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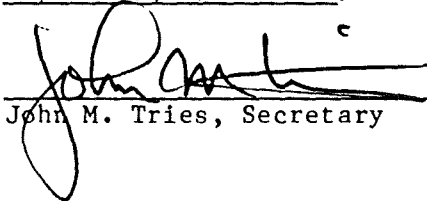
APR 15 1988
9:55 am
Revisor of Statutes
Bureau

STATE OF WISCONSIN)
) SS
DEPARTMENT OF EMPLOYMENT RELATIONS)

I, John M. Tries, Secretary of the Employment Relations Department and
custodian of the official records, certify that the annexed rules, relating to
rules of the secretary, were duly approved by this department on
April 15, 1988.

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

IN TESTIMONY WHEREOF, I have
hereunto set my hand at 137
East Wilson Street in the City
of Madison this 15th day of
April 15, 1988, 1988.



John M. Tries, Secretary

6-1-88

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ORDER OF THE SECRETARY
OF THE DEPARTMENT OF EMPLOYMENT
RELATIONS PROMULGATING RULES

Revisor of Statutes
Bureau

1 To repeal ER 41.02 (1) and (2), ER 43.02 (1), ER 43.02 (2) (a), ER
2 43.02 (5), ER 43.03 (3) to (5), ER 43.03 (7), ER 43.04 (1) to (6),
3 ER-Pers 6.06, ER-Pers 6.12, ER-Pers 18.01, ER-Pers 18.02 (1) and
4 (2) (intro.), ER-Pers 18.02 (3) (intro.) and (a), ER-Pers 18.02
5 (4) (intro.), ER-Pers 18.02 (5) (d), (6) and (6m), ER-Pers 18.03
6 (1) (b) and (c), ER-Pers 18.03 (4) (a), ER-Pers 18.03 (5) (c), ER-
7 Pers 18.04 (2) to (4), ER-Pers 18.05 (1) (e) and (f), ER-Pers
8 18.07 (2), ER-Pers 22.10 (5), ER-Pers 27.03 (1) (h), ER-Pers 29.01
9 (1), ER-Pers 29.015, ER-Pers 29.02, ER-Pers 29.025 (1) and (2),
10 ER-Pers 29.03 (3) (b) (intro.), ER-Pers 29.03 (3) (b) 3., ER-Pers
11 29.03 (4) (a), ER-Pers 29.03 (4) (c), ER-Pers 29.03 (5) (a) 2. and
12 3., ER-Pers 29.03 (7) (b) to (d), ER-Pers 29.03 (8) (b) 1. to 3.,
13 ER-Pers 29.04 (16), ER-Pers 30.02 (2), ER-Pers 34.05 (1) to (3),
14 and ER-Pers 34.06 (5); to renumber ER 42.02 (3), (4) and (5), ER
15 43.02 (2) (b) and (c), ER 43.02 (6), ER 44.02 (2) to (6), ER
16 47.07, ER-Pers 2.01 to 2.04, ER-Pers 3.01 (2) (intro.) and (a) to
17 (g), (3) and (4), ER-Pers 3.015, ER-Pers 3.04 and 3.05, ER-Pers
18 10.01 (2), ER-Pers 10.02, ER-Pers 10.05 (2), ER-Pers 18.02 (2) (a)
19 to (g), ER-Pers 18.02 (4) (a) to (c), ER-Pers 18.02 (7) (intro.)
20 and (a) to (d), ER-Pers 18.03 (1) (intro.) and (a) and (b), ER-
21 Pers 18.03 (2) and (3), ER-Pers 18.05 (1) (a) to (d), ER-Pers
22 18.07 (1) (intro.) and (a) and (b), ER-Pers 18.08 (1) and (2), ER-
23 Pers 18.09 to 18.15, ER-Pers 21.03 (1) to (3), ER-Pers 28.01, ER-
24 Pers 28.02 to 28.07, ER-Pers 29.03 (1) and (2), ER-Pers 29.03 (3)

1 (d), ER-Pers 29.03 (4) (d), ER-Pers 29.03 (5) (b), ER-Pers 29.03
2 (6) (b) (intro.), 1. and 2., ER-Pers 29.03 (7) (e), ER-Pers 29.03
3 (8) (a), (b), (intro.) and (c), ER-Pers 29.04 (1) to (15), ER-Pers
4 29.04 (17), ER-Pers 29.05, ER-Pers 30.09, ER-Pers 34.05 (4) to
5 (8), ER-Pers 34.06 (1) to (4) and ER-Pers 34.07 (1) and (2); to
6 renumber and amend ER 41.01, ER 41.02 (intro.), ER 43.02 (2) (d)
7 (intro.), ER 43.02 (2) (b) and (c), ER 43.02 (2) (d) 1. to 3., ER
8 43.02 (2) (e), ER 43.03 (6), ER 43.04 (7), ER 44.08 (2), ER-Pers
9 3.01 (1), ER-Pers 3.02 and 3.03, ER-Pers 10.05 (3), ER-Pers 18.02
10 (3) (b), ER-Pers 18.02 (5) (a) to (c), ER-Pers 18.03 (1) (d), ER-
11 Pers 18.03 (4) (b), ER-Pers 18.03 (5) (a) and (b), ER-Pers 18.04
12 (1), ER-Pers 18.05 (3) and (4), ER-Pers 18.06, ER-Pers 18.07 (3),
13 ER-Pers 21.01, ER-Pers 21.02, ER-Pers 29.01 (2), ER-Pers 29.025
14 (3) and (4), ER-Pers 29.03 (3) (a), ER-Pers 29.03 (3) (b) 1. and
15 2., ER-Pers 29.03 (3) (b) 4., ER-Pers 29.03 (3) (c), ER-Pers 29.03
16 (3) (e) (intro.), ER-Pers 29.03 (3) (e) 1. and 2., ER-Pers 29.03
17 (4) (b), ER-Pers 29.03 (5) (a) (intro.) and 1., ER-Pers 29.03 (5)
18 (a) 4., ER-Pers 29.03 (6) (a), ER-Pers 29.03 (7) (a), ER-Pers
19 30.02 (1), ER-Pers 30.06 (2), ER-Pers 30.085, ER-Pers 34.04, and
20 ER-Pers 34.05 (intro.); to amend ER 42.03 (1), ER 43.01 (1), ER
21 43.01 (3) and (4), ER 43.03 (intro.), (1) and (2), ER 43.04
22 (intro.), ER 43.05, ER 43.06, ER 44.08 (1), ER 46.02 (4), (6), (7)
23 and (8), ER 46.03 (1) and (2) (i) and (j), ER 46.05 (3) (a), ER
24 46.07 (1) (intro.), ER 46.11; ER 2.01, 2.02 (1) and 3., 2.03 (2)
25 and 2.04 (3) as renumbered, ER 3.01 (2) (intro.) and (g), (3) and
26 (4) as renumbered, ER 3.015 (2) (c) and (3) as renumbered, ER
27 10.02 (3) as renumbered, ER 18.02 (2) (b) 2.a., 3. and 5. to 7. as

1 renumbered, ER 18.02 (3) (c) 2. as renumbered, ER 18.02 (6) (b) 2.
2 as renumbered, ER 18.03 (1) (intro.) and (a) as renumbered ER
3 18.03 (2) (b) as renumbered, ER 18.14 (2) (a) and (d) as
4 renumbered, ER 18.04 (2) (a) and (b) as renumbered, ER 18.08 (1)
5 as renumbered; ER 18.07, 18.10, 18.13 (title) and 18.15 as
6 renumbered ER 21.03 (2) (b) and (4) as renumbered ER 28.02 (3) and
7 (5), 28.03 and 28.04 (1) to (3) and (5) as renumbered, ER 29.03
8 (1) (intro.) and (2) as renumbered, ER 29.03 (6) (c) 1. (intro.)
9 as renumbered, ER 29.03 (8) (a) and (b) as renumbered, ER 29.04
10 (1), (6), (13) and (14) as renumbered, ER 30.09 (intro.) and (2),
11 (3) and (4) as renumbered, ER 34.05 (4), (5) and (7) as
12 renumbered, and ER 34.06 (title), (1) (title) and (1) and (4) as
13 renumbered; to repeal and recreate ER 43.01 (2), and ER 43.02 (2)
14 (intro.); and to create Chapter ER 1 (title), ER 1.02 (1) to (48),
15 Chapter ER 2 (title), Chapter ER 3 (title), Chapter ER 10 (title),
16 ER 10.01 (title), ER 10.025, ER 10.045 (title), Chapter ER 18
17 (title), ER 18.01, ER 18.02 (1), (2) (a), (b) (intro.), (2) (d)
18 and (e), (3) (a) to (c) (intro.), (3) (c) 1. (title) and 3.
19 (title), (4) (d), (5), (6) (a) and (b) 5., and (7) to (9), ER
20 18.03 (lg), (lm), (4) (intro.) and (a) to (d), ER 18.04 (1), (2)
21 (b) 4. and 5., (3) and (4) (c), ER 18.05 (2), (3), (4) and (6), ER
22 18.14 (1), (2) (e) and (f), Chapter ER 21 (title), ER 21.01, ER
23 21.02 (2) and (3), ER 21.03 (3), ER 21.04, Chapter ER 28 (title),
24 ER 28.015, ER 28.04 (6), Chapter ER 29 (title), ER 29.01 (1) and
25 (3), ER 29.025 (3), ER 29.03 (2m), (3) (b) (intro.), 1. (intro.),
26 and c., 2., (c) (intro.), and 3., (d) (title), (4) (a), (6) (a) and
27 (c) 1.c., and 2. to 4., (7) (a) and (c) to (e) and (a), Chapter ER

1 30 (title), Chapter ER 34 (title), ER 34.06 (5), ER 34.07
2 (intro.), ER 42.02 (3) and (4), ER 43.02 (2) (a) to (c) and (2m),
3 ER 43.02 (6m) (intro.), (a) and (7), ER 43.03 (3) and (4), ER
4 43.04 (1), ER 43.045, ER 44.02 (2) and (3), ER 44.04 (3), ER 44.08
5 (2) to (4), ER 44.09, ER 44.10, ER 46.03 (2) (k), and ER 47.07 (2)
6 relating to the rules of the Secretary of the Department of
7 Employment Relations.

ANALYSIS BY THE DEPARTMENT OF EMPLOYMENT RELATIONS

This rule making order reflects a recodification of current rules of the secretary, department of employment relations (DER) and also contains both major and minor substantive changes as well as editorial revisions. The recodification primarily results from the provisions of 1983 Wisconsin Act 27 which reorganized DER, together with Section 2015 (3) (c) of that Act which transferred the authority for certain rules of the former division of personnel to either the secretary, DER or the administrator of the division of merit recruitment and selection (DMRS), which is in the department of employment relations. Under this recodification the designation of rules transferred to the secretary, DER is changed from "ER-Pers" to "ER." The "ER" designation is currently used for other rules of the secretary, DER that were promulgated effective 3/1/84 under authority other than 1983 Wisconsin Act 27. The recodification essentially continues the numerical structure of the chapters and sections of the present rules, so that reference to a particular rule will be facilitated. Three exceptions to the section numbering carryover are noted: chapter 18 regarding absences, and to a lesser extent, chapters 21 regarding resignations and 29 regarding compensation provisions. In these cases the substantive changes require certain modifications to the numbering system. Extensive editorial revisions are included in the recodification, as well as a number of cross references to terms defined under the rules of the administrator, DMRS.

The following framework is established for the secretary's rules that were transferred under Act 27.

| | |
|-------|---|
| ER 1 | Force and Effect of Rules and Definitions |
| ER 2 | Classification Plan |
| ER 3 | Position Classification Actions |
| ER 10 | Limited Term Appointments |
| ER 18 | Absences |
| ER 21 | Resignations |
| ER 28 | Worker's Compensation and Hazardous Duty Injury Pay |
| ER 29 | Compensation Administration Provisions |
| ER 30 | Career Executive Employment |

ER 34 Project Employment Provisions

Other rules of the secretary, most of which are effected by this rule making order are:

- ER 42 Alternative Work Patterns
- ER 43 Affirmative Action and Equal Opportunity
- ER 44 Employee Development and Training
- ER 45 Employee Performance Evaluation
- ER 46 Grievance Procedure
- ER 47 Temporary Interchange

To identify all the changes which are proposed for a chapter which was formerly an ER-Pers chapter, it may be necessary to reference different sections of the text of the proposed changes, since this rule making order deals with both ER and ER-Pers rules. The text of the proposed changes for these chapters begins with all the sections which are created as ER rules and then continues with sections which are amended, renumbered or repealed. Thus, changes to a particular chapter will occur early in the text if they are creations and later in the text if they are a different treatment.

The changes of substantive significance are as follows:

1. Chapter ER 1 contains the force and effect of rules statement, formerly under ch. ER 41. This chapter also contains a centralized listing of definitions of terms used in the rules, virtually all of them being used in more than one of the chapters of the rules.
2. Chapter ER 2 pertaining to the classification plan is modified to reflect changes in s. 230.09, Stats., enacted under 1983 Wisconsin Act 27 and 1985 Wisconsin Act 29. The chapter also reflects that the secretary has authority for approval of the designation of a classification subtitle plus language that class specification examples do not constitute an exhaustive or exclusive listing of work assignments.
3. Chapter ER 3 pertaining to position classification actions is modified to reflect changes in s. 230.09, Stats., enacted under 1983 Wisconsin Act 27. Modifications are also being made to the regrading provisions in the chapter to permit the regrading of an incumbent who is serving the first six months of a probationary period who is being reallocated because of a change in the level of accountability as a result of a reorganization. Additional language clarification is being made regarding the six month time period during which duties must be performed prior to the approval of a regrade transaction.
4. Chapter ER-Pers 6 pertaining to recruitment and examination contains two sections which became the responsibility of the secretary under 1983 Wisconsin Act 27. Section ER-Pers 6.06, relating to reimbursement for applicants travel expenses, is repealed and the provisions are now contained in the compensation plan. Section ER-Pers 6.12, relating to understudy and trainee, is repealed and recreated as proposed, s. 44.04 (3) and s. ER 44.09 in chapter ER 44, which contains employee development and training provisions.
5. Chapter ER 10 pertaining to limited term appointments contains several sections which became the responsibility of the secretary under 1983 Wisconsin

Act 27. In addition to restructuring of the chapter for purposes of clarity, the chapter has been modified to allow exceptions to be identified in the compensation plan to the requirement that limited term employees be paid only for actual hours worked.

6. Chapter ER 18, pertaining to absences, is renumbered as a rule of the secretary as a result of 1983 Wisconsin Act 27 and is modified to clarify which employees are: covered by the various provisions relating to leave credit accrual; eligible to use accrued leave credits; and, eligible to transfer accrued leave credits upon movement in state service. Elected officials and most University of Wisconsin System staff have only limited coverage under the modified provisions of chapter ER 18. Provisions regarding project employees previously included in chapter ER-Pers 34 have been expanded and incorporated into chapter ER 18.

Sections of chapter ER 18 are renumbered to present provisions regarding paid leave before provisions regarding unpaid leave. Proration of annual leave accrual for part time employees is modified to reflect all hours in pay status.

Chapter ER 18 establishes a single set of eligibility criteria for all types of parental leaves of absence and clarifies the circumstances under which use of sick leave is appropriate.

Chapter ER 18 is also amended to reflect recent changes in s. 230.35, Stats., regarding accrual of annual leave during temporary layoff and accrual of termination and sabbatical leave credits. The provisions pertaining to the use of termination and sabbatical leave credits upon termination from employment have been modified. Chapter ER 18, as modified, restricts the use of holiday compensatory time and prohibits overdrawing the balance of any leave credit account.

7. Chapter ER 21 pertaining to resignation is renumbered as a rule of the secretary as a result of 1983 Wisconsin Act 27. The chapter is restructured for purposes of clarity and definitions are created for key terms which are used in the chapter. The length of time required for submission of the letter of resignation prior to the resignation is changed from 10 to 14 calendar days to ensure that management receives at least 2 weeks notice. Modification and clarification of the treatment of leave credits upon resignation from state service is made in this chapter, including the proposal that an employee is entitled to have his or her termination date extended by the amount of leave credit unless the employee requests a lump sum payment in the resignation letter or the employer and employee agree that all or part of the accumulated leave credit be paid in a lump sum.

8. Chapter ER-Pers 22 pertaining to layoff contains several sections pertaining to compensation which became the responsibility of the secretary under 1983 Wisconsin Act 27. The substantive provisions of these sections are now covered under Chapter ER 29, which contains compensation-related provisions.

9. Chapter ER-Pers 27 pertaining to exceptional methods and kinds of employment contains one section pertaining to pay and benefits which became the responsibility of the secretary under 1983 Wisconsin Act 27. This section is being repealed, recognizing that any questions regarding pay and benefit

provisions of plans for occupationally handicapped employment are to be referred to the secretary.

10. Chapter ER 28 pertaining to worker's compensation and hazardous duty injury pay is renumbered as a rule of the secretary as a result of 1983 Wisconsin Act 27. The chapter is modified to include a definition of "employee" for clarification purposes. In the area of concurrent benefits, the chapter is revised to clearly prohibit an employe from receiving a benefit equal to more than his or her basic rate of pay at the time of injury. An additional modification relates to the reduction in time limits for application for benefits from 30 to 14 calendar days, consistent with the benefits negotiated for represented employes. Modifications have also been made to specify the circumstances which cause s. 230.36, Stats., payments to cease.

11. Chapter ER 29 pertaining to compensation administration provisions is renumbered as a rule of the secretary as a result of 1983 Wisconsin Act 27. The chapter is modified to include definitions which are unique to this chapter, to restructure the chapter for purposes of clarity, to repeal provisions pertaining to beginning pay which are now contained in the compensation plan, and to incorporate compensation provisions previously contained in other chapters of the rules. The compensation provision pertaining to promotional pay increases has been changed from a 10% increase or the minimum of the pay range, whichever is greater, to an increase of 3 within-range steps or the minimum of the pay range, whichever is greater. This change is consistent with DER's compensation policy which provides step increases for other personnel transactions such as reclassification or reallocation. Finally, provisions pertaining to pay on promotion have been simplified and the term "present rate of pay" has been defined to accommodate the differing types of employment status.

12. Chapter ER 30 pertaining to career executive employment contains several sections which became the responsibility of the secretary under 1983 Wisconsin Act 27. As such, the chapter has been restructured for purposes of clarity. The provision which provides that an appointing authority may appeal the decision of the secretary to include or exclude a position from the career executive program is repealed since neither s. 230.44 or s. 230.45, Stats., provides for this appeal right. This chapter is modified to conform with the modification to chapter ER 29 to reflect new compensation provisions on promotion.

13. Chapter ER 34 pertaining to project employment provisions contains several sections which became the responsibility of the secretary under 1983 Wisconsin Act 27. The primary purpose of this chapter is to centralize provisions relating to project employment. Because of the extensive treatment given to many of these provisions in other chapters of the secretary's rules, such as absences in chapter ER 18 and compensation provisions in chapter ER 29, the bulk of this chapter consists of references to the pertinent sections of other rule chapters.

14. Chapter ER 41 pertaining to force and effect of rules and definitions is renumbered chapter ER 1 and expanded to include definitions. The appropriate provisions are amended or repealed in order to create a complete introductory rule chapter.

15. Chapter ER 42 pertaining to alternative work patterns is modified to create two definitions for "full-time employment" and "part-time employment." The chapter is also amended to reflect the fact that the secretary has no authority to establish rules which affect represented employes in this area because alternative work patterns are matters subject to collective bargaining under s. 111.91 (1), Stats.

16. Chapter ER 43 pertaining to affirmative action and equal opportunity is modified to include clarification of the essential elements required in agency affirmative action plans, and repeal of many of the strictly procedural elements in the section on review of those plans, in order to provide for alternative plan development and review procedures. A section is added giving the secretary authority to develop standards for agency affirmative action efforts which are in addition to the plan requirements.

The definition of "American Indian" is amended as a result of an executive order, and a definition of "affirmative action program" is added for clarification of that term as it is used in s. 230.04 (9) (e), Stats.

An addition to the "monitoring and compliance" section clarifies the secretary's role regarding agency compliance.

The chapter also reflects the statutory changes enacted under 1987 Wisconsin Act 32.

17. Chapter ER 44 pertaining to employe development and training is modified to include the definitions for "employe development and training program" and "employe development and training plan" to ensure consistent interpretation of terms used in this chapter. The creation of provisions pertaining to understudy and trainee positions is the result of the relocation of these provisions from Chapter ER-Pers 6. Additional requirements pertaining to employe development and training programs are being established relating to agency program and planning requirements consistent with the provisions of s. 230.046, Stats.

18. Chapter ER 46 pertaining to grievance procedure is modified to restrict the scope of the subjects which are grievable to "conditions of employment" consistent with s. 230.45, Stats. An additional modification relates to a clarification of the scope of matters that are grievable to the personnel commission.

19. Chapter ER 47 pertaining to temporary interchange is modified to clarify that state employes eligible for a temporary interchange to any office, department or agency in any branch of state government, or to any state authority, may not receive supplemental pay or benefits as a result of the interchange.

1 Pursuant to the authority vested in the state of Wisconsin
2 secretary of the department of employment relations by ss. 230.04
3 (5) and (11), 230.046 (9) and (11), 230.09 (3), 230.12 (1) (a) 3.,

1 230.24 (1), 230.34 (4), and 230.45 (1) (c), Stats., the state of
2 Wisconsin secretary of the department of employment relations
3 hereby promulgates rules interpreting and administering ss. 230.04
4 (9), (10), and (11), 230.046, 230.047, 230.06, 230.08, 230.09,
5 230.12, 230.15 (1), 230.215, 230.24, 230.26 (4), 230.27 (2m) and
6 (3), 230.32, 230.33, 230.34 (1) (am) and (4), 230.35, 230.36 and
7 230.45 (1) (c), Stats., as follows:

8 SECTION 1. CHAPTER ER 1 (title) is created to read:

9 CHAPTER ER 1 (title)

10 FORCE AND EFFECT OF RULES AND DEFINITIONS

11 SECTION 2. ER 1.02 (1) to (48) are created to read:

12 ER 1.02 (1) "Administrator" means the administrator of the
13 division of merit recruitment and selection.

14 (2) "Affirmative action" means specific actions in
15 employment which are designed and taken for the purposes of all of
16 the following:

17 (a) Ensuring equal opportunities.

18 (b) Eliminating a substantial disparity between the
19 proportion of members of racial and ethnic, gender or handicap
20 groups either in the classified civil service determined by
21 grouping classifications according to similar responsibilities,

1 pay ranges, nature of work, other factors recognized in the job
2 evaluation process and any other factors the department considers
3 relevant, or in similar functional groups in the unclassified
4 service, and the proportion of members of racial and ethnic,
5 gender or handicap groups in the relevant labor pool.

6 (c) Eliminating present effects of past
7 discrimination.

8 (3) "Annual leave" means time off without loss of base
9 pay accrued in accordance with s. 230.35 (1), (1m) and (1p),
10 Stats., and used with the approval of the appointing authority.

11 (4) "Appointment" means the action of an appointing
12 authority to place a person in a position within the agency in
13 accordance with the law and chs. ER 1 to 47 and ER-Pers 1 to 34,
14 effective when the employe reports for work or is in paid leave
15 status on the agreed starting date and time. "Appointment" does
16 not include an acting assignment under ch. ER-Pers 32.
17

18 (5) "Base pay" or "basic pay" means the pay rate
19 excluding any overtime or supplementary compensation.

20 (6) "Continuous service" means all the time in
21 continuous employment status, as defined in s. ER 18.01 (3) and
22 computed under s. ER 18.02 (2), in the unclassified service or as
23 a permanent employe in the classified service. Continuous service

1 does not include time served in limited term employment and in
2 those positions under s. 230.08 (2) (j) and (k), Stats., regarding
3 youth camps and students, respectively.

4 (7) "Counterpart pay ranges" means pay ranges or
5 groupings of pay ranges in different pay schedules which are
6 designated by the secretary to be at the same level for the
7 purposes of determining personnel transactions.

8 (8) "Demotion" means the permanent appointment of an
9 employe with permanent status in one class to a position in a
10 lower class than the highest position currently held in which the
11 employe has permanent status in class, unless excluded under s.
12 ER-Pers 17.02.

13 (9) "Discrimination" means unlawful actions or
14 practices which constitute unequal or different treatment of, or
15 create an unequal or different effect on an individual or group of
16 people, on the basis of age, race, creed or religion, color,
17 handicap, sex, marital status, national origin or ancestry,
18 political affiliation, arrest or conviction record, sexual
19 orientation, or other bases specified under subch. II of ch. 111,
20 Stats.

21 (10) "Employe" means any person who receives
22 remuneration for services rendered to the state under an employer-
23 employe relationship in the classified civil service, except where

1 otherwise stated or modified by rule.

2 (11) "Employing unit" means an agency or a functional
3 organizational or geographic unit within the agency which has been
4 approved, under s. 230.30, Stats., for the agency to use for any
5 one or combination of the following: promotion, demotion,
6 transfer, reinstatement, restoration, layoff and other related
7 personnel transactions.

9 (12) "Higher class" means a class assigned to a higher
10 pay range.

11 (13) "Higher pay range" means the pay range which has
12 the greater pay range dollar value maximum when comparing pay
13 ranges not designated as counterparts.

14 (14) "Last rate received" means the highest rate
15 received in the classified civil service position from which
16 reinstatement eligibility is derived or the highest rate received
17 within the last 3 years in a position in which the employe
18 attained permanent status in class, whichever is greater.

19 (15) "Layoff" means the termination of the services of
20 an employe with permanent status in class from a position in a
21 layoff group approved under s. ER-Pers 22.05, in which a reduction
22 in force is to be accomplished.

1 - (16) "Leave of absence" means absence from employment
2 with the approval of the appointing authority with or without loss
3 of pay in accordance with the appropriate statutory provision or
4 rule.

5 (17) "Limited term employment" means employment in
6 which the nature and conditions do not permit attainment of
7 permanent status in class and for which the use of normal
8 procedures for recruitment and examination are not practicable.

9 (18) "Lower class" means a class assigned to a lower
10 pay range.

11 (19) "Lower pay range" means the pay range which has
12 the lesser pay range dollar value maximum when comparing pay
13 ranges not designated as counterparts.

14 (20) "Minimum of the pay range" means any of the
15 following:

16 (a) With respect to any permanent or project
17 position, the lowest rate payable to an employe upon appointment
18 to a position.

19 (b) With respect to any trainee position, the lowest
20 rate payable to an employe upon original appointment to the
21 trainee position.

1 (21) "Month" means a calendar month or the period from
2 a given date in one month through the date preceding the given
3 date in the following month, whichever the context requires.

4 (22) "Original appointment" means the appointment of a
5 person who has not attained permanent status in class or permanent
6 status, or the appointment of a former employer on other than a
7 reinstatement or restoration basis to a classified position in
8 which permanent status can be attained.

9 (23) "Pay range" means either of the following:

10 (a) With respect to a classification to which a non-
11 trainee position is allocated, the range on an official hourly
12 basis as prescribed in the compensation plan.

13 (b) With respect to a classification to which a
14 trainee position is allocated, the minimum of the pay range for
15 the trainee position up to the maximum of the pay range for a non-
16 trainee position allocated to the same class.

17 (24) "Pay status" means the status of an employe when
18 receiving payment for hours worked or paid leave. Pay status does
19 not mean the status of an employe while on a leave of absence
20 without pay, on layoff, serving a suspension without pay, or
21 receiving income continuation or worker's compensation benefits.

1 (25) "Permanent appointment" means the appointment of
2 a person to a classified position in which permanent status can be
3 attained.

4 (26) "Permanent classified employe" or "Permanent
5 employe" means a person who is an employe as a result of a
6 permanent appointment, whether or not the employe has attained
7 permanent status.

8 (27) "Permanent employment" means employment in a
9 position in which permanent status in class may be obtained and
10 which requires the services of an employe for 600 hours or more on
11 an annual basis and includes seasonal employment under sub. (44),
12 sessional employment under sub. (45) and school year employment
13 under s. 230.08 (3) (e), Stats.

14 (28) "Permanent status" means the rights and
15 privileges attained upon successful completion of a probationary
16 period or career executive trial period required upon an
17 appointment to a permanent, seasonal or sessional position.

18 (29) "Permanent status in class" means the rights and
19 privileges attained upon successful completion of a probationary
20 period required upon an appointment to a permanent, seasonal or
21 sessional position.

1 (30) "Position" means a group of duties and
2 responsibilities in either the classified or unclassified
3 divisions of the civil service, which require the services of an
4 employe on a part-time or full-time basis, as defined in s. 230.03
5 (11), Stats.

6 (31) "Probationary period" means the time period
7 specified in s. 230.28, Stats.

8 (32) "Progression series" means a classification
9 grouping whereby the class specifications or position standards
10 specifically identify an entry and full performance objective
11 level. The full performance objective level within a progression
12 series means the classification level that any employe could
13 reasonably be expected to achieve with satisfactory performance of
14 increasingly complex duties or the attainment of specified
15 training, education, or experience.

16 (33) "Project appointment" means the appointment of a
17 person to a project position under conditions of employment which
18 do not provide for attainment of permanent status.

19 (34) "Project employe" means a person who is an
20 employe as a result of a project appointment.

21 (35) "Project employment" means employment as a result
22 of a project appointment in a project position.

1 (36) Except as provided in s. ER-Pers 14.02,
2 "promotion" means any of the following:

3 (a) The permanent appointment of an employe to a
4 different position in a higher class than the highest position
5 currently held in which the employe has permanent status in class;

6 (b) The permanent appointment of an employe or former
7 employe in layoff status to a different position in a higher class
8 than the highest position in which permanent status in class was
9 held at the time the employe or former employe became subject to
10 layoff; or

11 (c) The permanent appointment of an employe on an
12 approved leave of absence, either statutorily mandated or granted
13 by an appointing authority, to a different position in a higher
14 class than the highest position in which permanent status in class
15 was held at the time the employe began the leave of absence.

16 (37) "PSICM" means permanent status in class minimum
17 rate of pay which in applicable pay schedules is the minimum rate
18 to be paid to an employe who is not serving the first 6 months of
19 either a probationary period or a career executive trial period.

20 (38) "Reallocation" means the assignment of a position
21 to a different class by the secretary as provided in s. ER 3.01
22 (2).

1 (39) "Reclassification" means the assignment of a
2 filled position to a different class by the secretary as provided
3 in s. ER 3.01 (3).

4 (40) "Regrade" means the determination of the
5 secretary under s. 230.09 (2) (d), Stats., that the incumbent of a
6 filled position which has been reallocated or reclassified should
7 remain in the position without opening the position to other
8 candidates.

9 (41) "Reinstatement" means the act of permissive re-
10 appointment without competition of an employe or former employe
11 under ss. 230.31, 230.33 or 230.34, Stats., to a position: (a) in
12 the same class in which the person was previously employed; (b) in
13 another classification to which the person would have been
14 eligible to transfer had there been no break in employment; or (c)
15 in a class having a lower pay rate or pay range maximum for which
16 the person is qualified to perform the work after the customary
17 orientation provided to newly hired workers in the position.

18 (42) "Restoration" means the act of mandatory re-
19 appointment without competition of an employe or former employe
20 under ss. 230.31, 230.32, 230.33 or 230.34, Stats., to a position:
21 (a) in the same class in which the person was previously employed;
22 (b) in another classification to which the person would have been
23 eligible to transfer had there been no break in employment; or (c)

1 in a class having a lower pay rate or pay range maximum for which
2 the person is qualified to perform the work after the customary
3 orientation provided to newly hired workers in the position.

4 (43) "Secretary" means the secretary of the department
5 of employment relations.

6 (44) "Seasonal employment" means employment which
7 normally permits attainment of permanent status in class through
8 successive reinstatements and requires the services of an employe
9 on an intermittent and recurring basis for at least 600 hours each
10 year, during no more than 24 biweekly payroll periods of any 26
11 consecutive full biweekly payroll periods.

12 (45) "Sessional employment" means employment in
13 positions of legislative agencies that require the services of an
14 employe more than 600 hours in any 26 consecutive full biweekly
15 payroll periods and which normally permits attainment of permanent
16 status in class through successive reinstatements, but the
17 duration of which is closely related to the legislative session.

18 (46) "Transfer" means the permanent appointment of an
19 employe to a different position assigned to a class having the
20 same or counterpart pay rate or pay range as a class to which any
21 of the employe's current positions is assigned.

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

4 (48) "Year" means a calendar year or the period from a
5 given date in one year through the date preceding the given date
6 in the following year, whichever the context requires.

7 SECTION 3. CHAPTER ER 2 (title) is created to read:
8 CHAPTER ER 2 (title)
9 CLASSIFICATION PLAN

10 SECTION 4. CHAPTER ER 3 (title) is created to read:
11 CHAPTER ER 3 (title)
12 POSITION CLASSIFICATION ACTIONS

13 SECTION 5. CHAPTER ER 10 (title) is created to read:
14 CHAPTER ER 10 (title)
15 LIMITED TERM APPOINTMENTS

16 SECTION 6. ER 10.01 (title) is created to read:

17 ER 10.01 (title) DEFINITION AND CATEGORIES OF LIMITED TERM
18 APPOINTMENTS.

19 SECTION 7. ER 10.025 is created to read:

1 ER 10.025 APPROVAL BY SECRETARY. Prior approval of the
2 classification and pay rate by the secretary is required before
3 making a limited term appointment.

4 SECTION 8. ER 10.045 (title) is created to read:

5 ER 10.045 (title) BENEFITS.

6 SECTION 9. CHAPTER ER 18 (title) is created to read:

7 CHAPTER ER 18 (title)

8 ABSENCES

9 SECTION 10. ER 18.01 is created to read:

10 ER 18.01 DEFINITIONS. In this chapter, unless the context
11 otherwise requires: (1) "Elected Official" means a constitutional
12 officer or other elected official under s. 20.923 (2), Stats.

13 (2) "Employee" means any person who receives
14 remuneration for services rendered to the state under an employer-
15 employe relationship in the classified or unclassified civil
16 service except:

17 (a) Elected officials;

18 (b) Unclassified staff of the university of Wisconsin
19 system not identified under s. 20.923 (4), (8) or (9), Stats.;

1 (c) Unclassified staff of the legislature not
2 identified under s. 20.923 (4), Stats.;

3 (d) Unclassified staff of a legislative service agency
4 under subch. IV of Ch. 13, Stats.;

5 (e) One stenographer employed by each elective
6 constitutional officer under s. 230.08 (2) (g), Stats; and

7 (f) Staff of the state court system.

8 (3) "Employment status" means the status of a person
9 in the civil service under s. 230.08, Stats., while in pay status
10 or on:

11 (a) approved leave of absence without pay;

12 (b) military leave;

13 (c) leave to serve in the unclassified service;

14 (d) leave of absence due to injury or illness arising
15 out of state employment and covered by worker's compensation under
16 ch. 102, Stats., or s. 230.36, Stats.;

17 (e) temporary layoff; or

1 (f) layoff and subsequent reemployment within 3 years.

2 (4) "Immediate family" means:

3 (a) parents, step-parents, grandparents, foster
4 parents, children, step-children, grandchildren, foster children,
5 brothers and their spouses, sisters and their spouses, of the
6 employe or spouse;

7 (b) the spouse;

8 (c) aunts and uncles, sons-in-law or daughters-in-law
9 of the employe or spouse; and

10 (d) other relatives of the employe or spouse providing
11 they reside in the same household of the employe.

12 (4m) "Layoff" means the termination of the services of
13 an employe with permanent status in class from a position in a
14 group in which a reduction in force is to be accomplished and
15 which results in a mandatory re-employment right of the affected
16 employe to future positions.

17 (5) "Leave credits" mean earned but unused annual
18 leave, termination leave, sabbatical leave, sick leave, personal
19 and legal holiday time, and holiday compensatory time off. Leave

1 credits do not include compensatory time off credits earned for
2 working overtime.

3 (6) "Limited term employe" means a person who is an
4 employe as a result of either:

5 (a) Employment in the classified service in which the
6 nature and conditions do not permit attainment of permanent status
7 in class, for which the use of normal procedures for recruitment
8 and examination are not practicable, and which is not project
9 employment; or

10 (b) Employment in the unclassified service in which
11 the employe would have been considered a limited term employe, had
12 employment been in the classified service.

13 (7) "Sabbatical leave" means annual leave which was
14 deferred during the year earned to be used in a subsequent year to
15 extend the annual leave, unless used for termination leave.

16 (8) "Termination leave" means annual leave which was
17 deferred during the year earned to be used in a subsequent year to
18 extend an employe's termination date or for payment in a lump sum
19 upon termination.

20 SECTION 11. ER 18.02 (1), (2) (a) and (b) (intro.), (2) (d)
21 and (e), (3) (a) to (c) (intro.), (3) (c) 1. (title) and 3.

1 (title), (4) (d), (5), (6) (a) and (b) 5., and (7) to (9) are
2 created to read:

3 ER 18.02 ANNUAL LEAVE OF ABSENCE. (1) EMPLOYES WHO EARN
4 ANNUAL LEAVE OF ABSENCE. With the exception of limited term
5 employes, all employes shall earn annual leave as provided in this
6 section.

7 (2) COMPUTING CONTINUOUS SERVICE. (a) Only the most
8 recent period in continuous employment status in either the
9 unclassified service under s. 230.08 (2), Stats., or as a
10 permanent employe in the classified service or both shall be
11 counted in determining an employe's length of continuous service.
12 This excludes time served as a limited term employe or in those
13 positions under s. 230.08 (2) (j) and (k), Stats., regarding youth
14 camps and students respectively. The inclusion of time served in
15 a project appointment is governed by s. ER 18.05 (3) and (4).

16 (b) (intro.) The continuous employment status of an
17 employe eligible for annual leave shall not be considered
18 interrupted if the employe:

19 (2) (d) Persons in seasonal, sessional, school year
20 and part-time employment shall be deemed to have completed one
21 full year of service for each such seasonal, sessional or other
22 part-time annual period of service in computing years of
23 continuous service.

1 (e) The provisions of this section regarding credit
2 for leaves of absence other than military leave, leave to serve in
3 the unclassified service or leave of absence due to injury or
4 illness arising out of state employment and covered by worker's
5 compensation under ch. 102, Stats., or s. 230.36, Stats., shall
6 apply only to persons who return from an approved leave of absence
7 on or after April 9, 1976. There shall be no adjustment to length
8 of service credits for approved leaves or portions thereof taken
9 prior to April 9, 1976.

10 (3) ELIGIBILITY. (a) Pursuant to ss. 230.27 (2m) and
11 230.35 (1) (b), Stats., permanent and project employes in the
12 classified service are not eligible to take annual leave during
13 the first 6 months of the most recent period of continuous service
14 in the classified service. Continuous service credits earned
15 during employment in the unclassified service do not count toward
16 this 6 month qualifying period. Employes who terminate during
17 this 6 month period are deemed to have earned annual leave credits
18 but have not acquired eligibility to take annual leave or receive
19 any payment for the annual leave credits earned during this 6
20 month period.

21 (b) Unclassified employes are not required to complete
22 a qualifying period prior to taking annual leave.

1 (c) (intro.) Eligible employes shall be granted non-
2 cumulative annual leave based on accumulated continuous state
3 service as follows:

4 (c) 1. (title) 'Full-time, full year employment.'

5 (c) 3. (title) 'Full-time, full year career
6 executives and certain executive salary schedule employes.'

7 (4) (d) The amount of annual leave earned by an
8 employe during a calendar year is based on the employe's hours in
9 pay status up to a maximum of 80 hours per biweekly pay period.
10 Annual leave is not earned during overtime work hours. Hourly
11 annual leave amounts earned for each hour in pay status can be
12 computed by using the following:

| 13 | <u>ANNUAL LEAVE RATE</u> | <u>CONVERSION FACTOR</u> |
|----|--------------------------|--------------------------|
| 14 | 80 hr. rate | .038314 per hour |
| 15 | 120 hr. rate | .057471 per hour |
| 16 | 136 hr. rate | .065134 per hour |
| 17 | 160 hr. rate | .076628 per hour |
| 18 | 176 hr. rate | .084291 per hour |
| 19 | 200 hr. rate | .095785 per hour |
| 20 | 216 hr. rate | .103448 per hour |

21 (5) EMPLOYEE OPTION. (a) Pursuant to s. 230.35 (1p)
22 (a), Stats., employes who earn annual leave at the rate of 160 or

1 176 hours per year may elect to receive up to 40 hours of such
2 leave, or prorated portion thereof, among one or more of the
3 following options:

4 1. Annual leave during the year earned or as
5 authorized pursuant to sub. (7).

6 2. Credit for a combined termination and sabbatical
7 leave plan with such credit being accumulated without limitation.

8 (b) Pursuant to s. 230.35 (1p) (b), Stats., employes
9 who earn annual leave at the rate of 200 or 216 hours per year may
10 elect to receive up to 80 hours of such leave, or prorated portion
11 thereof, among one or more of the following options:

12 1. Annual leave during the year earned or as
13 authorized pursuant to sub. (7).

14 2. Credit for a combined termination and sabbatical
15 leave plan with such credit being accumulated without limitation.

16 3. Cash payment during the year earned for not to
17 exceed 40 hours at the employe's base rate exclusive of any
18 supplementary compensation as of the last day of the payroll in
19 the calendar year.

1 (c) The number of hours available for use under subs.
2 (a) and (b) shall be prorated at the pertinent annual leave rate
3 or rates for employes who work less than 2088 hours during the
4 calendar year.

5 (6) WHEN ANNUAL LEAVE MAY BE TAKEN. (a) Pursuant to
6 s. 230.35 (1) (b), Stats., employes may anticipate annual leave
7 which they can earn during the calendar year. Anticipated annual
8 leave shall be based upon a projection of the employe's number of
9 hours in pay status during the calendar year and the conversion
10 factors provided under sub. (4) (d).

11 (6) (b) 5. If the projected number of hours in pay
12 status used to anticipate an employe's annual leave under par. (a)
13 changes during the calendar year, the employe's anticipated annual
14 leave balance shall be adjusted in accordance with sub. (4).
15 Employes granted additional leave during the last 6 months of the
16 calendar year due to changes in the projected number of hours in
17 pay status shall have the remainder of the calendar year and the
18 first 6 months of the ensuing calendar year in which to use the
19 additional annual leave earned in the previous year.

20 (7) WHEN SABBATICAL LEAVE MAY BE TAKEN. In
21 determining sabbatical leave schedules, the appointing authority
22 shall respect the wishes of eligible employes as to the time of
23 taking sabbatical leave subject to the needs of the service.

1 (8) WHEN TERMINATION LEAVE MAY BE TAKEN.

2 NOTE: See s. ER 21.04 regarding
3 treatment of leave credits upon
4 resignation from state service.

5 (9) PAYMENT FOR UNUSED LEAVE UPON TERMINATION. Upon
6 termination, payment for unused annual leave, including
7 termination and sabbatical leave, shall be made pursuant to:

8 (a) Section ER 21.04 for termination as a result of
9 resignation.

10 (b) Section 230.35 (1) (m), Stats., for termination as
11 a result of layoff, death or discharge, with the date of layoff,
12 death or discharge establishing the employe's termination date.

13 (c) Section 40.02 (22) (b) 6., Stats., for termination
14 as a result of disability.

15 SECTION 12. ER 18.03 (1g), (1m), (4) (intro.) and (a)
16 to (d) are created to read:

17 ER 18.03 (1g) SICK LEAVE FOR CERTAIN UNCLASSIFIED STAFF.
18 This section also applies to unclassified staff of the legislature
19 not identified under s. 20.923 (4), Stats., unclassified staff of
20 a legislative service agency under subch. IV of ch. 13, Stats.,
21 staff of the state court system, and the one stenographer employed
22 by each elective executive officer under s. 230.08 (2) (g),

1 Stats. These persons shall be considered "employees" for the
2 provisions regarding sick leave under this chapter.

3 (1m) CERTAIN ELECTED OFFICIALS' SICK LEAVE. This
4 section also applies to elected officials except members of the
5 legislature, circuit and appeals court judges and justices of the
6 supreme court.

7 NOTE: See ss. 13.121 (4) and
8 757.02 (5), Stats., for accrual
9 of sick leave credits for health
10 insurance premiums for members of
11 the legislature and circuit and
12 appeals court judges and justices
13 of the supreme court,
14 respectively.

15 (4) ELIGIBILITY FOR AND USE OF SICK LEAVE. (intro.)
16 Each employe who has accrued sick leave credits shall be eligible
17 to use sick leave for periods of absence from employment, as
18 follows:

19 (a) For personal illnesses, bodily injuries,
20 maternity, or exposure to contagious disease:

- 21 1. Which require the employe's confinement;
- 22 2. Which render the employe unable to perform
23 assigned duties; or

1 3. Where performance of assigned duties would
2 jeopardize the employe's health or recovery.

3 (b) For immediate family or personal medical or
4 dental appointments which cannot be scheduled at times other than
5 during work hours.

6 (c) Fpr temporary emergency medical care of ill or
7 injured members of the immeidate family for a limited persion of
8 time to permit the employe to make other arrangements. Use of
9 sick leave for temporary emergency care of immediate family
10 members is limited to 5 work days for any one illness or injury;
11 however, the use of sick leave may be extended to cover unusual
12 circumstances provided prior approval is obtained from the
13 appointing authority.

14 (d) For a death in the immediate family, use of
15 accrued sick leave due to a death in the immediate family is
16 limited to a total of 3 work days, plus required travel time not
17 to exceed 4 additional work days. However the appointing
18 authority may extend the use of sick leave to cover unusual
19 circumstances.

20 SECTION 13. ER 18.04 (1), (2) (b) 4. and 5., (3) and (4)
21 (c) are created to read:

1 ER 18.04 HOLIDAYS. (1) EMPLOYES WHO EARN HOLIDAYS. All
2 employes except limited term employes earn holidays under this
3 section.

4 (2) (b) 4. Pursuant to Article IV, Section 26 of the
5 Wisconsin Constitution and s. 20.923 (16), Stats., fixed term
6 employes and employes in positions included under s. 20.923 (4)
7 (5) and (8) to (12), Stats., are ineligible for extra compensation
8 for work performed on a holiday.

9 5. Compensatory time off shall not be used until
10 after the holiday during which it has accrued occurs. Prospective
11 use of compensatory time off shall not be permitted.

12 (3) ELIGIBILITY FOR LEGAL HOLIDAYS. (a) For the
13 purposes of this subsection, "scheduled work day" for an employe
14 on a leave of absence without pay means the day the employe would
15 have been scheduled to work had the employe been in pay status.

16 (b) To be eligible for any legal holiday with pay, a
17 person must be in employment status on the holiday and do at least
18 one of the following:

19 1. Work on the holiday;

20 2. Be in pay status on the last scheduled work day
21 immediately preceding the holiday; or

1 3. Be in pay status on the first scheduled work day
2 immediately following the holiday.

3 (c) Employees who are regularly employed for less than
4 80 hours per biweekly pay period on a continuing basis shall be
5 granted a prorated amount of legal holidays consistent with the
6 employe's regularly scheduled hours per pay period at the time the
7 holiday occurs.

8 (4) (c) Personal holidays shall be used prior to the
9 end of the calendar year, except as provided under s. 230.35 (4)
10 (d) 4., Stats.

11 SECTION 14. ER 18.05 (2), (3), (4) and (6) are created to
12 read:

13 ER 18.05 (2) TRANSFER OF CREDITS BY PERMANENT CLASSIFIED OR
14 UNCLASSIFIED EMPLOYEES. (a) For the purposes of this subsection,
15 "new appointing authority" means the appointing authority after
16 the movement between the relevant types of employment. In some
17 instances, the new appointing authority may be the same as the
18 former appointing authority.

19 (b) Except as provided in pars. (e) and (g), upon
20 entry to employment covered by this chapter from state
21 unclassified employment which was not covered by this chapter,
22 unused leave credits accumulated under the employment not covered

1 by this chapter may be retained by the employe upon mutual
2 agreement between the employe and the new appointing authority.
3 Such agreements are subject to approval by the secretary. The
4 total amount of leave credits retained by the employe may not
5 exceed the unused leave credits which could have been accumulated
6 in accordance with the provisions of this chapter. Negative leave
7 credit balances shall not be transferred. An elected official is
8 not eligible to transfer unused leave credits earned during
9 employment as an elected official to employment covered by this
10 chapter other than unused sick leave credits. The transfer of
11 unused sick leave credits accumulated under state unclassified
12 employment not covered by this chapter will be authorized subject
13 to the limits specified in this paragraph.

14 (c) When an employe moves from a position to a
15 different position, and employment in both positions is covered by
16 this chapter, obligation for any unused accumulated leave credits
17 earned pursuant to this chapter shall be assumed by the new
18 appointing authority.

19 (d) When an employe in employment subject to this
20 chapter moves to unclassified state employment not subject to this
21 chapter, the employe may carry forward any unused accumulated
22 leave credits earned under this chapter to the new place of
23 employment, providing the new appointing authority agrees to
24 assume the obligation for them.

1 (e) When an employe in employment subject to this
2 chapter terminates and moves to unclassified state employment not
3 subject to this chapter and the new appointing authority is not
4 willing to assume the obligation for any unused accumulated leave
5 credits earned under this chapter, the agency subject to this
6 chapter shall pay the employe a lump sum payment for the leave
7 credits, except that no payment shall be made for sick leave
8 credits.

9 (f) When a represented classified employe moves to a
10 nonrepresented position subject to this chapter, the employe shall
11 carry forward any unused accumulated leave credits.

12 (g) When an elected official covered by s. ER 18.03
13 moves to other employment subject to this chapter, any unused sick
14 leave credits shall be carried forward.

15 (h) When positions are converted from the unclassified
16 service to the classified service, leave credit benefits for
17 employes who remain in such positions pursuant to a waiver of
18 competition under s. 230.15 (1), Stats., are determined by the
19 secretary.

20 (3) TRANSFER OF CREDITS BY PROJECT EMPLOYES WHO WERE
21 PERMANENT EMPLOYES OR UNCLASSIFIED EMPLOYES. Pursuant to s.
22 230.27 (2m) (b), Stats., a project employe who has previously been
23 a permanent classified employe or an unclassified employe other

1 than a limited term employe may transfer continuous service and
2 paid leave credits previously earned to the project appointment
3 and from the project appointment to a subsequent project or
4 permanent appointment in a manner consistent with that applied to
5 similar transactions in the permanent classified service, subject
6 to the following:

7 (a) Transfer of credits to a project appointment.

8 1. Accumulated leave credits earned as a permanent
9 classified employe or as an unclassified employe other than a
10 limited term employe shall be carried over to a project
11 appointment in the same manner as prescribed under s. ER 18.05 (2)
12 if the project employe would have been able to carry over the
13 leave credits to a permanent appointment.

14 2. Continuous service credits earned as a permanent
15 classified employe or as an unclassified employe other than a
16 limited term employe shall be carried over to a project
17 appointment in the same manner as prescribed under s. ER 18.02 (2)
18 if the project employe would have been eligible to carry over the
19 continuous service credits to a permanent appointment.

20 (b) Transfer of credits between project appointments.

21 Accumulated leave and continuous service credits earned during a
22 project appointment shall be carried over upon appointment to a
23 subsequent project appointment if the project employe previously

1 was a permanent classified employe or unclassified employe other
2 than a limited term employe and could have carried over the leave
3 credits if the project appointments had been permanent
4 appointments.

5 (c) Transfer of credits from a project appointment.
6 Accumulated leave and continuous service credits earned during a
7 project appointment shall be carried over upon a permanent
8 classified or unclassified appointment if the project employe
9 previously was a permanent classified employe or an unclassified
10 employe other than a limited term employe and could have carried
11 over the leave credits if the project appointment had been a
12 permanent appointment.

13 (4) TRANSFER OF CREDITS BY OTHER PROJECT EMPLOYES.
14 Pursuant to s. 230.27 (2m) (a), Stats., a project employe who has
15 not previously been a permanent classified employe or an
16 unclassified employe other than a limited term employe may not
17 transfer continuous service or paid leave credits earned in any
18 project appointment to subsequent project, permanent, or
19 unclassified appointments, subject to the following:

20 (a) Continuous service. Continuous service credit
21 shall be earned for the duration of employment in the project
22 position. Continuous service is considered interrupted and a new
23 period of continuous service begins upon subsequent project,
24 permanent, or unclassified appointments.

1 (b) Annual Leave. A 6 month qualifying period must be
2 served in each project appointment and subsequent permanent
3 appointment before becoming eligible to use annual leave.

4 (c) Sick Leave. Unused sick leave credits shall be
5 cancelled upon subsequent project, permanent, or unclassified
6 appointments.

7 (d) Holidays. Time off for personal and legal
8 holidays shall be granted under s. ER 18.04. If an employe moves
9 between the permanent or unclassified appointments and project
10 appointments during a calendar year, the total number of personal
11 holidays earned in the calendar year shall not exceed 3.

12 (6) LEAVE CREDIT BALANCES. An employe may not
13 overdraw the balance of any leave credit account.

14 SECTION 15. ER 18.14 (1), (2) (e) and (f) are created to
15 read:

16 ER 18.14 LEAVE OF ABSENCE WITHOUT PAY. (1) ELIGIBILITY.
17 Permanent classified employes may be granted a leave of absence
18 without pay subject to the provisions of sub. (2).

19 (2) (e) Paternity, adoption and pre-adoptive foster
20 care. Upon request of the employe, leaves of absence for

1 paternity, adoption and pre-adoptive foster care shall be granted
2 for a period of time requested by the employe, not to exceed 6
3 consecutive months. Upon request of the employe, the appointing
4 authority may extend or renew paternity, adoption and pre-adoptive
5 foster care leaves of absence for additional periods of time, not
6 to exceed a total of 6 months. Part or all of the original
7 paternity, adoptive or pre-adoptive foster care leave, extension
8 or renewal may be covered by leave of absence without pay, earned
9 annual leave, sabbatical leave, holiday leave, compensatory time
10 off at the employe's discretion, or anticipated annual leave
11 subject to s. ER 18.02 (6).

12 (f) Leave to serve in a project appointment. An
13 appointing authority may grant a leave of absence without pay for
14 not more than 4 years to an employe who voluntarily accepts a
15 project appointment.

16 SECTION 16. CHAPTER ER 21 (title) is created to read:

17 CHAPTER ER 21

18 RESIGNATION

19 SECTION 17. ER 21.01 is created to read:

20 ER 21.01 DEFINITIONS. In this chapter:

21 (1) "Leave credits" has the meaning defined in s. ER
22 18.01 (5).

1 (2) "Resignation" means a voluntary termination from a
2 position.

3 (3) "Resignation date" means:

4 (a) The date the employe designates in his or her
5 letter of resignation;

6 (b) The date the resignation letter is filed with the
7 appointing authority if no date is supplied in the resignation
8 letter;

9 (c) The date established by mutual written agreement
10 between the employe and the appointing authority if different from
11 (a) or (b); or

12 (d) The end of the last date in work status in the
13 case of an abandonment which is treated as a resignation.

14 (4) "Termination" means:

15 (a) The end of employment status as defined in s. ER
16 18.01 (3);or

17 (b) The end of pay status resulting from layoff as
18 defined in s. ER 1.02 (15) or seasonal layoff of a person who is

1 an employe as a result of seasonal employment as defined under s.
2 ER 1.02 (44).

3 SECTION 18. ER 21.02 (2) and (3) are created to read:

4 ER 21.02 (2) After an employe submits a resignation letter,
5 neither the employe nor the appointing authority can withdraw,
6 stop or change the resignation date or other terms of the
7 resignation except by mutual written agreement.

8 (3) Under authority of ss. 230.04 (1m) and 230.34 (4),
9 Stats., and this chapter, the secretary delegates to the
10 appointing authority the responsibility to obtain, record and file
11 the letter of resignation submitted by the employe.

12 SECTION 19. ER 21.03 (3) is created to read:

13 ER 21.03 (3) Failure to report to work without having
14 submitted a written resignation letter shall be treated as
15 abandonment.

17 SECTION 20. ER 21.04 is created to read:

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19 ER 21.04 TREATMENT OF LEAVE CREDITS UPON RESIGNATION FROM
20 STATE SERVICE. (1) Whenever the conditions of resignation as
21 described under s. ER 21.02 (1) are met for an employe who is
22 terminating from state service, the employe's termination date

1 shall be extended by the amount of leave credits to which the
2 employe would be entitled if employment were to continue until
3 these leave credits were exhausted, unless:

4 (a) The employe requests payment in a lump sum in the
5 notice of resignation; or

6 (b) The appointing authority and the employe mutually
7 agree in writing to a payment of all or part of the balance in a
8 lump sum. If part of the balance is paid in a lump sum the
9 remainder of the leave credits shall extend the employe's
10 termination date as provided in this subsection.

11 (2) Except as provided under sub. (3), whenever the
12 conditions of resignation as described under s. ER 21.02 (1) are
13 not met for an employe who is terminating from state service, the
14 termination date shall be determined in accordance with sub. (1)
15 or (3) at the discretion of the appointing authority.

16 (3) Upon abandonment under s. ER 21.03, the
17 termination date shall be the end of the last day worked. The
18 termination date shall not be extended by the amount of leave
19 credits the employe has accrued. The employe shall be paid in a
20 lump sum for these leave credits.

21 NOTE: See s. ER 18.14 (4) for
22 determining the "last day worked"
23 by employes who fail to return
24 from leave.

1 (4) Upon resignation as a result of disability, the
2 termination date shall be established in accordance with s. 40.02
3 (22) (b) 6., Stats.

4 SECTION 21. CHAPTER ER 28 (title) is created to read:

5 CHAPTER ER 28

6 WORKER'S COMPENSATION AND HAZARDOUS DUTY INJURY PAY

7 SECTION 22. ER 28.015 is created to read:

8 ER 28.015 DEFINITION OF EMPLOYEE. For purposes of hazardous
9 duty injury pay under s. 230.36, Stats., "employee" has the meaning
10 set forth in s. ER 1.02 (11), but excludes any limited term
11 employe under s. 230.26, Stats.

12 SECTION 23. ER 28.04 (6) is created to read:

13 ER 28.04 (6) An employe may elect to use accrued paid leave
14 credits to supplement payments under s. 230.36, Stats., to the
15 extent that the employe shall receive the equivalent of the
16 employe's base pay as defined under s. ER 1.02 (6). Notice of
17 such election by the employe shall be reported as provided in sub.
18 (2).

19 SECTION 24. Chapter ER 29 (title) is created to read:

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CHAPTER ER 29 (title)

COMPENSATION ADMINISTRATION PROVISIONS

SECTION 25. ER 29.01 (1) and (3) are created to read:

ER 29.01 DEFINITIONS. (1) "Cumulative pay adjustment" means an adjustment in base pay.

(3) "Red circled pay rate" means a base pay rate received by an employe which is above the pay range maximum for the classification of the employe's position.

SECTION 26. ER 29.025 (3) is created to read:

ER 29.025 (3) Nonrepresented employes whose pay has been red circled as a result of layoff, and whose restoration rights have been forfeited as a result of a failure to accept a reasonable offer of appointment or reappointment pursuant to chapter ER-Pers 22, shall have their base pay reduced to the maximum of their current pay range.

SECTION 27. ER 29.03 (2m), (3) (b) (intro.), 1. (intro.) and c., 2., (c) (intro.), 2. and 3., (d) (title), (4) (a), (6) (a) and (c) 1. c. and 2. to 4., (7) (a) and (c) to (e), (8) (c) to (e) and (9) are created to read:

1 ER 29.03 (2m) PAY ON COMPLETION OF THE FIRST 6 MONTHS OF A
2 PROJECT APPOINTMENT. Upon completion of the first 6 months of a
3 project appointment, a project employe shall receive:

4 (a) A one within range pay step increase, unless the
5 employe's beginning base pay was set in accordance with the
6 provisions of the compensation plan dealing with the trainee
7 minimum rate or in recognition of a previously earned rate in the
8 classified or unclassified service which is above the minimum of
9 the pay range.

10 (b) An increase in base pay to that rate in the pay
11 range which is one within range pay step greater than the minimum,
12 if the employe's beginning base pay was set in recognition of a
13 previously earned rate in the classified or unclassified service
14 which is above the minimum of the pay range and is below the rate
15 equal to the pay range minimum plus one step; and the employe is
16 not serving in a trainee capacity. Thereafter, the employe shall
17 be guaranteed the pay range minimum plus one step while serving in
18 the position.

19 (c) An incremental increase in accordance with the
20 training plan if the employe is serving in a trainee capacity.

21 (3) (b) Reallocation to a higher class. (intro.) The
22 pay of regraded employes whose positions are reallocated to a
23 higher class shall be determined as follows:

1 1. (intro.) Regraded employes, except trainees, who
2 do not have reinstatement eligibility or restoration rights to a
3 class higher than the current class shall receive a base pay rate
4 equal to the greater of the following amounts:

5 c. The present rate of pay.

6 2. Regraded employes, except trainees, who have
7 reinstatement eligibility or restoration rights to a higher class
8 than the class from which regraded shall receive the pay rate
9 calculated as if they had been reinstated or restored to the class
10 from which reinstatement eligibility or restoration rights are
11 derived or the amount provided under subd. 1. a., b. or c;
12 whichever is greater.

13 (c) Reclassification to a higher class. (intro.) The
14 pay of regraded employes whose positions are reclassified to a
15 higher class shall be determined as follows:

16 2. Regraded employes who have reinstatement
17 eligibility or restoration rights to the class to which regraded
18 shall receive a pay rate equal to the amount determined under par.
19 (b) 2.

20 3. Regraded employes who have reinstatement
21 eligibility or restoration rights to a class level lower than the

1 class to which they were regraded but higher than the class from
2 which regraded shall receive an amount in accordance with par. (b)
3 2. or one within range pay step, whichever is greater.

4 (d) (title) Reallocation or Reclassification - same or
5 counterpart pay range.

6 (4) PAY ON PROMOTION. (a) Definitions. In this
7 subsection:

8 1. "Present rate of pay" means any of the following:

9 a. For the promotion of an employe serving a
10 probationary period who also attained permanent status in class
11 within the past 3 years, the base pay rate calculated as if the
12 employe were restored to a position in the class in which the
13 employe had permanent status in class. If the employe held
14 permanent status in more than one position within the past 3
15 years, the base pay rate on restoration must be calculated for
16 each position in which the employe held permanent status and the
17 "present rate of pay" would be the greater of these base pay
18 rates.

19 b. For the promotion of an employe or former employe
20 in layoff status, the base pay rate calculated as if the person
21 were restored to a position from which the employe or former
22 employe was laid off, except as provided in subpars. c. and d.

1 c. For the promotion of a current employe in layoff
2 status who is serving a probationary period, the rate of pay under
3 subpar. a. or b., whichever is greater.

4 d. For the promotion of a current employe in layoff
5 status who is not serving a probationary period, the current base
6 pay rate received or the rate of pay under subpar. b., whichever
7 is greater.

8 e. For the promotion of an employe on approved leave
9 of absence, the base pay rate calculated as if the employe were
10 restored to a position in the highest class in which permanent
11 status in class was held at the time the employe began the leave
12 of absence.

13 f. For the promotion of an employe where subpars. a.
14 to e. do not apply, the employe's present rate of pay as defined
15 under s. ER 29.02 (1).

16 2. "Range" means the new pay range.

17 (6) PAY ON REINSTATEMENT. (a) When an employe who has
18 not held permanent status in class within the last 3 years is
19 reinstated, pay on reinstatement shall be determined in accordance
20 with the provisions regarding pay on original appointment.

1 (c) 1. c. Employes shall not be paid more than the
2 maximum of the pay range to which the class is assigned.

3 2. When an employe is reinstated following layoff the
4 base pay shall be calculated in accordance with subd. 1. However,
5 if the employe is reinstated to the highest level vacancy
6 available for which the employe is qualified within the agency
7 from which layoff occurred, and if the last rate received in the
8 position from which layoff occurred exceeds the maximum of the new
9 range, the employe may be paid any base pay rate which does not
10 exceed that last rate received, subject to subd. 1. (intro.), a.
11 and b.

12 3. The secretary may waive the limit on intervening
13 discretionary compensation plan adjustments provided in subd. 1.
14 (intro.) upon reinstatement of an employe following employment in
15 the unclassified service if the work in the unclassified service
16 was closely related to and at a higher level than the work of the
17 position to which reinstated. Upon approval by the secretary,
18 intervening discretionary compensation plan adjustments shall not
19 be limited by the amount which should have been generated but
20 shall be subject to the limits specified in the compensation plan
21 and s. 230.12, Stats.

22 4. When the position to which an employe is
23 reinstated is in a higher class than the highest position
24 currently occupied and the employe's pay rate is red circled in

1 the highest position currently held, the base pay shall be
2 calculated in accordance with subd. 1. However, if the employe's
3 red circled pay rate exceeds the maximum of the new pay range, the
4 employe may be paid any base pay rate which does not exceed the
5 red circled pay rate, subject to subd. 1. a. and b.

6 (7) PAY ON RESTORATION. (a) For the purposes of this
7 subsection, "last rate received" means the last base pay rate
8 received in the position from which restoration rights are
9 derived.

10 (c) When an employe is restored following a layoff
11 pursuant to s. 230.34 (2), Stats., to the highest level vacancy
12 for which he or she is qualified within the employing unit or
13 agency from which the employe was laid off, the pay on restoration
14 shall be calculated in accordance with par. (b).

15 (d) When an employe is restored following a layoff
16 pursuant to s. 230.34 (2), Stats., to a vacancy at a lower level
17 than the highest level vacancy for which the employe is qualified
18 in the employing unit, the employe's rate of pay shall be
19 calculated in accordance with par. (b), subject to the maximum of
20 the pay range to which the class is assigned.

21 (e) If the employe's base pay on restoration pursuant
22 to par. (b) or (c) exceeds the new pay range maximum, it shall be
23 red circled under the provisions of s. ER 29.025.

1 (8) (c) An employe who exercises a mandatory right of
2 demotion as a result of layoff to the highest level vacancy
3 available for which the employe is qualified within the agency
4 from which the layoff occurred, and an employe who exercises
5 displacement rights and demotes pursuant to s. ER-Pers 22.08 (3)
6 shall retain his or her present rate of pay. If the present rate
7 of pay is above the maximum for the new class, it shall be red
8 circled, subject to s. ER 29.025.

9 (d) An employe's pay rate shall be established
10 pursuant to par. (b) if he or she chooses to demote:

11 1. Within the agency as a result of layoff to a
12 vacancy other than the highest level vacancy available for which
13 the employe is qualified within the agency;

14 2. Between agencies as a result of layoff.

15 (e) An employe who demotes within the agency as a
16 result of layoff when the demotion is a permissive appointment to
17 the highest level vacancy available for which the employe is
18 qualified within the agency from which layoff occurred shall have
19 his or her pay on demotion established pursuant to par. (b).
20 However, if the present rate of pay is above the maximum for the
21 new class the employe may be paid any base pay rate which does not
22 exceed the last base pay rate received in the position from which

1 layoff occurred.

2 (9) PAY ON ACCRETION. Under s. 230.15 (1), Stats.,
3 when the state becomes responsible for a function previously
4 administered by another governmental agency or a quasi-public or
5 private enterprise or when positions in the unclassified service,
6 excluding employes of the legislature, are determined to be more
7 appropriately included in the classified service, the secretary
8 shall determine the appropriate pay subject to the following:

9 (a) Employes placed on probation shall be paid not
10 less than the minimum of the pay range to which the class is
11 assigned.

12 (b) Employes not placed on probation shall be paid not
13 less than the PSICM of the pay range to which the class is
14 assigned.

15 (c) Employes shall not be paid more than the maximum
16 of the pay range to which the class is assigned.

17 SECTION 28. CHAPTER ER 30 (title) is created to read:

18 CHAPTER ER 30

19 CAREER EXECUTIVE EMPLOYMENT

20 SECTION 29. CHAPTER ER 34 (title) is created to read:

21 CHAPTER ER 34 (title)

1 PROJECT EMPLOYMENT PROVISIONS

2 SECTION 30. ER 34.06 (5) is created to read:

3 ER 34.06 (5) CARRYOVER OF BENEFITS. (a) See s. ER 18.05
4 (3) for transfer of credits by a project employe who has
5 previously been a permanent classified or unclassified employe.

6 (b) See s. ER 18.05 (3) for transfer of credit by a
7 project employe who was not previously a permanent classified or
8 unclassified employe.

9 SECTION 31. ER 34.07 (intro.) is created to read:

10 ER 34.07 STATUS AND RIGHTS. (intro.) Employes serving a
11 project appointment shall:

12 SECTION 32. ER 41.01 is renumbered ER 1.01 and amended to
13 read:

14 ER 1.01 FORCE AND EFFECT OF RULES. Chapters ER ~~41~~ 1 to 47
15 are promulgated under ~~general authority of s.~~ ss. 230.04 (5),
16 Stats., and s. ~~227.014 (2) (a)~~ 227.11 (2) (a), Stats., to apply
17 specifically to provisions of subchs. I and II of ch. 230, Stats.,
18 except on matters relating to the provisions of subch. II, for
19 which responsibility is specifically charged to the administrator
20 of the division of merit recruitment and selection. As provided

1 under s. 230.01 (3), Stats., nothing in ch. 230, Stats., or in
2 chs. ER ~~41~~ 1 to 47 shall be construed either to infringe upon or
3 supersede the rights guaranteed state employees under the
4 provisions of subch. V of ch. 111, Stats., the state employment
5 labor relations act.

6 SECTION 33. ER 41.02 (intro.) is renumbered ER 1.02
7 (intro.) and amended to read:

8 ER 1.02 DEFINITIONS. (intro.) In addition to those terms
9 defined under ss. 111.81 and 230.03, Stats., ~~chs. ER Pers 1 to 34,~~
10 and as specified in chs. ER ~~42~~ 2 to 47, the following are
11 definitions for terms used in chs. ER ~~42~~ 1 to 47:

12 SECTION 34. ER 41.02 (1) and (2) are repealed.

13 SECTION 35. ER 42.02 (3), (4) and (5) are renumbered ER
14 42.02 (5), (7) and (8), respectively.

15 SECTION 36. ER 42.02 (3) and (4) are created to read:

16 ER 42.02 (3) "Full-time employment" means permanent or
17 project employment that requires the services of an employe for a
18 minimum of 2088 hours on an annual basis.

19 (4) "Part-time employment" means permanent or project
20 employment that requires the services of an employe for more than

1 600 hours, but less than 2088 hours on an annual basis.

2 SECTION 37. ER 42.03 (1) is amended to read:

3 ER 42.03 (1) Applies to all classified employees, except ~~in~~
4 ~~those instances where specific provisions are~~ an employe covered
5 by a collective bargaining agreement under subch. V of ch. 111,
6 Stats.

7 SECTION 38. ER 43.01 (1) is amended to read:

8 ER 43.01 (1) Exercise administrative authority and personal
9 leadership to prohibit, prevent and eradicate every form of
10 discrimination from the agency's policies, practices and working
11 conditions.

12 SECTION 39. ER 43.01 (2) is repealed and recreated to read:

13 ER 43.01 (2) Take affirmative action as defined in s. 230.03
14 (2), Stats. For purposes of this subsection, elected state
15 officials are not considered a similar functional group in the
16 unclassified service.

17 SECTION 40. ER 43.01 (3) and (4) are amended to read:

18 ER 43.01 (3) Integrate equal opportunity and affirmative
19 action concerns into ~~all aspects of~~ the agency ~~structure~~ personnel

1 management system under ~~his or her~~ their control.

2 (4) ~~Explore~~ Develop and implement innovative personnel
3 management procedures ~~that may~~ to aid in the achievement of
4 affirmative action goals.

5 SECTION 41. ER 43.02 (1) is repealed.

6 SECTION 42. ER 43.02 (2) (intro.) is repealed and recreated
7 to read:

8 ER 43.02 (2) (intro.) "Affirmative action group" means one
9 or more of the following:

10 SECTION 43. ER 43.02 (2) (a) is repealed.

11 SECTION 44. ER 43.02 (2) (b) and (c) are renumbered ER
12 43.02 (6m) (b) and (c) and amended to read:

13 ER 43.02 (6m) (b) "Asians ~~and or~~ Pacific Islanders" ~~means~~
14 mean persons descended from any of the original peoples of the Far
15 East, Southeast Asia, the Indian Subcontinent, or the Pacific
16 Islands.

17 ER 43.02 (6m) (c) "Blacks" ~~means~~ mean persons descended from
18 any of the Black racial groups of Africa.

1 SECTION 45. ER 43.02 (2) (d) (intro.) is renumbered ER
2 43.02 (5m) (intro.) and amended to read:

3 ER 43.02 (5m) (intro.) "Handicapped ~~individual~~" ~~means an~~
4 ~~individual~~ groups" mean individuals who:

5 SECTION 46. ER 43.02 (2) (d) 1. to 3. are renumbered ER
6 43.02 (5m) (a) to (c) and amended to read:

7 ER 43.02 (5m) (a) ~~Has~~ Have a physical or mental impairment
8 which makes achievement unusually difficult or limits the capacity
9 to work;

10 (b) ~~Has~~ Have a record of such an impairment; or

11 (c) ~~Is~~ Are perceived as having such an impairment.

12 SECTION 47. ER 43.02 (2) (e) is renumbered ER 43.02 (6m)
13 (d) and amended to read:

14 ER 43.02 (6m) (d) "Hispanics" ~~means~~ mean persons of Chicano,
15 Mexican, Puerto Rican, Cuban, Central American or South American
16 culture or origin, regardless of race.

17 SECTION 48. ER 43.02 (2) (a) to (c) and (2m) are created to
18 read:

1 ER 43.02 (2) (a) Racial or ethnic groups.

2 (b) Gender groups.

3 (c) Handicapped groups.

4 (2m) "Affirmative action program" means specific
5 results oriented standards, procedures and initiatives designed to
6 ensure equal employment opportunity and to eliminate present
7 effects of past discrimination.

8 SECTION 49. ER 43.02 (5) is repealed.

9 SECTION 50. ER 43.02 (6) is renumbered ER 43.02 (5).

10 SECTION 51. ER 43.02 (6m) (intro.), and (a) and (7) are
11 created to read:

12 ER 43.02 (6m) (intro.) "Racial or Ethnic Groups" mean
13 American Indians or Alaskan Natives, Asians or Pacific Islanders,
14 Blacks, and Hispanics defined as follows:

15 (a) "American Indians or Alaskan Natives" mean persons
16 descended from any of the original peoples of North America who
17 possess 1/4 degree of documented tribal descendancy, or are
18 enrolled with a federally or state recognized tribe, or are
19 recognized by a federally or state recognized tribe as American

1 Indians for state affirmative action purposes.

2 (7) "Sexual orientation" means a preference as defined
3 in s. 111.32 (13m), Stats.

4 SECTION 52. ER 43.03 (intro.), (1) and (2) are amended to
5 read:

6 ER 43.03 AFFIRMATIVE ACTION PLANS. Each agency shall ~~have~~
7 prepare and file with the secretary an affirmative action and
8 equal opportunity plan which shall be developed in accordance with
9 standards and time schedules established by the secretary and
10 include the following minimum components:

11 (1) A policy statement which affirms the commitment of
12 the appointing authority to ensure equal opportunity, freedom from
13 discrimination, and affirmative action in compliance with state
14 policy and state and federal laws.

15 (2) An analysis of the ~~representation of affirmative~~
16 ~~action groups in the~~ agency work force to determine if there are
17 substantial disparities between the proportion of any affirmative
18 action groups in either a classified civil service classification,
19 grouping of classifications or similar functional group in the
20 unclassified service, in the agency work force and the rate of
21 that group's representation in that part of the state labor force
22 qualified for employment in such classification, progression

1 series or functional group in the relevant labor pool.

2 SECTION 53. ER 43.03 (3) to (5) are repealed.

3 SECTION 54. ER 43.03 (3) and (4) are created to read:

4 ER 43.03 (3) Goals and timetables to correct disparities
5 identified in sub. (2).

6 (4) The establishment of goals and objectives for
7 affirmative action programs designed to achieve equal opportunity,
8 eliminate discrimination and attain the goals and timetables
9 identified in sub. (3).

10 SECTION 55. ER 43.03 (6) is renumbered ER 43.03 (5) and
11 amended to read:

12 ER 43.03 (5) ~~Identification~~ Description of a system and
13 timetable for regularly monitoring the effectiveness and progress
14 of the ~~program~~ agency in meeting the plan objectives, ~~including~~
15 ~~identification of mechanisms for modifying the program.~~

16 SECTION 56. ER 43.03 (7) is repealed.

17 SECTION 57. ER 43.04 (intro.) is amended to read:

1 ER 43.04 REVIEW OF PLANS. (intro.) The secretary shall
2 review all agency affirmative action and equal opportunity plans
3 for ~~the purpose of~~ compliance with the standards established under
4 s. ER 43.03. In addition the secretary shall:

5 SECTION 58. ER 43.04 (1) to (6) are repealed.

6 SECTION 59. ER 43.04 (1) is created to read:

7 ER 43.04 (1) Provide the governor with a list of approved or
8 disapproved plans and notice that the plans and any comments
9 regarding them are available for review.

10 SECTION 60. ER 43.04 (7) is renumbered ER 43.04 (2) and
11 amended to read:

12 ER 43.04 (2) ~~If a state agency has~~ Determine compliance with
13 the standards established under s. ER 43.03 of agency plans which
14 were previously developed an affirmative action plan which
15 ~~complies to comply~~ with federal law, or, if an institution of the
16 ~~university Wisconsin system has previously developed an~~
17 ~~affirmative action plan which meets~~ or to meet standards
18 established by the board of regents of the university of Wisconsin
19 system, ~~the secretary shall review that plan for acceptability for~~
20 ~~plans required under s. ER 43.03.~~

21 SECTION 61. ER 43.045 is created to read:

1 ER 43.045 PROGRAM, POLICY AND PROCEDURES STANDARDS. In
2 addition to the plans described in s. ER 43.03, the secretary may
3 establish standards for agency affirmative action and equal
4 opportunity programs, policies, and procedures designed to comply
5 with state and federal affirmative action and equal employment
6 opportunity laws and policies.

7 SECTION 62. ER 43.05 is amended to read:

8 ER 43.05 MONITORING AND COMPLIANCE. On an ongoing basis,
9 the secretary shall monitor and evaluate each agency's progress
10 toward affirmative action and equal opportunity goals and
11 objectives in implementing the policy of the state and shall make
12 specific recommendations regarding methods through which the
13 respective agencies may improve their efforts in providing equal
14 opportunity to employes, applicants for employment and clients of
15 the agency. If an agency fails to make reasonable efforts to meet
16 goals and objectives and comply with the standards established
17 under ss. ER 43.03 and ER 43.045, the secretary may take necessary
18 steps under s. 230.04, Stats., to ensure compliance.

19 SECTION 63. ER 43.06 is amended to read:

20 ER 43.06 REQUEST FOR INFORMATION. Upon request of the
21 secretary, the appointing authority shall provide information
22 concerning applicants, employes and clients. Confidentiality of
23 information shall be maintained by the secretary as provided under

1 state ~~or~~ and federal law.

2 SECTION 64. ER 44.02 (2) to (6) are renumbered ER 44.02 (4)
3 to (8).

4 SECTION 65. ER 44.02 (2) and (3) are created to read:

5 ER 44.02 (2) "Employee development and training program"
6 means the aggregate policies, procedures and activities that are
7 designed and established to meet the training and development
8 needs of employes.

9 (3) "Employee development and training plan" means the
10 procedures and course of action established to implement an
11 employe development and training program.

12 SECTION 66. ER 44.04 (3) is created to read:

13 ER 44.04 (3) BASIS OF UNDERSTUDY PAY. Persons serving in
14 positions having solely understudy functions may be paid on the
15 same basis as provided for trainees under ch. ER 29 and the
16 compensation plan. Persons serving in positions having duties in
17 addition to the understudy function shall continue to be paid on
18 the basis provided for the non-understudy functions.

19 SECTION 67. ER 44.08 (1) is amended to read:

1 ER 44.08 DELEGATION OF TRAINING. (1) Under s. 230.04 (1m),
2 Stats., the secretary may delegate to an agency the authority to
3 initiate training programs. ~~Upon approval from the secretary, an~~
4 ~~agency may establish a supervisory development program, subject to~~
5 ~~s. 230.046 (3) and (5), Stats.~~

6 SECTION 68. ER 44.08 (2) is renumbered ER 44.08 (5) and
7 amended to read:

8 ER 44.08 (5) The secretary may authorize an on-site or a
9 desk review of an agency's approved employee development and
10 training programs program to ensure compliance with the guidelines
11 established by the secretary.

12 SECTION 69. ER 44.08 (2) to (4) are created to read:

13 ER 44.08 (2) Upon approval from the secretary, an agency
14 may establish a supervisory development program subject to s.
15 230.046 (3) and (5), Stats.

16 (3) Upon approval from the secretary, an agency shall
17 establish a program to address the training and development needs
18 of its staff, subject to s. 230.046 (3) and (5), Stats.

19 (4) The secretary shall require agency plans for the
20 authorization of agency employee development and training programs.
21 Authorized programs shall be required to meet the guidelines

1 established by the secretary.

2 SECTION 70. ER 44.09 and ER 44.10 are created to read:

3 ER 44.09 TRAINEE. (1) USE OF TRAINEES. The secretary may
4 authorize the use of trainees, except for career executives, when
5 the special funding requirements of a position require that the
6 position be filled by a trainee, or when the secretary determines
7 that a sufficient number of qualified promotional candidates for
8 the objective level, including women, minorities, and handicapped,
9 are not available within the agency or employing unit; and:

10 (a) Filling the position as a trainee will be more
11 appropriate than appointment at the objective level because
12 ability to satisfactorily perform the job tasks is normally
13 acquired as a result of a structured program of job related
14 training and on-the-job experience is required; or

15 (b) Qualified candidates at the objective level are
16 not readily available in the labor market; or

17 (c) Filling the position as a trainee will increase
18 the agency's ability to comply with an approved affirmative action
19 plan or program.

20 (2) APPOINTMENT TRANSACTION. The type of appointment
21 transaction shall be based on the objective classification level

1 for the position when filling a position with a trainee.

2

ER 44.10 PROBATIONARY PERIOD FOR TRAINEE AND UNDERSTUDY.

3

4

5

6

7

8

NOTE: See s. ER-Pers 13.03 for
an explanation of the
requirements of the probationary
period for trainees and
understudies.

9

SECTION 71. ER 46.02 (4), (6), (7) and (8) are amended to

10

read:

11

ER 46.02 (4) "Grievance" means a written complaint by ~~one or~~

12

~~more employes, acting as individuals,~~ an employe requesting relief

13

in a matter which is of concern or dissatisfaction relating to

14

~~their~~ conditions of employment and which ~~matter~~ is subject to the

15

control of the employer and within the limitations of this

16

chapter.

17

(6) "Group grievance" means ~~those grievances which~~

18

~~cover more than one employe and~~ a grievance filed by more than one

19

grievant which ~~involve~~ involves like circumstances and facts for

20

the grievants involved.

21

(7) "Relief" means a specific remedy directly

22

~~benefiting~~ affecting a grievant.

23

(8) "Retaliation" means any action taken by an

24

~~appointing authority~~ employer in order to adversely affect the

25

employe's ~~pay, classification level, or~~ conditions of employment,

1 when such action is taken because of the employe's exercise of
2 rights under this chapter.

3 SECTION 72. ER 46.03 (1) and (2) (i) and (j) are amended to
4 read:

5 ER 46.03 (1) SCOPE. Under this chapter, an employe may
6 grieve issues which affect ~~an individual's ability to perform~~
7 ~~assigned responsibilities satisfactorily and effectively~~ his or
8 her conditions of employment, including any matter on which the
9 employe alleges that coercion or retaliation has been practiced
10 against the employe except as provided in sub. (2).

11 (i) The content of written agency rules and policies;
12 ~~or~~

13 (j) A condition of employment which is the right of
14 the employer as defined in s. ER 46.04+; or

15 SECTION 73. ER 46.03 (2) (k) is created to read:

16 ER 46.03 (2) (k) Any matter related to wages, hours of work,
17 and fringe benefits.

18 SECTION 74. ER 46.05 (3) (a) is amended to read:

1 ER 46.05 (3) (a) ~~The application of a work rule, a written~~
2 ~~reprimand or the~~ The condition of employment which is the subject
3 of the grievance.

4 SECTION 75. ER 46.07 (1) (intro.) is amended to read:

5 ER 46.07 (1) (intro.) If the grievant is dissatisfied with
6 the decision received from the appointing authority or designee at
7 the third step under s. ER 46.06 (2) (c) 2., the decision may be
8 grieved to the commission only if it alleges that the employer
9 abused its discretion in applying subch. II, ch. 230, Stats., or
10 the rules of the administrator promulgated under that subchapter,
11 subchs. I and II, ch. 230, Stats., or the rules of the secretary
12 promulgated under ~~ch. 230, Stats.,~~ those subchapters, or written
13 agency rules, policies, or procedures, except that decisions
14 involving the following personal transactions may not be grieved
15 to the commission:

16 SECTION 76. ER 46.11 is amended to read:

17 ER 46.11 RETROACTIVITY. ~~Except for administrative errors~~
18 ~~relating to the payment of wages, no~~ No employer may grant any
19 relief retroactive to more than 30 calendar days prior to the
20 filing of the grievance at the first step under s. ER 46.06 (2)
21 (a).

22 SECTION 77. ER 47.07 is renumbered ER 47.07 (1).

1 SECTION 78. ER 47.07 (2) is created to read:

2 ER 47.07 (2) An eligible employe under s. ER 47.03 who is on
3 interchange to any office, department or independent agency in the
4 executive, legislative or judicial branches of this state or any
5 authority established under chs. 231, 233 or 234, Stats., may not
6 receive supplemental pay or benefits.

7 SECTION 79. ER-Pers 2.01 to 2.04 are renumbered ER 2.01 to
8 2.04, and ER 2.01, 2.02 (1) and (3), 2.03 (2) and 2.04 (3), as
9 renumbered, are amended to read:

10 ER 2.01 CLASSIFICATION PLAN. The classification plan for
11 all positions in the classified service is made up of classes
12 described in class specifications and assigned to pay rates or
13 ranges ~~after board approval~~ in accordance with the provisions of
14 s. 230.09 (2) (b), Stats. For the purpose of ~~these rules~~ chs. ER
15 1 to 47, class and classification are synonymous.

16 ER 2.02 (1) CLASSIFICATION PLAN MAINTENANCE. The
17 ~~administrator~~ secretary shall establish and maintain a
18 classification plan ~~using job evaluation methods which, in the~~
19 ~~administrator's judgment, are appropriate to the class or~~
20 ~~occupational groups~~ for all positions in the classified service.

1 (3) When assigning a class to a pay range, the
2 ~~administrator shall apply the principle of equal pay for work of~~
3 ~~equivalent skills and responsibilities~~ factors used by the
4 secretary to determine the pay range assignment shall be without
5 regard to gender or race and shall include the skill, effort,
6 responsibility and working conditions required for the class
7 without regard to whether the class is occupied primarily by
8 members of a certain gender or racial groups.

9 ER 2.03 (2) The official subtitle is secondary explanatory
10 title which is used to identify positions whose duties distinguish
11 them from other positions in the same class in terms of the
12 qualifications required for successful performance in the
13 position. Designation of a subtitle shall be based on position
14 analysis and is subject to the approval of the ~~administrator~~
15 secretary. Personnel processes such as recruitment, hiring above
16 the minimum, examination, certification, or layoff, may be based
17 on both the class title and subtitle.

18 ER 2.04 (3) Class specifications shall not be construed to
19 limit or modify the power of the appointing authority to assign
20 tasks or direct or control the work of subordinate employees. The
21 use of specific examples of work in a class specification shall
22 not be held to exclude the assignment of other work not mentioned
23 ~~which is of a similar level and kind~~, nor is it implied that all
24 stated examples of work must be performed by all employees whose

1 positions are so classified or constitute an exhaustive or
2 exclusive listing of work assignments.

3 SECTION 80. ER-Pers 3.01 (1) is renumbered ER 3.01 (1) and
4 amended to read:

5 ER 3.01 (1) ALLOCATION. "Allocation" means the initial
6 assignment of a position to the appropriate class by the
7 ~~administrator~~ secretary as provided in s. 230.09 (2), Stats.

8 SECTION 81. ER-Pers 3.01 (2) (intro.) and (a) to (g), (3)
9 and (4) are renumbered ER 3.01 (2) (intro.) and (a) to (g), (3)
10 and (4), and ER 3.01 (2) (intro.) and (g), (3) and (4), as
11 renumbered, are amended to read:

12 ER 3.01 (2) (intro.) REALLOCATION. "Reallocation" means the
13 assignment of a position to a different class by the ~~administrator~~
14 secretary as provided in s. 230.09 (2), Stats., based upon:

15 (g) A permanent change in the level of accountability
16 of a position such as that resulting from a reorganization when
17 the change in level of accountability is the determinant factor
18 for the change in classification.

19 (3) RECLASSIFICATION. "Reclassification" means the
20 assignment of a filled position to a different class by the
21 ~~administrator~~ secretary as provided in s. 230.09 (2), Stats.,

1 based upon a logical and gradual change to the duties or
2 responsibilities of a position or the attainment of specified
3 education or experience by the incumbent.

4 (4) REGRADE. ~~A regrade~~ "Regrade" means the determination of
5 the ~~administrator~~ secretary under s. 230.09 (2) (d), Stats., that
6 the incumbent of a filled position which has been reallocated or
7 reclassified should remain in the position without opening the
8 position to other candidates.

9 SECTION 82. ER-Pers 3.015 is renumbered ER 3.015, and ER
10 3.015 (2) (c) and (3), as renumbered, are amended to read:

11 ER 3.015 (2) (c) The ~~administrator~~ secretary determines that
12 the position should be filled by competitive examination under s.
13 230.15 (1), Stats.

14 (3) Incumbents of filled positions which will be
15 ~~reclassified or reallocated under s. ER-Pers 3.01 (2) (f) or (g)~~
16 ER 3.01 (2) (f) or reclassified may not be regraded ~~while the~~
17 ~~incumbent is serving the first 6 months of a trial or probationary~~
18 ~~period. Such employe shall also have performed the permanently~~
19 ~~assigned duties and responsibilities for a minimum of 6 months;~~

20 (a) While the incumbent is serving the first 6 months
21 of a trial or probationary period; and

1 (b) Until the incumbent has performed the permanently
2 assigned duties and responsibilities for a minimum of 6 months.
3 The ~~later~~ 6 month period may include a portion of ~~the~~ a trial or
4 probationary period.

5 SECTION 83. ER-Pers 3.02 and 3.03 are renumbered ER 3.02
6 and 3.03 and amended to read:

7 ER 3.02 ESTABLISHING THE CLASSIFICATION OF A POSITION. (1)
8 After an appointing authority has ~~made budgetary provisions~~
9 received budgetary approval for a new position and desires to fill
10 the position, a written description of the position's duties and
11 responsibilities and any other pertinent information as required
12 shall be submitted to the ~~administrator~~ secretary.

13 (2) The ~~administrator~~ secretary shall then allocate
14 the position under s. 230.09 (2) (a), Stats.

15 ER 3.03 CHANGING THE CLASSIFICATION OF A POSITION. (1)
16 Appointing authorities shall notify the ~~administrator~~ secretary of
17 any changes in the duties or responsibilities of individual
18 positions which may affect the classification level of the
19 position. Notification shall be in accordance with the procedures
20 established by the ~~administrator~~ secretary.

1 (2) All requests for classification actions which are
2 not specifically delegated to appointing authorities must be
3 reviewed and a specific class recommended by the appointing
4 authority prior to a review by the ~~administrator~~ secretary, except
5 in those cases where the action is initiated by the ~~administrator~~
6 secretary.

7 (3) When a non-delegated reclassification request,
8 submitted in writing by an employe, is not recommended for
9 approval by the appointing authority, the employe shall be so
10 notified in writing by the appointing authority. If the incumbent
11 feels that the decision of the appointing authority is incorrect,
12 the incumbent may submit to the appointing authority a written
13 request for review by the ~~administrator~~ secretary. Such requests
14 shall be forwarded to the ~~administrator~~ secretary by the
15 appointing authority along with a copy of the written notice to
16 the employe and any other pertinent materials. The ~~administrator~~
17 secretary shall review the action and make the final decision,
18 notifying both the employe and the appointing authority of the
19 result in writing.

20 (4) Requests for reallocation, reclassification or
21 regrade are cancelled when an employe resigns, retires or is
22 terminated from pay status in the position prior to the effective
23 date of the requested action. The effective date of the requested
24 action shall be determined ~~under~~ in accordance with s. ER-Per-
25 ~~29.03 (3)~~ ER 29.03 (3).

1 SECTION 84. ER-Pers 3.04 and 3.05 are renumbered ER 3.04
2 and 3.05.

3 SECTION 85. ER-Pers 6.06 is repealed.

4 NOTE: This rule relates to
5 reimbursement for applicant's
6 travel expenses. The provisions
7 are now incorporated in the
8 Travel Schedule Amounts of the
9 Compensation Plan.

10 SECTION 86. ER-Pers 6.12 is repealed.

11 NOTE: The provisions of this
12 rule relating to understudy and
13 trainee are covered under Chapter
14 ER 44.

16 SECTION 87. ER-Pers 10.01 (2) is renumbered ER 10.01.

17 SECTION 88. ER-Pers 10.02 is renumbered ER 10.02, and ER
18 10.02 (3), as renumbered, is amended to read:

19 ER 10.02 (3) No pay increases ~~shall~~ may be allowed for
20 employees on limited term appointments except those approved by the
21 ~~administrator~~ secretary to bring the pay into compliance with sub.
22 (2).

24 SECTION 89. ER-Pers 10.05 (2) is renumbered ER 10.045.

1 SECTION 90. ER-Pers 10.05 (3) is renumbered ER 10.02 (4)
2 and amended to read:

3 ER 10.02 (4) Limited term employes shall be paid only for
4 actual hours worked except as otherwise provided in the
5 compensation plan.

6 SECTION 91. ER-Pers 18.01 is repealed.

7 SECTION 92. ER-Pers 18.02 (1) and (2) (intro.) are
8 repealed.

9 SECTION 93. ER-Pers 18.02 (2) (a) to (g) are renumbered ER
10 18.02 (2) (b) 1. to 7., and ER 18.02 (2) (b) 2. a., 3. and 5. to
11 7., as renumbered, are amended to read:

12 ER 18.02 (2) (b) 2. a. Employment prior to leaving the
13 service and upon returning to the service within 3 years must be
14 ~~in~~ as a permanent, seasonal, sessional classified employe or as an
15 unclassified position that generates continuous service employe
16 other than a limited term employe.

17 3. Was serving a project appointment and was eligible
18 to transfer continuous service credits under s. ER-Pers 34.06 (5)
19 ER 18.05 (3) regarding transfer of credits by project employes who
20 were permanent employes.

1 5. Was absent due to injury or illness arising from
2 state employment and covered by the worker's compensation act, or
3 s. 230.36, Stats., regarding hazardous employment injuries and pay
4 continuation.

5 6. Was a career executive employe or employed under
6 s. 20.923 (4), (8) or (9), Stats., who left the service and
7 returned to state employment as a career executive or in any such
8 enumerated position regardless of the duration of absence. See as
9 provided under s. 230.35 (1m) (f), Stats. This applies to all
10 persons who are career executive employes or employes in positions
11 enumerated in s. 20.923 (4), (8) or (9), Stats., on or after July
12 1, 1973.

13 7. Was on layoff and is reemployed within 3 years, or
14 on temporary layoff under s. ER-Pers 22.14.

15 SECTION 94. ER-Pers 18.02 (3) (intro.) and (a) are
16 repealed.

17 SECTION 95. ER-Pers 18.02 (3) (b) is renumbered ER 18.02
18 (2) (c) and amended to read:

19 ER 18.02 (2) (c) The length of time between an employe's
20 resignation and reemployment under sub. (2) (b) 2.7 shall not be
21 counted in computing years of continuous service.

1 SECTION 96. ER-Pers 18.02 (4) (intro.) is repealed.

2 SECTION 97. ER-Pers 18.02 (4) (a) to (c) are renumbered ER
3 18.02 (3) (c) 1 to 3, and ER 18.02 (3) (c) 2. as renumbered, is
4 amended to read:

5 ER 18.02 (3) (c) 2. "Seasonal, sessional, school year and
6 part-time employees." Employees who are ~~regularly employed in pay~~
7 status for less than ~~2088 hours per year~~ 80 hours during any
8 biweekly pay period during the calendar year shall be granted
9 prorated annual leave consistent with ~~par. (1)~~ subds. 1. and 3.

10 SECTION 98. ER-Pers 18.02 (5) (a) to (c) are renumbered ER
11 18.02 (4) (a) to (c) and amended to read:

12 ER 18.02 (4) COMPUTING ANNUAL LEAVE. (a) Annual leave
13 credits in any given year shall not be earned for any period of
14 absence without pay except periods of absence due to temporary
15 layoff under s. ER-Pers 22.14.

16 (b) Annual leave for employes covered in ~~subs. (4)~~
17 ~~(a), (b), (c)~~ sub. (3) (c) 1., 2. and 3. and persons included
18 under s. 20.923 (4), (8) and (9), Stats., shall be prorated during
19 the calendar year in which the rate of earning changes.

20 (c) Upon termination of employment, ~~death, or~~
21 ~~retirement other than disability retirement,~~ annual leave shall be

1 prorated and payment for unused leave for which an employe is
2 eligible under sub. (4) shall be made in a ~~separate lump sum~~
3 ~~amount~~ in accordance with sub. (9).

4 SECTION 99. ER-Pers 18.02 (5) (d), (6) and (6m) are
5 repealed.

6 SECTION 100. ER-Pers 18.02 (7) (intro.) and (a) to (d) are
7 renumbered ER 18.02 (6) (b) (intro.) and 1 to 4, and ER 18.02 (6)
8 (b) 2., as renumbered, is amended to read:

9 ER 18.02 (6) (b) 2. However, employes who are unable to
10 take unused annual leave as provided in par. (a) ~~above~~ due to
11 their work responsibilities shall be granted an additional 6 month
12 extension of time in which to use ~~such~~ the annual leave. Any ~~such~~
13 extension under this subd. shall be approved by the appointing
14 authority. Any ~~such~~ authorized leave credits, carried over from
15 the previous calendar year, shall be dropped as of December 31 of
16 the following calendar year. This paragraph shall not apply to
17 any carried over leave credited under ~~subs. (6) (c) and (6m) (a)~~
18 sub. (5) (a) 2 and (b) 2.

19 SECTION 101. ER-Pers 18.03 (1) (intro.) and (a) are
20 renumbered ER 18.03 (1) (intro.) and (a) and amended to
21 read:

1 ER 18.03 SICK LEAVE. (1) EMPLOYES WHO EARN SICK LEAVE.
2 (intro.) Pursuant to s. 230.35 (2), Stats., all ~~persons in the~~
3 ~~employ of the state~~ employees shall earn sick leave under this rule
4 except:

5 (a) Limited term employees ~~under s. 230.26 (4), Stats.~~

6 SECTION 102. ER-Pers 18.03 (1) (b) and (c) are repealed.

7 SECTION 103. ER-Pers 18.03 (1) (d) is renumbered ER 18.03
8 (1) (c) and amended to read:

9 ER 18.03 (1) (c) Those employees referenced in s. 230.08 (2)
10 (j) ~~and k~~, Stats.

11 SECTION 104. ER-Pers 18.03 (2) and (3) are renumbered ER
12 18.03 (2) and (3), and ER 18.03 (2) (b), as renumbered, is amended
13 to read:

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

1 temporary layoff.

3 SECTION 105. ER 18.03 (2) (c) (note) is created to read:

4 NOTE: See s. ER 18.05 for sick
5 leave carry-over provisions for
6 project employes.

7 SECTION 106. ER-Pers 18.03 (4) (a) is repealed.

8 SECTION 107. ER-Pers 18.03 (4) (b) is renumbered ER 18.03
9 (4) (e) and amended to read:

10 ER 18.03 (4) (e) An appointing authority may require a
11 medical certificate to justify the granting of sick leave or to
12 verify the fitness of an employe to return to work.

13 SECTION 108. ER-Pers 18.03 (5) (a) and (b) are renumbered
14 ER 18.03 (5) (a) and (b) and amended to read:

15 ER 18.03 (5) SICK LEAVE CREDIT CONTINUATION. (a) Previously
16 accumulated sick leave shall not be cancelled by absence on
17 approved leave ~~as provided in these rules~~ under s. ER 18.14.
18 Termination from the service for cause as provided in s. 230.34
19 (1) (a), Stats., shall cancel all unused accumulated sick leave.
20 Whenever ~~a person who is~~ an unclassified employe ~~with permanent~~
21 ~~status in class~~ covered by this section or a permanent classified
22 employe is laid off, terminated due to lack of work or funds, or

1 resigns, any unused accumulated sick leave credit shall remain on
2 record and be restored if the person is reemployed in a ~~classified~~
3 position, covered by this section other than on a limited term
4 ~~employment basis~~, within 3 years. This provision shall also apply
5 to project employes eligible to transfer credits under s. ER 18.05
6 (3).

7 (b) For restoration of sick leave credits for employes
8 serving in career executive positions or positions designated in
9 s. 20.923 (4), (8) and (9), Stats., see s. 230.35 (2), Stats.
10 This same provision shall also apply to elected officials except
11 members of the legislature, circuit and appeals court judges and
justices of the supreme court.

12 NOTE: For provisions regarding
13 sick leave conversion credit at
14 the time of retirement, in the
15 event of death or at the time of
16 layoff, see s. 40.05 (4) (b) and
17 (bm), Stats., regarding health
18 insurance premiums.

19 SECTION 109. ER Pers 18.03 (5) (c) is repealed.

20 SECTION 110. ER-Pers 18.04 (1) is renumbered ER 18.05 (1)
21 and amended to read:

22 ER 18.05 OTHER PROVISIONS RELATING TO ANNUAL LEAVE, SICK
23 LEAVE AND PERSONAL HOLIDAYS. (1) ANNUAL LEAVE, SICK LEAVE OR
24 PERSONAL HOLIDAYS ON LEGAL HOLIDAYS. In the event that a legal

1 holiday falls on a regular work day within the week or weeks taken
2 as annual leave ~~or~~, sick leave, or personal holidays, such legal
3 holiday shall not be charged as annual leave ~~or~~, sick leave or
4 personal holiday. For any day on which work is suspended, such
5 suspension shall not be construed to extend any annual leave ~~or~~,
6 sick leave or personal holiday to an employe in such status at the
7 time.

8 SECTION 111. ER-Pers 18.04 (2) to (4) are repealed.

9 SECTION 112. ER-Pers 18.05 (1) (a) to (d) are renumbered ER
10 18.14 (2) (a) to (d), and ER 18.14 (2) (a) and (d), as renumbered,
11 are amended to read:

12 ER 18.14 (2) WHEN GRANTED. (a) Formal leave. Any permanent
13 classified employe, ~~other than an employe serving a limited term~~
14 ~~or project appointment~~, may request a leave of absence without pay
15 for a period not to exceed one year. Such leave may be granted by
16 the appointing authority when it will not result in prejudice to
17 the interests of the state as an employer beyond any benefits to
18 be realized upon the employe's return to the service. A leave of
19 absence may be extended on a year to year basis for an additional
20 2 years with the approval of the appointing authority. No formal
21 leave of absence shall exceed 3 years except as provided under ~~ER-~~
22 ~~ER-Pers 34.03 (2)~~ par. (f).

1 (d) Maternity Leave. ~~Maternity~~ Upon request of the
2 employee, maternity leaves of absence without pay shall be granted
3 for a period of time requested by the employee, up to, but not
4 exceeding, not to exceed 6 consecutive months. Upon request of
5 the employee ~~and at the discretion of,~~ the appointing authority,
6 may extend or renew a maternity leave of absence may be extended
7 or renewed for another period for additional periods of time, not
8 to exceed a total of 6 months. Part or all of the original leave,
9 extension or renewal may be covered by sick leave pursuant to s.
10 ER 18.03 (4) (a), leave of absence without pay, earned annual
11 leave, sabbatical leave, holiday leave, compensatory time off at
12 the employee's discretion, or anticipated annual leave subject to
13 s. ER 18.02 (6).

14 SECTION 113. ER-Pers 18.05 (1) (e) and (f) are repealed.

15 SECTION 114. ER-Pers 18.05 (3) and (4) are renumbered ER
16 18.14 (3) and (4) and amended to read:

17 ER 18.14 (3) ABSENCE WITHOUT LEAVE. Any absence of an
18 employee that is not authorized under ~~these rules~~ chs. ER 1 to 47
19 shall be considered as an absence without leave. Any such absence
20 may be grounds for disciplinary action.

21 NOTE: Also see s. ER 21.03
22 regarding abandonment.

1 (4) FAILURE TO RETURN FROM LEAVE. ~~See s. ER-Pers~~
2 ~~21.03.~~ The date the leave of absence expires shall be considered
3 the last day worked.

4 NOTE: See s. ER 21.03 for other
5 provisions regarding failure to
6 return from leave.

7 SECTION 115. ER-Pers 18.06 is renumbered ER 18.06 and
8 amended to read:

9 ER 18.06 LEAVE WITH PAY DUE TO WORK-RELATED INJURY. Certain
10 employes and elected officials other than members of the
11 legislature, circuit and appeals court judges and justices of the
12 supreme court, who are unable to work due to injuries incurred in
13 line of duty and hazardous employments shall continue to receive
14 their salaries, according to the provisions of s. 230.36, Stats.,
15 and ch. ~~ER-Pers 28~~ ER 28.

16 SECTION 116. ER-Pers 18.07 (1) (intro.) and (a) and (b) are
17 renumbered ER 18.04 (2) (intro.) and (a) and (b), and ER 18.04 (2)
18 (a) and (b), as renumbered, are amended to read:

19 ER 18.04 (2) (a) Equivalent ~~compensatory~~ time off when the
20 legal holiday falls on the employe's regularly scheduled day off.

21 (b) Compensatory time off at a rate of one and one-
22 half times the number of hours worked, or a cash payment at a rate

1 of one and one-half times the employe's regular rate for each hour
2 the employe is assigned to work on a holiday enumerated in s.
3 230.35 (4) (a) 1. ~~to 6., 8.~~ and 3. to 9., Stats., and the 5th
4 through the 8th hours worked on Good Friday. In addition, such
5 working employe also receives the holiday off at a later date.

6 1. Regular rate is defined in the compensation plan
7 established under s. 230.12 (6), Stats.

8 2. Compensatory time off shall be scheduled at the
9 discretion of the appointing authority ~~who may permit such time to~~
10 ~~be anticipated and used on the same basis as annual leave, as~~
11 ~~provided s. ER-Pers 18.02 (7).~~

12 3. The amount of compensatory time, recorded at the
13 ~~time~~ one and one-half rate specified in under par. (b) above, that
14 is not scheduled and used within the first 6 months of the ensuing
15 calendar year, shall be paid in cash at the employe's current
16 regular rate. Any such payment shall be made prior to the
17 administrative date for compensation adjustments established under
18 s. 230.12 (8), Stats.

19 SECTION 117. ER-Pers 18.07 (2) is repealed.

20 SECTION 118. ER-Pers 18.07 (3) is renumbered ER 18.04 (4)
21 and amended to read:

1 ER 18.04 (4) PERSONAL HOLIDAYS. See s. 230.35 (4) (d),
2 Stats. (a) Employees who are regularly employed for less than 80
3 hours per biweekly pay period on a continuing basis shall be
4 granted a prorated amount of paid personal holiday time consistent
5 with the employe's regularly scheduled hours per pay period at the
6 time the holiday is taken.

7 (b) Upon termination, payment for any unused personal
8 holidays shall be made in the same manner as provided for annual
9 leave under s. ~~230.35 (1) (m), Stats.~~ ER 18.02 (9).

10 SECTION 119. ER-Pers 18.08 (1) and (2) are renumbered ER
11 18.08 (1) and (2), and ER 18.08 (1), as renumbered, is amended to
12 read:

13 ER 18.08 MILITARY SERVICE. (1) NATIONAL GUARD, STATE GUARD,
14 RESERVE CORPS. ~~Attendance at duly ordered military and naval~~
15 ~~schools, annual field training and naval exercises. See ss.~~
16 ~~230.35 (3) and 21.14, Stats.~~ For project employes, eligibility
17 for annual military leave under s. 230.35 (3), Stats., shall be
18 earned after completion of the first 6 months of employment in a
19 project position. If prior eligibility has been attained in a
20 permanent, seasonal, sessional or unclassified position and the
21 employe has been appointed to the project position without an
22 interruption of continuous service, such prior eligibility shall
23 be retained.

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NOTE: See ss. 230.35 (3), Stats.,
for provisions regarding
attendance at duly ordered
military and naval schools, annual
field training and naval exercises
by employes and elected officials
other than members of the
legislature, circuit and appeals
court judges and justices of the
supreme court.

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SECTION 120. ER-Pers 18.09 to 18.15 are renumbered ER
18.09, 18.10, 18.15, 18.07, 18.11, 18.12 and 18.13, respectively,
and ER 18.07, 18.10, 18.13 (title) and 18.15, as renumbered, are
amended to read:

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ER 18.07 WORKER'S COMPENSATION. ~~For provisions relating to
earning and use of sick leave and vacation. See ch. ER-Pers 28.~~

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NOTE: For provisions relating to
accrual and use of sick leave,
annual leave and holidays by
employes and elected officials
other than members of the
legislature, circuit and appeals
court judges and justices of the
supreme court under worker's
compensation, see ch. ER 28.
Also see s. 102.07, Stats., for
Worker's Compensation coverage of
elected officials.

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ER 18.10 JURY SERVICE. As provided in s. 230.35 (3) (c),
Stats., employes and elected officials, except ~~those on limited~~
~~term appointment~~, employes and members of the legislature, circuit
and appeals court judges and justices of the supreme court
summoned for grand or petit jury service shall be entitled to

1 leave with pay. However, when not impaneled for actual service
2 and only on call, the employe or elected official shall report
3 back to work unless authorized by the appointing authority to be
4 absent from the work assignment.

5 ER 18.13 (title) LEAVE OF ABSENCE BY EMPLOYES AND CERTAIN
6 ELECTED OFFICIALS FOR MILITARY PREINDUCTION PHYSICAL EXAMINATION.

7 ER 18.15 UNCLASSIFIED SERVICE. ~~Employes in the classified~~
8 ~~service appointed to positions in the unclassified service. See~~
9 ~~s. 230.33, Stats.~~

10 NOTE: See s. 230.33, Stats., for
11 leave provisions of employes in
12 the classified service appointed
13 to positions in the unclassified
14 service.

15 SECTION 121. ER-Pers 21.01 is renumbered ER 21.02 (1) and
16 amended to read:

17 ER 21.02 CONDITIONS OF RESIGNATION. (1) An employe who
18 ~~retires or otherwise voluntarily terminates~~ resigns from a
19 position is required to submit a letter of resignation ~~as notice~~
20 ~~of termination~~ to the appointing authority. The resignation
21 letter shall be submitted not less than 14 calendar days prior
22 to the ~~effective~~ resignation date, unless the employe and the
23 appointing authority have agreed upon an alternate resignation
24 date. ~~Under authority of ss. 230.05 and 230.34 (4), Stats., and~~

1 ~~this chapter, the administrator delegates to the appointing~~
2 ~~authority the responsibility to obtain, record and file the letter~~
3 ~~of resignation submitted by the employer.~~

4 SECTION 122. ER-Pers 21.02 is renumbered ER 21.02 (4) and
5 amended to read:

6 ER 21.02 (4) An appointing authority shall ~~be required to~~
7 ~~formally acknowledge or accept~~ receipt of an employe's
8 ~~resignation, and the resignation shall become effective as~~
9 ~~specified in the resignation letter provided by the employe or on~~
10 ~~a date established by mutual written agreement. If an effective~~
11 ~~date is not supplied in the notice of resignation, the termination~~
12 ~~date shall be the date the resignation letter is filed with the~~
13 ~~appointing authority. Failure to report to work without having~~
14 ~~submitted a written notice of resignation shall be treated as~~
15 ~~abandonment under s. ER-Pers 21.03. Upon submission of a notice~~
16 ~~of resignation, there can be no withdrawal or stopping of the~~
17 ~~termination action except by mutual agreement, which shall be~~
18 ~~confirmed in writing.~~

19 SECTION 123. ER-Pers 21.03 (1) to (3) are renumbered ER
20 21.03 (1), (2) and (4), respectively, and ER 21.03 (2) (b) and
21 (4), as renumbered, are amended to read:

22 ER 21.03 (2) (b) Treat the employe as having resigned,
23 effective as of the end of the last day worked.

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NOTE: See s. ER 18.14 (4) for
employees who fail to return from
leave.

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(4) The appointing authority shall ~~notify the employe~~
~~in writing~~ provide written notice to the employe at the employe's
last known mailing address of all actions taken under ~~(1) or (2)~~
this section.

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SECTION 124. ER-Pers 22.10 (5) is repealed.

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NOTE: This rule relates to red
circling of an employe's pay upon
restoration following layoff.
The substantive provisions of the
rule are covered under Chapter ER
29.

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SECTION 125. ER-Pers 27.03 (1) (h) is repealed.

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NOTE: This rule relating to pay
and benefits provisions of plans
for occupationally handicapped
employment was deemed to be the
Secretary's responsibility under
s. 2015 (3) (c) of 1983 Wisconsin
Act 27. However, further
analysis shows that the plan
submitted to the Administrator,
of the Division of Merit
Recruitment and Selection could
contain information relating to
pay and benefits, but that any
questions on these matters would
be referred to the Secretary.

31

SECTION 126. ER-Pers 28.01 is renumbered ER 28.01.

1 SECTION 127. ER-Pers 28.02 to 28.07 are renumbered ER 28.02
2 to 28.07, and ER 28.02 (3) and (5), 28.03 and 28.04 (1) to (3) and
3 (5), as renumbered, are amended to read:

4 ER 28.02 (3) In instances where accrued leave with pay
5 credits have been used to cover an absence which is later found
6 compensable, the appointing authority shall, if requested by the
7 employe, provide leave without pay on a day for day basis, with
8 such leave to be taken in accordance with s. ~~ER-Pers 18.05 (1) (a)~~
9 ER 18.05 (1) (a).

10 (5) An employe may elect to use accrued paid leave
11 credits to supplement worker's compensation benefits under ch.
12 102, Stats., to the extent that the employe shall receive the
13 equivalent of the employe's base pay as defined under s. ~~ER-Pers~~
14 ~~29.01~~ ER 1.02 (5). Notice of such election by the employe shall
15 be reported in the same manner provided for in sub. (2).

16 ER 28.03 CONCURRENT BENEFITS. An employe may be entitled to
17 concurrent benefits, i.e., worker's compensation for medical
18 treatment expenses and benefits for time lost from work provided
19 under s. 230.36, Stats., in which case the appropriate provisions
20 of this chapter apply. Under no circumstances shall an employe
21 receive more than his or her basic rate of pay for the job in
22 which the employe was performing at the time of injury, exclusive
23 of reimbursable medical expenses.

1 ER 28.04 INJURY WHILE ON HAZARDOUS DUTY. (1) Application for
2 benefits under s. 230.36, Stats., shall be made by the employe or
3 the employe's representative to the appointing authority within ~~30~~
4 14 calendar days from the day of injury, on forms prescribed by
5 the ~~administrator~~ secretary. In extenuating circumstances, at the
6 discretion of the ~~administrator~~ secretary, the time limit for
7 application for benefits may be waived. When medical verification
8 is required for final approval of the claim, failure by a
9 physician to provide verification within the 14 days shall not be
10 the basis for denial. The application shall contain sufficient
11 and factual information to indicate the nature and extent of the
12 injury or illness, the circumstances surrounding its occurrence
13 and the qualifying duties on which the application is based.

14 (2) Within ~~30~~ 14 days after receipt of the claim, the
15 appointing authority shall notify the employe of the decision to
16 authorize or deny the claim and file a copy of the notice of
17 action with the ~~administrator~~ secretary.

18 (3) Upon approval of the employe's claim, the employe
19 shall ~~receive full pay~~ be paid from the date of inability to work
20 until: a physician certifies ~~that he or she is able to return to~~
21 ~~work or the employe is terminated by the appointing authority~~ the
22 employe is able to return to work; the employe's status is changed
23 due to worker's compensation, disability, retirement, or new work
24 assignments; the employe is terminated; or other appropriate
25 status change occurs. Periodic reports on the status of the

1 employe's disability and anticipated date of return to work shall
2 be required by the appointing authority.

3 (5) Employes on approved leave with pay under this
4 section shall earn ~~vacation~~ annual leave and sick leave credits
5 for the duration of such leave. Employes shall be denied legal
6 holiday credits for holidays which occur during the period of
7 absence from work while on an approved leave with pay under this
8 section. ~~Vacation~~ Annual leave credits earned prior to the date
9 of injury may be carried over pursuant to s. ~~ER-Pers 18.02 (7)~~ ER
10 18.02 (6).

11 SECTION 128. ER-Pers 29.01 (1) is repealed.

12 SECTION 129. ER-Pers 29.01 (2) is renumbered ER 29.01 (2)
13 and amended to read:

14 ER 29.01 (2) ~~For purposes of this chapter, "present~~
15 "Present rate of pay" means the base pay rate currently authorized
16 for the position which determines the type of personnel
17 transaction which will occur, except as modified by s. ER 29.03
18 (4) (a) regarding pay on promotion.

19 SECTION 130. ER-Pers 29.015, ER-Pers 29.02 and ER-Pers
20 29.025 (1) and (2) are repealed.

21 NOTE: Former ER-Pers 29.02
22 provisions relating to beginning
23 pay, e.g., minimum rate, raised
24 minimum rate, hiring above the

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minimum, and trainee minimum
rates are now covered in the
compensation plan.

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SECTION 131. ER-Pers 29.025 (3) and (4) are renumbered ER
29.025 (1) and (2) and amended to read:

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ER 29.025 (1) ~~Red circled pay rates shall be established
only when an employe is not serving a probationary period. The
specific personnel~~ Personnel transactions and circumstances which
may result in a red circled pay rate, are specified in ss. ~~ER-Pers
22.08,~~ ER 29.03 and 30.09 (3) and (4).

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(2) ~~Employes~~ Except as provided in sub. (3), employes
whose pay has been red circled as a result of a personnel
transaction or other circumstance shall continue to receive their
present rate of pay until the pay range maximum for the class
exceeds their present red circled pay rate. Such employes shall
not be eligible to receive any cumulative pay adjustments, except
as authorized in the compensation plan or the appropriate
collective bargaining agreement.

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SECTION 132. ER-Pers 29.03 (1) and (2) are renumbered ER
29.03 (1) and (2), and ER 29.03 (1) (intro.) and (2), as
renumbered, are amended to read:

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ER 29.03 TRANSACTION PAY ADJUSTMENTS. (1) GENERAL.
(intro.) Upon the completion of any personnel transaction,

1 employees shall ~~be paid~~ receive a base pay rate not less than:

2 (2) PAY ON COMPLETION OF THE FIRST 6 MONTHS OF
3 PROBATION. (a) In schedules where appropriate, subject to the
4 maximum of the pay range, a probationary increase of either one
5 within range pay step or the amount required to bring the
6 employe's base pay to PSICM, whichever is greater, shall be
7 granted to an employe effective the beginning of the pay period
8 closest to the completion date of the first 6 months of an
9 original or promotional probationary period served in a non-
10 trainee status. ~~However, such increase shall not exceed the~~
11 ~~maximum rate of the pay range.~~ Thereafter, the employe shall be
12 guaranteed PSICM while serving in the position. If an employe
13 transfers while serving an original or promotional appointment
14 probationary period, the probationary increase shall be granted
15 only upon completion of the first 6 months of the new original
16 appointment or promotional probationary period, which may include
17 carry-over time under s. ER-Pers 15.07.

18 (b) When an employe is required to serve a permissive
19 probationary period, completion of such probationary period shall
20 not make the employe eligible to receive a pay increase as
21 provided in par. (a). However, upon completion of any such
22 probationary period, an employe shall ~~be paid~~ receive a base pay
23 rate not less than the PSICM.

1 SECTION 133. ER-Pers 29.03 (3) (a) is renumbered ER 29.03
2 (3) (a) and amended to read:

3 ER 29.03 (3) PAY ON REGRADE. (a) Pay adjustments
4 resulting from regrade. Pay adjustments resulting from regrading
5 an employe shall be effective in accordance with the ~~schedules~~
6 policies established by the ~~administrator or on specific dates~~
7 ~~approved by the board when such approval is necessary~~ secretary.

8 SECTION 134. ER-Pers 29.03 (3) (b) (intro.) is repealed.

9 SECTION 135. ER-Pers 29.03 (3) (b) 1. and 2. are renumbered
10 ER 29.03 (3) (b) 1. a. and b. and amended to read:

11 ER 29.03 (3) (b) 1. a. ~~Receive a pay increase to the~~ The
12 PSICM of the new class if the employe has permanent status in
13 class and is below this rate is not serving the first 6 months of
14 a probationary period or project appointment in the position.

15 b. ~~Receive a pay increase to the~~ The minimum of the
16 new class if the employe ~~does not have permanent status in class~~
17 ~~and is below this rate~~ is serving the first 6 months of a
18 probationary period in the position or the first 6 months of a
19 project appointment.

20 SECTION 136. ER-Pers 29.03 (3) (b) 3. is repealed.

1 SECTION 137. ER-Pers 29.03 (3) (b) 4. is renumbered ER
2 29.03 (3) (b) 3. and amended to read:

3 ER 29.03 (3) (b) 3. If a trainee, a regraded employe shall
4 retain the same pay relationship within the training program based
5 upon qualifications and the specific segments of the training
6 program that have been waived or completed, ~~when trainee classes~~
7 ~~are affected.~~

8 SECTION 138. ER-Pers 29.03 (3) (c) is renumbered ER 29.03
9 (3) (c) 1. and amended to read:

10 ER 29.03 (3) (c) 1. Regraded employes ~~whose positions are~~
11 ~~reclassified under s. ER-Pers 3.01 (3), to a higher class who do~~
12 not have reinstatement eligibility or restoration rights to a
13 class higher than the class from which regraded shall, in
14 schedules where appropriate, receive a base pay increase to the
15 PSICM of the new class or a one within range pay step increase,
16 whichever is greater, subject to the pay range maximum. ~~Such~~
17 ~~increase shall not exceed the maximum of the pay range. However,~~
18 ~~if the employe also has reinstatement eligibility or restoration~~
19 ~~rights to the higher class the employe's pay shall be calculated~~
20 ~~in accordance with s. ER-Pers 29.03 (6) and (7), respectively, or~~
21 ~~the employe shall retain his or her present rate of pay, whichever~~
22 ~~is greater.~~

1 SECTION 139. ER-Pers 29.03 (3) (d) is renumbered ER 29.03
2 (3) (d).

3 SECTION 140. ER-Pers 29.03 (3) (e) (intro.) is renumbered
4 ER 29.03 (3) (e) (intro.) and amended to read:

5 ER 29.03 (3) (e) (intro.) Reallocation or reclassification
6 to a lower class. ~~Regraded~~ The pay of regraded employes whose
7 positions are reclassified or reallocated pursuant to s. ER-Pers
8 3.01 (2) or (3), to a lower class shall have their pay adjusted be
9 determined as follows:

10 SECTION 141. ER-Pers 29.03 (3) (e) 1. and 2. are renumbered
11 ER 29.03 (3) (e) 1. and 2. and amended to read:

12 ER 29.03 (3) (e) 1. ~~Employee~~ Regraded employes serving a
13 probationary period for an original appointment shall continue to
14 be compensated at their present rate of pay as long as it does not
15 exceed the pay range maximum for the new class. If the present
16 rate of pay exceeds the pay range maximum, it shall be reduced to
17 the pay range maximum. If the employe has previously attained
18 permanent status in class but is serving a probationary period as
19 a result of a promotion or transfer within the agency, the
20 appointing authority, under s. 230.28 (1) (d), Stats., shall
21 restore the employe to his or her former position or a similar
22 position assigned to a class in the same or counterpart pay range
23 if the incumbent requests such action in lieu of continuing in the

1 reallocated position. In such action, the ~~employee shall be paid~~
2 ~~the same rate received prior to the promotion or transfer plus~~
3 ~~intervening general pay adjustments and intervening within range~~
4 ~~pay adjustments~~ employee's base pay rate shall be determined in
5 accordance with s. ER 29.03 (7) (b).

6 2. ~~Employee~~ Regraded employees who have permanent
7 status in the new class shall continue to be compensated at their
8 present rate of pay. If the present rate of pay exceeds the pay
9 range maximum, it shall be red circled and continued under the
10 provisions of s. ~~ER-Pers 29.025~~ ER 29.025.

11 SECTION 142. ER-Pers 29.03 (4) (a) is repealed.

12 SECTION 143. ER-Pers 29.03 (4) (b) is renumbered ER 29.03
13 (4) (b) 1. and amended to read:

14 ER 29.03 (4) (b) Calculating pay on promotion. 1. In pay
15 schedules where appropriate, on promotion an employee's present pay
16 rate of pay shall be increased ~~to either 110% of the employee's~~
17 ~~present pay rate,~~ by 3 within range pay steps or to the minimum of
18 the new range, whichever is greater. ~~For promotions to trainee~~
19 ~~classes, the minimum of the pay range means the minimum~~
20 ~~established for the training program.~~

21 SECTION 144. ER-Pers 29.03 (4) (c) is repealed.

1 SECTION 145. ER-Pers 29.03 (4) (d) is renumbered ER 29.03
2 (4) (b) 2.

3 SECTION 146. ER-Pers 29.03 (5) (a) (intro.) and 1. are
4 renumbered ER 29.03 (5) (a) (intro.) and 1. and amended to read:

5 ER 29.03 (5) PAY ON TRANSFER. (a) (intro.) In schedules
6 where appropriate, when an employe transfers, the base pay rate
7 may be any rate within the pay range which is not greater than the
8 last base pay rate received in the employe's former position with
9 the following exceptions:

10 1. ~~Employes with permanent status in class~~ who are
11 not serving a probationary period shall be paid receive a base pay
12 rate not less than PSICM for the class.

13 SECTION 147. ER-Pers 29.03 (5) (a) 2. and 3. are repealed.

14 SECTION 148. ER-Pers 29.03 (5) (a) 4. is renumbered ER
15 29.03 (5) (a) 2. and amended to read:

16 ER 29.03 (5) (a) 2. Employes who are involuntarily
17 transferred for reasons other than disciplinary reasons shall
18 retain their present rate of pay. If the present rate of pay
19 exceeds the new pay range maximum, it shall be red circled and
20 continued under the provisions of s. ~~ER-Pers 29.025~~ ER 29.025.

1 SECTION 149. ER-Pers 29.03 (5) (b) is renumbered ER 29.03
2 (5) (b).

3 SECTION 150. ER-Pers 29.03 (6) (a) is renumbered ER 29.03
4 (6) (b) and amended to read:

5 ER 29.03 (6) (b) For the purposes of ~~this subsection~~ par.
6 (c), "last rate received" ~~refers to~~ means the highest base pay
7 rate received in ~~the classified civil service position from which~~
8 ~~reinstatement eligibility is derived or the highest rate received~~
9 ~~within the last 3 years in a~~ any position in which the employe ~~had~~
10 ~~attained~~ held permanent status in class, ~~whichever is greater~~
11 within the last 3 years.

12 SECTION 151. ER-Pers 29.03 (6) (b) (intro.), 1. and 2. are
13 renumbered ER 29.03 (6) (c) 1. (intro.), a. and b., and ER 29.03
14 (6) (c) 1. (intro.), as renumbered, is amended to read:

15 ER 29.03 (6) (c) 1. (intro.) ~~When~~ Except as provided in
16 subds. 2., 3. and 4., when an employe is reinstated, the base pay
17 may be at any rate ~~within the pay range for the class to which the~~
18 ~~employe is reinstated~~ which is not greater than the last rate
19 received plus intervening ~~across-the-board general pay~~
20 ~~adjustments, other intervening within range pay adjustments, and,~~
21 ~~in pay schedules where applicable, an equity award.~~ compensation
22 plan adjustments pursuant to s. 230.12, Stats., or contractual
23 adjustments pursuant to s. 111.92, Stats. When such adjustments

1 are discretionary the amount shall be limited to the amount which
2 would have been generated by the employe. The adjustments applied
3 to the employe's last rate received shall be that of the
4 appropriate pay schedule ~~for the~~ and class from which
5 reinstatement eligibility is derived subject to the following:

6 SECTION 152. ER-Pers 29.03 (7) (a) is renumbered ER 29.03
7 (7) (b) and amended to read:

8 ER 29.03 (7) (b) When an employe is restored following
9 military service, pursuant to s. 230.32, Stats., ~~or following a~~
10 ~~leave to serve in the unclassified service, pursuant to s. 230.33,~~
11 ~~Stats.,~~ approved leave of absence without pay under s. ER 18.14,
12 or following noncompletion of a promotional probationary period
13 within an agency under s. ER-Pers 14.03 (1), the employe shall,
14 ~~subject to the maximum of the pay range or rate to which the class~~
15 ~~is assigned, be paid~~ receive a base rate equal to the last rate
16 received plus intervening ~~across the board general pay~~
17 ~~adjustments for the pay range to which the class is assigned,~~
18 ~~other intervening within range pay adjustments and, in pay~~
19 ~~schedules where applicable, shall also be eligible to receive an~~
20 ~~equity award~~ identified under s. ER 29.04 (13) or (14). When
21 such adjustments are discretionary, the amount shall be limited to
22 the amount which would have been generated by the employe. The
23 ~~adjustment~~ adjustments applied to the employe's last rate received
24 shall be that of the appropriate pay schedule for the class from
25 which restoration rights are derived.

1 SECTION 153. ER-Pers 29.03 (7) (b) to (d) are repealed.

2 SECTION 154. ER-Pers 29.03 (7) (e) is renumbered ER 29.03
3 (7) (f).

4 SECTION 155. ER-Pers 29.03 (8) (a), (b) (intro.) and (c)
5 are renumbered ER 29.03 (8) (a), (b) and (c) and ER 29.03 (8) (a)
6 and (b), as renumbered, are amended to read:

7 ER 29.03 (8) PAY ON DEMOTION. (a) An employe demoted for
8 disciplinary purposes may ~~be paid at any~~ receive any base pay rate
9 within the new pay range as defined under s. ER 1.02 (23) which is
10 not greater than the last rate received and not less than PSICM.

11 (b) An employe who voluntarily demotes may ~~be paid at~~
12 ~~any~~ receive any base pay rate within the new pay range which is
13 not greater than the last rate received ~~and not less than~~, except
14 employees who are not serving a probationary period shall receive a
15 base pay rate not less than PSICM.

16 SECTION 156. ER-Pers 29.03 (8) (b) 1. to 3. are repealed.

17 SECTION 157. ER-Pers 29.04 (1) to (15) are renumbered ER
18 29.04 (1) to (15), and ER 29.04 (1), (6), (13) and (14), as
19 renumbered, are amended to read:

1 ER 29.04 MULTIPLE PAY ADJUSTMENTS ON SAME DATE, ORDER OF
2 APPLICATION.

3 (1) Completion of the first 6 months of a
4 probationary ~~of~~ period, career executive trial period, or project
5 appointment.

6 (6) Career executive ~~reassignment or~~ voluntary
7 movement to a higher class.

8 (13) ~~Across the board or general salary scheduled~~
9 Compensation plan or contractual adjustments pursuant to ss.
10 230.12 (3) or 111.92, Stats., respectively, including but not
11 limited to within range pay adjustments other than those made
under subs. (1) through (12) and (15).

12 (14) Compensation plan schedule adjustments under s.
13 230.12, Stats. New minimums, PSICMs and regrade point minimums of
14 the pay schedules go into effect after adjustments listed in subs.
15 (1) through (13) are made.

16 SECTION 158. ER-Pers 29.04 (16) is repealed.

17 SECTION 159. ER-Pers 29.04 (17) is renumbered ER 29.04
18 (16).

19 SECTION 160. ER-Pers 29.05 is renumbered ER 29.05.

1 SECTION 161. ER-Pers 30.02 (1) is renumbered ER 30.02 and
2 amended to read:

3 ER 30.02 INCLUDED POSITIONS. After consultation with the
4 appointing authority for each position, and after an analysis of
5 the position based on criteria established herein, the
6 ~~administrator~~ secretary shall determine the positions that shall
7 be included in the career executive program. Positions to be
8 included in the program shall be predominantly administrative in
9 nature and be allocated to a classification assigned to pay range
10 18 or above of pay schedule 1 or at a ~~comparable level~~ counterpart
11 pay range as provided in the classification and compensation plan.

12 SECTION 162. ER-Pers 30.02 (2) is repealed.

13 SECTION 163. ER-Pers 30.06 (2) is renumbered ER 30.065 and
14 amended to read:

15 ER 30.065 PAY UPON COMPLETION OF THE FIRST 6 MONTHS OF
16 APPOINTMENT. ~~Except as provided in s. ER-Pers 30.09 (2) (a), a~~ A
17 pay increase of one within range pay step, subject to the pay
18 range maximum, shall be granted to an employee effective the
19 beginning of the pay period closest to the completion date of the
20 first 6 months of the trial period. ~~Such increase shall not~~
21 ~~exceed the maximum rate for the pay range, nor shall such increase~~
22 ~~be granted for completion of any trial period other than the trial~~

1 ~~period required upon initial appointment as a career executive.~~
2 However, such increase shall not be paid to an employe who
3 previously earned an increase under s. ER 29.03 (2) while serving
4 in a position in the same or higher pay range and whose pay on
5 initial appointment to the career executive program is based on
6 this previously earned rate unless the increase is necessary to
7 bring the employe's pay to PSICM. Thereafter, the employe shall
8 be guaranteed PSICM while serving in the position.

9 SECTION 164. ER-Pers 30.085 is renumbered ER 30.085 and
10 amended to read:

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

1 the employe and the appointing authority or the sending agency
2 shall develop a formal leave agreement under s. ~~ER-Pers 18.05 (2)~~
3 ~~(a)~~ ER 18.14 (2) (a).

4 SECTION 165. ER-Pers 30.09 is renumbered ER 30.09 and ER
5 30.09 (intro.), (2), (3) and (4), as renumbered, are amended to
6 read:

7 ER 30.09 (intro.) PAY ADJUSTMENTS RESULTING FROM CAREER
8 EXECUTIVE REASSIGNMENT OR VOLUNTARY MOVEMENT. ~~When a career~~
9 ~~executive employe is reassigned or voluntarily moves~~ Upon
10 reassignment as defined under s. ER-Pers 30.07 (1) or voluntary
11 movement to a position allocated to a classification assigned to
12 the same, to a higher, or to a lower pay range, the career
13 executive employe's pay shall be determined in accordance with the
14 following provisions:

15 (2) (a) A career executive ~~reassignment or a career~~
16 ~~executive~~ voluntary movement to a position allocated to a higher
17 class while the employe is serving the first 6 months of the trial
18 period on an original or promotional appointment shall be
19 considered a new original appointment or new promotional
20 appointment, respectively. In such case, the pay adjustment upon
21 completion of the first 6 months of the trial period as provided
22 in s. ~~ER-Pers 30.06 (2)~~, ER 30.02 is postponed until the beginning
23 of the pay period closest to the completion date of the first 6
24 months of service in the position in the higher class.

1 (b) A ~~reassignment or~~ voluntary movement, referred to
2 in sub. (2) (a), while the employe is not serving the first 6
3 months of the trial period shall result in the following pay rate:

4 1. For an employe who does not have reinstatement
5 eligibility to a class level higher than his or her current class,
6 an immediate increase to 110% of the employe's current rate of pay
7 of 3 within range pay steps or an immediate increase to the
8 minimum of the new pay range, whichever is greater, subject to the
9 maximum of the new pay range. ~~An~~

10 2. For an employe who has reinstatement eligibility
11 to the class to which he or she has voluntarily moved, a rate
12 calculated as if the employe was reinstated to the class from
13 which reinstatement eligibility is derived or the present rate,
14 whichever is greater.

15 (c) A movement referred to in par. (b) 1. shall
16 result in an increase of one within range pay step ~~shall be~~
17 ~~granted an employe~~ subject to the maximum of the pay range
18 effective the beginning of the pay period closest to the
19 completion date of the first 6 months of service in the position.

20 (3) A career executive reassignment to a position
21 allocated to a lower class shall result in the red circling of the
22 employe's pay rate and the provisions of s. ~~ER-Per 29.025~~ ER

1 29.025 shall apply.

2 (4) The pay rate upon a career executive voluntary
3 movement to a position allocated to a lower class shall be
4 established by the appointing authority and may be at any rate
5 which is not greater than the last rate received by the employe.
6 However, any such employe shall not be paid below the pay range
7 minimum and any such employe not serving the first 6 months of the
8 trial period shall be paid not less than PSCIM. If the employe's
9 rate of pay is greater than the maximum of the new pay range, it
10 may be red circled and subject to s. ~~ER-Pers 29.025~~ ER 29.025.

11 SECTION 166. ER-Pers 34.04 is renumbered ER 34.04 and
12 amended to read:

13 ER 34.04 POSITION CLASSIFICATION ACTIONS. Position
14 classification actions for project positions shall be made in
15 accordance with chs. ~~ER-Pers 2 and 3~~ ER 2 and 3.

16 SECTION 167. ER-Pers 34.05 (intro.) is renumbered ER 34.05
17 (intro.) and amended to read:

18 ER 34.05 (intro.) PAY PROVISIONS. ~~[s. 230.27 (2), Stats.]~~
19 The pay provisions of ch. ~~ER-Pers 29~~ ER 29 and the state
20 ~~classification and compensation plans~~ compensation plan for non-
21 represented employes shall apply to project appointees.

1 SECTION 168. ER-Pers 34.05 (1) to (3) are repealed.

1 NOTE: Provisions regarding
2 beginning pay, hiring above the
3 minimum, and raised hiring rates
4 for project employes and maximum
5 pay for project appointees are
6 now contained in the compensation
7 plan and under ch. ER 29.
8 Provisions dealing with pay on
9 completion of the first 6 months
10 of a project appointment are
11 contained under s. ER 29.03 (2m).
12

13 SECTION 169. ER-Pers 34.05 (4) to (8) are renumbered ER
14 34.05 (4) to (8), and ER 34.05 (4), (5) and (7), as renumbered,
15 are amended to read:

16 ER 34.05 (4) PAY ON REGRADE. Pay increases upon regrade as
17 a result of a reallocation or reclassification shall be determined
18 in accordance with s. ~~ER-Pers 29.03 (3)~~ ER 29.03 (3).

19 (5) OTHER PAY ADJUSTMENTS. Other pay adjustments such
20 as ~~general across the board~~ compensation plan adjustments under s.
21 230.12 (3), Stats., performance awards, equity awards, and
22 supplementary compensation shall be granted in accordance with the
23 compensation plan ~~and rule provisions for non-represented~~
24 ~~employes.~~

25 (7) SIMULTANEOUS PAY ADJUSTMENTS. Pay adjustments
26 which have the same effective date shall occur in the order
27 provided for other employes under s. ~~ER-Pers 29.04~~ ER 29.04.

1 SECTION 170. ER-Pers 34.06 (1) to (4) are renumbered ER
2 34.06 (1) to (4), and ER 34.06 (title), (1) (title) and (1) and
3 (4), as renumbered, are amended to read:

4 ER 34.06 (title) BENEFIT PROVISIONS. (1) (title) ABSENCES.

5 (a) Annual leave and sick leave shall be earned and used in the
6 same manner as authorized for permanent ~~non-represented~~
7 nonrepresented employes consistent with ss. ER 18.02, ER 18.04 and
8 ER 18.05.

9 (b) ~~Eligibility for annual military leave under s.~~
10 ~~230.35 (3), Stats., shall be earned after completion of the first~~
11 ~~6 months of employment in a project position. If prior~~
12 ~~eligibility has been attained in a permanent, seasonal, sessional~~
13 ~~or unclassified position and the employe has been appointed to the~~
14 ~~project position without an interruption of continuous service,~~
15 ~~such prior eligibility shall be retained.~~

16 NOTE: For eligibility for annual
17 military leave under s. 230.35
18 (3), Stats., see s. ER 18.08.

19 (c) Time off for jury ~~time~~ service and ~~voting time to~~
20 vote shall be granted in the same manner as authorized for
21 permanent non-represented employes.

22 NOTE: Also see s. ER 18.11 for
23 provisions on voting time.

1 (d) Holiday time off will be granted in accordance
2 with the provisions for permanent non-represented employees. ~~If an~~
3 ~~employee moves between permanent, seasonal, sessional or project~~
4 ~~positions during the year, the total number of personal holidays~~
5 ~~earned in the year shall not exceed 3.~~

6 NOTE: Also see ss. ER 18.04 and
7 18.05 (4) for provisions on
8 holidays.

9 (4) CONTINUOUS SERVICE. Continuous service credit
10 shall be earned for the duration of employment on the project.

11 NOTE: Also see s. ER 18.05 (3)
12 (a) for provisions on continuous
13 service.

14 SECTION 171. ER-Pers 34.06 (5) is repealed.

15 SECTION 172. ER-Pers 34.07 (1) and (2) are renumbered ER
16 34.07 (1) and (2).

1 EFFECTIVE DATE. The rules in this order shall take effect on
2 the first day of the month following publication in the Wisconsin
3 Administrative Register as provided in s. 227.22 (2) (intro.),
4 Stats.

5 Dated this 15th day of April, 1988.

A handwritten signature in cursive script, appearing to read "John M. Tries", is written over a horizontal line.

John M. Tries

Secretary