

## Chapter ER-Pers 27

EXCEPTIONAL METHODS AND KINDS  
OF EMPLOYMENT

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Note: Chapter Pers 27 was renumbered Chapter ER-Pers 27, effective March, 1983.

**ER-Pers 27.01 Policy.** To enable the state, as an employer, to carry out its social, economic, and community responsibilities through employment of the occupationally disadvantaged by reason of, but not limited to, sex, ethnic or racial background, or age and the occupationally handicapped by reason of mental or physical disability, or to meet the needs of the service during periods of disaster or natural emergency, the administrator shall provide for exceptional methods and kinds of employment pursuant to s. 230.08 (7), Stats.

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

**ER-Pers 27.02 Exceptional methods of employment; occupationally handicapped or disadvantaged.** (1) **EXCEPTIONAL EMPLOYMENT LIST ESTABLISHMENT.** The administrator may authorize establishment of exceptional employment eligible lists to enable agencies to hire the occupationally handicapped or disadvantaged. In establishing such lists the administrator shall employ merit system principles which are broadly comparable to those which are used in establishing standard eligible lists for the same classification and may use such processes as:

(a) Limitation of recruitment to the specific occupationally handicapped or disadvantaged applicant target group.

(b) Category rating in the examination and certification process.

(2) **USE OF EXCEPTIONAL EMPLOYMENT LISTS.** Under authority to determine appropriate eligible lists, the administrator may, upon written request of an appointing authority, authorize the establishment of an exceptional employment list or the creation of an exceptional employment list from a standard employment list when such list is required to meet the criteria outlined in the contract or guidelines under which a position is fully or partially funded, or for the purpose of employing the occupationally handicapped or disadvantaged.

(3) **APPOINTEE STATUS.** Persons appointed from an exceptional employment eligible list to a vacancy in the classified service shall become employes with permanent status in class after successful completion of a

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probationary period as provided in s. 230.28, Stats., unless waived under s. ER-Pers 27.03 (2).

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

**ER-Pers 27.03 Exceptional kinds and methods of employment; occupationally handicapped.** Occupationally handicapped employment is a kind and method of employment for 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 requires the persons to successfully complete a training program to overcome the vocational handicapping effects of the disability prior to becoming employable.

(1) The administrator may authorize under occupationally handicapped employment a plan to employ such persons. The plan may include special provisions for:

- (a) Tasks to be done;
- (b) Training, safety, and supervision;
- (c) Definition of disability and of essential abilities;
- (d) Funding source for appointee pay, supervision and overhead;
- (e) Processes for identification and fair selection of appointees;
- (f) Length of the probationary period;
- (g) Length of employment; and
- (h) Pay and benefits.

(2) An appointment to a position in approved occupationally handicapped employment shall be a permanent appointment. The conditions of employment shall conform with all provisions of subch. II of ch. 230, Stats., and related rules relevant to permanent appointments. If an exception to such conditions of employment is appropriate, because of a special feature of an exceptional plan, the administrator may waive portions of such conditions of employment.

**History:** Cr. Register, October, 1972, No. 202, eff. 11-1-72; am. (intro.), (1) (intro.), (b), (c) and (e), renum. (1) (f) to (1) (g) and am., cr. (1) (f) and (h), r. and recr. (2), Register, February, 1981, No. 301, eff. 3-1-81.

**ER-Pers 27.04 Other exceptional methods and kinds of employment.** When other exceptional employment situations occur or when exceptional state or federal employment programs are developed to fit the employment potential of occupationally handicapped, occupationally disadvantaged or other disadvantaged persons, the administrator may establish other types of methods and kinds of exceptional employment.

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