

## Chapter ER-MRS 12

### CERTIFICATION AND APPOINTMENT

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**Note:** Chapter Pers 12 was renumbered chapter ER-Pers 12, effective March 1, 1983. Chapter ER-Pers 12 was renumbered chapter ER-MRS 12 under s. 13.93 (2m) (b) 1., Stats., Register, October, 1994, No. 466.

**ER-MRS 12.01 Action by appointing authority.** To fill a vacancy, the appointing authority shall submit a request to the director.

**History:** Cr. Register, October, 1972, No. 202, eff. 11-1-72; am. Register, February, 1981, No. 302, eff. 3-1-81; CR 04-138; am. Register June 2004 No. 594, eff. 7-1-05; correction made under s. 13.92 (4) (b) 6., Stats., Register September 2015 No. 717.

**ER-MRS 12.02 Action by the director.** The director shall certify eligible applicants as provided in the law and rules or authorize appointment by other means as provided in s. 230.15 (1) and (2), 230.213 or 230.22 (3), Stats.

(1) Except for persons who are on mandatory restoration registers from layoff or from demotions as a result of layoff, under s. ER-MRS 22.08 (2) or who have specified right of restoration, certifications shall be made from existing employment registers in the following order of preference, subject to the discretion of the director: employing unit promotional, agencywide promotional, servicewide promotional, open competitive. The director shall place on file reasons for exceptions from this order of preference.

(2) Agency or employing unit promotional registers may be created from servicewide promotional registers and promotional registers may be created from registers established on the basis of open recruitment when the director determines such action to be consistent with sound personnel management practices including affirmative action considerations.

(3) The director may submit the names of persons interested in transfer, reinstatement or voluntary demotion along with a certification or, at the request of the appointing authority, in lieu of a certification.

**History:** Cr. Register, October, 1972, No. 202, eff. 11-1-72; am. Register, February, 1981, No. 302, eff. 3-1-81; am. (1), Register, February, 1983, No. 326, eff. 3-1-83; am. (intro.), Register, March, 1992, No. 435, eff. 4-1-92; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, October, 1994, No. 466; corrections in (1), (2), (3) made under s. 13.92 (4) (b) 6., Stats., Register September 2015 No. 717.

**ER-MRS 12.03 Selective certification.** Whenever a specific position within a classification requires special qualifications, the director may selectively certify persons having those qualifications. In such cases, the qualifications of the eligible persons on the register shall be reviewed to determine if they include the required special qualifications beginning with the highest ranking eligible person and continuing until the director determines certification should be made.

**History:** Cr. Register, October, 1972, No. 202, eff. 11-1-72; am. Register, February, 1981, No. 302, eff. 3-1-81; am., Register, May, 1988, No. 389, eff. 6-1-88; correction made under s. 13.92 (4) (b) 6., Stats., Register September 2015 No. 717.

**ER-MRS 12.04 Use of related registers.** (1) Lacking a complete certification from a register, the appointing authority may request additional names to complete the certification from another appropriate register as determined by the director.

(2) The director may certify additional names from registers of related classes in the same, counterpart or higher pay ranges to fill out an incomplete certification, or may make a certification

from registers of classes in the same, counterpart or higher pay ranges when no register exists for the class for which certification is requested. Such decisions shall include a determination by the director that the examinations for the same or higher classes or classes in counterpart pay ranges are job related for the work of the position for which certification is to be made.

**History:** Cr. Register, October, 1972, No. 202, eff. 11-1-72; am. Register, February, 1981, No. 302, eff. 3-1-81; am., (2), Register, May, 1988, No. 389, eff. 6-1-88; corrections in (1), (2) made under s. 13.92 (4) (b) 6., Stats., Register September 2015 No. 717.

**ER-MRS 12.05 Use of expanded certification for a specified gender and minorities.** The director may provide for certifications under the provisions of s. 230.25 (1n), Stats., as a supplement to certifications made under the provisions of s. 230.24 (1) or 230.25 (1) and (1m), Stats.

**History:** Cr. Register, February, 1981, No. 302, eff. 3-1-81; am. (1), Register, February, 1983, No. 326, eff. 3-1-83; am. (intro.), r. (1) and (2), Register, May, 1988, No. 389, eff. 6-1-88; correction made under s. 13.92 (4) (b) 6., Stats., Register September 2015 No. 717.

**ER-MRS 12.06 Disability expanded certification.**

(1) Upon request of an agency, the director may provide for certifications under the provisions of s. 230.25 (1n), Stats., as a supplement to certifications made under the provisions of s. 230.24 (1) or 230.25 (1) and (1m), Stats.

(2) To be eligible for certification under this section, a person shall have a permanent physical or mental impairment which substantially limits the major life activity of working. In this subsection, "substantially limits" means significantly restricts the ability to perform either a class or broad range of jobs compared to the average person who has comparable training, skills and abilities.

(3) Eligibility for certification under this section shall be limited to persons who provide the director a written verification of their impairment prior to certification. The verification shall be submitted on a form provided by the director and shall be completed by a qualified professional who is knowledgeable about the person's impairment and its effect on the person's ability to work. In this subsection, a "qualified professional" means a physician, psychologist, psychiatrist, rehabilitation-vocational counselor, high school special education teacher, counselor at the division of vocational rehabilitation, or other persons, as approved by the director. The verification shall be valid for all positions for which the person applies for 5 years after the date the director receives the verification. A person may submit an additional verification at any time after a previous verification expires.

**Note:** Forms are available free from the Bureau of Merit Recruitment and Selection, 101 East Wilson Street, 4<sup>th</sup> Floor, Madison, or by mail at PO Box 7855, Madison, WI 53707-7855, at [www.wiscjobs.state.wi.us](http://www.wiscjobs.state.wi.us), or at other locations throughout the state where Applications for State Employment are available.

**History:** Cr. Register, May, 1988, No. 389, eff. 6-1-88; emerg. cr. (1) and (2), eff. 5-17-90; renum. ER-Pers 12.06 to be ER-Pers 12.06 (1), cr. (2) and (3), Register, January, 1991, No. 421, eff. 2-1-91; am. (2) and (3), Register, August, 1992, No. 440, eff. 9-1-92; corrections in (1), (3) made under s. 13.92 (4) (b) 6., Stats., Register September 2015 No. 717.

**ER-MRS 12.07 Additional certifications.** Upon request of an agency, the director may, under s. 230.08 (7), Stats., certify additional names to supplement those certified under s. ER-MRS 12.06. The additional names shall be those of candi-

dates with a disability for whom the director has waived the test requirement. The director may waive the test requirement for a person with a disability under this section if the director determines that the disability precludes the person from equitably participating in the tests used to examine candidates certified under s. 230.24 (1) or 230.25, Stats., because of impaired sensory, manual, reading or speaking skills not related to the tasks to be performed after reasonable accommodations have been made on the job.

**History:** Cr. Register, May, 1988, No. 389, eff. 6-1-88; correction made under s. 13.93 (2m) (b) 7., Stats., Register, October, 1994, No. 466; CR 04-138: am. Regis-

ter June 2005 No. 594, eff. 7-1-05; correction made under s. 13.92 (4) (b) 6., Stats., Register September 2015 No. 717.

**ER-MRS 12.08 Confirmation of appointment.** Confirmation of appointment shall be in writing by the appointing authority and shall be sent to the employee no later than the first day of employment. Such letter of appointment shall include conditions of employment such as starting date, rate of pay, and probationary period to be served.

**History:** Cr. Register, February, 1981, No. 302, eff. 3-1-81; renum. from ER-Pers 12.07 and am., Register, May, 1988, No. 389, eff. 6-1-88.