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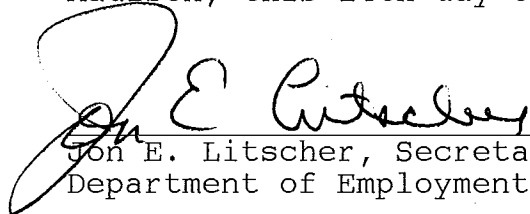
DEPARTMENT OF EMPLOYMENT RELATIONS)

SS

I, Jon E. Litscher, Secretary of the Department of Employment Relations and custodian of the official records, certify that the annexed rules, relating to classifications to be included in the Entry Professional Program, were duly approved and adopted by this Department on February 14, 1992.

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 and affixed the official seal of the Department of Employment Relations at 137 E. Wilson Street in the city of Madison, this 14th day of February, 1992.

  
Jon E. Litscher, Secretary  
Department of Employment Relations

4-1-92

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

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To create ER 8, relating to classifications to be included in the Entry Professional Program.

ANALYSIS PREPARED BY THE DEPARTMENT OF EMPLOYMENT RELATIONS

These proposed administrative rules interpret the statutory authority given to the Secretary of Department of Employment Relations (DER) in s. 230.22 (1) and (2), Stats. These rules are promulgated under the authority of s. 230.04 (5).

S. 230.22 (1), Stats., authorizes the Secretary to establish by rule an entry professional program for use in a wide range of entry professional positions. These rules are promulgated at the same time as proposed rules of the Administrator of the Division of Merit Recruitment and Selection in DER to implement the Administrator's new authority to establish separate recruitment, evaluation and certification procedures for certain entry professional positions. The rules establish the criteria to be used by the Secretary in determining which classifications may be filled by appointing authorities under the Entry Professional Program.

The criteria include:

- (a) Whether the typical, well-qualified candidate possesses a two-year, four-year or advanced post-secondary degree but usually has little or no relevant work experience.
- (b) Whether the typical, well-qualified candidate has completed a prescribed formal course of study which leads to registration or licensure which is required before the candidate may work in that field.
- (c) Whether use of the entry professional program will permit the agency to be more competitive when recruiting for the classification on campuses or in the general labor market.

Inclusion of a classification in the Entry Professional Program for recruitment and hiring purposes does not mean the classification meets the definition of "professional" under the State Employment Labor Relations Act nor is inclusion determinative of a classification's or position's status as "exempt" or "nonexempt" under the Fair Labor Standards Act.

The Secretary is required to include in the Department's annual affirmative action report an evaluation of the affirmative action characteristics of applicants in the Entry Professional Program.

TEXT OF RULE

SECTION 1. Chapter ER 8 is created to read:

Chapter ER 8

ENTRY PROFESSIONAL PROGRAM

ER 8.01 PURPOSE. This chapter implements s. 230.22 (1) and (2), Stats., which authorize the secretary to establish by rule an entry professional class program for use in a wide range of entry professional positions, and to establish separate classifications and pay provisions for entry professional positions. This program is intended to provide agencies a means by which they can compete on campuses and in the general labor market for the best available candidates and to assist agencies in advancing their affirmative action goals.

ER 8.02 CRITERIA. (1) The secretary shall determine which classifications to include in the entry professional program under subchapter II of chapter ER-Pers 8. Inclusion of a classification in this program for recruitment and hiring purposes does not mean the classification meets the definition of "professional" under s. 111.81 (15), Stats., (the state employment labor relations act), nor is inclusion determinative of a classification's or position's status as "exempt" or "nonexempt" under the Fair Labor Standards Act, 29 U.S.C. 201, et. seq.

(2) The secretary may consider the following criteria and other relevant factors in deciding which classifications to include in the entry professional program:

(a) Whether the typical, well-qualified candidate possesses a two-year, four-year or advanced post-secondary degree but usually has little or no relevant work experience.

(b) Whether the typical, well-qualified candidate has completed a prescribed formal course of study which leads to registration or licensure which is required before the candidate may work in that field.

(c) Whether use of the entry professional program will permit the agency to be more competitive when recruiting for the classification on campuses or in the general labor market.

ER 8.03 REVIEW OF ENTRY PROFESSIONAL PROGRAM The secretary shall include in the report required in s. 230.04 (9)(e), Stats., an evaluation of the gender, racial, ethnic and handicapped characteristics of individuals who apply, are certified and are hired under the entry professional program.

EFFECTIVE DATE

This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro), Stats.

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# The State of Wisconsin

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Asst. Revisor-Administrative Code

### MEMO

**To:** Bob Van Hoesen, Dept. of Employment Relations  
**From:** Gary L. Poulson, Revisor of Statutes Bureau  
**Date:** August 17, 1994  
**Subject:** Reprinting the ER-Pers Code

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At this time, I am interested in republishing the current ER-Pers Code in the 8 1/2" x 11" format. I will correct style and typographical errors, as well as those items I can correct under s. 13.93 (2m) (b), Stats.

In a previous discussion with you, I suggested changing this code's prefix to better reflect the name of the rule-making agency. I would suggest substituting "MRS" for "ER-Pers". I can make this change under authority of s. 13.93 (2m) (b) 1, Stats.

I would appreciate your thoughts on this matter. I anticipate that I would begin the composition process in about 2 weeks.