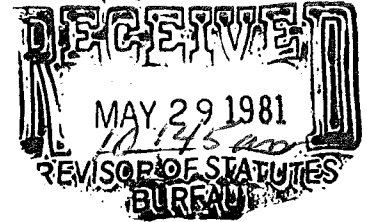


PW-PA 10, HSS 5

CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

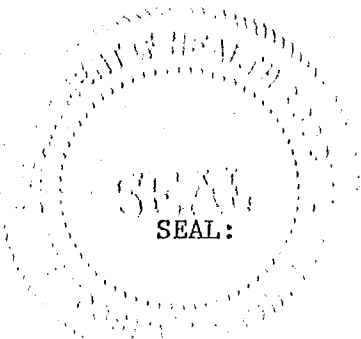


TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Donald E. Percy, Secretary of the Department of Health and Social Services and custodian of the official records of said department do hereby certify that the annexed rules relating to merit-based personnel management by local human services agencies were duly approved and adopted by this department on May 29, 1981.

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

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at the State Office Building, 1 W. Wilson Street, in the city of Madison, this 29th day of May, A.D. 1981



Donald E. Percy, Secretary
Department of Health and Social Services

ORDER OF THE
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
REPEALING AND ADOPTING RULES

Relating to rules concerning merit-based personnel management by local human services agencies.

Analysis prepared by the Department of Health and Social Services:

The Department of Health and Social Services receives certain federal funds which it passes through to counties for the support of staff positions in aging, mental health, alcohol and other drug abuse, developmental disabilities, public health, income maintenance, and social services programs. As a condition of receipt of those funds, the Department must ensure that personnel management decisions affecting local employees whose positions are supported by the federal funds conform to six merit principles (5CFR Part 900, Subpart F).

Those principles are:

1. Recruitment, selection, and advancement of employees on skill, knowledge, and ability factors;
2. Compensation for employees that is both equitable and adequate;
3. Training of employees to assure high quality performance;
4. Retention of employees on the basis of adequate performance;
5. Fair treatment of employees and applicants for employment;
6. Freedom from political coercion.

Two options to ensure that personnel services in accord with those principles are provided to local human services employees are (a) to have the Department actually control and provide such services through a state administered county merit system or (b) to delegate such responsibilities to the counties, many of which now administer a personnel system or systems for a variety of other county employees. The Department has already exercised the latter option by delegating responsibility to ten (10) of the largest counties.

Historically, the Department has administered a county merit system, except in those ten (10) counties. The county merit system program has been difficult to administer, yet possible heretofore because only income maintenance and social services employees have been provided services. With the extension of coverage to all county human services employees in the programs previously noted now necessary, the Department must look to the counties to accept a greater share of the responsibility for personnel services.

HSS5.02 Delegation of authority. (1) OFFER AND ACCEPTANCE OF DELEGATION. Determination by the department of health and social services that the local employer has a staff capability to administer this chapter shall lead to an offer by the department of health and social services of delegation, and acceptance of that offer shall make the local employer responsible for the administration of this chapter.

(2) PERIODIC EVALUATION BY THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES. (a) The department of health and social services shall continue periodic evaluations of the performance of the local employer to ensure that this chapter is being administered fairly and efficiently.

(b) Any violations of merit principles discovered by the department of health and social services in its evaluation of the local employer's performance shall be reported to the employer for correction.

(c) Failure by the employer to correct violations identified by the department of health and social services may result in withdrawal of the delegation.

(3) ADMINISTRATION BY THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES. The department of health and social services shall administer this chapter until such time as it determines that the local employer has a staff capability to administer the chapter and agrees to administer it, or following a determination that an employer has failed to correct violations identified and reported to the employer by the department of health and social services.

HSS5.03 Recruitment, selection and appointment. Recruitment, selection, and appointment of applicants for employment and advancement of employes shall be on the basis of their relative ability, knowledge, and skills.

(1) RECRUITMENT. Recruiting efforts shall ensure that interested and qualified applicants from outside the employing agency are considered for employment.

(a) Emphasis shall be placed on recruiting efforts to attract minorities, women, and members of other groups substantially underrepresented in the work force to help ensure they are among the candidates from whom appointments are made.

(b) The recruiting program shall be designed to meet current and projected work force needs and shall be tailored to the number and type of positions to be filled and to labor market conditions.

(2) SELECTION AND APPOINTMENT. Selection procedures shall assess applicant attributes necessary for successful job performance, shall be based upon the duties and responsibilities of the job to be filled, and shall provide for the appropriate ranking of applicants from the most qualified to the least qualified which shall constitute the employment list.

(a) Appointments shall be made from employment lists established on the basis of the relative ability, knowledge and skills of the applicants.

(b) The number of applicants to be considered for employment shall be determined prior to the initiation of any selection procedure.

(2) LAYOFFS AND SEPARATIONS. Employees who have completed a fixed probationary period shall not be subject to layoff except for reasons of curtailment of work or lack of funds.

(a) A layoff procedure to reduce the work force shall be developed based upon an evaluation of performance and length of service that shall ensure the retention of the most competent senior employees.

(b) Employees who have completed a fixed probationary period shall not be discharged except for cause. Grounds for discharge include, but are not limited to, inefficiency, neglect of duty, official misconduct, or malfeasance in office.

HSS5.07 Equal employment opportunity and appeals. Fair treatment of applicants and employes in all aspects of personnel administration shall be assured.

(1) EQUAL EMPLOYMENT OPPORTUNITY Fair treatment and freedom from unlawful discrimination in personnel administration, as provided in subch. II of ch. 111, Stats., and relevant federal statutes including but not limited to the Equal Employment Opportunity Act of 1972 (42 U.S.C. 2000e-2000e-17), the Rehabilitation Act (29 U.S.C. 701-709), the Age Discrimination in Employment Act (29 U.S.C. 621-634), and the Equal Pay Act (29 U.S.C. 206), shall be assured to all persons.

(2) AFFIRMATIVE ACTION An affirmative action plan shall be developed and implemented to increase the utilization of women, minorities, and handicapped persons previously underutilized and underrepresented by the identification of goals and establishment of timetables formulated to correct substantial disparities. The plan shall include:

(a) Provision for the collection and maintenance of data on applicants and employes by race, sex, ethnic group and handicapped status to determine the impact of the selection process on the composition of the work force;

(b) Periodic evaluation of results to assess the effectiveness of the plan in achieving both long term and interim goals on a timely basis; and,

(c) Prohibitions against unlawful discrimination.

(3) APPEALS. In the event of demotion or separation, permanent employes shall be provided with the right to appeal through an impartial process that may be recommendatory or enforceable on the employer. Appeals of alleged discrimination of an applicant or employe shall also be provided through an impartial process that shall result in timely, enforceable decisions.

HSS5.08 Political activity. (1) RESPONSIBILITY OF LOCAL GOVERNMENTS. Local employers shall inform their employes of their political rights and of prohibited practices under the Hatch Act (5 U.S.C. 1501-1508).

(2) POLICIES CONCERNING POLITICAL ACTIVITY. (a) Policies on political activity shall be adopted and enforced to ensure that all employes have the right to express their views as citizens, to pursue their legitimate involvement in the political system, and to vote.



State of Wisconsin \

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE SECRETARY
1 WEST WILSON STREET
MADISON, WISCONSIN 53702

May 29, 1981

Mr. Orlan Prestegard
Revisor of Statutes
411 West, State Capitol
Madison, Wisconsin 53702



Dear Mr. Prestegard:

As provided in section 227.023, Wis. Stats., there is hereby submitted a certified copy of HSS 5 relating to merit-based personnel management by local human services agencies.

This rule is being submitted to the Secretary of State as required by section 227.023, Wis. Stats.

Sincerely,

A handwritten signature in dark ink, appearing to read "D.E.P." with a stylized flourish.

Donald E. Percy
SECRETARY

Enclosure