

Chapter PW-PA 10

**MERIT SYSTEM RULES FOR COUNTY AGENCIES
ADMINISTERING SOCIAL SECURITY AIDS, ADULT
SERVICES, CHILD WELFARE SERVICES, AND
JUVENILE COURT SERVICES**

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History: Chapter PW-PA 10 as it existed on October 31, 1971 was repealed and a new chapter PW-PA 10 was created, Register, October, 1971, No. 190, effective January 1, 1972.

PW-PA 10.01 Statement of intent. The intent of these rules is to promote the efficient personnel administration of staff providing services and aids in the programs of old-age assistance, of aid to the blind, to families with dependent children and to totally and permanently disabled persons, and of adult, child welfare and juvenile court services, in agreement with requirements for federal aid, by the establishment and maintenance of rules for a merit system of personnel administration.

History: Cr. Register, October, 1971, No. 190, eff. 1-1-72.

PW-PA 10.02 Delegation. (1) A civil service system shall receive full delegation in writing from the division if the system:

- (a) Requests in writing full delegation.
- (b) Offers sufficient evidence to substantiate it meets Wis. Adm. Code section PW-PA 10.03.
- (2) If a delegated civil service system fails to maintain any requirement of Wis. Adm. Code section PW-PA 10.03 the division shall notify the civil service system in writing of its failure to meet requirement(s) of Wis. Adm. Code section PW-PA 10.03 and grant them 60 days to come into compliance.
- (3) If the delegated civil service system does not come into compliance within 60 days the division shall:

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(a) Rescind in writing that part of the delegation that is not being met; or

(b) Rescind in writing the full delegation.

History: Cr. Register, October, 1971, No. 190, eff. 1-1-72; am. Register, April, 1972, No. 196, eff. 5-1-72.

PW-PA 10.03 Requirements for a merit system of personnel administration. (1) The system shall cover all grant aided agencies required by the federal government to be under a merit system and shall be impartially administered by a qualified merit system officer who may be responsible to the chief executive, a top level official, a board or commission.

(2) All positions in the system shall be defined and classified based upon an analysis of duties and responsibilities.

(3) All positions in the system shall be placed in a hierarchial structure and compensated accordingly.

(4) For assessing conformance with minimum salary levels the county position with comparable qualifications shall have a salary at least equal to typist I, administrative assistant I, social worker I and director in the division of family services county merit system pay minimums.

(5) The groups from which recruitment is conducted for any position shall be broad enough so that at least 3 persons are qualified to apply.

(6) Within the recruitment area all qualified applicants shall have equal opportunity to compete for positions under Wisconsin statutes covering equal opportunity and fair employment practices.

(7) The appointing authority has a right to at least 3 names of certified candidates from which to select.

(8) The appointing authority shall appoint according to the rules of the merit system.

(9) A fixed probationary period for a given class shall be a part of the examination process. An employee is deemed a permanent employee if not terminated before the end of the fixed probationary period.

(10) The merit system shall insure that personnel records shall be maintained by the agency on all employees and the agency shall record all personnel actions pertaining to the employee.

(11) The employee shall be given a written statement of agency work rules and fringe benefits.

(12) Lay-off procedures shall insure that no permanent employee in a given class is laid off while non-permanent employees are employed.

(13) Reinstatement procedures shall give priority to laid off employees.

(14) All permanent employees shall have a right to appeal termination of employment to an impartial body, or shall have a hearing by an impartial body prior to termination of employment. The ruling of this body shall be binding.

(15) The merit system shall provide that employee performance and potential shall be evaluated systematically in order to improve individual effectiveness, to assess training needs and plan training opportunities and to provide a basis for decisions on placements, pro-

motions, separations, salary advancements and other personnel actions.

(16) No employee of an agency shall accept compensation, gift or gratuity from any person, persons, or organizations which may be involved in decisions made or influenced by him, or which will otherwise create conflict between his duty in the public interest and his private interest.

(17) The merit system shall enable any agency to meet and maintain minimum state and federal statutes, rules and regulations for personnel practices, training and staffing patterns.

History: Cr. Register, October, 1971, No. 190, eff. 1-1-72; am. Register, April, 1972, No. 196, eff. 5-1-72.

PW-PA 10.04 Effect of rules. (1) The following rules for the merit system have the full effect and force of law as provided in section 227.01 (3), Wis. Stats.

(2) Full delegation to develop and administer a merit rule is available to counties that meet all requirements of Wis. Adm. Code section PW-PA 10.03.

(3) All other counties shall meet:

(a) Wis. Adm. Code sections 10.05 through 10.20 in administering personnel practices to agency employees whose positions are covered by a bargaining unit;

(b) Wis. Adm. Code sections 10.05 through 10.26 in administering personnel practices to agency employees whose positions are not covered by a bargaining unit.

(4) Agencies and collective bargaining groups using these rules should also be aware of and familiar with the statutory sections relating to county personnel administration and the state's supervisory role.

(5) These rules were adopted in accordance with section 49.50 (2), Wis. Stats., by the department of health and social services, and the administration of such rules shall be delegated to the division of family services.

History: Cr. Register, October, 1971, No. 190, eff. 1-1-72; am. Register, April, 1972, No. 196, eff. 5-1-72.

PW-PA 10.05 Exceptions to rules. The division may make exceptions to any of the merit system rules when under an unusual set of circumstances the enforcement of the rule(s) would thwart the objective of the merit system and granting of such an exception is not in conflict with Wisconsin or federal statutes or regulations.

History: Cr. Register, October, 1971, No. 190, eff. 1-1-72.

PW-PA 10.06 Definitions. (1) **DEPARTMENT.** Unless qualified, the State of Wisconsin Department of Health and Social Services.

(2) **SECRETARY.** The secretary of the department.

(3) **DIVISION.** Unless qualified, the division of Family Services of the department as constituted in section 46.03, Wis. Stats. The division shall be responsible with the approval of the secretary, for the performance of the functions of the department with respect to the application of the merit rules.

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(4) **APPOINTING AUTHORITY.** The officer, board, person or group of persons having authority to hire, discipline, and remove subordinate employes.

(5) **AGENCY.** Either (a) the county agency charged with the administration of the social security aids and adult and child welfare services, or (b) the appropriate court having juvenile court jurisdiction.

(6) **DIRECTOR.** The administrator of an agency covered under these rules.

(7) **JUVENILE JUDGE.** That judge of the court(s) of record designated in a particular county in which juvenile matters will be heard pursuant to section 48.03 (1), Wis. Stats.

(8) **ADMINISTRATIVE LEAVE.** A voluntary leave of absence without pay at the request of the employee or an involuntary leave with pay at the request of the employer.

(9) **ALLOCATION.** The official act by which a position is initially placed in one of the classifications in the classified service.

(10) **BARGAINING UNIT.** A group of positions recognized by the county or certified by the Wisconsin employment relations commission to constitute a unit appropriate for collective bargaining purposes.

(11) **CLASSIFICATION.** A group of positions containing substantially similar duties, responsibilities, training and experience requirements and such other characteristics, that common job titles, pay provisions and tests of fitness may be applied to each position in the group.

(12) **DEMOTION.** The movement of an employee with permanent status from a position in one classification to a position of another classification having a lower maximum salary.

(13) **DESIRABLE QUALIFICATIONS.** The preferred requirements of education and experience and other qualifications as described for a given classification in the classification plan.

(14) **DISMISSAL.** The termination of employment of a permanent employee for cause, or a trainee or probationary employee for reasons specified by the employer.

(15) **DIVISION OF FAMILY SERVICES COUNTY MERIT SYSTEM PAY MINIMUMS.** A compensation plan which establishes minimum salaries for each classified position under these merit system rules which is published by the division annually.

(16) **ELIGIBLE.** Any person who is on an active register for appointment, promotion, or reinstatement.

(17) **EMPLOYEE.** (a) *Paid:* Any person who is employed and paid by the agency under these merit system rules.

(b) *Unpaid:* Any person who without pay performs tasks normally assigned to a paid employee. This person must meet the experience and training standards under these merit system rules.

(18) **EMERGENCY APPOINTMENT.** An appointment required because urgent and necessary work requirements exist for not more than 20 working days in any 12 month period without regard to other provisions of this rule covering appointments.

(19) **EXEMPT POSITION.** A position herein designated as a position exempt from the application of this rule. The exempt positions in the agencies are the following:

(a) Assistant district attorneys or corporation counsels serving as legal counsel.

(b) Students engaged in on-the-job training.

(c) Members of county welfare boards paid only for attendance at meetings.

(d) Volunteer workers who render services without pay. (See also section PW-PA 10.06 (45)).

(e) Maintenance staff and unskilled labor.

(20) **FRINGE BENEFITS.** Employee benefits such as, but not limited to, vacation, sick leave, retirement, health insurance and life insurance.

(21) **IMPARTIAL BODY.** A person or group of persons having some understanding of employer-employee relationships, and who have no vested interest in the issue to be heard financially, administratively, legislatively, or judicially.

(22) **LAYOFF.** The termination of employment because of a shortage or stoppage of work or funds, functional reorganization, abolishment of a position, or for other similar reasons.

(23) **LIMITED TERM EMPLOYMENT.** Employment restricted to positions where the nature and conditions of employment do not lead to a career, and where the use of normal procedures for recruitment and examinations are not practical.

(24) **LONGEVITY PAY.** Additional pay granted to employees based on their length of service.

(25) **MINIMUM QUALIFICATIONS.** The requirements of education and experience and other qualifications are prescribed for a given classification in the classification plan.