

Pers 5 to 22

Filed August 19, 1971
3:37 P.M.

STATE OF WISCONSIN)
)
STATE PERSONNEL BOARD) ss

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, C. K. Wettengel, Secretary of the State Personnel Board, and custodian of the official records of said Board, do hereby certify that the amendments and changes to the rules relating to compensation, kinds of employment, seasonal employment, reinstatement, demotion, absences, seniority and layoffs were duly approved and adopted by this Board on August 13, 1971.

I further certify that said copy has been compared by me with the original on file with this Board and that the same is a true copy thereof and of the whole of such original.

IN TESTIMONY WHEREOF,

I have set my hand at the State Office Building, in the City of Madison, Wisconsin, this 18th day of August, A. D. 1971.

C. K. Wettengel

C. K. WETTENGEL, SECRETARY

STATE OF WISCONSIN
DEPARTMENT OF STATE
RECEIVED AND FILED

AUG 19 1971

ROBERT C. ZIMMERMAN
SECRETARY OF STATE



State of Wisconsin \ PERSONNEL BOARD

Patrick J. Lucey
Governor

JOHN H. SHIELS, CHAIRMAN
1 WEST WILSON STREET
MADISON, WISCONSIN 53702

ORDER OF THE WISCONSIN STATE PERSONNEL BOARD
ADOPTING, AMENDING OR REPEALING RULES

Pursuant to authority vested in the Wisconsin State Personnel Board by Section 16.05(2) and Chapter 227, Wis. Stats., the Wisconsin State Personnel Board hereby repeals, amends, and adopts rules as follows:

Section Pers 5.03(1) of the Wis. Adm. Code is amended to read:

(1) PROBATIONARY INCREASE. A probationary increase of one step shall be granted pursuant to section 16.105(2)(d), Wis. Stats., effective the beginning of the pay period closest to the completion date of the first 6 months of the established probationary period in accordance with section 16.105(7), Wis. Stats.

Section Pers 5.03(2)(c) of the Wis. Adm. Code is amended to read:

(c) When a position is reallocated pursuant to Wis. Adm. Code section Pers 3.02(2)(a) and (f) to a classification in a salary range with a higher maximum and the incumbent does not have permanent status in the class, he shall receive a salary increase to the minimum of the new class if below this rate. [See Wis. Adm. Code section Pers 13.05(5)].

Section Pers 5.03(4) of the Wis. Adm. Code is amended to read:

(4) MERIT INCREASES. See sections 16.105(2)(c) and (e), 16.105(6) and 16.25, Wis. Stats.

Section Pers 5.03(6)(b)(intro. par.) of the Wis. Adm. Code is amended to read:

(b) Interim Merit Increases. Pursuant to section 16.105(6), Wis. Stats., appointing officers may grant merit increases throughout the fiscal year subject to the limitations contained therein and section 16.105, Wis. Stats., and the following:

Section Pers 5.03(9) of the Wis. Adm. Code is repealed and recreated to read:

(9) SIMULTANEOUS SALARY INCREASES, ORDER OF APPLICATION. Salary adjustments resulting from personnel transactions that have the same effective date shall occur in the following order:

1. Reallocation
2. Reclassification
3. Probationary Increase
4. Promotional Increase
5. Compensation Plan Adjustment pursuant to section 16.105 Wis. Stats.
6. Merit Increase

Any combination of the above transactions shall occur in the order listed.

Section Pers 5.06(3) of the Wis. Adm. Code is amended to read:

(3) In instances where vacation credits have been used to cover an absence which is later found compensable, the appointing officer shall, if requested by the employe, provide leave without pay on a day for day basis, with such leave to be taken in accordance with Wis. Adm. Code subsection Pers 18.02(7).

Section Pers 5.06(5) of the Wis. Adm. Code is created to read:

(5) An employe may elect to use unexpired accrued sick leave to supplement the Workmen's Compensation benefits provided pursuant to Chapter 102, Wis. Stats., to the extent that the employe shall receive the equivalent of his regular base pay as defined under Pers 5.04, Wis. Adm. Code. Notice of such election by the employe shall be reported in the same manner provided for in (2) of this section.

Section Pers 5.085(4)(d) of the Wis. Adm. Code is amended to read:

(4)(d) Upon termination, retirement, or death of an eligible employe the length of service payment shall be prorated and paid on a date as determined by the director in accordance with section 16.105(2)(bf), Wis. Stats.

Section Pers 5.09(3) of the Wis. Adm. Code is amended to read:

(3) PROVISIONS FOR INCLUDED EMPLOYEES. Included employes shall be paid at a premium rate for all hours worked in excess of 40 hours per workweek.

Section Pers 5.10(2)(a) of the Wis. Adm. Code is amended to read:

(a) Included employes shall be paid a premium rate for additional employment work hours which together with regular employment hours exceed 40 hours of work per week according to Pers 5.09(3). It shall be the responsibility of the department employing a person on additional employment to determine the total hours worked by the employe and to pay the premium rate when applicable.

Section Pers 5.15 (intro. par.) of the Wis. Adm. Code is amended to read:

Pers 5.15 Employment Interview Travel Expenses. As provided by subsection 20.916(2), Wis. Stats., an applicant who is eligible for selection for employment may be reimbursed for all or part of his actual and necessary travel expenses incurred in connection with an employment interview by the employing department provided:

Section Pers 8.02(2)(a) and (b) of the Wis. Adm. Code is amended to read:

(a) Criteria. Authorized positions that meet the following criteria: where the need for such positions may be reasonably anticipated; which recur yearly or more often; where employment in such positions would normally lead to a career through successive reinstatements; and which require the services of an employe half-time or more on a daily, weekly, biweekly or monthly basis. See Wis. Adm. Code chapter Pers 9.

(b) Limitation. Employment of any person on a seasonal basis shall not exceed 11 months in any 12 month period. For the purposes of this subsection and chapter Pers 9 only, 2 full biweekly pay periods shall be considered the equivalent of one month.

Section Pers 9.02(1) of the Wis. Adm. Code is amended to read:

(1) When the nature and conditions of employment in a seasonal position approaches year-round full-time employment (more than 24 biweekly pay periods in any span of 26 consecutive full biweekly pay periods) the appointing officer shall request establishment of a permanent position and abolish the seasonal position. An employe occupying such abolished seasonal position shall be appointed to the position.

Section Pers 10.05 of the Wis. Adm. Code is repealed and recreated to read:

Pers 10.05 SALARIES. No salary increases shall be allowed for this kind of employment except those approved by the director for economic adjustment for comparable work on a permanent basis or for a distinctly different duty assignment.

Section Pers 16.02(1) of the Wis. Adm. Code is amended to read:

(1) Layoffs Have Priority. An employe who has been laid off or accepted a voluntary demotion in lieu of an impending layoff shall be reinstated when a vacancy for which he is qualified occurs in the employing unit from which he was laid off, according to the inverse order of the layoff. The appointing officer shall notify each person laid off that he may establish service-wide reinstatement eligibility through the bureau within one year from the date of layoff, and that he may request that his eligibility be extended for one year intervals not to exceed 3 years from date of layoff.

Section Pers 16.05(1) of the Wis. Adm. Code is repealed and recreated to read:

(1) Subject to the maximum of the salary range to which the class is assigned, the appointing officer shall determine the salary rate of an employe who is reinstated as follows:

(a) An employe placed on probation may be paid at any rate between the minimum of the range for the class reinstated to and the last rate received plus intervening service-wide salary adjustments excluding merit increases.

(b) An employe not placed on probation may be paid at any rate between the PSICM of the range for the class reinstated to and the last rate received plus intervening service-wide salary adjustments excluding merit increases.

Section Pers 16.05(3) and 16.05(4) of the Wis. Adm. Code are created to read:

(3) An employe reinstated under the provisions of Wis. Adm. Code Pers 14.03(2) shall be paid as provided in (1) except that he shall not retain his promotional increase.

(4) SALARY ON RESTORATION. Subject to the maximum of the salary range for the class assigned, the appointing officer shall determine the salary rate under one of the following:

(a) An employe restored following military service, pursuant to section 16.276, Wis. Stats., shall be paid the last rate received plus intervening service-wide salary adjustments and shall be eligible to receive merit increases.

(b) An employe restored following a leave to serve in the unclassified service, pursuant to section 16.274, Wis. Stats., shall be paid the last rate received plus intervening service-wide salary adjustments and shall be eligible to receive merit increases.

(c) An employe restored under the provisions of Wis. Adm. Code Pers 14.03(1), shall be paid the rate received prior to the promotional increase, plus any intervening service-wide salary adjustments.

Section Pers 17.04(1) of the Wis. Adm. Code is repealed and recreated to read:

(1) INVOLUNTARY DEMOTION WITHIN A DEPARTMENT. An appointing officer may demote an employe for disciplinary purposes as provided in subsection 16.24(1), Wis. Stats.

(a) The demotion may be made to any position within the department regardless of employing unit; and the employe may appeal the demotion within 10 calendar days of the effective date of such action.

(b) An employe demoted for disciplinary purposes does not retain permanent status previously acquired in the higher class of position, nor does he retain reinstatement eligibility to the higher class of position. He does acquire permanent status and tenure rights in the class of position to which he is demoted. No probationary period shall be required for an employe demoted for disciplinary purposes.

Section Pers 17.04(2)(intro. par.) of the Wis. Adm. Code is amended to read:

(2) VOLUNTARY DEMOTION WITHIN A DEPARTMENT. Except as provided under (3), an employe with approval of the appointing officer may accept a voluntary demotion within the department either to a position in the same employing unit, or to a position in a different employing unit. Acceptance of such voluntary demotion shall be furnished the director in writing by the employe.

Section Pers 17.04(3) of the Wis. Adm. Code is renumbered to be Pers 17.04(4).

Section Pers 17.04(3) of the Wis. Adm. Code is created to read:

(3) VOLUNTARY DEMOTION WITHIN A DEPARTMENT IN LIEU OF LAYOFF. An employe selecting a voluntary demotion in lieu of layoff retains permanent status previously acquired in the higher class of position. For provisions relating to the reinstatement of an employe so demoted, see Wis. Adm. Code chapter Pers 16. No probationary period shall be required for an employe who accepts a voluntary demotion in lieu of layoff within the employing unit.

Section Pers 18.02(1) of the Wis. Adm. Code is amended to read:

(1) EMPLOYEES WHO EARN ANNUAL LEAVE OF ABSENCE. All classified employees shall earn annual leave of absence except:

- (a) Emergency employees.
- (b) Provisional employees.
- (c) Limited term employees.
- (d) Employees who do not qualify under subsection 16.275(1)(e), Wis. Stats.

Section Pers 18.02(3) of the Wis. Adm. Code is amended to read:

(3) COMPUTING YEARS OF SERVICE. In determining the number of full years of service completed, credit shall be given for all time in employment status in a permanent, seasonal, sessional, or unclassified position. Any absences without pay totaling more than 168 work hours within each calendar year except for military leave and absence due to injury or illness arising out of state employment and covered by the workmen's compensation act or section 16.31, Wis. Stats. shall not be counted. Only the most recent period of continuous service may be counted in determining an employe's length of service. Employes subject to section 16.275(1)(e), Wis. Stats. shall be deemed to have completed one full year of service for each such seasonal, sessional or other part-time annual period of service in computing years of continuous service.

Section Pers 18.02(6)(c) of the Wis. Adm. Code is amended to read:

(6)(c) As credit for a combined termination/sabbatical leave plan with such credit being accumulated without limitation. Sabbatical leave means an extended leave requested by the employe and approved by the appointing officer.

Section Pers 18.03(1) of the Wis. Adm. Code is amended to read:

(1) EMPLOYEES WHO EARN SICK LEAVE. All employees shall earn sick leave except:

- (a) Emergency employees.
- (b) Provisional employees.
- (c) Limited term employees.

Section Pers 18.03(2)(a) and (c) of the Wis. Adm. Code are amended to read:

(a) Sick leave shall accrue at the rate of 4 hours for each biweekly pay period of service.

(c) Unused sick leave shall accumulate in the employe's sick leave account pursuant to subsection 16.275(2), Wis. Stats.

Section Pers 18.03(4)(a) of the Wis. Adm. Code is amended to read:

(a) Each permanent employe, employe serving his probationary period and seasonal employe who has earned sick leave credits shall be eligible for sick leave for any period of absence from employment which is due to his illness, bodily injury, maternity, exposure to contagious disease, attendance upon members of his immediate family (parents, grandparents, foster parents, children, grandchildren, foster children, brothers (and their spouse), sisters (and their spouse), of the employe or spouse; the spouse, aunts and uncles of the employe; or, other relatives of the employe or spouse residing in the household of the employe) where employe's presence is required or death in the immediate family of the employe or his spouse. The department has the duty to require that the employe make other arrangements, within a reasonable period of time, for the attendance upon children or other persons in his care.

Section Pers 18.03(6) of the Wis. Adm. Code is repealed and recreated to read:

(6) TABLE FOR PRORATING SICK LEAVE.

Hours in pay status in biweekly pay period	Sick leave earned
Less than 20 hours	0 hours
20 hours but less than 40	1 hour
40 hours but less than 60	2 hours
60 hours but less than 80	3 hours
80 hours or more	4 hours

Section Pers 18.05(1)(b) of the Wis. Adm. Code is amended to read:

(b) FORMAL LEAVE. Application for a leave in excess of one month 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 officer 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: educational purposes where direct or indirect benefit accrues to the service; 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; maternity cases and exceptional personal reasons other than those mentioned above. Leave of absence because of illness or for educational purposes may be extended up to 2 years on a year to year basis on the recommendation of the appointing officer and the approval of the director.

Section Pers 18.05(3) of the Wis. Adm. Code is amended to read:

(3) ABSENCE WITHOUT LEAVE. Any absence of an employe that is not authorized under these rules shall be considered as an absence without leave. Any such absence may be grounds for disciplinary action.

Section Pers 18.07(2) of the Wis. Adm. Code is amended to read:

(2) PERSONAL HOLIDAYS. Personal holidays shall be taken pursuant to section 16.275(6)(ar) Wis. Stats. and shall be granted during the calendar year earned, and shall be noncumulative.

Section Pers 19.01 of the Wis. Adm. Code is amended to read:

19.01 Definition. Seniority, applied as a factor in determining rank in promotions and layoffs, is defined as an employe's continuous state service as computed under Wis. Adm. Code subsections Pers 18.02(2) and (3).

Section Pers 19.02 of the Wis. Adm. Code is repealed.

Section Pers 22.04(2) of the Wis. Adm. Code is amended to read:

(2) ASSIGNMENT OF SENIORITY CREDIT. The seniority credit of all employes in the class and organization unit in which layoff is to be made shall be computed on the basis of length of service as set forth in Wis. Adm. Code subsection Pers 19.01. A seniority ranking of all such employes shall be made accordingly, with any resulting tie cases to be ranked (relative to each other) according to their total length of service in the class.

Section Pers 22.04(3) of the Wis. Adm. Code is amended to read:

(3) NUMBER CONSIDERED FOR LAYOFF. Within the total number of employes in the given class and layoff unit, the group considered for layoff shall consist of those with the lowest seniority ranking, as follows: That group shall number 3 employes, where only one employe is being laid off. In all other cases, that group shall number double the number of positions to be vacated; except that it shall include no greater number of employes with 5 or more years of seniority credit (under Wis. Adm. Code subsection Pers 19.01) than is necessary to consider for layoff 2 more employes than there are positions to be vacated.

Section Pers 22.04(4) of the Wis. Adm. Code is amended to read:

(4) RANKING BY PERFORMANCE. All employes in the group thus to be considered for layoff shall be ranked by the appointing officer according to their relative performance in the given class and unit. Such ranking shall be based on recent and comparable standards of performance. When layoff is induced in another class as a result of any employe exercising his "bumping" rights, all employes in the resulting layoff group shall be ranked according to their relative performance on a man-to-man comparison basis.

Section Pers 22.06 of the Wis. Adm. Code is repealed.

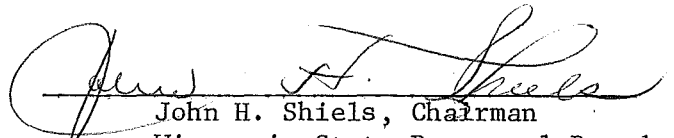
Section Pers 22.07 of the Wis. Adm. Code is renumbered to be Pers 22.06 and amended to read:

Pers 22.06 Written Notice Prior to Layoff. Any employe affected by such layoff or reduction in pay or position shall be given written notice, not less than 15 calendar days prior to the effective date thereof.

Section Pers 22.08 of the Wis. Adm. Code is renumbered to be Pers 22.07.

The rules contained herein shall take effect on October 1, 1971, as permanent rules in accordance with s.s. 227.027(1), Wis. Stats. In accordance with s.s. 227.027(1), Wis. Stats., the adoption and amendment of these rules is necessary for the preservation of the public welfare.

EFFECTIVE OCTOBER 1, 1971


John H. Shiels, Chairman
Wisconsin State Personnel Board