

Chapter Pers 30

CAREER EXECUTIVE EMPLOYMENT

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Pers 30.01 Policy. (1) In accordance with section 16.19, Wis. Stats., to provide state departments with a pool of highly qualified executive candidates for appointment on a competitive basis to executive level positions and to provide employes a broad opportunity for advancement as well as flexibility and mobility within and between state agencies and units of state government, and to make optimum use of employe's managerial and administrative skills, these administrative rules are promulgated.

(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, state bureau of personnel as published in the Wis. Adm. Code. In accordance with the provisions of section 16.19, Wis. Stats., where other statutes and rules conflict with section 16.19, Wis. Stats., and the rules promulgated to effect such statute, the provisions of section 16.19, Wis. Stats., shall take precedence.

History: Cr. Register, March, 1974, No. 219, eff. 4-1-74.

Pers 30.02 Included positions. (1) After consultation with the appointing authority for each position, and after an analysis of the position based on criteria established herein, the director shall determine the positions that shall be included in the career executive program. Positions to be included in the program shall be predominantly administrative in nature and be allocated to a classification assigned to pay range 18 or above or at a comparable level as provided in the classification and compensation plan.

(2) As provided in section 16.05 (1) (f), Wis. Stats. the appointing authority may appeal the decision of the director.

History: Cr. Register, March, 1974, No. 219, eff. 4-1-74.

Pers 30.03 Career executive candidate source. (1) Career executive candidates may be classified civil service employes 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.

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(2) Primary emphasis shall be placed on obtaining career executive candidates from within the classified civil service.

History: Cr. Register, March, 1974, No. 219, eff. 4-1-74.

Pers 30.04 Examination and register. (1) The director shall provide for examination of applicants' administrative and management skills, knowledges, abilities and personal characteristics related to success as an executive using the most appropriate available scientific measurement techniques, including evaluations of training and experience where applicable and shall provide for recognition of evidence substantiating individual self-development during the term of eligibility on the register. A description of the measurement system utilized by the director shall be available in writing in advance. The system shall be applied uniformly to all career executive candidates.

(2) The director may add, delete or change measurement techniques when in his judgement it is appropriate and in such cases he may require persons on the career executive register to participate in additional examinations if necessary, in order to maintain their eligibility on the register and to adjust their ratings as indicated by the modified examination processes.

(3) Except as otherwise provided by (2) above, the term of eligibility on a career executive candidate register shall be 3 years. Thereafter the director may reactivate or extend the candidate's eligibility on the register.

(4) The register maintained for candidates who are classified civil service employes shall be maintained separate from the register for other candidates.

History: Cr. Register, March, 1974, No. 219, eff. 4-1-74.

Pers 30.05 Certification. (1) The highest ranking candidates shall be determined through matching of candidate qualifications, including where applicable technical or professional qualifications, and the qualification requirements for the position as determined through position analysis and the utilization of classification specifications approved by the personnel board under the provisions of subsection 16.07 (2) (a), Wis. Stats. All such candidates shall meet the standard for the position as established by the director. Except as provided in Wis. Adm. Code sections Pers 30.07, Pers 30.08 and subsection Pers 30.11 (2) certification for appointment to a vacant career executive position shall be limited to no more than the 10 highest ranking candidates on the register for classified civil service employes. Natural breaks in scores will be used when relevant to determine the actual number of names not to exceed 10 to be certified.

(2) After the appointing authority has given first consideration for appointment in accordance with (1) above to available qualified career executive candidates who are current classified employes, and upon request with supporting information supplied by the appointing authority for referral of additional qualified career executive candidates, the director may open the position to persons who are not classified civil service employes. Persons recruited and examined from outside of the classified service shall then be certified to the appointing authority in accordance with the method specified in (1) above, along with the previously certified career executive candidates who are current classified civil service employes. The number of

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candidates certified in accordance with this subsection shall be limited to no more than the top 10 candidates and no candidate who has earned an assessment rating lower than any candidate certified in accordance with (1) above shall be certified.

(3) Career executive reassignment or career executive movement, as provided in Wis. Adm. Code sections Pers 30.07 and 30.08, prior to the time the employe has earned career executive status shall be subject to the employe meeting the training and experience qualification requirements provided in the classification specifications approved by the personnel board under the provisions of subsection 16.07 (2) (a), Wis. Stats.

History: Cr. Register, March, 1974, No. 219, eff. 4-1-74.

Pers 30.06 Career executive trial period. (1) Upon initial appointment to the career executive program, a career executive employe, prior to attaining career executive status, shall serve a one year continuous service trial period, except that at the request of an appointing authority, the director may, on an individual position basis, prior to certification of candidates, establish up to one additional year of trial period. Such additional year or any portion thereof may be waived by the appointing authority at any time after the required one year continuous service trial period has been served upon notifying in writing both the employe and the director. If the second 6 months of the trial period is not served in a single department, the trial period shall be extended to provide for 6 continuous months of service in the last employing department. Upon successful completion of the trial period, a career executive employe earns career executive status. Except as provided in (3) below and Wis. Adm. Code section Pers 30.11 career executive employes shall be required to complete only one trial period regardless of subsequent movement to other career executive positions including movement between departments.

(2) Except as provided in Wis. Adm. Code section Pers 30.09 (2) (a) a pay increase of one within range pay step shall be granted to an employe effective the beginning of the pay period closest to the completion date of the first 6 months of the trial period, except that such increase shall not exceed the maximum rate for the pay range; nor shall such increase be granted for completion of any trial period other than the trial period required upon initial appointment as a career executive.

(3) At the discretion of the appointing authority in the receiving department, a career executive employe may be required to serve up to a 3 month trial period upon movement between departments. Upon agreement with the sending department and notification to the employe, the appointing authority in the receiving department may extend such trial period for 3 additional months. At any time, during the trial period, the receiving department may terminate the employe and the employe shall upon termination be returned to the sending department and be restored to the same employment status that he or she had at the time of movement to the new department.

History: Cr. Register, March, 1974, No. 219, eff. 4-1-74; am. (1), Register, September, 1975, No. 237, eff. 10-1-75.

Pers 30.07 Career executive reassignment. (1) Career executive reassignment is the action by the appointing authority of moving a

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career executive employe from one position to another in the career executive program within the appointing authority's department.

(2) When an appointing authority determines that an employe in a career executive position in his or her department can best be utilized to accomplish the department's program goals by reassignment to another career executive position for which the employe is qualified in a classification with the same, or lower pay range maximum, the appointing authority may make such reassignment provided it is reasonable and proper. All such reassignments shall be made in writing to the affected employe with the reasons stated therein.

History: Cr. Register, March, 1974, No. 219, eff. 4-1-74.

Pers 30.08 Career executive voluntary movement. (1) Any career executive shall be eligible to voluntarily move to any vacant career executive position within the employe's department. Prior to an intradepartment voluntary movement of a career executive employe to a position allocated to a classification assigned to a higher pay range, all career executive employes in the department shall be notified and provided the opportunity for appointment consideration.

(2) Prior to an interdepartment voluntary movement of a career executive employe to a position allocated to a classification assigned to a higher pay range, all career executive employes shall be notified and provided the opportunity for objective consideration for the appointment. Objective consideration shall be demonstrated to the director through documented position analysis and documented comparison of the qualifications of each career executive employe who applies for such movement. Prior to appointment of any career executive under this subsection, the director shall make a finding that the requirements for objective consideration of candidates under this subsection have been met and that the objective consideration was conducted in accordance with procedures established by the director.

History: Cr. Register, March, 1974, No. 219, eff. 4-1-74.

Pers 30.09 Pay adjustments resulting from career executive reassignment or voluntary movement. When a career executive employe is reassigned or voluntarily moves to a position allocated to a classification assigned to the same, to a higher or to a lower pay range, the employe's pay shall be determined in accordance with the following provisions:

(1) A career executive reassignment or a career executive voluntary movement to a position allocated to a classification assigned to the same pay range shall result in no pay adjustment, except that upon voluntary agreement by the career executive employe, the employe may be paid at any rate within the pay range which is not greater than the last rate received in his or her last position. However, any such employe not serving the first 6 months of the trial period shall be paid not less than one within range pay step above the minimum of the pay range.

(2) (a) A career executive reassignment or a career executive voluntary movement to a position allocated to a classification assigned to a pay range with a higher pay maximum while the employe is serving the first 6 months of the trial period shall result in an immediate one within range pay step increase, or an increase to the minimum of the new range, whichever is greater. In such case, the pay

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adjustment upon completion of the first 6 months of the trial period as provided in Wis. Adm. Code section Pers 30.06 (2) is postponed until the beginning of the pay period closest to the completion date of the first 6 months of service in the position.

(b) A reassignment or movement referred to in (2) (a) above while the employe is not serving the first 6 months of the trial period shall result in an immediate increase of one within range pay step or an immediate increase to the minimum of the pay range whichever is greater. An increase of one within range pay step shall be granted an employe effective the beginning of the pay period closest to the completion date of the first 6 months of service in the position.

(c) No increase shall exceed the maximum rate of the pay range.

(3) Except as provided in (4) a career executive reassignment to a position allocated to a classification assigned to a lower pay range shall result in no immediate pay adjustment. If the employe's rate of pay is greater than the maximum of the new pay range, the employe shall not be eligible to receive a pay adjustment except that provided under section 16.085, Wis. Stats., until such time as the pay range maximum equals or exceeds the employe's pay rate.

(4) When an employe with career executive status is reassigned for disciplinary purposes to a position in the career executive program allocated to a classification assigned to a lower pay range, the rate paid the employe may be at any rate within the pay range which is not greater than the last rate received immediately prior to such reassignment.

(5) A career executive voluntary movement to a position allocated to a classification assigned to a lower pay range shall result in an immediate pay reduction to the maximum of the new pay range, if the employe's pay is above the maximum of the new pay range. If the employe's pay is at or below the maximum of the new pay range, the employe may be paid at any rate within the pay range which is not greater than the last rate received in his or her last position and which is not less than one within range pay step above the minimum of the pay range when the employe is not serving the first 6 months of the trial period.

History: Cr. Register, March, 1974, No. 219, eff. 4-1-74.

Pers 30.10 Career executive employe redress rights. (1) Career executive program employment grants to each employe thereunder rights and privileges of movement between positions within the program without examination and additional competition except as provided in Wis. Adm. Code section Pers 30.08 (2). Career executive reassignment and career executive voluntary movement to a position allocated to a classification assigned to a pay range having a lower, or higher pay range maximum 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 referred to in (1) above, is authorized without limitation, unless upon appeal by an employe with career executive status to the personnel board, the personnel board finds that the performance evaluation under Wis. Adm. Code section Pers 30.12 or other evidence offered by the appointing authority fails to demonstrate that the appointing

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authority's action was reasonable and proper. The employe is also entitled to an appeal when such reassignment is alleged by the employe to constitute an unreasonable and improper exercise of an appointing authority's discretion or when such reassignment is alleged by the employe to be for a reason which is prohibited by section 16.14, Wis. Stats.

(3) An appointing authority may reassign a career executive employe for disciplinary purposes only for just cause.

(4) Removal of an employe with career executive status from the career executive program resulting in the placement of the employe in a position allocated to a classification assigned to pay range 17 or below is defined as a demotion and is subject to an appeal therefrom as authorized by established statutory provisions.

(5) Career executive status grants an employe the same redress rights granted employes with permanent status in class under subsection 16.05 (1) (e), Wis. Stats., for suspension without pay, discharge, layoff or reassignment for disciplinary purposes to a position within the career executive program allocated to a classification assigned to a lower pay range.

History: Cr. Register, March, 1974, No. 219, eff. 4-1-74.

Pers 30.11 Employment reinstatement and restoration. (1) If an employe's career executive appointment is terminated by the appointing authority at any time prior to receiving career executive status, the employe shall have the same reemployment rights and eligibility as an employe in a non-career executive position who is terminated prior to completing a probationary period. In addition, an employe with permanent status in a class appointed to a career executive position in a department other than the one in which the employe was serving with permanent status in class, shall for the first 6 months of the trial period, have mandatory reemployment rights to the last position in which he or she had permanent status in class or to a position in the same pay range in the department where last employed with permanent status in class. For the remaining portion of the trial period, the employe shall have mandatory rights to a position in the department where the employe is serving the trial period. Such position shall be one that the employe is qualified for and shall be allocated to a classification assigned to the same pay range as the last position in which he or she had permanent status in class.

(2) If an employe terminates employment as a career executive under conditions other than those specified in (1) above the employe shall have the same reinstatement and restoration status and rights as provided in Wis. Adm. Code chapter Pers 16.

History: Cr. Register, March, 1974, No. 219, eff. 4-1-74.

Pers 30.12 Performance evaluation. (1) The appointing authority shall complete at least once each year a performance evaluation of each career executive, incorporating the principles of management by objectives.

(2) Performance evaluations shall be joint evaluations by the career executive and his or her supervisor and shall be focused on improved program management, on development of the career executive's

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competence and on the improvement of the organizational and motivational environment within which he or she is functioning.

(3) Performance evaluations signed by the career executive and the supervisor shall become a part of the permanent personnel file of the career executive.

History: Cr. Register, March, 1974, No. 219, eff. 4-1-74.

Pers 30.13 Report of career executive actions. (1) The director shall annually, on March 1, submit a written report to the personnel board describing any of the following actions which affect the status of a career executive position or the employe who fills such a position: reallocation of a position to a different classification; reassignment of a classification to a different pay range; abolishment or creation of a career executive position; reassignment of a career executive to a position; allocated to a classification assigned to a different pay range; removal of a career executive employe from a career executive position; appointment of a person to a vacant career executive position.

(2) All reports under this section shall be prepared and presented in such manner as the personnel board directs.

(3) Thereafter the personnel board shall annually conduct an independent review of the career executive program used in filling career executive positions to determine whether it is successful in maintaining merit principles within the classified civil service. If after the review the personnel board determines that merit principles have been violated, the personnel board shall issue an enforceable order to remand the matter to the director for action in accordance with the board's decision.

History: Cr. Register, March, 1974, No. 219, eff. 4-1-74.

Pers 30.99 Provisions regarding incumbents of positions placed in the career executive program upon initiation of the program.

(1) Incumbents shall be assessed using the same assessment system used to assess candidates for career executive appointment.

(2) Each incumbent shall be given the option of being placed in the career executive program without certification in accordance with Wis. Adm. Code section Pers 30.05 or of remaining in his or her existing position under the non-career executive employment provisions. This option shall remain in effect for one year after the effective date of program implementation, or one year after the incumbent's position is placed in the program, whichever occurs later. Thereafter the employe remains in his or her existing position, which shall not be included in the career executive program as long as it is occupied by the incumbent, under the non-career executive employment provisions and any subsequent entrance by the employe to the program shall be by competitive appointment under the provisions of Wis. Adm. Code section Pers 30.05.

(3) Incumbents who exercise their option to be placed in the career executive program shall earn career executive status immediately upon entering the program, except that incumbents serving a probationary period upon entry shall earn career executive status simultaneously with successful completion of the remainder of the probationary period being served.

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

History: Cr. Register, March, 1974, No. 219, eff. 4-1-74.