth of all statements contained therein certified by such signature.

(b) In those classes of positions in which there is difficulty in securing qualified applicants, the Bureau, with the approval of the Division, may establish a recruitment program which is both positive and continuous. Under such a plan applications may be accepted at any time and examinations held whenever applicants have filed in sufficient numbers to assure adequate competition.

(4) - Disqualification of Applicants

(a) The Bureau may refuse to examine an applicant or, after examination, to certify any eligible on a register if:

1. he is found to lack any of the preliminary requirements established for the examination for the class of position;
2. he is so disabled as to be rendered unfit for the performance of the duties of the class;
3. he is addicted to the use of narcotics or the habitual use of intoxicating liquors to excess;
4. he has made a false statement of material fact in his application;
5. he has previously been dismissed from any public service for delinquency, misconduct, or other similar cause;
6. he has used or attempted to use political pressure or bribery to secure an advantage in the examination or appointment;
7. he has directly or indirectly obtained information regarding examinations to which as an applicant he was not entitled;
8. he has failed to submit his application correctly or within the prescribed time limits;
9. he has been convicted of any infamous crime or other crime involving moral turpitude;
10. he has taken part in the compilation, administration, or correction of the examination;
11. he has been proven disloyal to the government of the United States of America;
12. he has otherwise violated provisions of this rule.

(b) A disqualified applicant shall be promptly notified of such action, and an applicant who is not admitted to an examination because of failure to meet the preliminary requirements shall be notified in writing to his last known address sufficiently in advance of the examination to allow for an appeal from rejection as provided for in PW-PA 10.13 (1).

(5) - Conduct of Examinations

(a) Written tests for the same class of position shall be conducted simultaneously in as many places as are necessary for the convenience of the applicants and as are practicable for proper administration. The Bureau may designate such local examiners as may be necessary to conduct examinations under instructions prescribed by it and may also arrange for the use of public buildings in which to conduct the examinations.

(b) The identity of persons taking competitive examinations shall not be disclosed to the examiners. An identification number, which shall be used to identify all papers of each applicant, shall be assigned by the Bureau to each applicant.

(6) - Rating Examinations

(a) In all examinations the minimum grade through which eligibility on a register may be earned shall be fixed by the Bureau. The Bureau shall determine the final score for each applicant's examination, computed in accordance with the weights for the several parts established by the Bureau. A person failing in the written portion of any such examination shall not be permitted to participate or continue with any other remaining portion of such examination.

(b) The Bureau shall utilize appropriate scientific techniques and procedures in rating the results of examinations and in determining the final scores of the competitors. In determining the system for rating results on the examination, the Bureau shall give due regard to the number of candidates and to the number of vacancies which may reasonably be expected to occur in the life of the register.

(c) All applicants for the same position shall be accorded uniform and equal treatment in all phases of the examination procedure, except that there shall be no restrictions as to age in the case of veterans and except that other conditions being equal, a preference shall be given in favor of veterans of any wars of the United States. Preference is hereby defined to mean that whenever an honorably discharged veteran competes in any examination, he shall be accorded five points, and if such veteran has a disability which is directly or indirectly traceable to war service, he shall be accorded another five points in addition to earned ratings therein. Proof of eligibility for such preference shall be submitted prior to or at the time of examination.

(7) - Rating Training and Experience

(a) If training and experience form a part of the total examination, the Bureau shall determine a procedure for the evaluation of the training and experience qualifications of the various applicants. The formula used in appraisal shall give due regard to recency and quality as well as quantity of experience and to the pertinency of the training. This procedure shall allow for the substitution of training for experience, and experience for training, within the limits stated in the class specifications.

(b) The Bureau may investigate the applicant's training and experience to verify the statements contained in his application form and to adduce evidence regarding his character and fitness.

(8) - Oral Examinations

When an oral examination forms part of a total examination for a position, the Bureau shall appoint one or more oral examination boards as needed. An oral examination board shall consist of two or more members who shall be known to be interested in the improvement of public administration and in the selection of efficient government personnel, and at least one of whom shall be technically familiar with the character of work in the position for which the applicant will be examined. If practicable, all applicants qualifying for the oral examinations for the same class shall be rated by the same oral examination board. A member of an oral examination board shall disclose each instance in which he knows the applicant personally and shall not rate such applicant.

(9) - Notice of Examination Results

Each applicant passing the examination shall be notified by mail by the Bureau of his final grade as soon as the grading of the examination has been completed and the register established. An eligible, upon request and presentation of proper identification, shall be entitled to information concerning his relative position on a register. An applicant who has not achieved a passing grade in the examination shall be notified of his ineligibility.

(10) - Special Examinations

No applicant shall be given a special examination unless the Bureau by formal and recorded action finds that the applicant's failure to take or complete an examination was due to an obvious error for which the Bureau is responsible. No claim for a special examination shall be allowed unless it is filed in writing with the Bureau within 10 days after the date of the original examination.

(11) - Physical Examinations

Before appointment applicants may be required to pass a satisfactory physical examination.

(12) - Examination Records

The Bureau shall be responsible for the maintenance of all records pertinent to the examination program. Applications and other necessary examination records shall be kept during the life of the register. Examination records of appointees shall be kept permanently, but examinations of other applicants, not appointed, may be destroyed 30 days after the register expires. All notices of changes of address shall be filed, by applicants and eligibles, with the Bureau.

PW-PA 10.06 - REGISTERS

(1) - Establishment of Registers

(a) After each examination, the Bureau shall prepare a register of persons with passing grades. The names of such persons shall be placed on the register in the order of their final grades starting with the highest. If two or more eligibles have final grades which are identical, their names shall be arranged on the register in the order of their grades on the written part of the examination or their priority of filing.

(b) If a vacancy exists in a class of position for which there is no appropriate register, the Bureau may prepare an appropriate register for the class from one or more existing related registers. For this purpose the Bureau shall select registers for classes for which the minimum qualifications and examinations are similar to or higher than those required for the class in which the vacancy exists. The Bureau may, if necessary, rerate training and experience in accordance with PW-PA 10.05 (7), on the basis of the minimum qualifications required for the class in which the vacancy exists.

(2) - Duration of Registers

(a) The life of each register shall normally be six months from the date of its establishment, but this period may be extended by the Bureau for a period not exceeding three years. A register may be deemed by the Bureau to be exhausted if fewer than three available eligibles remain on the register.

(b) The Division shall notify the Bureau as far in advance as possible of vacancies which may occur in the agencies. The Bureau shall be responsible for determining the adequacy of existing registers and for the establishment and maintenance of appropriate registers for all positions in the agencies, exclusive of exempt positions.

(c) The Bureau may recognize an appropriate register for a class of position established for state service and may certify from such registers under PW-PA 10.07 governing certification.

(3) - Removal of Names from Registers

(a) The Bureau may remove the name of an eligible from a register:

1. for any of the causes stipulated in PW-PA 10.05 (4);
2. on evidence that the eligible cannot be located by the postal authorities;
3. on receipt of a statement from the eligible declining an appointment and stating that he no longer desires consideration for a position;
4. if three offers of a probationary appointment to the class for which the register was established have been declined by the eligible.

(b) The Bureau shall notify the eligible by mail to his last known address of this action and the reasons therefor. An eligible's name shall be reinstated on the register upon showing of cause satisfactory to the Bureau, or in accordance with a decision of the Personnel Board of the Bureau upon appeal as provided in PW-PA 10.13 (3).

PW-PA 10.07 - CERTIFICATION OF ELIGIBLES

(1) - Request for Certification

If a vacancy occurs in any position in any agency or if new positions are established and new employees are needed, requisition shall be submitted in duplicate by the agency to the Division upon a prescribed form. This requisition shall state the number of positions to be filled in the class, and all other pertinent information. After approval by the Division, the requisition shall be forwarded to the Bureau.

(2) - Certification Methods

(a) The Bureau shall certify and submit in writing to the agency, copies to the Division, the names of the highest available eligibles from the state-wide register who are residents of the county in which the vacancy exists, provided that when there are no available eligibles or there are an insufficient number of available eligibles who are residents of the county, certification shall be made on a state-wide basis.

(b) If one position is involved, the Bureau shall certify and submit the three highest available names from the register established as a result of a merit examination for that class of position. If more than one position is involved, it shall, for each class of position, certify and submit two more names than the number of positions to be filled in each class. If the register established as a result of a merit examination for a specific class of position is exhausted, then the Bureau shall certify and submit names in accordance with the above procedure from the register, or registers, most appropriate.

(c) If, in the exercise of its choice provided under PW-PA 10.08 (1), the appointing authority passes over the name of an eligible on a register in connection with three separate appointments it has made from the register, written request with the reason therefor may be made of the Bureau by the Division that the name of such eligible be omitted from any subsequent certification from the same register. Upon approval of the Bureau the name of such eligible shall thereafter not be certified from that register for future vacancies in that agency in that class of position.

(d) An eligible may be considered not available by the Bureau if he fails to reply to a written inquiry after five days in addition to the time required for the transmission of the inquiry to his last-known address and reply thereto, or if he fails to reply to a telegraphic inquiry within 48 hours in addition to the time required for the transmission of the inquiry to his last-known address and reply thereto.

PW-PA 10.08 - APPOINTMENTS

(1) - Original Appointments

(a) All appointments to positions in the agency exclusive of exempt positions shall be made in accordance with this rule. Selections shall be made for each position from the three highest available names on the certificate submitted by the Bureau in accordance with PW-PA 10.07, exclusive of the names of persons to whom an objection has been offered in writing based on PW-PA 10.05 (4), which objection is sustained by the Bureau.

(b) In selecting persons from among those certified, the agency shall be permitted to examine their applications and reports of investigations in the office of the Bureau, or in accordance with such regulations as the Bureau may establish, and to interview them. Final selection shall be reported to the Division and the Bureau on prescribed forms.

(c) If the eligible selected declines the appointment, evidence of declination and other such data shall be transmitted to the Bureau for permanent record. An eligible may be considered by the Bureau as having declined appointment if he fails to reply after 5 days in addition to time allowed for transmission of letter and return of reply, or if he fails to reply to a telegraphic inquiry within 48 hours in addition to the time required for the transmission of the inquiry to his last-known address and reply thereto. If an eligible accepts an appointment and fails to present himself for duty at the time and place specified without giving reasons for the delay satisfactory to the agency and the Bureau, he shall be deemed to have declined appointment.

(d) Appointments made necessary by reason of employees leaving to perform active military service in the armed forces of the United States necessitating replacement for a period to exceed six months shall be made from appropriate registers, in accordance with this section relating to permanent appointments, subject, however, to termination for the purpose of reinstating any agency employee upon his being released from such service.

(2) - Provisional Appointments

(a) If, in the opinion of the agency there are urgent reasons for filling a position and there are no eligibles on a register established as a result of an examination for the position, and no other appropriate register exists, the agency may submit to the Bureau the name of a person to fill the position pending examination and establishment of a register. If such person's qualifications have been certified by the Bureau as meeting the minimum qualifications as to training and experience for the position, such person may be provisionally appointed to fill the existing vacancy until an appropriate register is established and appointment made therefrom. Except as provided below, no provisional appointment shall be continued for more than 30 days after an appropriate register has been established for the class of position or for more than 6 months from the date of appointment. Successive provisional appointments of the same person shall not be permitted and a position shall not be filled by repeated provisional appointments.

(b) Provisional appointments may be extended at the end of the 6 months' period with the approval of the Bureau, and successive provisional appointments of the same individual to different positions and successive provisional appointments to the same position may be made in exceptional circumstances subject to the following conditions:

1. that an examination has been publicly announced and the Bureau has found that a sufficient number of applicants has not filed to assure adequate competition.
2. that continuous receipt of applications has been provided in accordance with PW-PA 10.05 (3) (b) and the examination is to be held whenever the Bureau finds that enough applicants have filed to assure adequate competition.

(c) The continuous period of service as a provisional employee immediately preceding conversion to a probationary appointment may be considered a part of the probationary period.

* (3) - Emergency Appointments

- (a) Whenever an emergency exists which requires the immediate services of one or more persons and it is not possible to secure such persons from appropriate registers, the agency may appoint a person or persons without regard to other provisions of this rule governing appointments. In no case, however, shall the same person be appointed for more than 30 working days during any 12 month period except as otherwise provided in FW-PA 10.08(3)(b). Each emergency appointment shall, when the appointment is made, be reported on prescribed forms to the Division.
- (b) Civil Defense Disaster Appointments - When a Civil Defense Emergency exists which requires the immediate services of one or more persons, the agency may appoint a person or persons without regard to other provisions of this rule governing appointments. The duration of the appointment shall be limited to the period of the Civil Defense Emergency.

(4) - Temporary Appointments

If an employee is needed for a temporary period, a certification shall be made by the Bureau of the names of those eligibles, in the order of their places on an appropriate register, who have indicated willingness to accept temporary employment. Certification shall be made in the manner set forth in FW-PA 10.07. Appointments shall be made in the same manner as prescribed in this rule for probationary appointments. The duration of a temporary appointment shall be limited to the period of the need and in no event shall a temporary appointment continue for more than 6 months in any 12 month period. The acceptance or refusal of a temporary appointment shall not affect an eligible's standing on a register or his eligibility for a probationary appointment, and the period of temporary service shall not constitute a part of a probationary period. Successive temporary appointments shall not be made nor shall an employee receive continued temporary appointments.

FW-PA 10.09 - PROBATIONARY PERIOD

(1) - Nature, Purpose and Duration

All original appointments to permanent positions shall be made from officially promulgated registers for a probationary period of 6 calendar months. The probationary period shall be an essential part of the examination process, and shall be utilized for the most effective adjustment of a new employee and for the elimination of any probationary employee whose performance does not meet the required standard of work.

(2) - Conditions Preliminary to Permanent Appointment

Permanent appointment of a probationary employee shall begin with the date ending the probationary period, provided that the Division has received from the

employee's supervisor prescribed forms showing that the services of the employee during the probationary period have been satisfactory and that the employee is recommended to be continued in the service. A performance report upon a form prescribed by the Division must be submitted at this time. It shall be the responsibility of the Division to obtain these forms 4 weeks prior to the end of the probationary period. If it is determined by the agency that the services of the employee have been unsatisfactory, the agency shall notify the employee in writing in advance of the date his services are to be terminated. An employee whose appointment is to be made permanent shall also be notified. The agency shall notify the Division of the action taken regarding the services of the employee.

(3) - Promotion During Probation

The serving of a probationary period shall not, of itself, prevent an employee from being promoted to a position in a higher class, provided he is certified from an appropriate register for such higher class of position in accordance with the provisions of PW-PA 10.07. If, within the above-mentioned limitations, an employee is promoted in this way during a probationary period, the probationary period for the class of position to which he is promoted shall begin with the date of appointment to such latter class of position.

(4) - Transfer During Probation

(a) Except as otherwise provided in PW-PA 10.09 (3), an employee shall not be transferred during his probationary period to a position of another class for which a register exists.

(b) No probationary employee shall be transferred to another agency until the probationary period has been completed.

(5) - Termination During Probation

(a) At any time during a probationary period the services of an employee may be terminated without right of appeal or hearing, but the reasons given for the termination shall be submitted in duplicate in writing to the Division, the original to be transmitted to the Bureau. Unless an appointment is made permanent by the agency at the close of the probationary period in accordance with the provisions of PW-PA 10.09 (2), the services of the employee shall be terminated, and no further salary or other compensation shall be payable to him.

(b) The Bureau, after consultation with the Division, may restore the name of a probationary appointee whose services have been terminated to the register from which he was certified, in accordance with the procedure described in PW-PA 10.12 (7), but the Bureau shall not in the future certify the name of such person to the same agency from the same register if he has been terminated for cause.

PW-PA 10.10 - PROMOTIONS

(1) - Method of Making Promotions

(a) As far as is practicable and feasible, a vacancy shall be filled by promotion of a qualified permanent employee based upon individual performance, with due consideration for length of service, and upon capacity for the new position. Preference in promotion may be given to employees within an agency, and all inter-agency promotions must be approved by the agencies concerned.

(b) A candidate for promotion must be certified by the Bureau to possess the qualifications for the position as set forth in the specifications for the class of position for which he is a candidate, and he shall be required by the Bureau to qualify for the new position by promotional competitive or non-competitive examination administered by the Bureau.

(2) - Promotion by Competitive Examination

If the Bureau shall approve filling vacancies in a particular class of position by promotional competitive examination, such examination shall be given under the direction of the Bureau. A promotional competitive examination may be limited to employees of the agency concerned or may, with the approval of the Bureau, be open to employees of all the agencies. An employee to be eligible to compete for promotion must have permanent status and must meet the qualifications for the class of position. A promotional competitive examination shall consist of any combination of the following: written tests, rating on training and experience, seniority, performance tests, and oral examinations. The combination in each case and procedures for the determination of the passing grade shall be announced by the Bureau in advance of the examination, and shall take into consideration generally accepted merit system practices.

(3) - Promotion by Non-competitive Examination

If the Bureau shall approve filling a vacancy by a non-competitive examination, the employee selected for promotion must have permanent status and must meet the minimum qualifications for the class of position to which he is a candidate for promotion. The Bureau shall examine him by tests of the same relative difficulty and fairness as used in a competitive promotional examination, and if found to qualify for the class he shall be so certified by the Bureau.

PW-PA 10.11 - TRANSFERS AND DEMOTIONS

(1) - Transfers

(a) Except as otherwise provided in PW-PA 10.09, a transfer of an employee from a position in one agency to a position of the same class in another agency may be made at any time by the agencies concerned. All inter-agency transfers must be certified by the Bureau and no examination is necessary.

(b) A transfer of a permanent employee from a position in one class to a position in another class on the same level shall be made only upon certification of the Bureau with the approval of the agency or agencies concerned. The Bureau shall require that the employee have the qualifications for the position in the new class. The Bureau shall also require a qualifying examination if the duties, responsibilities, skills and knowledges involved in the new position are dissimilar, either qualitatively or quantitatively, or in both respects, and the original examination cannot be considered appropriate.

(c) A transfer of a permanent employee from a classified position in the state service to a class of position under this rule, of the same or lower level, shall be made only upon certification of the Bureau with the approval of the agency concerned. The Bureau may require a qualifying examination.

(2) - Demotions

A permanent employee may be demoted for inefficiency or for other cause, but in all such cases the employee shall have the same rights of appeal to the Bureau as employees who have been dismissed.

FW-PA 10.12 - SEPARATIONS, TENURE, AND REINSTATEMENT

(1) - Resignations

An employee who resigns shall present the reasons therefor in writing to the agency. Copies of the letter of resignation shall be forwarded to and recorded by the Division.

(2) - Dismissals

The appointing authority, after notice in writing to an employee prior to the effective date, stating specific reasons therefor, two copies of which notice shall be filed with the Division, one of which shall be transmitted to the Bureau by the Division, may dismiss any employee who is negligent or inefficient in his duties, or unfit to perform his duties; who is found to be guilty of gross misconduct; or who is convicted of a felony. When such conviction is final the employee shall have no recourse to appeal to the Bureau.

(3) - Suspension

The appointing authority may, after written notice to the employee and the Division prior to the effective date, suspend any employee without pay for delinquency, misconduct, or neglect of duty, for a period not to exceed 30 calendar days in any one calendar year.

(4) - Reduction of Force

The appointing authority may separate any employee, without prejudice, because of lack of funds or curtailment of work, or in order to permit reinstatement of employees upon their release from periods of military service in the armed forces of the United States. No permanent employee, however, shall be separated while there are emergency, temporary, provisional or probationary employees serving in the same class of position in the same agency. The order of separations due to reduction of force shall be based upon performance reports and seniority, under a formula to be formally established by the Division, and all such separations shall be reported to the Division.

(5) - Tenure of Office

The tenure of office of every permanent employee shall be during good behavior and the satisfactory performance of his duties as determined by periodic performance reviews. This provision, however, shall not be interpreted to prevent the separation of an employee for cause or the separation of an employee because of lack of funds or curtailment of work, when made in accordance with this rule.

(6) - Reinstatement to Previous Class of Position in the Same Agency

A permanent employee who has resigned while in good standing, or who has been separated without prejudice, shall be eligible for reinstatement with permanent status at any time within five years after the date of separation, provided he has been certified by the Bureau as meeting the current minimum qualifications as to training and experience of the class of position to which he is being appointed.

* (7) - Reinstatement to Register

Upon written request to the Bureau, the name of a permanent or probationary employee who has resigned while in good standing or who has been separated without prejudice may be placed on a reinstatement register for the class of position in which he was last employed, provided he has been certified by the Bureau as meeting the current minimum qualifications as to training and experience of the class of position. Eligibility for reinstatement to the register shall be for a period of time equivalent to the period of his service under the merit system, but not to exceed five years.

PW-PA 10.13 - APPEALS

(1) - Appeal from Examination Rejection

(a) Any applicant whose application for admission to an entrance or promotional examination has been rejected by the Bureau may appeal to the Bureau for consideration of his qualifications. The Bureau shall consider such appeal, if in writing, provided it shall have been received by the Bureau not later than 48 hours prior to the announced time for holding the written examination. The Bureau's decision with respect to any such appeal shall be final.

(b) Applicants may be admitted to an examination by the Bureau pending a consideration of a written appeal. Admission to a written examination under such circumstances, however, shall not constitute the assurance of a passing grade in training and experience.

(2) - Review of Examination Ratings

Any applicant who has taken an examination may appeal to the Bureau for review of his grade in any part of such examination to assure that uniform grading procedures have been applied equally and fairly. Such appeal must be filed in writing at the office of the Bureau within 30 days after the date on which notification of the results of such examination was mailed to the applicant. A grading in any part of an examination shall not be changed unless compliance with the foregoing conditions has been made and unless it is found by the Bureau that a substantial error has been made. The Bureau's written decision with respect to a review or change shall be final. A correction in the grading shall not affect a certification or appointment which may have already been made from the register.

(3) - Appeal from Removal from Register

A person whose name has been removed from a register for any of the reasons specified in FW-PA 10.06 (3)(a), may appeal to the Bureau for reconsideration. Such appeal must be filed in writing with the Bureau within 30 days after the date on which notification was mailed. The Bureau after investigation shall make its decision, and the appellant shall be notified accordingly.

(4) - Appeal from Termination, Suspension, or Demotion

(a) A permanent employee who is terminated for cause, suspended, or demoted shall have the right to appeal to the Bureau. Such appeal shall be submitted in writing not later than 30 calendar days after the effective date of the action, and shall be transmitted to the Bureau, which shall arrange a formal hearing before the Personnel Board, such hearing to be held within 60 calendar days after receipt of the appeal. The Bureau shall furnish the agency concerned with a copy of the appeal in advance of the hearing. Both the employee and the appointing authority shall be notified reasonably in advance of the hearing and shall have the right to present witnesses and give evidence before the Personnel Board.

(b) The Personnel Board shall make its recommendations promptly in writing to the appointing authority and to the appellant, with a copy to the Division.

(c) After consideration of the Personnel Board's recommendations, the appointing authority shall make its decision, which shall be final and which shall be duly recorded in the permanent records of the agency. The appointing authority shall, in writing, promptly notify the appellant of its decision, with a copy to the Division.

PW-PA 10.14 - ATTENDANCE AND LEAVE

Each county board of supervisors may adopt regulations covering attendance, vacation, sick leave, and other types of leave. Such regulations shall be uniformly applicable, insofar as possible to all employees of an agency. A copy of such regulations shall be filed with the Division.

PW-PA 10.15 - PERFORMANCE REPORTS

The Division shall have in effect a uniform system of performance standards for each class of position to be used by county agencies in making evaluations of work performance. Performance reports shall be prepared and recorded for all permanent employees at regular intervals not to exceed 12 months. Performance reports shall be considered in such personnel actions as salary advancements, and in making promotions, demotions, terminations for cause, and in determining the order of separations due to reduction of force. Performance reports shall be discussed with the employee at the time of the evaluation.

PW-PA 10.16 - POLITICS AND RELIGION

(1) - No Interference with Elections

No employee of the agencies shall use his official authority or influence for the purpose of interfering with an election or affecting the results thereof. All persons occupying positions other than those hereinbefore exempted in PW-PA 10.01 (9), while retaining the right to vote as they please and to express privately their opinions on all political subjects, shall take no active part in political management or in political campaigns. All prohibitions of political activity provided for agencies administering Federal grants-in-aid in the Federal Hatch Act apply to employees of the agencies.

(2) - No Disclosures or Discriminations

No question in any form of application or in any examination shall be so framed as to elicit information concerning the political or religious opinions or affiliations of any applicant, nor shall any inquiry be made concerning such opinions or affiliations, and all disclosures thereof shall be discountenanced. No discriminations shall be exercised, threatened, or promised by any person in the employ of the agencies against or in favor of any applicant, eligible, or employee because of his political or religious opinions or affiliations.

PW-PA 10.17 - OTHER EMPLOYMENT

No employee shall hold other conflicting public office or have conflicting employment while in the employ of the agency. Determination of such conflict shall be made by the Division.

PW-PA 10.18 - PAYROLL CERTIFICATION

The agencies shall certify the payrolls to the Division on prescribed forms within two weeks following each payroll period. The Division shall check the names, positions, salaries, and appointments which appear thereon and shall certify on each payroll to what extent the payroll conforms to the provisions of this rule and the supplementary regulations adopted pursuant thereto. This post-audit shall be made within a reasonable period after the receipt of the payrolls in the office of the Division and shall become a permanent part of the records of the Division. Any exceptions to the payroll shall be clearly indicated. The Division shall be responsible for notifying any agency of any exception and for securing compliance with this rule.

PW-PA 10.19 - RECORDS AND REPORTS

The Division shall maintain a personnel record for each employee, showing name, title, county, salary, changes in status, performance reports, and such other personnel information as may be considered pertinent. Every personnel action shall be submitted on prescribed forms to the Division. The Bureau shall receive such notice of personnel actions as it may require for carrying out its duties under this rule.

PW-PA 10.20 - APPLICABILITY

(1) All positions in the agencies, other than those in agencies where the department has delegated to a county civil service agency responsibility for determining qualifications of applicants for merit examinations and those positions hereinbefore exempted in PW-PA 10.01 (9) shall be filled by persons selected in accordance with this rule.

(2) Counties adopting a civil service system shall submit to the Division copies of their classification and compensation plans, class specifications including qualification requirements, and such other material as may be necessary to enable the Department to determine acceptability of standards of qualifications and examinations.

(3) The Bureau, with the approval of the Division, may cooperate with other jurisdictions whose merit systems operate in conformity with standards comparable to those contained in this rule. With the approval of the Division the Bureau may announce and administer joint examinations in conformity with this rule and the registers so established shall be given recognition under this rule. With the approval of the Division the Bureau may, in the absence of an appropriate register for such a class of position established under another merit system operating in conformity with these standards, accept regular certification from such registers under the article herein governing certification.

(4) An individual who presents evidence that he has received permanent merit status in a given class of position in a social security aid agency of another state may within five years after separation be appointed upon certification by the Bureau to a position similar as to duties and qualifications subject to the probationary period as set forth in PW-PA 10.09.

FW-PA 10.21 - AMENDMENTS

If and when it appears desirable in the interest of good administration, the State Board of Public Welfare may make additions to or amend this rule.

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