

**ORDER OF THE ADMINISTRATOR**  
**OF THE DIVISION OF MERIT RECRUITMENT AND SELECTION**  
**OF THE DEPARTMENT OF EMPLOYMENT RELATIONS**  
**ADOPTING RULES**

To amend ER-MRS 30.05 (1) and (2), ER-MRS 30.06(3), ER-MRS 30.10(3), and ER-MRS 30.99 (1) and (2), to repeal ER-MRS 30.03, and to repeal and recreate ER-MRS 30.08 and 30.105, relating to certification for employment consideration, probationary periods, transfers of career executive employees and various technical changes to bring the rules into consistency with the statutes and compensation plan.

**ANALYSIS PREPARED BY THE DIVISION OF MERIT RECRUITMENT AND SELECTION**

On June 9, 1999, the Joint Committee on Employment Relations (JCOER) approved the consolidation of certain positions assigned to former pay range 17 and all positions in former pay range 18 and 19 into compensation broadband 81-02 for non-represented positions in these ranges. Before this consolidation many non-represented pay range 18 positions were granted career executive status along with positions in the compensation broadband 81-01. Positions in pay range 17 were not eligible to be included in the career executive program under the provisions of the Wisconsin Administrative Code. Prior to March 12, 2000, there were approximately 900 positions in the career executive program. These positions performed general management duties. With the consolidation of broadband 81-02, the number of career executive positions expanded to 1500 including management positions responsible for highly technical programs and positions requiring various professional certifications or expertise.

When the pool of career executive employees was smaller and their expertise was always of a general administrative nature, rules were developed to treat this pool as one, and separate from other employees, for purposes of certification for employment consideration, probationary periods, transfers and layoff consideration.

These rule changes make certification for employment consideration, probation and transfer for career executive employees consistent with non-career executive employees. For layoff consideration, career executive employees are to be grouped with employees in the same area of expertise and pay range instead of with all career executive employees. The amendment to ER-MRS 30.99 removes the option of incumbents of positions placed within the career executive programs to remain outside the program. This provision was established when the career executive program was new and many existing positions were being placed in it. No position has been placed in the career executive program in years, without the incumbent opting in.

1. S. 230.05(5), Stats., grants the Administrator of the Division of Merit Recruitment and Selection authority to promulgate rules on all matters relating to Subchapter II of Chapter 230, Stats., for administration of the civil service.
2. S. 230.24(1), Stats., grants the Administrator authority to create rules to accomplish the purposes of a career executive program.

## **TEXT OF PROPOSED RULE**

**Section 1.** ER-MRS 30.03 (3) is repealed:

**Section 2.** ER-MRS 30.05 (1) is renumbered ER-MRS 30.05 and, as renumbered, is amended to read:

ER-MRS 30.05 Certification. ~~(1) The highest ranking candidates shall be determined through a comparison of their qualifications, including technical or professional qualifications, where applicable, with the qualifications requirements for the position as determined through position analysis. All such candidates shall meet the standard for the position as established by the administrator. Except as provided in ss. ER-MRS 30.07, 30.08, and 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 internal register and no more than the 10 highest ranking candidates on the external register according to s.230.25, Stats.~~

**Section 3.** ER-MRS 30.05 (2) is repealed.

**Section 4.** ER-MRS 30.06(3) is amended to read:

ER-MRS 30.06(3) At the discretion of the appointing authority in the receiving agency, a career executive employe may be required to serve up to a ~~3~~ 6 month trial period upon movement between agencies. ~~Upon agreement with the sending agency and notification to the employe, the appointing authority in the receiving agency may extend such trial period for 3 additional months.~~ At any time, during the trial period, the receiving agency may terminate the employe. Upon termination, the employe shall be returned to the sending agency and be restored to the employment status that existed at the time of movement to the receiving agency.

**Section 5.** ER-MRS 30.08 is repealed and recreated to read:

**ER-MRS 30.08 Career executive transfer.** Transfer of career executive employees shall be in accordance with ch. ER-MRS 15, except that where ch. ER-MRS 15 conflicts with this chapter, the provisions of this chapter shall apply. Career executive employment reinstatement and restoration shall be in accordance with s. ER-MRS 30.11.

**Section 6.** ER-MRS 30.10(3) is amended to read:

ER-MRS 30.10(3) Removal of an employe with permanent status in the career executive program from the career executive program which results in the placement of the employe in a position allocated to a classification assigned to a lower non-career executive pay range ~~47 or below~~ is defined as a demotion, and may be appealed.

**Section 7.** ER-MRS 30.105 is repealed and recreated to read:

**ER-MRS 30.105 Layoff of career executive employees.** Layoff of career executive employees shall be in accordance with ch. ER-MRS 22, except that where ch. ER-MRS 15 conflicts with this chapter, the provisions of this chapter shall apply. Restoration from layoffs shall be in accordance with s. ER-MRS 22.10.

**Section 8.** ER-MRS 30.99 (1) and (2) are amended to read:

**ER-MRS 30.99 Incumbents of positions placed in the career executive program. (1)** Each incumbent ~~shall be given the option of being~~ whose position is placed in the career executive program ~~without certification, in accordance with s. ER-MRS 30.05,~~ or of remaining in his or her existing position shall immediately come under the ~~noncareer~~ career executive employment provisions. ~~This option shall remain in effect for one year after the incumbent's position is placed in the program. Any subsequent entrance by the employe to the program shall require voluntary movement to a different career executive position under the provisions of s. ER-MRS 30.01(3) and other applicable provisions.~~

**(2)** Incumbents ~~who exercise their option to be~~ whose positions are placed in the career executive program shall earn permanent status immediately upon entering the program. However, incumbents serving a probationary period at the time of entry shall not earn permanent status until they successfully complete the probationary period specified in the appointment letter.

### **EFFECTIVE DATE**

This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2)(intro), Stats.

Dated: \_\_\_\_\_

Agency: \_\_\_\_\_

Assistant Administrator,  
Division of Merit Recruitment and

Selection