

**Chapter ER-Pers 1****FORCE AND EFFECT OF RULES; DEFINITIONS**

ER-Pers 1.01 Force and effect of rules

ER-Pers 1.02 Definitions

Note: Chapter Pers 1 was renumbered to be chapter ER-Pers 1, effective March 1, 1983.

**ER-Pers 1.01 Force and effect of rules.** These rules of the administrator of the division of personnel are promulgated under authority of s. 230.05 (5) and ch. 227, Stats., and approved pursuant to s. 230.07 (1) (c), Stats., to specifically apply to provisions of the civil service law, subch. II of ch. 230, Stats. As provided under s. 230.01 (3), Stats., nothing in subch. II of ch. 230, Stats. or in these rules shall be construed to either infringe upon or supersede the rights guaranteed state employes under the provisions of the state employment labor relations act, subch. V of ch. 111, Stats. These rules are superseded by the labor contract for employes under such contract for the subjects of bargaining under s. 111.91 (1), Stats.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72; am. Register, September, 1975, No. 237, eff. 10-1-75; am. Register, February, 1981, No. 302, eff. 3-1-81.

**ER-Pers 1.02 Definitions.** In addition to those terms defined under s. 230.03, Stats., the following are definitions for terms used in these rules:

(1) "Appointment" means the action of an appointing authority to place a person in a position within the agency in accordance with the law and these rules. An appointment shall be effective when the employe reports for work or is in paid leave status on the agreed starting date and time. Acting assignments under ch. ER-Pers 32 are not appointments.

(2) "Counterpart pay ranges" means pay ranges or groupings of pay ranges in different pay schedules which are designated by the administrator to be at the same level for the purposes of determining personnel transactions.

(3) "Employe" means any person who receives remuneration for services rendered to the state under an employer-employe relationship in the classified civil service, except where otherwise stated or modified by rule.

(4) "Employing unit" means an agency or an established functional, organizational or geographic unit within the agency for any one or combination of the following: promotion, demotion, transfer, reinstatement, layoff and other related personnel transactions.

(5) "Higher class" means a class assigned to a higher pay range.

(6) "Higher pay range" means the pay range which has the greater pay range dollar value maximum when comparing pay ranges not designated as counterparts.

(7) "Kinds of employment" includes permanent, seasonal, sessional, limited term and project employment in the classified service.

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(a) "Permanent employment" means employment of a career nature that requires the services of an employe for 600 hours or more on an annual basis and includes school year employment under s. 230.08 (3) (e), Stats.

(b) "Seasonal employment" means employment which normally leads to a career through successive reinstatements and requires the services of an employe on an intermittent and recurring basis for at least 600 hours or more each year, during no more than 24 biweekly payroll periods of any 26 consecutive full biweekly payroll periods.

(c) "Limited term employment" means employment in which the nature and conditions do not lead to a career and for which the use of normal procedures for recruitment and examination are not practicable.

(d) "Sessional employment" means employment in positions of legislative service agencies that require the services of an employe more than 600 hours in any 26 consecutive full biweekly payroll periods and which normally leads to a career through successive reinstatements, but the duration of which is closely related to the legislative session.

(e) "Project employment" means employment in a project position which is normally funded for 6 or more consecutive months and which requires employment for 600 hours or more per 26 consecutive biweekly pay periods for a planned undertaking which is not a regular function of the employing agency and which has an established probable date of termination.

(8) "Lower class" means a class assigned to a lower pay range.

(9) "Lower pay range" means the pay range which has the lesser pay range dollar value maximum when comparing pay ranges not designated as counterparts.

(10) "Original appointment" means the appointment of a person who has not attained permanent status in class or permanent status, or the appointment of a former employe on other than a reinstatement or restoration basis to a classified position in which permanent status can be attained.

(11) "Permanent appointment" means the appointment of a person to a classified position in which permanent status can be attained.

(12) "Permanent status" means the rights and privileges attained upon successful completion of a probationary period or career executive trial period required upon an appointment to permanent, seasonal or sessional employment.

(13) "Permanent status in class" means the rights and privileges attained upon successful completion of a probationary period required upon an appointment to permanent, seasonal or sessional employment.

(13m) "Project appointment" means the appointment of a person to a project position under conditions of employment which do not provide for attainment of permanent status.

(14) "PSICM" means permanent status in class minimum rate of pay which in applicable pay schedules is the minimum rate to be paid to an employe who is not serving the first 6 months of either a probationary period or a career executive trial period.

(15) "Vacancy" means a classified position to which a permanent appointment may be made after the appointing authority has initiated an action to fill that position.

**History:** Cr. Register, October, 1972, No. 202, eff. 11-1-72; am. (6); cr. (8), Register, March, 1974, No. 219, eff. 4-1-74; am. (1), (6) and (7), r. and recr. (8) to be Pers 24.02, cr. (6n), (8) and (9), Register, September, 1975, No. 237, eff. 10-1-75; r. (1) to (6n) and (8), renum. (7) to be (4) and (9) to be (14) and am., cr. (1) to (3) and (5) to (13m), Register, February, 1981, No. 302, eff. 3-1-81; cr. (15) and am. (1), Register, February, 1983, No. 326, eff. 3-1-83.