

CR 82-171

STATE OF WISCONSIN)
)
DEPARTMENT OF EMPLOYMENT RELATIONS) SS
)
DIVISION OF PERSONNEL)

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TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Charles W. Grapentine, Administrator of the Division of Personnel, Department of Employment Relations, and custodian of the official records of said Division do hereby certify that the annexed rules or amendments to rules relating to certain state classified civil service provisions and the code of ethics for classified and certain unclassified employees, were duly approved and adopted by this Division on October 19, 1982 and approved by the Personnel Board on October 19, 1982 and October 25, 1982. A withdrawal of the repeal of s. Pers 22.10 (5) and the amendment of s. Pers 29.03 (7)(b) and (8)(c) was adopted by the Division on December 27, 1982 and approved by the Personnel Board on December 27, 1982.

I further certify that said copy has been compared by me with the original on file in this Division 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
at 149 East Wilson Street in
the City of Madison, this 10th
day of January, 1983.

STATE OF WISCONSIN
FILED

JAN 10 1983

DOUGLAS LA FOLLETTE
SECRETARY OF STATE


CHARLES W. GRAPENTINE
ADMINISTRATOR

3-183

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ORDER OF THE ADMINISTRATOR,
DIVISION OF PERSONNEL, ADOPTING, AMENDING OR REPEALING RULES

Relating to Rules of the Division of Personnel
in the Department of Employment Relations

STATE OF WISCONSIN
FILED

JAN 10 1983

DOUGLAS LA FOLLETTE
SECRETARY OF STATE

LEGISLATIVE COUNCIL
CLEARINGHOUSE RULE
82-171

Division of Personnel
Department of Employment Relations
149 E. Wilson St., Madison, WI 53707

12-27-82

RULE MAKING ORDER

(INTRODUCTORY CLAUSE)

To repeal Pers 12.06 and 15.04 (intro.); to renumber Pers 10.05 (2), 13.04 to 13.09, 29.01 (2), and 29.04 (5) to (7); to renumber and amend Pers 3.015 (2), 13.10, 15.04 (1) and (2), 22.08 (2) and (3), and 29.04 (4); to amend Pers 3.01 (2)(f), (3) and (4), 3.015 (3), 6.04, 6.095 (1), 6.10 (3), 10.01 (1) and (2), 10.05 (1), 12.02 (1), 12.05 (1), 13.01, 14.01, 15.01, 15.03, 15.05, 16.01 (2), 16.04, 17.01, 17.04 (1)(b), (2), (3)(intro.), (b) and (c) and (4)(b), 18.02 (1), (2)(f), (4)(b), (5)(c) and (7)(a), 18.03 (2)(a) and (b) and (5)(c), 18.04 (4), 18.05 (1)(a) and (d) and (2), 18.07 (1)(intro.), (b)(intro.) and 1., (2) and (3), 21.01, 22.02 (1), 22.03 (3)(a), 22.04 (intro.) and (1), 22.06 (1) and (2), 22.07, 22.08 (intro.), (1)(a) 1. and 2., (b) and (c), 22.09 (1) and (2) (intro.), 22.10 (intro.) and (1) to (4), and (6), 22.11 (1), 22.14, 28.02 (3) and (5), 29.01 (title) and (1) (title), 29.015 (title) as renumbered, 29.025 (1), (3) and (4), 29.03 (3)(c), (4)(c), (5)(a) 4. and (b), (7)(c), 29.04 (title), 29.04 (16) as renumbered 30.06 (1), 30.085, 30.09 (3) and (4), 30.10 (2) to (4), and 30.105 (2)(intro.), (3)(intro.), (a) and (c), (4) and (5); to repeal and recreate Pers 29.04 (1) to (3) and 30.07 (1); and to create Pers 1.02 (15), 3.015 (2)(a) to (c), 3.03 (4), 3.05, 6.027, 10.05 (2), 11.04 (1)(g), 17.04 (3)(d), 18.02 (2)(g), 22.025, 22.06 (4), 22.08 (1)(b) 3., 22.09 (2)(e), 24.045, 29.01 (2), 29.04 (4), (6) to (12), (15) and (17), 30.02 (3), 30.10 (5), and 30.105 (intro.), relating to rules of the division of personnel in the department of employment relations.

[PLAIN LANGUAGE ANALYSIS PREPARED BY THE DIVISION OF PERSONNEL]

The revision to the Rules of the Administrator, Division of Personnel, has five major effects. First, appointing authority discretion has been expanded in changes to Chapters Pers 6, 15, 16, 18, 22 and 30. Second, management flexibility has been increased in changes to Chapters Pers 1, 3, 22 and 30. Third, part-time employment has been addressed in changes to Chapters Pers 14, 15, 17, 18, 22 and 29. Fourth, classified state employe benefits have been increased in changes to Chapters Pers 18, 22 and 28. Fifth, classified state employes have been granted additional protections in changes to Chapters Pers 15, 17 and 22.

The specific substantive revisions to the Rules are identified by section in the following narrative:

Section Pers 1.02 (15) defines a vacancy to establish that a vacancy does not exist for personnel transaction purposes until the appointing authority has initiated action to fill a position to which a permanent appointment may be made. This is authorized by s. 230.05 (5), Stats.

Section Pers 3.01 (2)(f) expands the definition of reallocation to include changes to filled positions which are logical but not gradual and, therefore, do not fit the definition of a reclassification. This is authorized by s. 230.09 (2), Stats., as are other revisions to Chapter Pers 3.

Section Pers 3.01 (4) clarifies that the incumbent of a filled position that was reallocated or reclassified will only be regraded if the position is not opened to other candidates.

Section Pers 3.015 (2)(c) provides that the incumbents of filled positions which will be reallocated or reclassified will not be regraded if the administrator determines that the positions should be filled by competitive examination under s. 230.15 (1), Stats.

Section Pers 3.015 (3) clarifies that incumbents of filled positions which may be reclassified or reallocated under s. Pers 3.01 (2)(f) or (g) may not be regraded until the incumbent has served the first 6 months of a trial or probationary period and has performed the permanently assigned duties and responsibilities for a minimum of 6 months.

Section Pers 3.03 (4) clarifies that requests for reallocation, reclassification, or regrade are cancelled when the employe resigns, retires, or is terminated from pay status in the position prior to the effective date of the requested action.

Section Pers 3.05 retains the provisions of s. Pers 31.05 (3), which will be abolished when the Rules of the Secretary, Department of Employment Relations, are promulgated. This section provides that the position of a classified state employe shall not be reclassified while the employe is on a temporary interchange under s. 230.047, Stats.

Section Pers 6.027 retains the provisions of s. Pers 31.05 (3), which will be abolished when the Rules of the Secretary, Department of Employment Relations, are promulgated. This section provides that a classified employe who is on a temporary interchange under s. 230.047, Stats., is eligible to compete in promotional examinations during the interchange assignment. This is authorized by s. 230.19, Stats.

Section Pers 6.04 conforms to present practice in the establishment of separate employment registers. This is authorized by s. 230.25, Stats.

Section Pers 6.10 (3) is amended to reflect the language in Chapter 334, Laws of 1981. This is authorized by s. 230.17, Stats.

Sections Pers 10.01 and 10.05 (1) and (2) incorporate changes in s. 230.26, Stats. Section Pers 10.01 is amended to reflect the elimination of the category of emergency limited term employe under Chapter 20, Laws of 1981. The remaining sections clarify that limited term employes' eligibility to participate in various benefit programs is subject to certain controlling conditions rather than being automatic. Specific reference is provided for group insurance and retirement as enacted under Chapter 96, Laws of 1981. This is authorized by s. 230.26 (1) and (4), Stats., respectively.

Section Pers 11.04 (1)(g) provides that the administrator may remove a name from an employment register if the person will not accept a previously established condition of employment for the classification. This is authorized by s. 230.17 (1), Stats.

Section Pers 12.05 (1) limits the basis of expanded certification for women and minorities to the employing unit to which the certification is made.

Section Pers 12.06 is repealed in recognition that s. 230.25 (1), (2) and (4)(a), Stats., provide sufficient language concerning certifications and appointments from existing registers and the establishment of new registers.

Sections Pers 14.01 and 15.01 define promotion and transfer, respectively, in a manner that includes personnel transactions involving employes appointed to more than one position. These are authorized by ss. 230.19 (1) and 230.29, Stats., respectively.

Section Pers 16.04 (2) provides for the discretionary carry-over of probationary time upon reinstatement, consistent with the provisions of s. Pers 13.06 (3). This is authorized by s. 230.28 (4), Stats.

Section Pers 17.01 defines demotion in a manner that includes personnel transactions involving employes appointed to more than one position. This is authorized by s. 230.34 (1)(c), Stats., as are other revisions to Chapter Pers 17.

Section Pers 17.04 (3)(d) provides protection for an employe who voluntarily demotes to a trainee position within the same employing unit in the same agency and does not successfully complete probation in the new position. Such employe shall either be transferred to a different position or reinstated at the discretion of the appointing authority.

Section Pers 17.04 (3)(b) and (c) and (4)(b) clarify that a probationary period shall be required upon a demotion to a trainee position. This is authorized by s. 230.28 (5), Stats.

Section Pers 18.02 (4)(b) adds the modifier "regularly" to bring the rule language into conformance with s. 230.35 (1)(e), Stats.

Section Pers 18.02 (7)(a) formalizes the present practice whereby appointing authorities allow employes to carry over vacation up to the first 6 months of the following calendar year, upon request of the employe and approval by the appointing authority.

Section Pers 18.02 (5)(c) clarifies that employes are not entitled to receive a lump sum amount for unused annual leave upon termination, unless they are eligible to take annual leave. This is authorized by s. 230.35 (1), Stats.

Section Pers 18.03 (2)(a) clarifies that employes accrue sick leave credits for all hours worked, not to exceed 4 hours of sick leave credit in a biweekly pay period. This is authorized by s. 230.35 (2), Stats., as are the following 4 changes to Chapter Pers 18.

Section Pers 18.03 (2)(b) provides that employes who are on temporary layoff under s. Pers 22.14 accrue sick leave credits.

Section Pers 18.03 (5)(c) conforms with statutory provisions. Authority for promulgation of rules relating to sick leave conversion credit has been vested in the Secretary of the Department of Employee Trust Funds under s. 40.03 (2)(i), Stats.

Section Pers 18.05 (1)(a) removes restrictions on the appointing authority's discretion to grant approved leaves of absence without pay and clarifies that such leaves of absence are only at the request of the employe.

Section Pers 18.05 (1)(d) clarifies the intent that employes have a mandatory right to 6 months of leave of absence without pay if the employes so request it for maternity purposes.

Section Pers 18.07 (1)(b)(intro.) and (1)(b)1. correct an error in the present language regarding pay for work on holidays, so that the rate is in compliance with the law. The reference is changed in s. Pers 18.07 (1)(b)1. because the definition of "regular rate" in s. Pers 5.06 (1)(e) is superseded by the definition in the pay plan upon enactment of Chapter 152, Laws of 1981. This is authorized by s. 230.35 (4), Stats., as are the following 2 changes to Chapter Pers 18.

Section Pers 18.07 (2) clarifies that employes who are regularly employed for less than 80 hours per pay period earn paid legal holiday time on the basis of the amount of time regularly employed.

Section Pers 18.07 (3) clarifies that employes who are regularly employed for less than 80 hours per pay period earn paid personal holiday leave time on the basis of the amount of time regularly employed.

Section Pers 21.01 allows the appointing authority and the employe to agree on an effective date for a resignation that is earlier than 10 calendar days after the employe gives notice. This is authorized by s. 230.34 (4), Stats.

Section Pers 22.02 (1) clarifies that "layoff" means the termination of the services of an employe with permanent status in class from a position in a class, class subtitle or progression series in which a reduction in force is to be accomplished. This is authorized by s. 230.34 (2), Stats., as are other revisions to Chapter Pers 22.

Section Pers 22.025 establishes how a vacancy is filled. It clarifies that a position is not a vacancy for layoff or restoration purposes until the appointing authority has had the opportunity to fill the position through the transfer, demotion or reassignment of employes within the employing unit. This is authorized by ss. 230.31 and 230.34 (2), Stats.

Section Pers 22.03 (3)(a) deletes the specific category of emergency layoffs to provide greater flexibility to appointing authorities to use temporary layoffs of no more than 20 working days.

Section Pers 22.04 (intro.) clarifies that permanent employes in project positions are also subject to layoff. In addition, it provides that all employes without permanent status in class in the same class, class subtitle or progression series, who are performing duties which the employe would be qualified to perform, should be terminated prior to the layoff of the employe with permanent status in class.

Section Pers 22.06 (1) clarifies that full-time and part-time positions may constitute different layoff groups.

Section Pers 22.06 (2) expands exemptions from layoff in order to allow agencies the option to retain minority, female and handicapped employes in the same proportion as these groups are represented in the layoff group.

Section Pers 22.06 (4) provides for the voluntary layoff of a more senior employe in lieu of the layoff of a less senior employe. This includes the guarantee that the appointing authority will not challenge the more senior employe's eligibility for unemployment compensation unless the employe, at a later date, refuses a reasonable offer of reappointment.

Section Pers 22.07 clarifies that the written notice of layoff shall include the specific alternatives within the agency available to the employe in lieu of termination as a result of layoff. The appointing authority is also required to keep the employe updated concerning new alternatives available up to the effective date of the layoff.

Section Pers 22.08 (intro.) provides that employes in the same layoff group who are laid off on the same date have the right to exercise their alternatives to termination from the service as a result of layoff in direct order of their seniority, the most senior first.

Section Pers 22.08 (1)(b)3. clarifies that the statutory requirements regarding probationary periods upon initial appointment to a supervisory or managerial position in s. 230.28 (1)(am) or (4), Stats., also apply in situations involving transfer as a result of layoff.

Section Pers 22.08 (1)(c) provides protection for employees who transfer between agencies as a result of layoff when they risk serving a probationary period. If the employee is terminated while on probation, the employee shall have restoration rights back to the agency from which he or she was laid off and shall be recalled in inverse order of layoff. This is authorized by s. 230.31 (1), Stats.

Section Pers 22.08 (3)(a) as renumbered clarifies that the displacement right may only be exercised if there is no vacancy obtainable by transfer or demotion at the same or higher level than any position obtainable through displacement.

Section Pers 22.08 (3)(a)1. enumerates the displacement options presently available under policy guidelines.

Section Pers 22.08 (3)(a)2. provides that if the employee has previously attained permanent status in class in a position whose class has been affected by an action of the administrator, the employee immediately attains rights to the new class. This is authorized by s. 230.09 (2), Stats.

Section Pers 22.08 (3)(a)5. provides discretion to the appointing authority to designate the position to which the employee may first exercise the right of displacement if there is more than one position at the same level.

Section Pers 22.08 (3)(c) deletes compensation provisions and references s. Pers 29.03 (8)(c), in an effort to consolidate all compensation-related provisions in Chapter Pers 29. This is authorized by s. 230.12 (1), Stats., as are the other compensation-related changes to Chapter Pers 22.

Section Pers 22.08 (2)(a) as renumbered clarifies that a demotion shall be offered to an employee as a result of layoff if there is no transfer opportunity available and a vacancy exists, for which the employee is qualified, that is at a higher level than the employee could obtain through displacement.

Section Pers 22.08 (2)(a)1. clarifies that the statutory requirements regarding probationary periods upon initial appointment to a supervisory or managerial position in s. 230.28 (1)(am) or (4), Stats., also apply in situations involving demotion as a result of layoff. It also clarifies the restoration rights of the employee who does not complete probation upon a demotion to a different employing unit.

Section Pers 22.08 (2)(a)2. deletes compensation provisions and references s. Pers 29.03 (8)(c) in an effort to consolidate all compensation-related provisions in Chapter Pers 29.

Section Pers 22.08 (2)(b)1. provides protection for employees who demote between agencies as a result of layoff when they risk serving a probationary period. If the employee is terminated while on probation as a result of that demotion between agencies, the employee shall have restoration rights back to the agency from which he or she was laid off and shall be recalled in inverse order of layoff. This is authorized by s. 230.31 (1), Stats.

Section Pers 22.08 (2)(b)2. deletes compensation provisions and references s. Pers 29.03 (8)(b) in an effort to consolidate all compensation-related provisions in Chapter Pers 29.

Section Pers 22.09 (1) clarifies that a reasonable offer of appointment involves a permanent appointment and must be accepted within 5, rather than 10, work days of the offer. The employe must also be available for work within 5, rather than 10, work days after acceptance. The purpose of this change is to expedite the layoff process by a work week. Since the employe is still employed when the offer is made, the reduced time frame does not harm the employe. This is authorized by s. 230.31 (1), Stats., as are the following 4 changes to Chapter Pers 22.

Section Pers 22.09 (1) also provides by reference to s. Pers 22.10 that an employe only has one chance to accept a reasonable offer, or he or she forfeits both other alternatives to termination from the service as a result of layoff and restoration. The former language provided that an employe who refused a reasonable offer of appointment as an alternative to termination from the service as a result of layoff lost further rights to other alternatives but did not lose mandatory rights to restoration under s. Pers 22.10.

Section Pers 22.09 (2)(e) expands the conditions of a reasonable offer by providing that the pay range of the position offered is no more than 2 pay ranges or counterpart pay ranges lower than the pay range of the position from which the employe was laid off, unless the employe's rate of pay at the time of layoff is maintained in the position offered. This protects employes from having to accept an unreasonable pay loss to avoid losing restoration rights.

Section Pers 22.10 (intro.), (1) and (2) reflect the restoration rights for employes who transfer or demote to another agency as a result of layoff. Section Pers 22.10 (1) clarifies that the appointing authority does not have to offer the employe recall to a position if the employe has previously declined a similar offer.

Section Pers 22.10 (3) requires that employes accept a reasonable offer of reappointment within 5, rather than 10, work days of the offer. Employes still have 10 work days after acceptance of the offer in which to report to work, to afford them sufficient time to give notice if they are currently employed elsewhere. This expedites the restoration process without harming the employe.

Section Pers 22.14 deletes the category of emergency layoff and replaces it with a provision for a temporary layoff of no more than 20 working days. This expands the appointing authority's flexibility to use temporary layoffs with the approval of the administrator. Such temporary layoffs shall apply to all employes in an employing unit, unless an appointing authority requests approval to temporarily lay off some employes. In the latter case the temporary layoff shall be by class and seniority.

Section Pers 24.045 provides that agencies shall, with the approval of the administrator, establish guidelines regarding outside employment activities which are likely to cause a conflict of interest. In addition, these guidelines shall require employes to obtain prior approval before accepting outside employment. This is authorized by s. 19.45 (11)(a), Stats.

Section Pers 28.02 (5) provides that an employe may elect to use any accrued paid leave credits to supplement worker's compensation benefits under Chapter 102, Stats., rather than only accrued sick leave credits. This conforms with present policy and is authorized by s. 230.35 (2), Stats.

Section Pers 29.01 (2) defines "present rate of pay" as the base pay rate currently authorized the employe for the position which determines the type of personnel transaction which will occur. This is authorized by s. 230.12 (1), Stats., as are other revisions to Chapter Pers 29.

Section Pers 29.025 limits the conditions for which red-circling is authorized in (1) and makes employes whose pay has already been red-circled ineligible to receive any cumulative pay adjustments in (2), reflecting the red-circling limitations enacted under Section 2015 of Chapter 317, Laws of 1981.

Section Pers 29.03 (3)(c) prevents "yo-yo" pay progression whereby an employe accepts a demotion within a class series only to have the position reclassified at a later date to a higher level to which the employe has reinstatement eligibility or restoration rights. The intent of this provision is to treat the reclassification as a reinstatement or restoration for pay purposes, rather than as a regrade that guarantees the employe an additional within range pay step increase.

Section Pers 29.04 clarifies that this section applies to multiple pay adjustments on the same date, rather than simultaneous pay increases. Amendments to the paragraphs identify the possible specific pay adjustments and reorder them consistent with present practice. This is authorized by s. 230.12 (1), Stats.

Section Pers 30.02 (3) provides that, when an employe moves into a career executive position through a personnel transaction, the employe becomes a career executive. This ensures management's flexibility to assign career executive position incumbents in a manner that makes optimal use of their managerial and administrative skills. This also eliminates the confusion generated by having non-career executive employes in career executive positions. This is authorized by s. 230.24 (1), Stats., as are other revisions to Chapter Pers 30.

Section Pers 30.07 (1) clarifies the definition of a career executive reassignment as a move to a different career executive position in the agency at the same or lower level for which the employe is qualified.

Section Pers 30.085 eliminates the administrator's approval of a career executive temporary assignment but requires the appointing authority to send a copy of the agreement to the administrator to facilitate monitoring.

Section Pers 30.09 (4) provides that career executive employes whose pay is red-circled upon a voluntary downward movement are ineligible to receive any cumulative pay adjustments, thereby paralleling the cumulative pay limitations enacted under Section 2015 of Chapter 317, Laws of 1981.

Sections Pers 30.10 (4) and Pers 30.10 (5) clarify that career executive employes have the same appeal rights as non-career executive employes, except that a career executive reassignment within the career executive program may not be appealed as a demotion.

Section Pers 30.105 (intro.) and (4) and (5) clarify layoff procedures for career executives, primarily through specifying that a layoff in the career executive program occurs only when there is a reduction of the number of career executive positions in an employing unit.

The remaining changes are consistent with the above explanations or are nonsubstantive and technical.

Finally, the rules of the Administrator of the Division of Personnel, currently designated as "Pers" rules in the Wisconsin Administrative Code, are redesignated as "ER-Pers" rules. This redesignation is to recognize both the related and separate authority and responsibility of the Administrator of the Division of Personnel and the Secretary of the Department of Employment Relations. The redesignation to "ER-Pers" rules will also provide appropriate placement in the Wisconsin Administrative Code in proximity to rules to be promulgated by the Secretary of the Department of Employment Relations, which will be designated as "ER" rules.

[STATEMENT OF STATUTORY AUTHORITY]

Pursuant to the authority vested in the Administrator, State of Wisconsin, Division of Personnel by sections 19.45 (11)(a), 230.05 (1), 230.05 (5), 230.09, 230.12 (1)(a) and (4)(a), 230.17 (1), 230.24, 230.25, 230.27, 230.31 (1), 230.32 (5) and 230.34 (2) and (4), Stats., the Administrator, State of Wisconsin, Division of Personnel hereby repeals, amends and adopts rules interpreting and administering sections 19.45 (11)(a), 230.09 (2)(a) and (f), 230.12 (1)(a) and (4), 230.145, 230.15 (1), 230.17 (1), 230.19, 230.24, 230.25 (1), (2) and (4), 230.26, 230.27, 230.28 (1)(am), (4) and (5), 230.29, 230.31, 230.34, and 230.35 (1), (2) and (4), Stats., as follows:

[TEXT OF CHANGES]

1 SECTION 1. Pers 1.02 (15) is created to read:

2 Pers 1.02 (15) "Vacancy" means a classified position to which a permanent
3 appointment may be made after the appointing authority has initiated an action to
4 fill that position.

5 SECTION 2. Pers 3.01 (2)(f), (3) and (4) are amended to read:

6 Pers 3.01 (2)(f) ~~The redefinition of~~ A logical change in the duties and
7 responsibilities of a ~~vacant~~ position; or

8 (3) RECLASSIFICATION. Reclassification means the assignment of a filled
9 position to a different class by the administrator as provided in s. 230.09 (2),
10 Stats., based upon:

11 ~~(a)-A~~ a logical and gradual change to the duties or responsibilities of a
12 position;

13 ~~(b)-Satisfactory~~ or the attainment of a specified ~~training,~~ education or
14 experience ~~in-a-position-identified-in-a-classification-series-where-the-class~~
15 ~~levels-are-differentiated-on-this-basis~~ by the incumbent.

16 (4) REGRADE. A regrade means the determination of the administrator under
17 s. 230.09 (2)(d), Stats., that the incumbent of a filled position which has been
18 reallocated or reclassified should remain in the position without opening the
19 position to other candidates.

1 SECTION 3. Pers 3.015 (2) is renumbered 3.015 (2)(intro.) and amended to
2 read:

3 Pers 3.015 (2)(intro.) Incumbents of filled positions which ~~have-been~~ will be
4 reallocated or reclassified ~~will~~ may not be regraded if ~~the-appointing-authority~~
5 ~~has-determined-that-the-incumbent's-job-performance-is-not-satisfactory.;~~

6 SECTION 4. Pers 3.015 (2)(a) to (c) are created to read:

7 Pers 3.015 (2)(a) The appointing authority has determined that the
8 incumbent's job performance is not satisfactory;

9 (b) The incumbent has not satisfactorily attained specified training,
10 education or experience in a position identified in a classification series where
11 the class levels are differentiated on this basis; or

12 (c) The administrator determines that the positions should be filled by
13 competitive examination under s. 230.15 (1), Stats.

14 SECTION 5. Pers 3.015 (3) is amended to read:

15 Pers 3.015 (3) Incumbents of filled positions which ~~have-been~~ will be
16 ~~reclassified-will-or~~ reallocated under s. Pers 3.01 (2)(f) or (g) may not be
17 regraded ~~until~~ while the incumbent ~~has~~ is serving the first 6 months of a trial or

1 probationary period. Such employe shall also have performed the permanently
2 assigned duties and responsibilities for a minimum of 6 months. ~~No incumbent~~
3 ~~shall be regraded, as a result of reclassification, while serving a probationary~~
4 ~~period.~~ The latter 6 month period may include a portion of the trial or
5 probationary period.

6 SECTION 6. Pers 3.03 (4) is created to read:

7 Pers 3.03 (4) Requests for reallocation, reclassification or regrade are
8 cancelled when an employe resigns, retires or is terminated from pay status in the
9 position prior to the effective date of the requested action. The effective date
10 of the requested action shall be determined under s. Pers 29.03 (3).

11 SECTION 7. Pers 3.05 is created to read:

12 Pers 3.05 EXCLUSION. The position of a classified employe shall not be
13 reclassified while the employe is on a temporary interchange under s. 230.047,
14 Stats.

15 SECTION 8. Pers 6.027 is created to read:

16 Pers 6.027 EMPLOYEES ON TEMPORARY INTERCHANGE. A classified employe who is
17 on a temporary interchange under s. 230.047, Stats., is eligible to compete in
18 promotional examinations during the interchange assignment.

1 SECTION 9. Pers 6.04 is amended to read:

2 Pers 6.04 EMPLOYMENT REGISTER EXCEPTION. An existing appropriate register
3 for a class shall be used to fill all vacancies in the class, except that the
4 administrator may authorize new recruitment and examination ~~to fill a specific~~
5 ~~vacancy~~ leading to the establishment of a different register for some positions in
6 the class when substantial differences in the duties of those positions and the
7 qualifications required for successful performance distinguish them from other
8 positions in the same class. The administrator may also establish separate regis-
9 ters on the basis of geographic location, or when program emphasis or other recog-
10 nized employment considerations could be expected to attract new applicants who
11 may be better qualified for that position. ~~An eligible who is on an existing~~
12 ~~employment register for the class or subtitle within the class shall, where~~
13 ~~practicable, be notified of the steps that must be taken to be considered for~~
14 placement on the new register to be established. Separate registers for different
15 positions in the same class may also be established under s. Pers 11.02.

16 SECTION 10. Pers 6.095 (1) is amended to read:

17 Pers 6.095 (1) The register was not established in compliance with s. 230.16
18 (4), Stats. 7j or

1 SECTION 11. Pers 6.10 (3) is amended to read:

2 Pers 6.10 (3) Who has been ~~adjudged-guilty-by-a-court-of-a-crime-that-would,~~
3 ~~in-the-judgment-of-the-administrator,-make-the-person-unfit-to-carry-the-responsi-~~
4 ~~bility-in-the-specific-position~~ convicted of any felony, misdemeanor or other
5 offense the circumstances of which substantially relate to the circumstances of
6 the particular job or licensed activity. In considering such conviction records,
7 the administrator shall take into account such factors as age at the time of the
8 offense, rehabilitation, and seriousness and nature of the violation in relation
9 to the duties and responsibilities of the position.;

10 SECTION 12. Pers 10.01 (1) and (2) are amended to read:

11 Pers 10.01 DEFINITION AND DURATION OF CATEGORIES OF LIMITED TERM

12 APPOINTMENT. (1) A limited term appointment means the appointment of a person
13 to perform a grouping of duties and responsibilities on a non-project basis under
14 conditions of employment which do not provide for attainment of permanent status
15 and includes ~~emergency-and~~ provisional appointments under s. 230.26 (1), Stats.

16 (2) The total time worked in any one position by an individual limited term
17 employe shall not exceed 1043 hours of employment during a block of time which
18 consists of 26 consecutive biweekly payroll periods and which ends on the
19 anniversary date of the appointment. The maximum time durations for provisional
20 ~~and-emergency~~ appointments are provided under s. 230.26 (2) ~~and-(3)~~, Stats.

1 SECTION 13. Pers 10.05 (1) is amended to read:

2 Pers 10.05 STATUS OF EMPLOYEES ON LIMITED TERM APPOINTMENTS. (1) Limited
3 term employes do not earn permanent status and are ~~eligible-for-only-these~~
4 ~~benefits~~ denied benefits and rights specified under s. 230.26 (4), Stats.

5 SECTION 14. Pers 10.05 (2) is renumbered Pers 10.05 (3).

6 SECTION 15. Pers 10.05 (2) is created to read:

7 Pers 10.05 (2) The eligibility of limited term employes for worker's
8 compensation, unemployment compensation, group insurance, retirement and social
9 security shall be subject to controlling conditions relating to these benefits.
10 See s. 40.22 (1)(a) and (2)(c), Stats. for eligibility requirements to participate
11 in group insurance and retirement.

12 SECTION 16. Pers 11.04 (1)(g) is created to read:

13 Pers 11.04 (1)(g) Failure to accept condition of employment. When a person
14 will not accept a previously established condition of employment for the
15 classification.

1 SECTION 17. Pers 12.02 (1) is amended to read:

2 Pers 12.02 (1) Except for persons who are on mandatory restoration registers
3 from layoff or from demotions ~~as a result~~ as a result of layoff, under s. Pers ~~22.08~~
4 ~~(3)~~ ~~Wis. Adm. Code~~ 22.08 (2) or who have specified right of restoration,
5 certifications shall be made from existing employment registers in the following
6 order of preference, subject to the discretion of the administrator: employing
7 unit promotional, agencywide promotional, servicewide promotional, open
8 competitive. The administrator shall place on file reasons for exceptions from
9 this order of preference.

10 SECTION 17M. Pers 12.05 (1) is amended to read:

11 Pers 12.05 (1) Expanded certification of up to 3 additional names to achieve
12 a balanced work force on the basis of racial or ethnic group or gender may be
13 authorized by the administrator at the request of an agency when there is a
14 disparity between the proportions of women or total racial or ethnic minorities in
15 a classification or classification progression series in an employing unit of the
16 agency and the proportions of such groups in the state population.

17 SECTION 18. Pers 12.06 is repealed.

1 SECTION 19. Pers 13.01 is amended to read:

2 Pers 13.01 DEFINITION. Probationary period means a specified length of time
3 f, as identified in s. 230.28, Stats.], during which the work of the appointee is
4 to be closely observed to determine if the ~~apointee~~ appointee is effectively able
5 to carry out assigned duties and responsibilities on a continuing basis.

6 SECTION 20. Pers 13.04 to 13.09 are renumbered Pers 13.03 to 13.08.

7 SECTION 21. Pers 13.10 is renumbered Pers 13.09 and amended to read:

8 Pers 13.09 ATTAINMENT OF PERMANENT STATUS IN CLASS. ~~If the performance of an~~
9 ~~employee serving a probationary period has been satisfactory, the appointing autho-~~
10 ~~riety shall notify the employee in writing that the employee will receive a permanent~~
11 ~~status in class.~~ Permanent status in class is gained attained immediately upon
12 completion of the last assigned work period of the probationary period. Prior to
13 the end of the probationary period, the appointing authority shall notify the
14 employee in writing that the employee will attain permanent status in class. No
15 employee ~~shall~~ may be denied permanent status in class after successfully
16 completing a probationary period because an appointing authority fails to submit
17 notice.

18 SECTION 22. Pers 14.01 is amended to read:

19 Pers 14.01 DEFINITION. Promotion means the ~~movement~~ permanent appointment of
20 an employe with permanent status in class ~~from the employe's present position~~ to a
21 different position in a higher class than the highest position currently held in
22 which the employe has permanent status in class.

1 SECTION 23. Pers 15.01 is amended to read:

2 Pers 15.01 DEFINITION. A transfer means the ~~voluntary-or-involuntary-move-~~
3 ~~ment~~ permanent appointment of an employe ~~from-one-position~~ to a different position
4 assigned to a class having the same or counterpart pay rate or pay range ~~maximum~~
5 ~~or-to-a-position-in-a-class-assigned-to-a-counterpart-pay-rate-or-pay-range-and~~
6 ~~for-which-the~~ as a class to which any of the employe's current positions is
7 assigned. The employe is must be qualified to perform the work after customary
8 orientation provided for newly hired workers in such positions.

9 SECTION 24. Pers 15.03 is amended to read:

10 Pers 15.03 TRANSFER BETWEEN AGENCIES. An employe who transfers between
11 agencies may be required by the appointing authority to serve a probationary
12 period resulting from the transfer ~~at-the-discretion-of-the-appointing-authority,~~
13 except that a probationary period shall be required upon transfer to a trainee
14 position. An employe serving such a probationary period or who has transferred
15 under s. Pers 15.07, ~~Wis. Adm. Code,~~ may be separated from the service without
16 the right of appeal at the discretion of the appointing authority. See s. 230.31,
17 Stats., for provisions relating to the reinstatement eligibility of a person so
18 dismissed.

19 SECTION 25. Pers 15.04 (intro.) is repealed.

1 SECTION 26. Pers 15.04 (1) is renumbered Pers 15.04 and amended to read:

2 Pers 15.04 TRANSFER BETWEEN DIFFERENT EMPLOYING UNITS OF THE SAME

3 AGENCY. An employe who transfers between different employing units of the same
4 agency may be required by the appointing authority to serve a probationary period,
5 except that a probationary period shall be required upon a transfer to a trainee
6 position. If the transfer is to a position in the same class and a probationary
7 period resulting from the transfer is not required, the employe retains permanent
8 status in class previously acquired. If the transfer is to a position in a
9 different class and no probationary period resulting from the transfer is
10 required, the employe shall be immediately ~~granted~~ attain permanent status in
11 class. An employe who transfers or who is transferred while serving a
12 probationary period may continue in the probationary status being served prior to
13 transfer or begin a new probationary period under s. Pers 15.07, ~~Wis. Adm. Code.~~

14 SECTION 27. Pers 15.04 (2) is renumbered Pers 15.055 and amended to read:

15 Pers 15.055 EMPLOYE REMOVAL; STATUS AND RIGHTS. If a probationary period
16 resulting from ~~the~~ a transfer under s. Pers 15.04 or 15.05 is required, the
17 appointing authority, at any time during this period, may remove the employe from
18 the position to which the employe transferred, without the right of appeal. An
19 employe so removed shall be restored to the employe's previous position or
20 transferred to a position for which the employe is qualified in the same pay range
21 or pay rate or a counterpart pay range or pay rate without a break in employment.
22 Any other removal, suspension without pay, or discharge during a probationary
23 period resulting from transfer shall be subject to s. 230.34, Stats.

1 SECTION 28. Pers 15.05 is amended to read:

2 Pers 15.05 TRANSFER WITHIN THE SAME EMPLOYING UNIT. An ~~No~~ employe who
3 transfers or who is transferred within the same employing unit either to a
4 position in a different class or to a different position in the same class ~~shall~~
5 ~~not~~ may be required to serve a probationary period, except that a probationary
6 period shall be required upon transfer to a trainee position.

7 SECTION 29. Pers 16.01 (2) is amended to read.

8 Pers 16.01 (2) ~~Such re-appointment~~ Re-appointment under sub. (1) may be
9 either permissive at the discretion of the appointing authority ~~(permissive)~~ or
10 ~~may be mandatory as~~ required by the law or ~~these rules (mandatory)~~ rule of the
11 administrator. In those instances where an employe or former employe has
12 "eligibility" for reinstatement, the action is permissive. In those instances
13 where an employe or former employe has the "right" of restoration, the action is
14 mandatory. In these rules of the administrator, "reinstatement" refers to a
15 permissive act and "restoration" refers to a mandatory right.

16 SECTION 30. Pers 16.04 is amended to read:

17 Pers 16.04 KINDS OF REINSTATEMENT; PROBATIONARY STATUS. (1) REINSTATEMENT
18 OF PERSONS WHO PREVIOUSLY OBTAINED PERMANENT STATUS IN CLASS. (a) Reinstatement
19 to different agency. A person who is reinstated to an agency other than the one

1 from which the person earned reinstatement eligibility may be required by the
2 appointing authority to serve a probationary period ~~at-the-discretion-of-the~~
3 ~~appointing-authority~~. If not required to serve a probationary period, the employe
4 shall ~~be-granted~~ immediately attain permanent status in class ~~immediately~~. If
5 required to serve a probationary period and during such period the employe's
6 services are found to be unsatisfactory, the employe may be terminated from the
7 service ~~at-the-discretion-of~~ by the appointing authority without the right of
8 appeal.

9 (b) Reinstatement to a different employing unit in the same agency. A
10 person who is reinstated to a different employing unit in the same agency from
11 which the person earned reinstatement eligibility may be required by the
12 appointing authority to serve a probationary period ~~at-the-discretion-of-the~~
13 ~~appointing-authority~~. If not required to serve a probationary period, the employe
14 shall ~~be-granted~~ immediately attain permanent status in class ~~immediately~~. If
15 required to serve a probationary period, the employe may be terminated from the
16 service by the appointing authority during ~~such~~ the probationary period ~~at-the~~
17 ~~discretion-of-the-appointing-authority~~ without the right of appeal.

18 (c) Reinstatement to the same employing unit. A person shall not be re-
19 quired to serve a probationary period when reinstated to the same employing unit
20 from which the person earned reinstatement eligibility. ~~---Such-an-employe~~ and shall
21 ~~immediately attains~~ attain permanent status in-a-the class.

1 (2) TERMINATION DURING THE PROBATIONARY PERIOD. A person who resigns from a
2 permanent, seasonal or sessional position or who is terminated due to a pending
3 layoff while serving a probationary period may be reinstated ~~at the discretion of~~
4 ~~an~~ by the appointing authority at ~~anytime~~ any time during a 3 year period from the
5 date of termination. ~~Such a person, except as provided in s. 230.32 (2)(b),~~
6 ~~Stats., shall be required to start a new probationary period upon reinstatement.~~
7 The probationary time already served may be carried over by the appointing
8 authority, except as provided in s. 230.32 (2)(b), Stats. The appointing
9 authority shall determine the amount of carryover at the time of the reinstatement
10 and shall give written notice to the employe. The appointing authority shall keep
11 a record of that notice on file.

12 SECTION 31. Pers 17.01 is amended to read:

13 Pers 17.01 DEFINITION. A demotion means the ~~voluntary or involuntary~~
14 ~~movement~~ permanent appointment of an employe with permanent status in one class to
15 a position ~~in a lower class,~~ for which the employe is qualified to perform the
16 work after customary orientation provided newly hired workers in such positions,
17 in a lower class than the highest position currently held in which the employe has
18 permanent status in class.

19 SECTION 32. Pers 17.04 (1)(b) and (2), (3)(intro.), (b) and (c) are amended
20 to read:

1 Pers 17.04 (1)(b) An employe demoted for disciplinary purposes does not
2 retain permanent status in class previously acquired in the higher class of
3 ~~position~~, nor does the employe retain reinstatement eligibility to the higher
4 class of ~~position~~. The employe does ~~acquire~~ attain permanent status in class and
5 ~~tenure-rights~~ in the class of ~~position~~ to which the employe is demoted. No
6 probationary period ~~shall-be~~ is required for an employe demoted for disciplinary
7 purposes.

8 (2) DEMOTION AS A RESULT OF LAYOFF. See s. Pers ~~22.08(3)~~, ~~Wis. Adm. Code~~
9 22.08(2).

10 (3) (intro.) VOLUNTARY DEMOTION WITHIN AN AGENCY. An employe may request and
11 with approval of the appointing authority ~~may-accept-a-voluntary-demotion~~ be
12 voluntarily demoted within the agency either to a position in the same employing
13 unit, or to a position in a different employing unit. ~~Acceptance-of-such~~
14 ~~voluntary-demotion-shall-be-furnished-the-administrator-in-writing-by-the~~
15 ~~employe.~~ Both the employe's request and the appointing authority's response
16 shall be in writing.

17 (b) If the voluntary demotion is to a position in the same employing unit, ~~a-~~
18 no probationary period for employment in the lower class of ~~position-shall-not~~ may
19 be required. ~~The,~~ except that a probationary period shall be required upon a
20 voluntary demotion to a trainee position. If the employe is not required to serve
21 a probationary period, the employe immediately attains permanent status in class
22 in the class to which voluntarily demoted.

1 (c) If the voluntary demotion is to a position in a different employing unit,
2 the employe may be required by the appointing authority to serve a probationary
3 ~~period at the discretion of the appointing authority. During such period, the~~
4 ~~employe may be removed from the position without the right of appeal and~~
5 ~~reinstated to his or her previous position or transferred to another position at~~
6 ~~the discretion of the appointing authority.~~ except that a probationary period
7 shall be required upon voluntary demotion to a trainee position. If the employe
8 is not required to serve a probationary period, the employe ~~shall be~~ immediately
9 ~~granted~~ attains permanent status in class in the class to which voluntarily
10 demoted.

11 SECTION 33. Pers 17.04 (3)(d) is created to read:

12 Pers 17.04 (3)(d) If an employe is required to serve a probationary period
13 under par. (b) or (c), the employe may be removed from the position during the
14 probationary period by the appointing authority without the right of appeal and
15 shall be either transferred to a different position or reinstated at the discre-
16 tion of the appointing authority. If the employe is not required to serve a
17 probationary period upon transfer or reinstatement, the employe immediately
18 attains permanent status in class in the class to which transferred or reinstated.

19 SECTION 34. Pers 17.04 (4)(b) is amended to read:

20 Pers 17.04 (4)(b) The employe may be required by the appointing authority to
21 serve a probationary period ~~at the discretion of the appointing authority and~~
22 during, except that a probationary period shall be required for demotion to a
23 trainee position. During this period, the employe may be separated from the

1 service without the right of appeal. If the employee is not required to serve a
2 probationary period, the employee immediately ~~obtains~~ attains permanent status in
3 class in the class to which demoted.

4 SECTION 35. Pers 18.02 (1) and (2)(f) are amended to read:

5 Pers 18.02 ANNUAL LEAVE OF ABSENCE. (1) EMPLOYES WHO EARN ANNUAL LEAVE OF
6 ABSENCE. All employees shall earn annual leave of absence without loss of pay
7 except limited term employees, including ~~emergency~~-and provisional employees.

8 (2)(f) Was a career executive employe or employed under s. 20.923 (4), (8) or
9 (9), Stats., who left the service and returned to state employment as a career
10 executive or in any such enumerated position regardless of the duration of
11 absence. See s. 230.35 (lm)(f), Stats.

12 SECTION 36. Pers 18.02 (2)(g) is created to read:

13 Pers 18.02 (2)(g) Was on temporary layoff under s. Pers 22.14.

14 SECTION 37. Pers 18.02 (4)(b), (5)(c) and (7)(a) are amended to read:

15 Pers 18.02 (4)(b) Seasonal, sessional, school year and part-time employes.
16 Employes who are regularly employed for less than 2088 hours per year shall be
17 granted prorated annual leave consistent with ~~subr--(4)(a)~~ par. (a).

1 (5)(c) Upon termination of employment, death, or retirement other
2 than disability retirement, annual leave shall be prorated and payment for unused
3 leave ~~to~~ for which an employe is ~~entitled~~ eligible under sub. (4) shall be made in
4 a separate lump sum amount.

5 (7)(a) Employes who request and receive approval from their appointing
6 authority or who are required by their appointing authority to defer all or part
7 of their annual leave for a given calendar year shall be permitted to take it
8 within the first 6 months of the ensuing calendar year.

9 SECTION 38. Pers 18.03 (2)(a) and (b) and (5)(c) are amended to
10 read:

11 Pers 18.03 (2) ACCRUAL OF SICK LEAVE CREDITS. (a) Sick leave credit shall
12 accrue at the rate of .05 hour ~~of sick leave~~ for each ~~regularly-scheduled~~ hour in
13 pay status, not to exceed 4 hours in any biweekly pay period.

14 (b) Sick leave credits in any given year shall not be earned for any period
15 of absence without pay or time otherwise not worked or paid for, except that for
16 administrative purposes, any approved absence or absences without pay totaling 4
17 work hours or less in any biweekly pay period will be disregarded. This
18 paragraph does not apply to persons on temporary layoff under s. Pers 22.14 who
19 shall earn sick leave credits at the rate specified under par. (a) for the time
20 spent on such temporary layoff.

21 (5)(c) ~~At~~ For provisions regarding sick leave conversions credit at the time
22 of retirement or in event of death, accumulated-unused-sick-leave-shall-be-conver-

1 ted-at-current-value-and-credited-to-the-person's-account-in-accordance-with-the
2 provisions-of-ss-40.16-(3)-and-230.35-(2m),-Stats.-These-provisions-shall-also
3 apply-to-persons-who-retire-or-die-while-on-an-authorized-leave-of-absence-or
4 while-in-layoff-status see s. 40.05 (4), Stats.

5 SECTION 39. Pers 18.04 (4) is amended to read:

6 Pers 18.04 (4) EFFECT OF LEAVING STATE SERVICE UPON PAYROLL STATUS.

7 Pursuant to s. 230.35 (1)(m), Stats., an employe not on an approved leave of
8 absence or on temporary layoff under s. Pers 22.14 shall have the employe's last
9 day on the payroll be the date the employe was last physically present for work
10 for the purposes of determining annual leave and sick leave earned. As used in
11 this section, approved leave of absence shall not include annual leave except for
12 such leave granted in accordance with the provisions of s. Pers 18.02 (6)(c) and
13 (6m)(a) 2, Wis. Adm. Code.

14 SECTION 40. Pers 18.05 (1)(a) and (d) and (2) are amended to read:

15 Pers 18.05 LEAVE WITHOUT PAY. (1) WHEN GRANTED. (a) Formal leave. Any
16 classified employe, other than an employe serving a limited term employe or
17 project appointment, may be allowed request a leave of absence without pay for a
18 period not to exceed one year. ~~Such leave is subject to the approval of the~~
19 ~~appointing authority.~~ Such leave shall may be granted only by the appointing
20 authority when it will not result in prejudice to the interests of the state as an
21 employer beyond any benefits to be realized upon the employe's return to the
22 service. ~~Leave without pay may be granted for educational purposes where direct~~

1 ~~or indirect benefit accrues to the service; purposes of working for a limited~~
2 ~~period in other employment where the experience would afford direct benefit in the~~
3 ~~performance of the employee's work for the state upon the employee's return; and~~
4 ~~exceptional personal reasons other than those mentioned above.~~ A leave of absence
5 ~~because of illness or for educational purposes~~ may be extended on a year to year
6 basis for an additional 2 years with the approval of the appointing authority. No
7 formal leave of absence shall exceed 3 years except as provided under s. Pers
8 34.03 (2), ~~Wis. Adm. Code.~~

9 (d) Maternity leave. Maternity leaves of absence without pay shall be
10 granted for a period of time requested by the employe, up to, but not exceeding, 6
11 months. Upon request of the employe ~~and at the discretion of the appointing~~
12 ~~authority,~~ maternity leave of absence may be extended or renewed by the appointing
13 authority for another period of time, not to exceed 6 months.

14 (2) RIGHTS UPON RETURN FROM LEAVE OF ABSENCE. A properly executed leave of
15 absence without pay shall, on the expiration thereof or sooner if agreeable to the
16 appointing authority, accord a classified employe the right to be returned to the
17 employe's position ~~or one of like nature~~ or to a position in a the same or
18 counterpart pay range for which the employe is qualified to perform the work after
19 being given the customary orientation provided for newly hired workers ~~on the~~
20 ~~expiration thereof or sooner if agreeable to the appointing authority~~ in such
21 positions. If it is found necessary to fill the position during the interim, and
22 there is no other position ~~of like nature~~ in the same or counterpart pay range
23 vacant, ~~the new employe shall vacate the position upon the return of the absent~~
24 ~~employe subject to layoff, transfer, or demotion rights earned under the law and~~

1 ~~these rules.~~ If or if the position has been abolished through legislation or
2 material reorganization of the agency, the employe shall be given consideration
3 for any vacant position in the same or counterpart pay range for which the employe
4 is qualified to perform the work after being given the customary orientation
5 provided for newly hired workers. If no such vacant position exists, the employe
6 shall be treated as if he or she had been restored to the previous position, and
7 the provisions for making layoffs under ch. Pers 22, ~~Wis--Adm--Code,~~ shall apply.
8 Such leaves without pay shall not operate to interrupt the seniority or cancel the
9 unused accumulated sick leave of the absent employe. Pay upon return from such
10 leaves of absence shall be determined in accordance with s. Pers 29.03 (7)(c),
11 ~~Wis--Adm--Code.~~

12 SECTION 41. Pers 18.07 (1)(intro.) and (b)(intro.) and 1., (2) and (3)
13 are amended to read:

14 Pers 18.07 HOLIDAYS. (1)(intro.) LEGAL HOLIDAYS. See s. 230.35 (4)(a) and
15 to (c), Stats. In order to carry out the intent of s. 230.35 (4)(c), Stats., to
16 grant employes legal holidays, an employe shall be granted:

17 (b)(intro.) Compensatory time off at a rate of one and one-half times the
18 number of hours worked, or a cash payment, at a rate of one and one-half times the
19 employe's regular rate ~~plus any applicable pay differentials~~ for each hour the
20 employe is assigned to work on a ~~legal~~ holiday enumerated in s. 230.35 (4)(a) 1.
21 to 6., 8. and 9., Stats. In addition, such working employe also receives the
22 holiday off at at a later date.

1 1. Regular rate is defined in ~~s. Pers-5.06-(4)(e), Wis. Adm. Code~~ the
2 compensation plan under s. 230.12 (6), Stats.

3 (2) ELIGIBILITY FOR HOLIDAYS. To be eligible for any holiday with pay, an
4 employe must work or be in pay status on the last scheduled work day immediately
5 preceding or the first scheduled work day immediately following the holiday. In
6 the event an employe is on leave ~~at-the-request-of-the-appointing-authority~~, the
7 employe, to qualify for the holiday with pay, must be in pay status on the last
8 scheduled work day immediately preceding or the first scheduled work day following
9 ~~such~~ the leave of absence during which the holiday occurs. Employes who are
10 regularly employed for less than 80 hours per biweekly pay period shall be granted
11 a prorated amount of paid legal holiday time.

12 (3) PERSONAL HOLIDAYS. See s. 230.35 (4)(d), Stats. Employes who are
13 regularly employed for less than 80 hours per biweekly pay period shall be granted
14 a prorated amount of paid personal holiday time. Upon termination, payment for
15 any unused personal holidays shall be made as provided under s. 230.35 (1)(m),
16 Stats.

17 SECTION 42. Pers 21.01 is amended to read:

18 Pers 21.01 POLICY. An employe who retires or otherwise voluntarily leaves
19 ~~the service~~ terminates from a position is required to submit a letter of resigna-
20 tion as notice of termination not less than 10 calendar days prior to the effec-
21 tive date, unless the employe and the appointing authority have agreed upon an
22 alternate effective date. Under authority of ss. 230.05 and 230.34 (4), Stats.,

1 and ~~these rules~~ this chapter, the administrator delegates to the appointing
2 authority the responsibility to obtain, record and file ~~such~~ the letter of resig-
3 nation submitted by the employe.

4 SECTION 43. Pers 22.02 (1) is amended to read:

5 Pers 22.02 DEFINITIONS. (1) LAYOFF. Layoff means the ~~removal~~ termination
6 of the services of an employe with permanent status in class, in accordance with
7 the procedure specified in this chapter, from a position in the class, class
8 subtitle or progression series in which a reduction in force is to be
9 accomplished.

10 SECTION 44. Pers 22.025 is created to read:

11 Pers 22.025 VACANCIES, HOW FILLED. For purposes of this chapter, the
12 appointing authority shall fill vacancies in the following order, after
13 considering transfers, demotions and reassignments limited to persons currently
14 employed in the employing unit who are not affected by the layoff:

15 (1) Through alternatives in lieu of termination as a result of layoff.

16 (2) Through restoration following layoff.

17 SECTION 45. Pers 22.03 (3)(a) is amended to read:

1 Pers 22.03 (3) (a) ~~Emergency-or-temporary~~ Temporary layoffs ~~of-less-than-24~~
2 not to exceed 20 working days.

3 SECTION 46. Pers 22.04 (intro.) and (1) are amended to read:

4 Pers 22.04 (intro.) CERTAIN EMPLOYES RELEASED FIRST. Before an employe with
5 permanent status in class ~~in-a-permanent-position~~ is laid off, the appointing
6 authority shall terminate all employes in the same class, class subtitle or
7 progression series in the employing unit in which the layoff occurs who are
8 performing duties which the employe would be qualified to perform after being
9 given the customary orientation provided to newly hired workers in such positions,
10 as follows:

11 (1) Limited term employes, including ~~emergency-and~~ provisional employes;

12 SECTION 47. Pers 22.06 (1) is amended to read:

13 Pers 22.06 PROCEDURE FOR MAKING LAYOFFS. (1) The appointing authority
14 shall identify the class, the class subtitle as approved by the administrator at
15 the time of layoff, or the classification progression series approved by the
16 administrator, in which layoff is to occur, hereafter called the layoff group.
17 Full-time and part-time positions may constitute different layoff groups.

18 SECTION 47M. Pers 22.06 (2) is amended to read:

19 Pers 22.06 (2) The appointing authority may exempt from the layoff group up
20 to 2 employes or 20%, whichever is greater, of the number of employes in the

1 layoff group. ~~In applying the percentage, any fraction shall be rounded to the next~~
2 ~~whole number.~~ Exemptions may be used to retain employes having special or
3 superior skills; ~~for affirmative action purposes;~~ or for other such purposes as
4 may be determined by the appointing authority. In addition, for affirmative
5 action purposes, the appointing authority may exempt female, minority and
6 handicapped employes in the layoff group in a manner that retains the proportional
7 representation of each of these groups in the layoff group. In applying the
8 percentages for these exemptions, any fraction may be rounded to the next whole
9 number. Exercise of these exemptions shall be declared by the appointing
10 authority as part of the layoff plan submitted under s. Pers 22.05, ~~Wis. Adm.~~
11 ~~Code.~~

12 SECTION 48. Pers 22.06 (4) is created to read:

13 Pers 22.06 (4) With the agreement of the appointing authority, a more senior
14 employe in the layoff group may volunteer to be terminated from employment in lieu
15 of the layoff of a less senior employe, with the guarantee that the appointing
16 authority will not challenge the more senior employe's eligibility for
17 unemployment compensation, unless that employe later refuses a reasonable offer of
18 reappointment.

19 SECTION 49. Pers 22.07 is amended to read:

20 Pers 22.07 NOTICE PRIOR TO LAYOFF; APPEAL NOTICE. Any employe affected by
21 ~~such~~ layoff shall be given written notice of ~~such~~ the action, not less than 15
22 calendar days prior to ~~the~~ its effective date ~~thereof~~. The written notice of

1 layoff shall, to the extent practicable, include the specific alternatives within
2 the agency available at that time to the employe in lieu of termination. The
3 appointing authority shall continue to keep the employe aware of new alternatives
4 available up to the effective date of the layoff. The employe shall be
5 entitled to appeal ~~such~~ the layoff action to the commission upon filing a written
6 request with the commission within 30 calendar days of the effective date of the
7 decision or within 30 calendar days after receipt of notice of the action,
8 whichever is later. ~~Such~~ No notice of ~~appeals, and any~~ appeal or pending
9 litigation as a result thereof, ~~shall in no way affect determinations~~ affects any
10 determination previously or subsequently made by the appointing authority, until
11 an order is entered by the ~~state personnel~~ commission, unless ~~such~~ the order is
12 stayed by a court of competent jurisdiction.

13 SECTION 50. Pers 22.08 (intro.) and (1)(a)1. and 2. and (b) are amended to
14 read:

15 Pers 22.08 (intro.) ALTERNATIVES TO TERMINATION FROM THE SERVICE AS A RESULT
16 OF LAYOFF. ~~In the event that the services of~~ If an employe with a permanent
17 status in class ~~are about to be terminated by layoff as a result of reduction in~~
18 ~~force,~~ has received a notice of layoff under s. Pers 22.07 these alternatives
19 shall be available, in the order listed below ~~in lieu of layoff, provided that the~~
20 ~~order of layoff as set forth in the law and these rules permit:~~ until the
21 effective date of the layoff. Employes in the same layoff group who are laid off
22 on the same date shall have the right to exercise the following alternatives to
23 termination from the service as a result of layoff in direct order of their
24 seniority, most senior first:

1 (1)(a) 1. Within the employing unit: to any vacancy in the same or counter-
2 part pay range for which the employe is qualified to perform the work after being
3 given the customary orientation provided to ~~new~~ newly hired workers in the posi-
4 tion; or

5 2. Within the agency: to any vacancy in the same class, class subtitle or
6 progression series from which the employe is being laid off for which the employe
7 is qualified to perform the work after being given the customary orientation
8 provided to new workers in the position.

9 (b) An employe who transfers within the agency ~~in-lieu-of-layoff~~ as an
10 alternative to termination from the service immediately ~~obtains~~ attains permanent
11 status in class in the class to which the employe transfers, except that ~~an:~~

12 1. An employe who is serving a promotional probationary period must complete
13 that probationary period in the new position. ~~In-addition,-an~~

14 2. An employe who is serving a permissive probationary period may be
15 required to complete that probationary period in the new position.

16 SECTION 51. Pers 22.08 (1)(b)3. is created to read:

17 Pers 22.08 (1)(b) 3. An employe who transfers to a position in a different
18 employing unit of the same agency may be required to serve a probationary period
19 in accordance with s. 230.28 (1)(am) or (4), Stats., as applicable. During this
20 probationary period, the employe may be removed from the position without the
21 right of appeal and restored to his or her former position or transferred to a
22 different position. If the position has been abolished, the employe shall be

1 given consideration for any vacant position in the same or counterpart pay range
2 for which the employe is qualified to perform the work after being given the
3 customary orientation provided for newly hired workers. If no such vacant posi-
4 tion exists, the employe shall be treated as if he or she had been restored to the
5 previous position, and the provisions for making layoffs under this chapter shall
6 apply.

7 SECTION 52. Pers 22.08 (1)(c) is amended to read:

8 Pers 22.08 (1)(c) An employe who transfers between agencies ~~in-tieu~~ as a
9 result of layoff may be required by the appointing authority to serve a proba-
10 tionary period ~~at-the-discretion-of-the-appointing-authority~~, except that an
11 employe who is serving a promotional probationary period must complete that
12 probationary period in the new position. In addition, an employe who is serving a
13 permissive probationary period may be required to complete that probationary
14 period in the new position. If on probation, the employe may be terminated with-
15 out the right of appeal. However, if terminated while on probation as a result of
16 transfer between agencies as a result of layoff, the employe shall have restora-
17 tion rights under s. Pers 22.10 (2). If the employe is not required to serve a
18 probationary period, the employe immediately ~~obtains~~ attains permanent status in
19 class in the class to which the employe has transferred.

20 SECTION 53. Pers 22.08 (2) is renumbered Pers 22.08 (3) and amended to read:

21 Pers 22.08 (3) DISPLACEMENT. (a) ~~An-employe-shall-be-entitled-to-exercise-a~~
22 ~~right-of-displacement-only-if-there-is-no-vacancy-to-which-he-or-she-could-trans-~~

1 ~~for or demote under sub. (1) or (3) that is at a higher level than can be obtained~~
2 ~~through displacement. Such employe identified for layoff shall be entitled to~~
3 ~~exercise displacement rights within the employing unit. This right entitles the~~
4 ~~employe to induce the layoff process in a lower class or approved subtitle in the~~
5 ~~same series or in a class or approved subtitle in a series having the same or~~
6 ~~lower pay range maximum within the employing unit, in which the employe has previ-~~
7 ~~ously obtained permanent status in class, and to lower classes or approved sub-~~
8 ~~titles in these classes in a progression series in which the employe has pre-~~
9 ~~viously obtained permanent status in class at a higher level. However, exercising~~
10 If there is no vacancy obtainable under subs. (1) and (2) at the same or higher
11 level than any position obtainable under this subsection, an employe may exercise
12 a right of displacement within the employing unit.

13 1. If qualified to perform the work after customary orientation provided for
14 newly hired workers in such positions, an employe may exercise the right of
15 displacement only: to a lower level within the employe's present classification
16 series; to a position in a lower class in which the employe had previously
17 attained permanent status in class; or to a lower level within an approved
18 progression series in which the employe had previously attained permanent status
19 in class at a higher level. The employe may exercise the right of displacement in
20 the order which will achieve the highest level position to which the employe has
21 rights.

1 2. If the employe has previously attained permanent status in a
2 position whose classification has been affected by an action of the administra-
3 tor, the employe shall immediately attain rights to the classification which
4 replaced the original classification of the position previously held by the
5 employe.

6 3. Exercise of such displacement rights does not guarantee the employe a
7 position in the class or subtitle selected; ~~it~~. It only requires the employe to
8 be included along with other employes in the class or subtitle when the layoff
9 proess as provided in s. Pers 22.06, ~~Wis. Adm. Code~~, is applied to determine which
10 employe is laid off as a result of displacement.

11 4. An employe electing who elects to exercise displacement rights ~~shall have~~
12 has 5 calendar days from the date of written notification of impending layoff or
13 receipt of such written notification, whichever is later, to exercise that
14 option.

15 5. If there is more than one position in the same or counterpart pay range
16 to which the employe is eligible to exercise the right of displacement, the
17 appointing authority may designate the position to which the employe shall first
18 exercise the right of displacement.

19 (b) An employe who exercises displacement rights within the employing unit ~~in~~
20 lieu as a result of layoff immediately ~~obtains~~ attains permanent status in class
21 in the class into which the employe has been placed.

1 (c) An employe who exercises displacement rights shall ~~retain the current~~
2 ~~rate of pay. If the present rate of pay is above the maximum of the pay range or~~
3 ~~pay rate for the class into which the employe has been placed, the employe's pay~~
4 ~~rate shall be red-circled. See s. Pers 29.025, Wis. Adm. Code.~~ have his or her
5 pay determined under s. Pers 29.03 (8)(c).

6 SECTION 54. Pers 22.08 (3) is renumbered 22.08 (2) and amended to read:

7 Pers 22.08 (2) DEMOTION AS A RESULT OF LAYOFF. (a) Within an agency. An If
8 no transfer under sub. (1) is available and if there is a vacancy available, for
9 which the employe is qualified to perform the work after being given the custom-
10 ary orientation provided to newly hired workers in such positions, in a higher
11 level position than could be obtained through displacement under sub. (3), an
12 appointing authority shall offer an the employe a demotion to the highest level
13 vacaney available for which the employe is qualified, after the customary orien-
14 tation provided to new workers in the position, after taking into consideration
15 the employe's appointment preferences, in lieu of laying the employe off when the
16 employe cannot be appointed under s. Pers 22.08 (1) and (2), Wis. Adm. Code that
17 vacancy. Such This offer shall meet be subject to the criteria for a reasonable
18 offer of appointment under s. Pers 22.09, Wis. Adm. Code.

19 1. An employe demoted ~~in lieu~~ as a result of layoff immediately obtains
20 attains permanent status in class in the class to which the employe is demoted,
21 except that an employe demoted to a position in a different employing unit of the
22 same agency may be required to serve a probationary period in accordance with s.
23 230.28 (1)(am) or (4), Stats., as applicble. During this probationary period,

1 the employe may be removed from the position without the right of appeal and
2 restored to his or her former position or transferred to a different position. If
3 the position has been abolished, the employe shall be given consideration for any
4 vacant position in the same or counterpart pay range for which the employe is
5 qualified to perform the work after being given the customary orientation provided
6 for newly hired workers. If no such vacant position exists, the employe shall be
7 treated as if he or she had been restored to the previous position, and the
8 provisions for making layoffs under this chapter shall apply.

9 2. An employe who ~~chooses, with the approval of~~ is demoted by the appointing
10 authority, ~~to be demoted in lieu~~ as a result of layoff to the highest level
11 vacancy available for which the employe is qualified ~~within the employing unit, or~~
12 ~~an employe who is demoted by the appointing authority in lieu of layoff to the~~
13 ~~highest level vacancy available for which the employe is qualified within the~~
14 ~~agency,~~ shall have his or her pay ~~red-circled if the present rate of pay is above~~
15 ~~the maximum of the pay range or pay rate for the class to which the employe is~~
16 demoted determined under s. Pers 29.03 (8)(c).

17 3. For pay provisions regarding an employe who chooses, with the approval
18 of the appointing authority, to be demoted ~~in lieu~~ as a result of layoff to a
19 vacancy which is at a lower level than other available vacancies to which the
20 employe could be demoted, see s. Pers 29.03 (8)(b), ~~Wis. Adm. Code.~~

21 (b) Between agencies. An employe may ~~move~~ demote to a position in a lower
22 classification ~~by demotion~~ in a different agency in lieu of being ~~laid-off~~
23 terminated as a result of layoff.

1 1. The employe may be required to serve a probationary period at the dis-
2 cretion of the appointing authority, and if during this period the employe's
3 services are found to be unsatisfactory, the employe may be ~~separated~~ terminated
4 without the right of appeal. However, if terminated while on probation,
5 the employe shall have restoration rights under s. Pers 22.10 (2). If the employe
6 is not required to serve a probationary period, the employe immediately ~~obtains~~
7 attains permanent status in class in the class to which the employe is demoted.

8 2. An employe who demotes ~~in-lieu~~ as a result of layoff between agencies
9 ~~may be paid at any rate within the pay range for the class to which demoted which~~
10 ~~is not greater than the last rate received by the employe immediately prior to the~~
11 ~~demotion, except that no employe with permanent status in class shall be paid less~~
12 ~~than the PSIGM for the class~~ shall have his or her pay determined under s. Pers
13 29.03 (8)(b).

14 SECTION 55. Pers 22.09 (1) and (2)(intro.) are amended to read:

15 Pers 22.09 FAILURE TO ACCEPT REASONABLE OFFER OF APPOINTMENT. (1) An
16 employe who has been notified of layoff and fails to accept a reasonable offer of
17 permanent appointment within the agency within ~~40~~ 5 work days of the offer or who,
18 upon acceptance, fails to be available for work within ~~40~~ 5 work days after
19 acceptance ~~or 15 work days from the date of the offer, whichever is less, shall~~
20 ~~forfeit~~ forfeits any further rights to an appointment under ~~s.~~ ss. Pers 22.08,
21 ~~Wis.-Adm.-Code.~~ and Pers 22.10.

22 (2)(intro.) An offer of appointment shall be considered reasonable if it
23 meets the following ~~4-~~ 5 conditions as of the date of the offer:

1 SECTION 56. Pers 22.09 (2)(e) is created to read:

2 Pers 22.09 (2)(e) The pay range of the position offered is no more than 2 pay
3 ranges or counterpart pay ranges lower than the pay range of the position from
4 which the employe was laid off, unless the employe's rate of pay at the time of
5 layoff is maintained in the position offered.

6 SECTION 57. Pers 22.10 (intro.), and (1) to (4) are amended to read:

7 Pers 22.10 (intro.) RESTORATION RIGHTS AND CONDITIONS. An employe or former
8 employe who transfers or demotes to another agency as a result of layoff under s.
9 Pers 22.08 (1) or (2) and is terminated while on probation, exercises displacement
10 rights ~~in-lieu~~ as a result of layoff under s. Pers ~~22.08-(2), Wis.-Adm.-Code~~ 22.08
11 (3), is demoted in-lieu as a result of layoff under s. Pers ~~22.08-(3), Wis.-Adm.-~~
12 ~~Code~~ 22.08 (2), or is laid-off terminated as a result of layoff, shall, under s.
13 230.34 (2), Stats., be granted the following considerations for a 3-year period
14 from the date of such action:

15 (1) RETURN TO SAME EMPLOYING UNIT. When a vacancy occurs in the employing
16 unit at or closest to the same or counterpart pay range level from which an
16 employe was ~~laid-off~~ terminated as a result of layoff, exercised displacement
18 rights, ~~or~~ demoted in-lieu as a result of layoff, or transferred or demoted
19 between agencies as a result of layoff and was terminated while on probation, the
20 employe shall be recalled in inverse order of layoff providing the employe is
21 qualified to perform the work after being given the customary orientation provided
22 newly hired workers in such position, unless the employe previously declined a
23 similar offer.

1 (2) RETURN TO THE AGENCY. When a vacancy occurs in the agency in the class,
2 class subtitle or progression series from which the employe was ~~laid-off~~ termin-
3 ated as a result of layoff, exercised displacement rights or, demoted in-lieu as a
4 result of layoff, or transferred or demoted between agencies as a result of layoff
5 and was terminated while on probation, the employe shall be recalled in inverse
6 order of layoff, providing the employe is qualified to perform the work after
7 being given the customary orientation provided newly hired workers in such
8 position. The order of layoff for the recall of an employe who transferred or
9 demoted between agencies as result of layoff and was terminated while on
10 probation shall be determined on the basis of the effective date of the layoff.

11 (3) REQUIREMENTS FOR RESTORATION. An employe or former employe having
12 restoration rights under this section who fails to accept a reasonable offer of
13 reappointment within the agency within ~~40~~ 5 work days of the offer or who, upon
14 acceptance, fails to be available for work within 10 work days after acceptance ~~or~~
15 ~~15-work-days-from-the-date-of-the-offer, whichever is less, shall forfeit~~
16 , forfeits any further restoration rights under s. Pers 22.10~~r~~-Wis~~r~~-Adm~~r~~-Code. If
17 extenuating circumstances prevent an employe or former employe from reporting for
18 work within 10 work days after acceptance or making other arrangements with the
19 employer, the employe ~~shall~~ does not forfeit the right to further restoration when
20 other vacancies occur, providing the nature of the extenuating circumstances was
21 acceptable to the appointing authority.

22 (4) PAY ON RESTORATION. See s. Pers ~~20.03-(7)~~~~r~~-Wis~~r~~-Adm~~r~~-Code~~r~~ 29.03 (7).

1 SECTION 59. Pers 22.10 (6) is amended to read:

2 Pers 22.10 (6) EXPIRATION OF RIGHTS. An employe who transfers ~~in-lieu~~ as
3 a result of layoff under s. Pers 22.08 (1), ~~Wis. Adm. Code~~ (a) 1. or 2., or who is
4 restored after termination in lieu of layoff while serving a probationary period
5 resulting from a ~~transfer or~~ promotion or transfer within the agency under ss.
6 ~~Pers-15.04-(2)-and~~ Pers 14.03 (1), ~~Wis. Adm. Code,~~ or 15.04 (2), respectively, or
7 who is restored or reinstated to a position within the agency in the same or
8 counterpart pay range shall have no further restoration ~~or recall~~ rights.

9 SECTION 60. Pers 22.11 (1) is amended to read:

10 Pers 22.11 REINSTATEMENT PRIVILEGES AND CONDITIONS. (1) When a vacancy, for
11 which the employe is qualified, occurs anywhere in state service other than the
12 agency from which the employe was ~~laid-off~~ terminated as a result of layoff,
13 exercised displacement rights, or demoted in-lieu as a result of layoff, the
14 employe may be reinstated at the discretion of the appointing authority within a 3-
15 year period from the date of ~~such~~ the action resulting from layoff.

16 SECTION 61. Pers 22.14 is amended to read:

17 Pers 22.14 TEMPORARY LAYOFF OF EMPLOYEES. The administrator may, ~~in-emergency~~
18 ~~conditions,~~ approve exceptions to the ~~layoff~~ procedures outlined above. ~~However,~~
19 ~~such-layoffs-shall-be~~ in this chapter for temporary and layoffs not to exceed 20
20 working days. Temporary layoffs shall apply to all employes in an employing unit.
21 However, an appointing authority may recommend, subject to approval of the admin-
22 istrator, that temporary layoffs apply to only some employes in the employing unit.

1 If a temporary layoff of some employes is approved, it shall be by class and
2 seniority with the least senior employes being temporarily laid off. The specific
3 number of such days affected employes are temporarily laid off, as recommended by
4 the appointing authority, is also subject to approval by the administrator.

5 SECTION 62. Pers 24.045 is created to read:

6 Pers 24.045 GUIDELINES FOR OUTSIDE EMPLOYMENT. Agencies shall establish
7 guidelines regarding outside employment of employes which shall include
8 identifying those activities which are likely to cause a conflict of interest and
9 requiring employes to obtain prior approval before accepting outside employment.
10 Agencies shall submit their proposed guidelines to the administrator for review
11 and approval before implementation.

12 SECTION 63. Pers 28.02 (3) and (5) are amended to read:

13 Pers 28.02 (3) In instances where accrued leave with pay credits have been
14 used to cover an absence which is later found compensable, the appointing
15 authority shall, if requested by the employe, provide leave without pay on a day
16 for day basis, with such leave to be taken in accordance with s. Pers 18.05
17 (1)(a), ~~Wis. Adm. Code.~~

18 (5) An employe may elect to use accrued ~~sick~~ paid leave credits to
19 supplement worker's compensation benefits ~~provided pursuant to~~ under ch. 102,
20 Stats., to the extent that the employe shall receive the equivalent of the
21 employe's ~~regular~~ base pay as defined under s. Pers 29.01, ~~Wis. Adm. Code.~~ Notice
22 of such election by the ~~employee~~ employe shall be reported in the same manner
23 provided for in sub. (2).

1 SECTION 64. Pers 29.01 (title) and (1)(title) are amended to read:

2 Pers 29.01 (title) DEFINITIONS. (1)(title) BASIC PAY.

3 SECTION 65. Pers 29.01 (2) is renumbered Pers 29.015 and Pers 29.015
4 (title), as renumbered, is amended to read:

5 Pers 29.015 (title) OFFICIAL HOURLY RATES.

6 SECTION 66. Pers 29.01 (2) is created to read:

7 Pers 29.01 (2) PRESENT RATE OF PAY. For purposes of this chapter, "present
8 rate of pay" means the base pay rate currently authorized the employe for the
9 position which determines the type of personnel transaction which will occur.

10 SECTION 67. Pers 29.025 (1), (3) and (4) are amended to read:

11 Pers 29.025 RED CIRCLED PAY RATES. (1) ~~In~~ Except as otherwise provided under
12 subs. (2) and (3) of Section 2015 of ch. 317, Laws of 1981, in accordance with
13 ss. 230.09 (2)(f), 230.15 (1), and 230.34 (1) and (2), Stats., the administrator
14 shall determine whether or not an employe's pay rate may remain above the pay
15 range maximum.

16 (3) Red circled pay rates shall be established only when an employe is not
17 serving a probationary period. The specific personnel transactions and
18 circumstances which may result in a red circled pay rate are specified in ss. Pers
19 22.08 and, 29.03, ~~Wis. Adm. Code~~ and 30.09 (3) and (4).

1 (4) Employees whose pay has been red circled shall continue to receive their
2 present rate of pay until the pay range maximum for the class exceeds their
3 present red circled pay rate. Such employes shall not be eligible to receive
4 any cumulative pay adjustments ~~other than approved across the board general pay~~
5 ~~adjustments under s. 230.12(3)(a), Stats.~~

6 SECTION 68. Pers 29.03 (3)(c) is amended to read:

7 Pers 29.03 (3)(c) Regraded employes whose positions are reclassified under
8 s. Pers 3.01 (3), ~~Wis. Adm. Code~~, to a higher class shall, in schedules where
9 appropriate, receive a pay increase to the PSICM of the new class or a one within
10 range pay step increase, whichever is greater. Such increase shall not exceed the
11 maximum of the pay range. However, if the employe also has reinstatement
12 eligibility or restoration rights to the higher class level, the employe's pay
13 shall be calculated in accordance with s. Pers 29.03 (6) or (7), respectively, or
14 the employe shall retain his or her present rate of pay, whichever is greater.

15 SECTION 69. Pers 29.03 (4)(c) is amended to read:

16 Pers 29.03 (4)(c) When an employe is promoted while serving a promotional
17 probationary period, ~~the phrase "employe's present pay rate" under par. (b) shall~~
18 ~~mean~~ the last pay rate earned in the class in which the employe last had permanent
19 status, ~~plus~~ shall be adjusted by any intervening across-the-board general pay
20 adjustment ~~but,~~ excluding intervening within range pay adjustments. ~~The adjust-~~
21 ~~ment applied to the employe's last rate shall be that of the appropriate pay~~
22 ~~schedule for the class in which the employe last had permanent status.~~ for that
23 class, and the resulting pay rate shall then be increased in accordance with par.
24 (b).

1 SECTION 70. Pers 29.03 (5)(a) 4. and (b) are amended to read:

2 Pers 29.03 (5)(a) 4. Employees who are involuntarily transferred for reasons
3 other than disciplinary reasons shall retain their ~~current~~ present rate of pay.
4 If the ~~current~~ present rate of pay exceeds the new pay range maximum, it shall be
5 red circled and continued under the provisions of s. Pers 29.025, ~~Wis. Adm.~~
6 ~~Code.~~

7 (b) Employees whose pay has been red circled, and who voluntarily transfer to
8 a different position shall lose their red circle rate.

9 SECTION 71. Pers 29.03 (7)(c) is amended to read:

10 Pers 29.03 (7)(c) When an employe is restored upon return from a summer
11 leave or an approved leave of absence without pay, the employe's rate of pay shall
12 be calculated in accordance with par. (a). If the employe is restored to the same

1 or counterpart class as that from which restoration rights were earned and the
2 employe's last rate received is higher than the pay range maximum for the class
3 restored to, the employe's pay rate shall be red circled. ~~---If-the-employe's-pay~~
4 ~~rate-is-red-circled,-the-employe-shall-be-granted-only-the-intervening-across-the-~~
5 ~~board-general-pay-adjustments,~~ and subject to s. Pers 29.025.

6 SECTION 73. Pers 29.04 (title) is amended to read:

7 Pers 29.04 (title) MULTIPLE PAY ADJUSTMENTS ON SAME DATE, ORDER OF APPLICA-
8 TION.

9 SECTION 74. Pers 29.04 (1) to (3) are repealed and recreated to read:

10 Pers 29.04 (1) Completion of the first 6 months of a probationary or career
11 executive trial period.

12 (2) Regrading an employe as a result of a reallocation decision.

1 (3) Regrading an employe as a result of a reclassification decision.

2 SECTION 75. Pers 29.04 (4) is renumbered Pers 29.04 (5) and amended to read:

3 Pers 29.04 (5) ~~Premotional-increase~~ Promotion.

4 SECTION 76. Pers 29.04 (4) is created to read:

5 Pers 29.04 (4) Assignment of an attorney to a regrade point.

6 SECTION 77. Pers 29.04 (5) to (7) are renumbered Pers 29.04 (13), (14) and
7 (16) and Pers 29.04 (16), as renumbered, is amended to read:

8 Pers 29.04 (16) Within range pay adjustments other than those made under
9 subs. (1) to ~~(4)~~ (12) and (15).

10 SECTION 78. Pers 29.04 (6) to (12), (15), and (17) are created to read:

11 Pers 29.04 (6) Career executive reassignment or voluntary movement to a
12 higher class.

13 (7) Demotion.

14 (8) Career executive reassignment or voluntary movement to a lower class.

15 (9) Transfer.

1 (10) Career executive reassignment or voluntary movement to a class assigned
2 to the same pay range.

3 (11) Reinstatement.

4 (12) Restoration.

5 (15) Establishment of a raised minimum rate.

6 (17) Original appointment.

7 SECTION 79. Pers 30.02 (3) is created to read:

8 Pers 30.02 (3) On transactional movement into a career executive position,
9 the employe becomes a career executive.

10 SECTION 80. Pers 30.06 (1) is amended to read:

11 Pers 30.06 CAREER EXECUTIVE TRIAL PERIOD. (1) Upon initial appointment to
12 the career executive program, a career executive employe, prior to attaining
13 permanent status, shall serve a 2 year continuous service trial period. However,
14 one year, or any portion thereof, may be waived by the appointing authority at
15 any time after a one year continuous service trial period has been served after
16 both the employe and the administrator have been notified in writing. If an
17 employe transfers to a different agency while serving a trial period, the trial
18 period shall be extended to provide for 6 continuous months of service in the
19 receiving agency. Upon successful completion of the trial period, a career

1 executive employe ~~earns~~ attains permanent status. Except as provided in sub. (3)
2 ~~below~~ and s. Pers 30.11~~r--Wis--Adm--Code~~, career executive employes shall be
3 required to complete only one trial period regardless of subsequent movement to
4 other career executive positions, including movement between agencies.

5 SECTION 81. Pers 30.07 (1) is repealed and recreated to read:

6 Pers 30.07 CAREER EXECUTIVE REASSIGNMENT. (1) Career executive reassignment
7 means the permanent appointment by the appointing authority of a career executive
8 within the agency to a different career executive position at the same or lower
9 classification level for which the employe is qualified to perform the work after
10 being given the customary orientation provided to newly hired workers in such
11 positions.

12 SECTION 81M. Pers 30.085 is amended to read:

13 Pers 30.085 CAREER EXECUTIVE TEMPORARY ASSIGNMENT. A career executive
14 employe may be assigned to a position for employe development purposes or to
15 complete a special project for a duration not to exceed 2 years. The employe's
16 classification and pay status shall not be affected. An intra-agency temporary
17 assignment requires the written agreement of the ~~administrator, the employe,~~ and
18 the appointing authority. An inter-agency temporary assignment requires the
19 written agreement of the ~~administrator, the employe,~~ and the appointing author-
20 ities of both the sending and receiving agencies. The appointing authority in an
21 intra-agency temporary assignment or the appointing authority of the receiving
22 agency in an inter-agency temporary assignment shall send a copy of the written
23 agreement to the administrator prior to the effective date of the assignment.

1 If the employe is expected to return to the sending agency upon completion of the
2 temporary assignment, the employe and the appointing authority of the sending
3 agency shall develop a formal leave agreement under s. Pers 18.05 (1)(a) ~~Wis~~
4 ~~Adm~~-Code.

5 SECTION 82. Pers 30.09 (3) and (4) are amended to read:

6 Pers 30.09 (3) A career executive reassignment to a position allocated to a
7 lower class shall result in the red circling of the employe's pay rate and the
8 provisions of s. Pers 29.025-~~(4)~~ ~~Wis~~-~~Adm~~-Code, shall apply.

9 (4) The pay rate upon a career executive voluntary movement to a position
10 allocated to a lower class shall be established by the appointing authority and
11 may be at any rate which is not greater than the last rate received by the
12 employe. However, any such employe shall not be paid below the pay range minimum
13 and any such employe not serving the first 6 months of the trial period shall be
14 paid not less than PSICM. If the employe's rate of pay is greater than the maxi-
15 mum of the new pay range, ~~the employe shall not be eligible to receive any pay~~
16 ~~adjustment other than the approved across-the-board adjustments under s. 230.12~~
17 ~~(3)(a), Stats, until such time as the pay range maximum equals or exceeds the~~
18 ~~employe's pay rate~~ it may be red circled and subject to s. Pers 29.025.

19 SECTION 83. Pers 30.10 (2) is amended to read:

20 Pers 30.10 (2) Career executive reassignment by the appointing authority, as
21 defined under s. Pers 30.07 (1) and referred to in sub. (1), is authorized without
22 limitation. However, an employe with permanent status in the career executive
23 program may appeal the reassignment to the personnel commission if it is alleged

1 that such reassignment either constitutes an unreasonable and improper exercise of
2 an appointing authority's discretion or is prohibited by s. 230.18, Stats.

3 SECTION 84. Pers 30.10 (3) is amended to read:

4 Pers 30.10 (3) Removal of an employe with permanent status in the career
5 executive program from the career executive program which results in the placement
6 of the employe in a position allocated to a classification assigned to pay range
7 17 or below is defined as a demotion, and may be appealed.

8 SECTION 85. Pers 30.10 (4) is amended to read:

9
10 Pers 30.10 (4) Permanent status in the career executive program grants an
11 employe the same redress rights granted employes with permanent status in class
12 under s. 230.44, Stats., except as provided in sub. (1).

13 SECTION 85M. Pers 30.10 (5) is created to read:

14 Pers 30.10 (5) An employe in a career executive position serving a trial
15 period shall have the same right of appeal under s. 230.44, Stats., as an employe
16 who does not have permanent status in class in his or her present position.

17 SECTION 85R. Pers 30.105 (intro.) is created to read:

18 Pers 30.105 (intro.) For purposes of this chapter, "layoff" means the
19 termination of a career executive with permanent status in the career executive
20 program from the career executive program due to a reduction in the career
21 executive force in the employing unit.

1 SECTION 86. Pers 30.105 (2)(intro.), (3)(intro.), (a) and (c), (4) and (5)
2 are amended to read:

3 Pers 30.105 (2)(intro.) Whenever it ~~becomes~~ is necessary to ~~layoff~~ lay off a
4 career executive employe, an appointing authority shall group the career executive
5 employes and then make layoffs within this group in accordance with s. Pers 22.06,
6 ~~Wis.-Adm.-Code~~. The layoff group shall include all of the career executive
7 employes within the employing unit who meet the following 2 criteria:

8 (3)(intro.) Before a career executive employe with permanent status in the
9 career executive program is laid off, the appointing authority shall terminate all
10 employes in the same or lower class in the employing unit in which the layoff
11 occurs, who are performing duties which the career executive employe would be
12 qualified to perform after being given the customary orientation provided to newly
13 hired workers in such positions, as follows:

14 (a) Limited term employes including ~~emergency-and~~ provisional,

15 (c) Employes serving an original appointment ~~probationary~~ trial period.

16 (4) -A-Prior to receiving a notice of layoff under s. Pers 22.07, a
17 career executive employe with permanent status in the career executive program
18 has a right to an appointment to a ~~vacant-position~~ vacancy in the career executive
19 program in the employing agency which is allocated to a pay range at or below the
20 employe's current pay range, and for which he or she is qualified to perform the
21 duties after the customary orientation provided for a newly hired worker in the

1 position. However, this right may not be exercised until after the appointing
2 authority has considered transfers, demotions or reassignments of persons
3 currently employed in the employing agency who would not be affected by the
4 layoff.

5 (5) After exhaustion of the alternatives ~~in-lieu-of-layoff~~ within the career
6 executive program, the ~~alternatives-in-lieu~~ alternatives as a result of layoff
7 under s. Pers. 22.08, ~~Wis. Adm. Code, shall~~ apply for positions not in the career
8 executive program.

9 SECTION 87. CROSS-REFERENCE CHANGES. In the rules sections listed in Column
10 A, the statutory or rules cross-references shown in Column B are changed to the
11 statutory or rules cross-references shown in Column C:

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12 A Rules Sections	B <u>Old Cross-reference</u>	C <u>New Cross-reference</u>
14 Pers 12.02 (1)	Pers 22.08 (3)	Pers 22.08 (2)
15 Pers 13.08 (1)	ss. 111.31 to 111.37, Stats.	ss. 111.31 to 111.395, Stats.
16 Pers 13.08 (2)	Pers 15.04	Pers 15.055
17 Pers 17.025	Pers 13.04 (2)	Pers 13.03 (2)

1 SECTION 88. REDESIGNATION.

2 (1) Chapters Pers 1 to 3, 6, 7, 10 to 18, 21, 22, 24, 27 to 30, 32 and 34, as
3 affected by this Rule Order, are redesignated as Chapters ER-Pers 1 to 3, 6, 7, 10
4 to 18, 21, 22, 24, 27 to 30, 32 and 34.

5 (2) The Pers rules sections and the rules section cross-references in the
6 rules chapters affected by sub. (1) are redesignated as ER-Pers rule sections and
7 cross-references.

8 EFFECTIVE DATE

9 The rules, amendments and repeals contained in this order shall take effect as
10 provided in s. 227.026 (1)(intro.), Stats.

Dated: January 10, 1983

Division of Personnel
Department of Employment Relations



Chuck Grapentine, Administrator