

Pers 1 to 32

Filed August 28, 1975
10:40 O. R. Paul

STATE OF WISCONSIN)
)
DEPARTMENT OF ADMINISTRATION) ss
)
STATE BUREAU OF PERSONNEL)

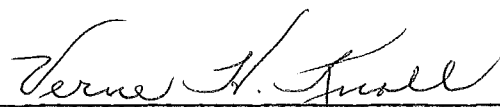
TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Verne H. Knoll, Deputy Director of the State Bureau of Personnel, temporarily serving as the head of the State Bureau of Personnel, Department of Administration, and custodian of the official records of said Bureau, do hereby certify that various sections of Chapters 1 through 32 of the Wisconsin Administrative Code, Rules of the Director, as repealed, repealed and recreated, amended and created to implement changes in recent legislation were duly approved and adopted by me on July 24, 1975, were reviewed and approved by the State Personnel Board on July 25, 1975, and approved by the Governor of the State of Wisconsin on Friday, August 1, 1975.

I further certify that said copy has been compared by me with the original on file with this office and that the same is a true copy thereof and of the whole of such original.

IN TESTIMONY WHEREOF,

I have set my hand at the State Office Building, in the City of Madison, Wisconsin, this 28th day of August, A.D. 1975.



VERNE H. KNOLL, DEPUTY DIRECTOR

STATE OF WISCONSIN
DEPARTMENT OF STATE
RECEIVED AND FILED

AUG 28 1975

DOUGLAS LAFOLLETTE
SECRETARY OF STATE

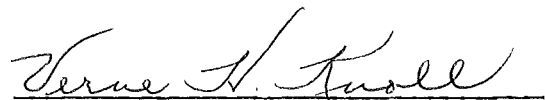
ORDER OF THE DIRECTOR, STATE BUREAU OF PERSONNEL
ADOPTING, AMENDING OR REPEALING RULES

Pursuant to authority vested in the Director of the State Bureau of Personnel by subsection 16.03(6) and Chapter 227, Wis. Stats., the Director of the State Bureau of Personnel hereby repeals, amends, and adopts rules as follows:

Various sections of Chapters Pers 1 through 32, Wisconsin Administrative Code, Rules of the Director, are repealed, repealed and recreated, amended or created to read as stated on the material attached hereto.

The rules contained herein shall take effect on October 1, 1975, in accordance with s.s. 227.026(1), Wis. Stats.

AUGUST 28, 1975


Verne H. Knoll, Deputy Director
State Bureau of Personnel

STATE OF WISCONSIN
DEPARTMENT OF STATE
RECEIVED AND FILED
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DOUGLAS LAFOLLETTE
SECRETARY OF STATE



State of Wisconsin \ DEPARTMENT OF ADMINISTRATION

July 30, 1975

STATE BUREAU OF PERSONNEL
~~C. K. WETTENCEL, DIRECTOR~~
1 WEST WILSON STREET
MADISON, 53702

Verne H. Knoll
Deputy Director

Governor Patrick J. Lucey
Executive Department
115 East, Capitol
Madison, WI 53702

Re: Promulgation of Revisions of the
Wisconsin Administrative Code, Rules
of the Director

Dear Governor Lucey:

Pursuant to ss. 16.03(6), 16.05(1)(c), and Chapter 227, Wisconsin Statutes, I am submitting for your consideration the proposed revisions of the Wis. Adm. Code, Rules of the Director, which have been developed to eliminate obsolete sections and update or create other sections to reflect legislative changes and sound personnel management concepts which will make the state's civil service system more effective and efficient.

In accordance with the law and upon proper notice to all appropriate and interested parties, including each member of the Legislature, one chapter of the proposed rules, Chapter 22 dealing with Layoffs, was promulgated via the emergency rule procedure and became effective April 25, 1975. Because this rule will expire on August 23, 1975, considerable confusion and inconsistency in administering layoffs could result unless these proposed revisions can become effective shortly thereafter.

Also, in accordance with the law and upon proper notice to interested parties and operating agencies, the Director of the State Bureau of Personnel held a public hearing on these revisions on May 12, 1975, and subsequent meetings with agency representatives and interested persons which provided them opportunity to present their views and comments. Members of the State Personnel Board also attended that hearing. The proposed revisions were subsequently considered by the State Personnel Board at its regular meeting on July 25, 1975, and unanimously approved by the members present. A copy of the minutes of that meeting is attached for your information at the request of State Personnel Board Chairperson Percy L. Julian, Jr.

If you determine that these rules should be approved, kindly endorse your approval hereon and have your office advise the Department of Administration, State Bureau of Personnel, so that it may promptly make the certifications and transmittals required to place the revised rules into effect as soon as possible.

Respectfully submitted,

Verne H. Knoll

VERNE H. KNOLL
DEPUTY DIRECTOR

APPROVED

Patrick J. Lucey

DATE

8-1-75

Attachment

cc: Anthony Earl
James Wood

PROPOSED REVISION
OF THE
WISCONSIN ADMINISTRATIVE CODE
RULES OF THE DIRECTOR

All sections listed in this proposed revision are amended unless otherwise indicated as being repealed, repealed and recreated or created as a new section.

Pers 1.01 Force and effect of rules. These rules of the director of the state bureau of personnel are promulgated under authority of section 16.03(6), and chapter 227, Wis. Stats., and approved pursuant to section 16.05(1)(c), Wis. Stats., to specifically apply to provisions of the civil service law subchapter II of chapter 16, Wis. Stats. As provided under section 16.01(3), Wis. Stats., nothing in subchapter II of chapter 16 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, subchapter V of chapter 111, Wis. Stats. These rules are superseded by the labor contract for employes under such labor contract for the subjects of bargaining under section 111.91(1), Wis. Stats.

Pers 1.02 Definitions. In addition to those terms defined pursuant to section 16.02, Wis. Stats., the following are definitions for terms used in these rules:

(1) "Appointing authority" means the officer, commission, board or body having the power of appointment to, or removal from, subordinate positions in any office, department, commission, board or institution. An appointing authority may delegate the such power ~~of appointment~~ to subordinates ~~officers~~ providing ~~such~~ the delegated authority is in writing and a copy is filed with the director.

(2) "Board" means the state personnel board.

(3) "Bureau" means the state bureau of personnel in the department of administration.

(4) "Department" or "agency" means any officer whose office is created by constitution or statute, or any agency so created, except legislative and judicial officers, and offices and agencies created within departments as herein defined.

(5) "Director" means the director of the bureau of personnel. Where the provisions of delegation under section 16.03, Wis. Stats., apply, the term "director" is also defined to include the designated agency representative.

(6) Except as provided in Wis. Adm. Code chapter Pers 24 and sub- subsection (6n) (8)(a) "Employee" means any person holding a position in the classified civil service.

Pers 1.02(6n) is created to read:

Pers 1.02(6n) In Wis. Adm. Code chapter Pers 31, Temporary Interchange of Employes, the term "employee" shall mean any person holding a position in the classified or unclassified civil service except those persons in the classified service who are serving on a limited term basis or who are serving an original probationary period.

(7) "Employing unit" means an agency or an established functional, organizational or geographical unit within the agency for ~~the purposes of~~ any one or combination of the following: promotion, demotion, transfer, reinstatement, layoff and other related personnel transactions. Each agency shall develop its employing unit structure to cover all of the above transactions. Employing units shall be established upon recommendation of the appointing authority subject to approval by the director.

Pers 1.02(8) is repealed and recreated to be Pers 24.02.

Pers 1.02(8) is created to read:

Pers 1.02(8) "Position" means a group of duties and responsibilities which require the services of an employe on a part-time or full-time basis. In these rules, the term "position" refers to classified positions only unless stated otherwise.

Pers 1.02(9) is created to read:

Pers 1.02(9) "PSICM" means permanent status in class minimum rate of pay which in applicable pay schedules is defined as the minimum rate to be paid within the pay range to an employe who is not serving a probationary period. Wherever the term PSICM appears the term "job rate" in other pay schedules shall be synonymous.

Pers 3.02(2)(g) Reclassification as provided in subsection (4).

Pers 3.03 Reallocation or reclassification of positions. (1) As the needs of the service require, the director shall reallocate or reclassify positions. Appointing authorities shall notify the director of any changes in the duties of individual positions in accordance with the procedures established by the director.

(2) Normally, filled positions will not be reclassified until the incumbent has carried the duties and responsibilities for a period of at least 6 months.

(3) All reclassification requests for classes not specifically delegated to appointing authorities must be reviewed and a specific action recommended by the appointing authority prior to a review by the director except in those cases where the reclassification action is initiated by the director, or the appointing authority requests a review of the appropriateness of the classification of a position.

(4) When a nondelegated reclassification request submitted in writing by an employe is denied by the appointing authority, the employe shall be so notified in writing by the appointing authority. If the incumbent feels that the decision of the appointing authority is incorrect, he or she may submit to the appointing authority a written request for further review by the director. Such request shall be forwarded to the director by the appointing authority along with a copy of the agency denial letter and any other pertinent materials.

Pers 3.04 Notice of reallocation or reclassification. Whenever a position is reclassified or reallocated, the appointing authority ~~and the incumbent~~ shall be notified in writing. The appointing authority shall then notify the incumbent in writing.

Pers 3.05 ~~Reallocation or reclassification~~ appeals. If the employe or ~~appointing authority~~ believes the classification action of the director or his designated representative to be incorrect, or if the ~~appointing authority~~ believes the classification action of the director to be incorrect on the basis ~~that~~ of the class specifications, ~~on which the action was based does not adequately reflect the duties and responsibilities of the position, he or she~~ the employe/~~appointing authority~~ shall, upon written request, be entitled to an appeal ~~from~~ such action as provided in Wis. Adm. Code chapter Pers 26.

Pers 5.02(2) Subject to the pay range maximum, if the initial hiring rate is adjusted, the permanent status in class minimum (PSICM) shall be adjusted by a like amount and the provisions in the rules relating to PSICM shall apply. ~~In applicable pay schedules, the term "Permanent Status In Class Minimum" is defined as the minimum rate to be paid within the pay range to an employe who is not serving a probationary period.~~

Pers 5.03 Pay Adjustments. (1) PROBATIONARY INCREASE. In schedules where appropriate, a probationary increase of one intermediate 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 probationary period, except that such increase shall not exceed the maximum rate of the pay range, ~~nor shall a~~ No probationary increase shall be granted for completion of any probationary period required on a transfer, demotion or reinstatement. On lateral movements as provided under Wis. Adm. Code section Pers 13.07(1), any probationary increase shall be granted only upon completion of the new probationary period [which may include carry-over time under Wis. Adm. Code section Pers 13.07(1)], or the first 6 months of the probationary period in the current position.

Pers 5.03(3) RED CIRCLE RATES. In accordance with section 16.07(2)(f), Wis. Stats., and except as provided in Wis. Adm. Code section Pers 30.09(3), if a position in the classified service is reclassified or reallocated to a classification with a lower pay rate or pay range maximum, or if a position in the unclassified service is brought under the classified service and allocated to a classification having a lower pay rate or pay range maximum than the incumbent's current pay rate, the effect shall be as follows:

Pers 5.03(3)(f) Subsequent position movement (except reassignment as provided in subsection (g)). If the incumbent under the provisions of subsection (e) moves to a position in a different classification his or her pay shall be immediately adjusted to a certifiable rate for which he or she is eligible within the pay range for that classification. This provision shall not apply where an employe is promoted within the same agency, as provided in Wis. Adm. Code section Pers 14.03(1), in which case the employe shall be allowed to retain the red circle rate. Any promotional or probationary pay increases shall be controlled by the maximum of the pay range for the class to which the employe is promoted, except where the red circle rate exceeds the maximum of the new pay range. In such case the employe shall retain his/her red circle rate.

Pers 5.03(8) SIMULTANEOUS PAY INCREASES, ORDER OF APPLICATION. Pay adjustments resulting from personnel transactions that have the same effective date shall occur in the following order:

- (a) Reallocation
- (b) Reclassification
- (c) Probationary increase
- (d) Promotional increase
- (e) Compensation plan adjustment pursuant to section 16.086 (3), Wis. Stats. or section 111.92, Wis. Stats.
- (f) Merit increase.

Pers 5.04(2) NIGHT DIFFERENTIAL COMPENSATION. (a) Definition. Extra compensation for regularly scheduled shift hours worked of not less than 2 hours duration between 6 p.m. and 6 a.m. by employees in permanent and seasonal positions (as defined in Wis. Adm. Code chapter Pers 8), and limited term employees (as defined in Wis. Adm. Code chapters Pers 8 and 10), whose employment regularly equals or exceeds one-half time on a daily, weekly or monthly basis.

Pers 5.06 Overtime. (1) DEFINITIONS. (a) Overtime Hours--Time that an employe (except for law enforcement personnel, security personnel at correctional institutions and fire protection personnel) works in excess of 40 hours per each ~~7-consecutive-calendar-day-period~~ workweek.

(am) Overtime hours for nonexempt law enforcement personnel, security personnel at correctional institutions, and fire protection personnel--time worked in excess of 120 hours per biweekly payroll period or 240 hours in any 28-day period. (The hours covering this provision will be reduced to 116 hours on January 1, 1976, and 108 hours on January 1, 1977.)

Pers 5.06(1)(b) and (c) are renumbered to be (c) and (d).

Pers 5.06(1)(b) is created to read:

Pers 5.06(1)(b) Workweek - A regularly recurring period of 168 hours in the form of 7 consecutive 24-hour periods.

(c) Regular rate. ~~Rate-based-on-the-basic-pay-rate-plus-the-total-paid-in-night-differential-compensation, responsibility pay and specialty pay.~~ The hourly rate determined by dividing the total pay (including night differential, responsibility, specialty and on-call pay) earned in the workweek by the total hours worked in the workweek.

(d) Premium rate. Compensation ~~in-cash~~ at a rate of one and one-half times the regular rate paid the employe for the workweek in which the overtime is worked ~~or-compensation-in-time-off-at-a-rate-of-one-and-one-half-the-number-of-hours-worked.~~

Pers 5.06(1)(d) is repealed.

Pers 5.06(1)(d)--~~Continuing overtime.--Overtime-which-can-be-anticipated-within-3-or-more-weeks-in-advance-of-its-occurrence-and-which-is-expected-to-require-40-or-more-hours-of-overtime-for-any-one-employe-within-any-10-week-period.~~

Pers 5.06(2) GENERAL POLICY ON OVERTIME. (a) Overtime work is to be held to a minimum consistent with the needs of the service, and it is the responsibility of each

agency to explore all possible alternatives before a decision is made to work employes on an overtime basis.

~~(b) All overtime work for either compensatory time off or for each payment must be authorized by the appointing authority.~~

Pers 5.06(2)(c) is repealed.

~~Pers 5.06(2)(e) -- Bureau of personnel approval is also required for each payment when the conditions of employment are expected to require continuing overtime.~~

Pers 5.06(2)(d), (e) and (f) are renumbered to be (c), (d) and (e).

~~(d)~~ (c) Additional pay for overtime work shall not be considered as a part of an employe's base pay.

~~(e)~~ (d) All cash overtime payments shall be separately recorded on the payroll.

~~(f)~~ (e) Any additional cash compensation shall cease to be payable without the right of appeal whenever the employe's scheduled hours of work are reduced to 40 hours per week.

Pers 5.06(2)(g) is repealed.

Pers 5.06(2)(h) and (i) are renumbered to be (f) and (g).

~~(h)~~ (f) The state is considered as one employer for the purposes of determining the number of hours worked.

~~(i)~~ (g) Employes shall be categorized as "included" or "exempt" or "nonexempt" from the requirements of premium pay for overtime according to the standards established by the director.

Pers 5.06(3) is repealed and recreated to read:

Pers 5.06(3) PROVISIONS FOR NONEXEMPT EMPLOYES. (a) Nonexempt employes shall be paid at a premium rate for all overtime hours worked.

(b) Time off at a premium rate may be granted to nonexempt employes in lieu of a premium rate cash payment for overtime hours worked. However, such time off must be granted within the same pay period in which it is earned.

(c) To compute the pay for nonexempt employes, determine the regular rate and multiply by the total number of non-overtime hours worked in the workweek; then determine the premium rate and multiply by the number of overtime hours worked in the workweek. Total pay for the workweek shall equal the sum of the two.

Pers 5.06(4) PROVISIONS FOR EXEMPT EMPLOYES. (a) The pay rates for exempt employes are generally intended to compensate for the total responsibility assigned the position. ~~all required employment work hours. -- However, compensation in each or time off at up to a straight time basis for work hours over 40 per week may be granted at the discretion of the appointing authority for emergency, scheduled or non-regular overtime work.~~

Pers 5.06(4)(b) is repealed and recreated to read:

Pers 5.06(4)(b) Compensation in cash or time off at up to a straight time basis for work hours assigned beyond those normally required in paragraph (a) above may be granted at the discretion of the appointing authority.

Pers 5.06(4)(c) is created to read:

Pers 5.06(4)(c) Time off which has been credited for additional assigned work, authorized under paragraph (b) above shall be used as soon as possible. Normally, credited time off which is not used by the end of the calendar year in which it is credited should be paid in cash at the rate credited. With the approval of the director, the appointing authority may carry over into the next calendar year any time off which could not be granted due to the needs of the service. All such time off carried over from the previous calendar year shall be used within the first 6 months of the ensuing calendar year or paid in cash at the rate credited.

Pers 5.07 Additional employment. (1) DEFINITION. Additional employment is work of a temporary nature performed by an employe outside of his or her regular permanent, full-time seasonal, sessional or limited term position. ~~Additional employment is of 2 types:~~

~~(a) Employment in the same employing unit but in a different class of position than that of the employe's regular position.~~

~~(b) Employment in a different employing unit of the same agency or in a different agency in the same or different class of position than that of the employe's regular position.~~

(2) POLICY ON ADDITIONAL EMPLOYMENT. (a) Included Nonexempt employes shall be paid a premium rate for additional employment work hours which together with regular employment hours exceed 40 hours of work per week the hours worked in their regular position under (1) result in overtime hours in a workweek according to Wis. Adm. Code section Pers 5.06(3)(1)(a) and (am). -It shall be the responsibility of the agency employing a person on additional employment to determine the total hours worked by the employe and to pay the premium rate when applicable.

(b) Exempt employes shall will normally be paid the straight time rate for the additional employment work, except that in exceptional cases a rate at up to one and one-half times the basic rate may be authorized by the director at the request of an appointing authority. However, if the additional employment work is of nonexempt nature and is of sufficient duration to void the exempt status of all work in the workweek, the employe shall be paid at the premium rate for all overtime hours worked in the workweek according to Wis. Adm. Code section Pers 6.05(1)(a) and (am).

(c) The agency employing a person on an additional employment basis shall be responsible for: determining the total hours worked by the employe; determining the employe's regular rate; and paying the premium rate where applicable.

(d) Additional employment is subject to the maximum work duration set forth in Wis. Adm. Code section Pers 8.06.

(3) PROCESSING. (a) Additional employment is limited term employment and shall be processed subject to this section and the provisions of Wis. Adm. Code chapter Pers 10.

(b) All requests for additional employment shall be subject to approval by the director prior to an employe working such additional employment.

Pers 6.02(2) Recruitment information shall be directed to labor market sources which the director determines are most likely to provide qualified applicants, and will achieve and maintain a workforce which is a balanced representation of the citizenry of the state.

Pers 6.10(10) Except on promotions, whose work record or employment references are unsatisfactory; or

6 months shall be the first 6 months of total employment, which may consist of several seasonal periods of work, but in no case shall the total time span under which the probationary period is completed extend beyond 12 calendar months from the date of appointment. If the employe fails to complete 6 months employment within the 12 month period, he or she shall be required to start a new probationary period if reappointed thereafter. Upon satisfactory completion of the a probationary period the employe shall have seasonal status.

Pers 10.01 Definition and duration of categories of limited term employment. Limited term employment means employment on a non-career basis which may be identified as short term, project, or part-time, ~~or student.~~ In addition, emergency and provisional appointments are included under a limited term employment as provided under section 16.21(1), Wis. Stats.

Pers 10.01(4) is repealed.

~~Pers 10.01(4)--STUDENT.--Employment-of-a-student-at-the-university-of-Wisconsin system-or-other-state-educational-institution,-who-is-currently-enrolled-or who-will-enroll-at-the-next-session.~~

Pers 10.07 Status of employes on limited term employment. (1) Employes in these positions are not considered career employes and therefore are denied certain benefits but are eligible for others.

(a) Benefits denied include: tenure; vacation; paid holidays; sick leave; merit increases; the right to compete in promotional examinations; military leave; or time off with pay for jury duty, voting, ~~or~~ preinduction physical examinations or benefits granted under section 16.31, Wis. Stats.

(b) Benefits specifically authorized by section 16.21(4), Wis. Stats., include workmen's compensation, unemployment compensation and social security coverage.

(c) In certain circumstances limited term employes may be eligible for group insurance and retirement benefits. See Wis. Adm. Code Ret 2.01 and section 41.02(6)(b), Wis. Stats., for eligibility requirements.

~~Pers 13.06(5) RECLASSIFICATION, REGRADE. When-an No employe's position-is-reclassified shall be regraded as defined under Wis. Adm. Code section Pers 3.02(23) during the time the employe is serving a probationary period. for-an-original or-promotional-appointment,-he-or-she-shall-be-required-to-serve-a-new-probationary-period-starting-with-the-effective-date-of-the-reclassification action.~~

Pers 13.085 is repealed and recreated to read:

Pers 13.085 Progress reports. During the probationary period the appointing authority shall carefully observe and evaluate the employe's job performance and work progress to determine whether the employe is efficiently and effectively performing the duties of the position. Such observations shall be periodically reviewed and discussed with the employe. Each agency shall develop and implement a plan for evaluating probationary employes, or in lieu of developing its own plan, use a model developed by the bureau. Agencies shall file copies of their evaluation plan with the director or indicate their intent to use the bureau's model.

Pers 14.04 Pay rate on promotion. In this section "range" and "step" refer to the pay range and step amount in the range for the class to which an employe is promoted. (See Wis. Adm. Code section Pers 20.03(2) and (4) for the definition of range and step for trainee classifications.) In pay schedules where appropriate, an employe's present pay rate shall be increased to the minimum of the new range if his present rate is one step or more below the minimum of the new range. If an employe's present rate is less than one step below that minimum or is above the minimum of the new range, his present rate shall be increased by an amount equal to one step.

Pers 14.05 is created to read:

Pers 14.05 Pay rate on new promotion. When an employe who is on probation begins a new promotional appointment as provided under Wis. Adm. Code section Pers 14.02(1), the term "employe's present pay rate" under Wis. Adm. Code section Pers 14.04 shall be deemed to mean the last rate earned in the class in which the employe had permanent status, plus any intervening general pay adjustment(s) but excluding merit increases. The adjustment(s) applied to the employe's last rate shall be that (those) of the appropriate pay schedule for the class in which the employe had permanent status.

Pers 15.04(3) TRANSFER WITHIN THE SAME EMPLOYING UNIT. An employe who transfers to a position in a different class within the same employing unit or an employe who transfers to a different position in the same class (~~reassignment~~) shall not be required to serve a probationary period.

Pers 16.03(2) MANDATORY REINSTATEMENT. An employe returning from military service or an approved leave to the unclassified service shall be mandatorily restored pursuant to the provisions of sections 16.26 and 16.27(1), Wis. Stats., respectively.

Pers 16.03(4) PERMISSIVE REINSTATEMENT, GENERAL. An employe who has separated from ~~state~~ the classified service without misconduct or delinquency, or who has accepted voluntary demotion for personal reasons, ~~or who has been granted a leave of absence to the unclassified service under section 16.27(2), Wis. Stats.,~~ may establish shall be eligible for reinstatement eligibility for employment in any agency provided that the individual or an appointing authority requests reinstatement within for 3 years from date of such separation, or demotion. The effective date of reinstatement shall be within the 3 year time limit.

Pers 16.03(4m) is created to read:

Pers 16.03(4m) PERMISSIVE REINSTATEMENT, RETURN FROM UNCLASSIFIED POSITION. An employe who has been granted a leave of absence to the unclassified service under sections 16.27(1), or (2), Wis. Stats., or a person not granted leave of absence to serve in the unclassified service under section 16.27(2), Wis. Stats., shall have reinstatement eligibility in any agency for 3 years following the appointment to the unclassified service or 1 year after termination of the unclassified appointment, whichever is longer. The benefit under this subsection is in addition to any benefit applicable under subsection (2).

Pers 16.03(7) and (8) are created to read:

Pers 16.03(7) DOWNWARD REALLOCATION OF POSITION. An employe whose position has been reallocated to a classification with a lower pay rate or pay range maximum, shall have the same reinstatement eligibility to the higher class as employes who voluntarily separate from the service.

Pers 16.03(8) REINSTATEMENT ELIGIBILITY UPON NON-RETURN FROM LEAVE OF ABSENCE. If an employe does not return from an approved leave of absence, his/her 3 year reinstatement eligibility period shall begin on the day following expiration of the leave.

Pers 16.04(2) REINSTATEMENT OF A PERSON WHO VOLUNTARILY SEPARATES FROM A PERMANENT, SEASONAL OR SESSIONAL POSITION WHILE SERVING PROBATIONARY PERIOD. Pursuant to section 16.25(2), Wis. Stats., such a person may be reinstated at the discretion of an appointing authority at any time during a 3 year period from the date of voluntary separation. Such person, except as covered in section 16.26(2)(b), Wis. Stats., shall be required to start a new probationary period upon reinstatement.

Pers 16.06(1) When an employe is reinstated, the pay may be at any rate within the pay range of the class reinstated to which is not greater than the last rate received plus intervening servieewide general pay adjustments {but excluding merit increases}. The adjustment(s) applied to the employe's last rate shall be that (those) of the appropriate pay schedule for the class to which the employe is reinstated.

Pers 16.07 Pay rate upon mandatory reinstatement. (1) Subject to the maximum of the pay range or rate to which the class is assigned, an employe, when reinstated under one of the conditions listed below, shall be paid the last rate received plus intervening servieewide general pay adjustment(s) and, in pay schedules where applicable, shall also be eligible to receive intervening merit increases+. The adjustment(s) applied to the employe's last rate shall be that (those) of the appropriate pay schedule for the class to which the employe is reinstated.

Pers 16.07(2) An employe restored under the provisions of Wis. Adm. Code section Pers 14.03(1), for non-completion of a promotional probationary period shall be paid the rate received prior to the promotional increase, plus any intervening servieewide general pay adjustment(s) {but excluding merit increases}. The adjustment(s) applied to the employe's last rate shall be that (those) of the appropriate pay schedule for the class in which the employe had permanent status.

Pers 17.02(4) The action by which a promoted employe is restored to his previous position and pay as provided in Wis. Adm. Code section Pers 14.03(1) is not considered a demotion. See Wis. Adm. Code section Pers 16.03(5), that defines such action as a mandatory reinstatement. Any such mandatorily reinstated employe who thereafter moves by promotion to a position with a higher pay rate or pay range maximum than the class reinstated shall be required to serve a new probationary period.

Pers 18.02(2)(f) is created to read:

Pers 18.02(2)(f) Was a career executive employe or employed under sections 20.923(4), (8), (9) or (12), Wis. Stats., who leaves the service and returns to state employment as a career executive or in any such enumerated position regardless of the duration of absence. See section 16.30(lm) (e), Wis. Stats.

Pers 18.02(4) ELIGIBILITY. After completion of the first 6 months in a permanent, seasonal or sessional position pursuant to section ~~16.22(1)~~ 16.30(1)(b), Wis. Stats., or after completion of the first 6 months of a trial period upon original appointment to a career executive position, or after the first 6 months of employment in an unclassified position or as a trainee unless covered under Wis. Adm. Code section Pers 18.04(3), employes shall be granted non-cumulative annual leave based on accumulated continuous state service as follows:

Pers 18.02(4)(d) is created to read:

Pers 18.02(4)(d) Career executives (as provided under Wis. Adm. Code chapter Pers 30) and persons included under sections 20.923(4), (8), (9) and (12), Wis. Stats. Annual leave shall be based upon accumulated continuous state service, at the rate of 120 hours each year for a full year of service during the first 5 years of service; 160 hours each year for a full year of service during the next 10 years of service; 200 hours each year for a full year of service after 15 years of service.

Pers 18.02(5) COMPUTING ANNUAL LEAVE. (a) Annual leave credits in any given year shall not be earned for any period of absence without pay, ~~except that for administrative purposes, any approved leave or leaves of absence totaling 174 work hours or less in a calendar year may be disregarded.~~

(b) Annual leave for employes covered in Wis. Adm. Code sections Pers 18.02(4)(a), (b) and (c) shall be prorated during the fifth year of employment at the rate of 80 or 120 hours respectively; during the fifteenth year of employment at the rate of 120 or 160 hours respectively; during the twenty-fifth year of employment at the rate of 160 or 200 hours respectively. For career executives under Wis. Adm. Code section Pers 18.02(4)(d) and persons included under sections 20.923(4), (8), (9) and (12), Wis. Stats., annual leave shall be prorated during the fifth year of employment at the rate of 120 or 160 hours respectively; during the fifteenth year of employment at the rate of 160 or 200 hours respectively.

(c) Upon termination of employment, annual leave shall be prorated, and payment for unused leave to which an employe is entitled shall be made in a separate lump sum amount.

Pers 18.02(5)(d) is repealed and recreated to read:

Pers 18.02(5)(d) Agencies can determine the annual leave earned by an employe during the calendar year by using the following tables:

Computations on an hour-for-hour basis
can be obtained by using the following:

<u>ANNUAL LEAVE RATE</u>	<u>CONVERSION FACTOR</u>
80 hr. rate	.038314 per hour
120 hr. rate	.057471 per hour
160 hr. rate	.076628 per hour
200 hr. rate	.095785 per hour

MONTHLY CONVERSION TABLE

ANNUAL LEAVE

Hours Earned Per Full Month Worked, By Annual Leave Rate*

<u>Full Months Worked</u>	<u>80 Hr. Rate</u>	<u>120 Hr. Rate</u>	<u>160 Hr. Rate</u>	<u>200 Hr. Rate</u>
1	6.67	10.0	13.33	16.67
2	13.33	20.0	26.67	33.33
3	20.00	30.0	40.00	50.00
4	26.67	40.0	53.33	66.67
5	33.33	50.0	66.67	83.33
6	40.00	60.0	80.00	100.00
7	46.67	70.0	93.33	116.67
8	53.33	80.0	106.67	133.33
9	60.00	90.0	120.00	150.00
10	66.67	100.0	133.33	166.67
11	73.33	110.0	146.67	183.33
12	80.00	120.0	160.00	200.00

*Hours earned per full month worked = Appropriate conversion factor x hours in calendar year.

When more than one rate is involved, all columns should be totaled and rounded to the nearest whole hour, since the automated leave accounting system operates on an hourly rate basis.

Pers 18.02(6m) is created to read:

Pers 18.02(6m) Career Executive Option. (a) Pursuant to sections 16.30(1m)(b) and (c), Wis. Stats., career executive employes and persons under sections 20.923(4), (8), (9) and (12), Wis. Stats., who are at the 160 or 200 hour annual leave rate may, at their option, elect to receive in 40 hour blocks, 40 or 80 hours respectively of such benefit under the following options each year:

1. As annual leave during the year earned or as authorized pursuant to Wis. Adm. Code section Pers 18.02(7).
2. As credit for a combined termination/sabbatical leave plan with such credit being accululated without limitation. Sabbatical leave means an extended leave requested by the employe and approved by the appointing authorities.

(b) Such employes or persons at the 200 hour leave rate may elect each year to receive 40 hours thereof in cash payment during the year earned.

Pers 18.02(7)(b) However, employes who are unable to take unused annual leave as provided in (a) above due to their work responsibilities shall be granted an additional 6 month extension of time in which to use such annual leave. Any such extension shall be approved by the appointing authority and reported to the director. Any such authorized leave credits, carried over from the previous calendar year shall be dropped as of December 31 of the following calendar year. This paragraph shall not apply to any carried over leave credited under Wis. Adm. Code section Pers 18.02(6)(c) and Wis. Adm. Code section Pers 18.02(6m)(a).

Pers 18.03 Sick Leave. (1) PERSONS WHO EARN SICK LEAVE. Pursuant to section 16.30(2), Wis. Stats., all persons in the employ of the state shall earn sick leave except limited term employes under section 16.21(4), Wis. Stats., members of the organized militia referenced under section ~~20.923(3)(d)~~, 20.923(6)(c), Wis. Stats., and members of the university of Wisconsin system faculty referenced under sections ~~20.923(3)(j)~~ 20.923(5) and 20.923(6)(m), Wis. Stats.

(2) ACCRUAL OF SICK LEAVE. (a) Sick leave shall accrue at the rate of 4 hours for each full biweekly pay period of service.

(b) Sick leave credits in any given year shall not be earned for any period of absence without pay or time otherwise not worked or paid for except that for administrative purposes any approved absence or absences without pay totaling 174 4 work hours or less in a calendar year may any biweekly pay period will be disregarded.

Pers 18.03(5) ~~EFFECT-OF-TERMINATION-OF-EMPLOYMENT~~ SICK LEAVE CREDIT CONTINUATION. Previously accumulated sick leave shall not be ~~terminated~~ canceled by absence on approved leave as provided in these rules. Separation from the service by ~~resignation, or~~ for cause as provided in section 16.28(1)(a), Wis. Stats., shall cancel all unused accumulated sick leave. Whenever a person who is an employe with permanent status in class is laid off due to lack of work or funds, or resigns, any unused accumulated sick leave credit shall continue in effect, if he is restored to the same agency or is rehired by an agency remain on record and be restored if the person is reemployed in a classified position (other than on a limited term employment basis) within 3 years.

Pers 18.04(2) TRANSFER OF CREDITS. Whenever an employe eligible for annual leave or sick leave separates from the service of one employing unit and accepts, by certification, demotion or transfer, employment in a position in another employing unit in which he or she earns annual leave or sick leave, obligations for any accumulated and unused annual leave and sick leave allowance shall be assumed by the new employing unit. This section also applies to sick leave credits for unclassified faculty of the university of Wisconsin system who take employment in a classified position within the system or with another state agency. The transfer of faculty sick leave will be authorized providing the number of days accrued under the university of Wisconsin system faculty sick leave policies are not inconsistent with the accrual schedule contained in Wis. Adm. Code section Pers 18.03(2)(a).

Pers 18.04(5) is created to read:

Pers 18.04(5) EFFECT OF LEAVING STATE SERVICE UPON PAYROLL STATUS. Pursuant to section 16.30(1)(m), Wis. Stats., an employe not on an approved leave of

absence shall have his/her last day on the payroll be the date he or she was last physically present for work for the purposes of determining annual leave and sick leave earned. As used in this section, approved leave of absence shall not include annual leave except for such leave granted in accordance with the provisions of Wis. Adm. Code sections Pers 18.02(6)(c) and 18.02(6m)(a)2.

Pers 18.05(1)(b) Formal leave. Application for a leave in excess of 174 consecutive work hours shall be filed by the employe on forms supplied approved by the bureau. Any employe, other than a limited term employe, may be allowed a leave of absence without pay for a period not to exceed one year. Such leave is subject to the recommendation of the appointing authority and the approval of the director before becoming effective. Such leave shall be granted only when it will not result in prejudice to the interests of the state as an employer beyond any benefits to be realized upon the employe's return to the service. Leave without pay may be granted for: educational purposes where direct or indirect benefit accrues to the service; purposes of working for a limited period in other employment where the experience would afford a direct benefit in the performance of his or her work for the state upon his or her return; maternity cases and exceptional personal reasons other than those mentioned above. A leave of absence because of illness or for educational purposes may be extended up-to-2-years on a year to year basis for an additional 2 years on the recommendation of the appointing authority and the approval of the director. No formal leave of absence shall exceed 3 years.

Pers 18.05(1)(d) is created to read:

Pers 18.05(1)(d) Administrative leave part of formal leave. When an employe on approved administrative leave without pay is required to be absent beyond the 174 consecutive work hour limit, an application for a formal leave of absence without pay shall be filed with the date for such formal leave to begin backdated to include the entire time the employe was on administrative leave without pay. Any such formal leave shall be subject to approval as specified under paragraph (b).

Pers 18.07(1)(b) Compensatory time off at a rate of one and one-half times the number of hours worked or a cash payment, either-of-which-shall-be at a rate of time one and one-half times the employe's normal regular rate when for each hour the employe is required to work on a legal holiday. Normal Regular rate is defined in Wis. Adm. Code section Pers 5.06(1)(c). construed-to-include-basic pay-plus-the-total-paid-in-night-differential-responsibility-pay-and-specialty pay.

When such compensatory time off shall be granted is discretionary with the appointing authority and he/she may permit such time to be anticipated and used on the same basis as annual leave, as provided under Wis. Adm. Code section Pers 18.02(7), except-that-paragraph-(7)(b)-shall-not-apply. Any compensatory time not used within the first 6 months of the ensuing calendar year, shall be paid in cash at one and one-half times the regular rate earned. Any such payment shall be made prior to the administrative date established under section 16.086(8), Wis. Stats.

Pers 18.07(2) PERSONAL HOLIDAYS. Personal holidays ~~shall-be-taken~~ granted pursuant to section 16.30(4)(d), Wis. Stats., and shall be ~~granted-during~~ noncumulative

and shall be used during the calendar year earned, and shall be nonecumulative. If not used during the year earned they shall be forfeited, except that upon termination payment for any unused personal holidays shall be made as provided under section 16.30(1)(m), Wis. Stats.

Pers 18.12 Workmen's compensation. Relation to the earning and use of sick leave and vacation. See Wis. Adm. Code chapter Pers 28.

Pers 20.03(2)(b) The maximum of such range shall not exceed the minimum pay of the objective classification for which the employe is trained ~~unless a higher maximum is determined by the director to be in the best interests of the civil service,~~ except as provided for in (4).

(c) When hiring above the minimum When a raised hiring rate as set forth in Wis. Adm. Code section Pers 5.02(1)(b) is approved for the objective classification, the provisions of para-agraphs (a) and (b) may be adjusted accordingly.

Pers 20.03(4)(a) When the employe's pay rate is less than one step, at, or above the maximum for the trainee pay range, ~~his rate may be reduced to the maximum of such range or, with the approval of the director, established at a point above the maximum rate in the range not to exceed the employe's previously earned rate.~~ his or her present pay rate shall be increased by an amount equal to one step, provided that the action taken constitutes a promotion based on the pay range maximum of the class for which the employe is being trained. In those cases where an employe is being trained for a class which has the same or a lower pay range maximum than that assigned to the employe's current class, no pay increase shall be granted upon appointment to the trainee position. An employe's pay rate will not be reduced upon appointment to a trainee position, except when his/her rate of pay exceeds the maximum of the pay range for the objective level classification. In these cases, the employe's rate of pay will be reduced to the maximum of the pay range for the objective classification.

Section Pers 20.04 is repealed and recreated to read:

Pers 20.04 Employe performance evaluation and development. In accordance with standards and procedures established by the director as provided under section 16.32(1), Wis. Stats., each appointing authority subject to the approval of the director shall establish an employe performance evaluation and development program directed at motivating and assisting state employes to furnish state services to the public as fairly, efficiently and effectively as possible. The program shall provide for a written performance evaluation to be developed and discussed by the appointing authority for and with each classified employe in a permanent position at least once each year.

Pers 22.01 Purpose. This layoff procedure is adopted pursuant to section 16.28(2), Wis. Stats., and is intended to ~~give due consideration to the essential factors of length of service, performance and other factors, considered in such a way as to be fair to~~ and understandable by all employes; and to retain for the state service its most effective and efficient personnel; and to insure that all layoff actions are appropriately and systematically administered.

Pers 22.02 is repealed and recreated to read:

Pers 22.02 Definitions. (1) EMPLOYING UNIT. For purposes of this chapter, employ-ing unit is the same as defined and established under Wis. Adm. Code section Pers 1.02(7).

(2) LAYOFF UNIT. For purposes of this chapter, the term layoff unit shall be synonymous with employing unit as defined and established under Wis. Adm. Code section Pers 1.02(7).

Pers 22.03 ~~Procedure for making layoffs~~ Qualifying Conditions. (1) LAYOFFS BY CLASS; OTHER LIMITATIONS. Whenever it becomes necessary for an appointing authority to lay off an employe as a result of a shortage or stoppage of work or funds, functional reorganizations, or the abolishing of a position, he/she shall do so by classes, or recognized options within the class as approved by the director, within an employing unit. ~~An employe with permanent status in class in a permanent position shall not be laid off from any position while any limited term employe (including emergency and provisional) or original appointment probationary employe is continued in a position of the same class or equivalent class in the layoff unit involved. -- Where a reduction in force involved all employes in an employing unit, the appointing authority shall determine the order of layoff of employes for purposes of establishing the mandatory restoration register.~~

Pers 22.03(2), (3), (4) and (5) are repealed.

Pers 22.03(2) and (3) are created to read as follows:

(2) CERTAIN EMPLOYEES RELEASED FIRST. An employe with permanent status in class in a permanent position shall not be laid off from any position while any limited term employe (including emergency and provisional) or original appointment probationary employe is continued in a position of the same class or approved option within the class in the employing unit in which the layoff occurs.

(3) PROMOTED EMPLOYEES SUBJECT TO LAYOFF. See Wis. Adm. Code section Pers 16.03(6) regarding employes subject to layoff while serving a promotional probationary period within an agency in which the layoff occurs.

Pers 22.035 is created to read:

Pers 22.035 Procedure For Making Layoffs. Employees within the class or approved option within the class in which layoff is to occur shall be laid off by seniority, with the seniority credit of all employes in the class computed on the basis of continuous state service as set forth in Wis. Adm. Code section Pers 19.01. A seniority ranking of all such employes shall be made accordingly, with any resulting tie cases to be ranked (relative to each other) according to their total continuous state service in that class or approved class option. If a tie still exists between two or more employes after completing the above, seniority of the tied employes shall be determined by age with the oldest employe deemed to have the greatest seniority. Employes shall be laid off according to their seniority ranking with the lowest ranked (least senior) employe laid off first, except that up to 2 employes or 20 percent (whichever is greater) of the number of employes within the class or approved class option identified for layoff may be exempt from the procedure at the discretion of the appointing authority. Exemptions may be used to retain employes having special or superior skills; for affirmative action purposes; or for such other purposes as may be determined by the appointing authority. Exercise of such exemption shall be declared by the appointing authority as part of the layoff plan submitted under Wis. Adm. Code section Pers 22.09. Any employe laid off shall be placed on the mandatory restoration register for the class or approved option within the class established for the employing unit.

Pers 22.04 is repealed and recreated to read:

Pers 22.04 Alternatives In Lieu Of Separation. In the event that the services of an employe with permanent status in class are about to be terminated by layoff in a given class as a result of a reduction in force, these alternatives shall be available, in the order listed below, in lieu of separation, provided that the order of layoff as set forth in the law and these rules permit:

(1) TRANSFER. The employe shall have the right to move to a vacancy in the same class and approved option within the agency. The employe may also be considered for other vacancies within the agency in a class, for which he or she meets the necessary education, experience, capacity, knowledge and skill and that has the same pay rate or pay range maximum.

(2) BUMPING. Where no vacancy exists, the employe identified for layoff shall be entitled to exercise bumping rights within the employing unit. This right entitles the employe to induce the layoff process in a lower class or approved option in the same series or in a class or approved option in a series having the same or lower pay rate or pay range maximum within the employing unit in which he/she had previously obtained permanent status in class. However, exercising such bumping rights does not guarantee the employe a position in the class or option selected; it only requires the employe to be included along with the other employes in the class or option when the layoff process as provided in Pers 22.035, is applied to determine which employe is laid off as a result of the bumping. An employe electing to bump shall have 5 calendar days from the date of written notification of impending layoff or receipt of such written notification, whichever is later, to exercise that option.

(3) VOLUNTARY DEMOTION. See Wis. Adm. Code section Pers 17.04(4).

(4) INVOLUNTARY DEMOTION. See Wis. Adm. Code section Pers 17.04(2).

Pers 22.05 ~~Written-notice-prior-to-layoff.~~ Notice Prior To Layoff; Appeal Notice; Limitations. Any employe affected by such layoff or reduction in pay or position shall be given written notice of such action, not less than 15 calendar days prior to the effective date thereof. ~~and~~ The employe shall be entitled to appeal such action to the board upon filing a written request with the board filed within 15 calendar days of the effective date of the decision or within 15 calendar days after receipt of notice of the action, whichever is later, shall be entitled to an appeal from such action to the board. ~~Such notice of appeal and any pending litigation as a result thereof,~~ shall in no way affect determinations previously or subsequently made, until an order is entered by the state personnel board, unless such order is stayed by a court of competent jurisdiction.

Pers 22.055, 22.056 and 22.057 are created to read:

Pers 22.055 Recall From Layoffs; Rights and Conditions. (1) RETURN TO SAME EMPLOYING UNIT. When a vacancy occurs in an employing unit from which an employe was laid off or demoted in lieu of layoff, employes shall be recalled in the inverse order of layoff unless the employe has exercised his or her right to transfer. A laid off employe failing to respond within 10 work days to the offer of reemployment or who upon acceptance fails to be available for work within 5 work days after acceptance, shall forfeit any further recall rights. If extenuating circumstances prevent an employe from reporting for work within 5 work days after acceptance or making other arrangements with the employer, the

employe shall not forfeit the right to further recall when other vacancies occur providing the nature of the extenuating circumstances was acceptable to the appointing authority.

(2) RETURN TO DIFFERENT EMPLOYING UNIT OR AGENCY. When a vacancy occurs anywhere in state service other than the employing unit from which the employe was laid off or demoted in lieu of layoff, see Wis. Adm. Code section Pers 16.03.

Pers 22.056 Pay Provisions. Upon reinstatement/restoration of laid off employes, their pay shall be set in accordance with the provisions of Wis. Adm. Code sections Pers 16.06 or 16.07, whichever is applicable.

Pers 22.057 Refusal To Accept Reemployment. When a laid off employe refuses a reasonable offer of reemployment in the employing unit from which he or she was laid off, providing the conditions and time limits specified in Wis. Adm. Code section Pers 22.055 are met, he or she shall forfeit any further mandatory restoration rights.

Pers 22.06 Reinstatement/restoration of promoted or transferred employes. (1) EMPLOYES SERVING A PROBATIONARY PERIOD AS A RESULT OF A PROMOTION WITHIN AN AGENCY. See Wis. Adm. Code section Pers 16.03(6).

(2) EMPLOYES SERVING A PROBATIONARY PERIOD AS A RESULT OF A TRANSFER WITHIN AN AGENCY. See Wis. Adm. Code section Pers 15.04(2)(b).

(3) EMPLOYES SERVING A PROBATIONARY PERIOD AS A RESULT OF A PROMOTION OR TRANSFER BETWEEN AGENCIES. If an employe, promoted or transferred from one appointing-authority agency to another, is laid off due to lack of work or funds while serving a probationary period in the new position, he or she may be reinstated to the position they he or she vacated, or one of like nature, under in any the-first-appointing-authority agency if where such a position is available.

Pers 22.065 is created to read:

Pers 22.065 Reinstatement/Restoration Of Laid Off Employes. Any restoration or reinstatement of laid off employes shall be made in accordance with Wis. Adm. Code section Pers 16.03.

Pers 22.09 is created to read:

Pers 22.09 Layoff Plan Subject To Approval. Whenever it becomes necessary for an agency to lay off employes, the appointing authority shall prepare a comprehensive written plan for layoff and submit it to the director for his review and approval prior to implementation.

Pers 23.02 Right of Appeal. (1) When any disciplinary action has been taken by an appointing ~~effieer~~ authority and the affected employe alleges that such action was not based on just cause, he or she may appeal such action to the board in the manner specified in section 16.05, Wis. Stats.

(2) When disciplinary action has been taken by an appointing ~~effieer~~ authority, and it is alleged to be illegal, an abuse of discretion or that the provisions of section Pers 23.01 or other provisions of law have not been complied with and such decisions are not subjects for consideration under the grievance procedure, collective bargaining, or hearing by the board, such affected employe may file an appeal to the director as authorized by section 16.03(4), Wis. Stats.

Pers 24.02, 24.03, 24.04, 24.05, 24.06, 24.07, 24.08 and 24.09 are renumbered to read 24.03, 24.04, 24.05, 24.06, 24.07, 24.08, 24.09 and 24.10 respectively.

Pers 24.02 is created to read:

Pers 24.02 DEFINITIONS. (1) "Employee" means a person holding any position in the classified service and in the unclassified service except persons identified under section 20.923, Wis. Stats., officers of the judiciary, and university of Wisconsin system teaching personnel as defined by the state ethics board.

(2) "Immediate family" means any individual related to an employe as a husband, wife or legal dependent for Wisconsin state income tax purposes.

(3) "Anything of value" means a gift, favor, service or promise of future employment.

(4) "Business" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual or any other legal entity which engages either in nonprofit or profit-making activities.

(5) "Significant fiduciary relationship" means owning or controlling, directly or indirectly, at least 10% or \$5,000 of the outstanding stock of or at least 10% or \$5,000 of any business.

(6) "Confidential information" means information obtained under government authority which has not become part of the body of public information.

(7) "State property" includes, but is not limited to, facilities, vehicles, supplies, equipment, stenographic assistance and reproduction services.

Pers 24.02(2)(b) Accept for his private gain or advantage money or anything of value ~~from a business~~ for the performance of an act required as part of his official duties.

Pers 28.04(4) An employe on leave with pay under this section shall be entitled to service-wide-salary applicable pay adjustments applied to the pay schedule and range his or her class is assigned to, consideration for merit increase if eligible, and personal holidays. However, personal holidays shall lapse if the employe does not return to full work status by the end of the calendar year.

Pers 30.06(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~~ 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.

Chapter Pers 31 is created to read:

TEMPORARY INTERCHANGE OF EMPLOYEES

Pers 31.01 Policy. Recognizing the value of the temporary interchange of employes between and among governmental agencies at the same or different levels of government and with institutions of higher education, section 16.24, Wis. Stats., authorized state agencies to participate in such interchange programs.

Pers 31.02 Interchange Agreement. (1) All interchange assignments shall be undertaken on the basis of a written agreement signed by the appointing authorities of the sending and receiving agencies, as defined in section 16.24(2), Wis. Stats., and by the employe concerned.

(2) The written agreement shall specify that the employe is assigned "on detail" to the receiving agency but remains an employe of the sending agency. The agreement shall contain such other information as required by the director.

Pers 31.03 Eligibility For Interchange. All employes in the classified and unclassified service are eligible for interchange except those persons in the classified service who are serving on a limited term, provisional or emergency basis or who are serving an original probationary period.

Pers 31.04 Duration Of Interchange. All assignments are intended to be temporary in nature.

(1) Assignments shall not exceed one year except that the director may, when justified by the nature and complexity of the tasks involved, authorize assignments of up to 2 years.

(2) Where an urgent need exists, the director may extend an assignment for up to an additional 2 years when the need and value of the extension can be demonstrated and it is agreed upon by all three parties to the original agreement. In no instance shall a single interchange assignment involving the same employe exceed 4 years.

Pers 31.05 State Of Wisconsin Or Any Agency Or Subdivision Thereof As Sending Agency. (1) The appointing authority of the sending agency shall:

(a) Arrange for the employe to remain on the agency's payroll and thus continue to be covered by the appropriate statutory or contractual provisions relating to pay and employe benefits.

(b) Provide assurance through the written agreement that the employe will receive all applicable intervening pay adjustments for which he/she is eligible such as pay adjustments applied to the pay schedule and range to which the employe's class is assigned, length of service payments and merit increases or other forms of within range pay adjustments.

(c) Specify in the agreement that the sending agency cannot pay the travel expenses of the employe in connection with his/her assignment at the receiving agency and therefore the receiving agency will reimburse the employe at the rate provided in the state's negotiated collective bargaining agreement or in accordance with section 20.916, Wis. Stats., whichever is appropriate.

(d) Assure that the agreement specifies any maintenance allowances the receiving agency may provide for the employe assigned to them "on detail." Such allowances may include, for example, the maintenance of a separate residence or costs associated with periodic travel to the employe's place of permanent residence.

(e) Assure that the agreement specifies that the employe remains subject to the provisions of Wis. Adm. Code chapter Pers 24 (Code of Ethics).

(2) The appointing authority writing the agreement may provide for the receiving agency to reimburse the sending agency for all or part of the salary and employe benefit expenditures incurred during the period of assignment.

(3) A classified state employe during the period of assignment is eligible to compete in all promotional examinations. The employe is not, however, eligible for position reclassification.

Pers 31.06 State Of Wisconsin Or Any Agency Or Subdivision Thereof As Receiving Agency. The appointing authority of the receiving agency shall:

(1) Assure that the agreement stipulates any salary or employe benefit costs and adjustments thereto which they, as the receiving agency, are obligated to provide as reimbursement to the sending agency.

(2) Assure that the agreement contains information on any separate pay allowances the receiving agency will provide such as those for maintaining a separate residence and for periodic travel to the employe's place of permanent residence.

(3) Specify in the agreement what each agency's responsibility is for paying employe travel expenses subject to the limitations contained in section 16.24(7), Wis. Stats.

(4) Specify in the agreement that the employe is subject to the provisions of Wis. Adm. Code chapter Pers 24 (Code of Ethics).

Chapter Pers 32 is created to read:

ACTING ASSIGNMENTS

Pers 32.01 When a position is vacant and requires the temporary assignment of a permanent employe, the appointing authority with the approval of the director may proceed based on the following principles:

1. The appointing authority will initiate action to fill the position on a permanent basis.
2. There are no other viable alternatives.
3. The appointment will normally be for six months or less.
4. The assignee shall meet the minimum qualifications established for the position by the director.
5. It is not the intent of the appointing authority to generate a series of acting assignments.