

## Chapter ER-Pers 12

### CERTIFICATION AND APPOINTMENT

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**Note:** Chapter Pers 12 was renumbered Chapter ER-Pers 12, effective March 1, 1983.

**ER-Pers 12.01 Action by appointing authority.** To fill a vacancy, the appointing authority shall submit a request on the prescribed form to the administrator.

**History:** Cr. Register, October, 1972, No. 202, eff. 11-1-72; am. Register, February, 1981, No. 302, eff. 3-1-81.

**ER-Pers 12.02 Action by the administrator.** The administrator shall certify eligibles as provided in the law and rules or authorize appointment by other means as provided in s. 230.15 (1) and (2), Stats.

(1) Except for persons who are on mandatory restoration registers from layoff or from demotions as a result of layoff, under s. ER-Pers. 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 administrator: employing unit promotional, agencywide promotional, servicewide promotional, open competitive. The administrator 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 administrator determines such action to be consistent with sound personnel management practices including affirmative action considerations.

(3) The administrator 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.

**ER-Pers 12.03 Selective certification.** Whenever in exceptional circumstances an appointing authority demonstrates a clear need for special qualifications, such as specialized training or pertinent prior experience, and such request is approved by the administrator, selective certification may be made of persons having those qualifications. In such cases, the qualifications of the eligibles on the register shall be reviewed to determine if they possess the special qualifications beginning with the highest ranking eligible and continuing until certification can be made. The administrator shall place on file the reasons for making such certifications.

**History:** Cr. Register, October, 1972, No. 202, eff. 11-1-72; am. Register, February, 1981, No. 302, eff. 3-1-81.

Register, February, 1983, No. 326

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**ER-Pers 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 administrator.

(2) The administrator may certify additional names from registers of related higher classes or classes in the same or counterpart pay ranges to fill out an incomplete certification, or may make a complete certification from registers of related higher classes or classes in counterpart pay ranges when no register exists for the class requested. This is provided that the examinations for the 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.

**ER-Pers 12.05 Expanded certification.** The administrator may, when necessary to achieve a balanced work force or to hire persons with disabilities, provide for certifications as a supplement to certifications made under the provisions of s. 230.24 (1) or 230.25 (1) and (1m), Stats., as follows:

(1) Expanded certification of up to 3 additional names to achieve a balanced work force on the basis of racial or ethnic group or gender may be authorized by the administrator at the request of an agency when there is a disparity between the proportions of women or total racial or ethnic minorities in a classification or classification progression series in an employing unit of the agency and the proportions of such groups in the state population.

(2) Expanded certification of up to 3 additional names to hire the occupationally handicapped may be authorized by the administrator at the request of an agency. Such certification shall be limited to persons who have been certified by a physician, psychiatrist, psychologist or other appropriate specialist as having a disability, which has been determined to substantially limit employment opportunities and which does not require the person to successfully complete a training program to overcome the vocational handicapping effects of the disability prior to becoming employable. Eligibility for certification may be based on observation of the person's ability to perform the tasks of a position, an evaluation of the person's past experience and training, successful completion of the same test used to examine candidates certified under the provisions of s. 230.25 or 230.24 (1), Stats., or other evaluation methods approved by the administrator. However, candidates who have disabilities which the administrator determines would preclude them from equitably participating in the test used to examine candidates certified under the provisions of s. 230.25 or 230.24 (1), 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, may be certified without regard to the limitation of 3 names.

**History:** Cr. Register, February, 1981, No. 302, eff. 3-1-81; am. (1), Register, February, 1983, No. 326, eff. 3-1-83.

**Pers 12.06 Termination of a certification.** **History:** Cr. Register, October, 1972, No. 202, eff. 11-1-72; renum. from Pers 12.05 and am. Register, February, 1981, No. 302, eff. 3-1-81; r. Register, February, 1983, No. 326, eff. 3-1-83.

Register, February, 1983, No. 326

**ER-Pers 12.07 Confirmation of appointment.** Confirmation of appointment shall be made in writing by the appointing authority 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.