

Chapter ER-MRS 30

CAREER EXECUTIVE EMPLOYMENT

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Note: Chapter Pers 30 was renumbered chapter ER-Pers 30, except Pers 30.12, effective March 1, 1983. Chapter ER-Pers 30 was renumbered chapter ER-MRS 30 under s. 13.93 (2m) (b) 1., Stats., Register, October, 1994, No. 466; Corrections made under s. 13.93 (2m) (b) 6., Stats., Register December 2003 No. 576.

ER-MRS 30.01 Policy. (1) In accordance with s. 230.24, Stats., these administrative rules are promulgated: to provide state agencies with a pool of highly qualified executive candidates for competitive appointment to executive level positions in such a way as to achieve and maintain a balanced work force; to provide employees with the opportunity for advancement as well as flexibility and mobility within and between state agencies; and to make optimum use of employees' managerial and administrative skills.

(2) The career executive program is an integral part of the civil service system of the state of Wisconsin and subject to all statutes and the rules of the director. In accordance with the provisions of s. 230.24, Stats., where other statutes and rules conflict with s. 230.24, Stats., and the rules promulgated to effect such statute, the provisions of s. 230.24, Stats., shall take precedence.

(3) On initial appointment to or voluntary movement into a career executive position, the employee becomes a career executive.

History: Cr. Register, March, 1974, No. 219, eff. 4-1-74; am., Register, February, 1981, No. 302, eff. 3-1-81; cr. (3), Register, February, 1983, No. 326, eff. 3-1-83; am. (3), Register, May, 1988, No. 389, eff. 6-1-88; correction in (2) made under s. 13.92 (4) (b) 6., Stats., Register September 2015 No. 717.

ER-MRS 30.03 Career executive candidate source and registers. Career executive candidates may be classified civil service employees or persons from outside of the classified civil service. All candidates shall have demonstrated knowledges and skills acquired through work experience and training which, in the judgment of the director, will provide reasonable prospects for success in the type of positions included in the program.

History: Cr. Register, March, 1974, No. 219, eff. 4-1-74; am. (1) and (2), (3) renum. from Pers 30.04 (4) and am., Register, February, 1981, No. 302, eff. 3-1-81; CR 01-141: r. (3), Register April 2002 No. 556, eff. 5-1-02; correction in (1) made under s. 13.92 (4) (b) 6., Stats., Register September 2015 No. 717; CR 18-006: r. (2) Register July 2018 No. 751, eff. 8-1-18; renum. (1) to ER-MRS 30.03 under s. 13.92 (4) (b) 1., Stats., Register July 2018 No. 751.

ER-MRS 30.05 Certification. Except as provided in ss. ER-MRS 30.07, 30.08, and 30.11 (2), certification for appointment to a vacant career executive position shall be according to s. 230.25, Stats.

History: Cr. Register, March, 1974, No. 219, eff. 4-1-74; am., (1), r. and recr. (2), r. (3), Register, February, 1981, No. 302, eff. 3-1-81; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, October, 1994, No. 466; CR 01-141: renum. (1) to be ER-MRS 30.05, r. (2), Register April 2002 No. 556, eff. 5-1-02.

ER-MRS 30.06 Career executive trial period. (1) Upon initial appointment to the career executive program, a career executive employee, prior to attaining permanent status, shall serve a 2 year continuous service trial period. If an employee transfers to a different agency while serving a trial period, the trial period shall be restarted at the receiving agency. Upon suc-

cessful completion of the trial period, a career executive employee attains permanent status as a career executive. Termination during a trial period will be in accordance with s. ER-MRS 30.11. Except as provided in s. ER-MRS 30.11, career executive employees shall be required to complete only one trial period regardless of subsequent movement to other career executive positions, including movement between agencies.

(3) An employee who has completed a trial period, upon transfer to a new agency, may be required by the appointing authority at the receiving agency to serve a permissive probation of up to 12 continuous months. At any time, during the permissive probationary period, the receiving agency may remove the employee from the career executive position without right of appeal. Any other removal or discharge during the probationary period shall be subject to s. 230.34, Stats. Termination of the permissive probationary period shall be in accordance with ch. ER-MRS 13.

History: Cr. Register, March, 1974, No. 219, eff. 4-1-74; am. (1), Register, September, 1975, No. 237, eff. 10-1-75; am., Register, February, 1981, No. 302, eff. 3-1-81; am. (1) Register, February, 1983, No. 326, eff. 3-1-83; renum. (2) to be ER 30.065, Register, May, 1988, No. 389, eff. 6-1-88; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, October, 1994, No. 466; CR 01-141: am. (3), Register April 2002 No. 556, eff. 5-1-02; correction in (1) made under s. 13.92 (4) (b) 6., Stats., Register September 2015 No. 717; CR 18-006: am. Register July 2018 No. 751, eff. 8-1-18.

ER-MRS 30.07 Career executive reassignment. (1) Career executive reassignment means the permanent appointment by the appointing authority of a career executive within the agency to a different career executive position at the same or lower classification level for which the employee is qualified to perform the work after being given the customary orientation provided to newly hired workers in such positions.

(2) When an appointing authority determines that the agency's program goals can best be accomplished by reassigning an employee in a career executive position within the agency to another career executive position in the same or lower classification level for which the employee is qualified and when the reassignment creates a subsequent vacancy for open recruitment consistent with s. 230.24, Stats., the appointing authority may, upon approval of the director, make such reassignment, provided it is reasonable and proper. All such reassignments shall be made in writing to the affected employee, with the reasons stated therein.

(3) An employee may not be reassigned between agencies under the provisions of s. 230.24 (4), Stats., while serving the trial period.

History: Cr. Register, March, 1974, No. 219, eff. 4-1-74; am., Register, February, 1981, No. 302, eff. 3-1-81; r. and recr. (1), Register, February, 1983, No. 326, eff. 3-1-83; CR 18-006: am. (2), cr. (3) Register July 2018 No. 751, eff. 8-1-18.

ER-MRS 30.08 Career executive transfer. Voluntary transfer of career executive employees shall be in accordance with ch. ER-MRS 15, except that where ch. ER-MRS 15 conflicts with this chapter, the provisions of this chapter shall apply.

History: Cr. Register, March, 1974, No. 219, eff. 4-1-74; renum. (1) and am., r.

(2), Register, February, 1981, No. 302, eff. 3-1-81; CR 01-141: r. and recr. Register 2002 No. 556, eff. 5-1-02; CR 18-006: am. Register July 2018 No. 751, eff. 8-1-18.

ER-MRS 30.10 Career executive employee redress rights. (1) Career executive program employment grants to each employee thereunder rights and privileges of movement between positions within the program and additional competition as determined by the director. Career executive reassignment and career executive voluntary movement to a position allocated to a classification assigned to a lower or higher pay range shall not be considered a demotion, or a promotion, respectively, and the statutory appeal rights provided thereto shall not apply.

(2) Career executive reassignment by the appointing authority, as defined under s. ER-MRS 30.07 (1) and referred to in sub. (1), is authorized when the reassignment creates a subsequent vacancy for open recruitment consistent with s. 230.24, Stats. and upon approval of the director. However, an employee with permanent status in the career executive program may appeal the reassignment to the Wisconsin Employment Relations Commission if it is alleged that such reassignment either constitutes an unreasonable and improper exercise of an appointing authority's discretion or is prohibited by s. 230.18, Stats.

(3) Removal of an employee with permanent status in the career executive program from the career executive program which results in the placement of the employee in a position allocated to a classification assigned to a lower non-career executive pay range is defined as a demotion, and may be appealed.

(4) Permanent status in the career executive program grants an employee the same redress rights granted employees with permanent status in class under s. 230.44, Stats., except as provided in sub. (1).

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

History: Cr. Register, March, 1974, No. 219, eff. 4-1-74; am. (1) and (2), r. (3), renum. (4) and (5) to be (3) and (4) and am., Register, February, 1981, No. 302, eff. 3-1-81; am. (2) to (4) and cr. (5), Register, February, 1983, No. 326, eff. 3-1-83; correction in (2) made under s. 13.93 (2m) (b) 7., Stats., Register, October, 1994, No. 466; CR 01-141: am. (3), Register April 2002 No. 556, eff. 5-1-02; CR 18-006: am. (1), (2) Register July 2018 No. 751, eff. 8-1-18.

ER-MRS 30.105 Layoff of career executive employees. Layoff of career executive employees shall be in accordance with ch. ER-MRS 22, except that where ch. ER-MRS 22 conflicts with this chapter, the provisions of this chapter shall apply.

History: Cr. Register, February, 1981, No. 302, eff. 3-1-81; cr. (intro.), am. (2) (intro.), (3) (intro.), (a) and (c), (4) and (5), Register, February, 1983, No. 326, eff. 3-1-83; am. (2) (b), Register, May, 1988, No. 389, eff. 6-1-88; corrections made under s. 13.93 (2m) (b) 7., Stats., Register, October, 1994, No. 466; CR 01-141: r. and recr. Register April 2002 No. 556, eff. 5-1-02; CR 18-006: am. Register July 2018 No. 751, eff. 8-1-18.

ER-MRS 30.11 Re-employment following termina-

tion of trial period. (1) If a career executive appointment is terminated prior to the completion of a trial period, the employee shall have the same reemployment rights and eligibility as an employee in a non-career executive position who is terminated prior to completing a probationary period. In addition, an employee with permanent status in a non-career executive position who is appointed to a career executive position in an agency referred to as the "trial" agency, which is other than the agency, referred to as the "status" agency, in which the employee was serving with permanent status in class, and the termination was without misconduct or delinquency, the employee shall be re-employed in a position at or closest to the same or counterpart pay range level in which the employee last achieved permanent status in class, as follows:

(a) Within the "status" agency, if terminated during the first 12 months of the trial period, and

(b) Within the "trial" agency, if terminated after the first 12 months of the trial period.

(2) If the position to which the employee is to be re-employed has been abolished, the employee shall be given consideration for any other vacant position in the same or counterpart pay range for which the employee is qualified to perform the work after being given the customary orientation provided for newly hired workers. If no such vacant position exists, the employee shall be treated as if he or she had been re-employed in the previous position and the provisions for making layoffs under ch. ER-MRS 22 shall apply.

History: Cr. Register, March, 1974, No. 219, eff. 4-1-74; am. (1), renum. (2) to be (3) and am., cr. (2), Register, February, 1981, No. 302, eff. 3-1-81; correction in (2) and (3) made under s. 13.93 (2m) (b) 7., Stats., Register, October, 1994, No. 466; CR 18-006: r. and recr. (title), am. (1), (2), r. (3) Register July 2018 No. 751, eff. 8-1-18.

ER-MRS 30.99 Incumbents of positions placed in the career executive program. (1) Each incumbent whose position is placed in the career executive program shall immediately come under the career executive employment provisions.

(2) Incumbents whose positions are placed in the career executive program shall earn permanent status immediately upon entering the program. However, incumbents serving a probationary period at the time of entry shall not earn permanent status until they successfully complete the probationary period specified in the appointment letter.

(3) The provisions specified in subs. (1) and (2) shall also apply to persons on authorized leave of absence from positions placed in the career executive program, commencing with their return.

History: Cr. Register, March, 1974, No. 219, eff. 4-1-74; r. (1), renum. (2) to be (1) and am., renum. (3) and (4) to be (2) and (3), Register, February, 1978, No. 266, eff. 3-1-78; am., Register, February, 1981, No. 302, eff. 3-1-81; am. (1), Register, May, 1988, No. 389, eff. 6-1-88; corrections in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, October, 1994, No. 466; CR 01-141: am. (1) and (2), Register April 2002 No. 556, eff. 5-1-02.