

CR 90-200

STATE OF WISCONSIN)

SS

DIVISION OF MERIT RECRUITMENT AND SELECTION)

We, Hugh C. Henderson, Acting Administrator, and Dennis L. Huett, Executive Personnel Officer, of the Division of Merit Recruitment and Selection in the Department of Employment Relations and custodians of the official records, certify that the annexed rules, relating to certification of names of persons with handicaps for state civil service positions, were duly approved and adopted by this Division on December 6, 1990.

We further certify that this copy has been compared by us with the original on file in this Division and that it is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, we have hereunto set our hands and affixed the official seal of the Division of Merit Recruitment and Selection at 137 E. Wilson Street in the city of Madison, this 6th day of December, 1990.



Hugh C. Henderson, Acting Administrator
Division of Merit Recruitment and Selection

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DEC 6 1990
4:15 pm
Revisor of Statutes
Bureau



Dennis L. Huett, Executive Personnel Officer
Division of Merit Recruitment and Selection

2-1-91

ORDER OF THE ADMINISTRATOR
OF THE DIVISION OF MERIT RECRUITMENT AND SELECTION
ADOPTING RULES

To renumber ER-Pers 12.06; and to create ER-Pers 12.06 (2) and (3), relating to certification of names of persons with handicaps for state civil service positions.

ANALYSIS PREPARED BY THE DIVISION OF MERIT RECRUITMENT AND SELECTION

Under s. 230.25 (1n) (a), Stats., the administrator of the Division of Merit Recruitment and Selection is authorized to supplement the names provided on a certification list with up to three (3) additional names of persons with a handicap. The purpose of this expanded certification program is to encourage and promote the hiring of qualified persons with handicaps for positions in the state civil service and to ensure that qualified persons with substantial disabilities that limit their employment opportunities are considered for state civil service positions.

The administrative rules implementing this program are found at Ch. ER-Pers 12, Wis. Adm. Code. The administrative rules in existence before June 1, 1988, defined "handicap" for the purpose of the expanded certification program and set forth the basic procedures the administrator followed in implementing the program. Recently the administrator has become aware that, either through an oversight or administrative error, important language was eliminated from the rules when they were revised in May 1988. This error was called to the administrator's attention by two appeals filed against the Division of Merit Recruitment and Selection at the State Personnel Commission.

Although key language was eliminated from the rules, that language continued to be used on the application form for state civil service positions, and in the brochure explaining the handicapped expanded certification program that was distributed to state agencies and interested applicants. This inconsistency between the rules and other materials distributed by the division has created confusion about the criteria individuals must meet to participate in the program and the procedures that are followed to verify their handicaps or disabilities.

Administrative rules are necessary to clarify the eligibility criteria and to allow the division to continue to process handicapped expanded certification requests without creating a situation in which every decision regarding this program carries an increased risk of appeal to the State Personnel Commission. These rules clarify and codify the standards the division has been applying to this program for many years. The proposed rules establish the basic standards that are uniformly applied to individual cases to determine whether an individual is eligible to participate in the handicapped expanded certification program.

The division's authority to create these rules is found in s. 230.05 (5), Stats., the rules interpret s. 230.25 (1n), Stats.

TEXT OF RULE

SECTION 1. ER-Pers 12.06 is renumbered 12.06 (1).

SECTION 2. ER-Pers 12.06 (2) and (3) are created to read:

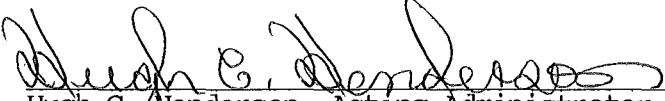
ER-Pers 12.06 (2). To be eligible for certification under this section a person shall have a physical or mental disability which substantially limits the person's employment opportunities, including the person's ability to obtain or retain employment.

ER-Pers 12.06 (3). Eligibility for certification under this section shall be limited to persons who provide the administrator a written verification of their disability and how it affects their employment opportunities. The verification shall be provided by a professional who is knowledgeable about the person's disability and its effect on the person's employment, such as a physician, psychologist, psychiatrist, rehabilitation-vocational counselor, high school special education teacher, high school counselor, counselor at the division of vocational rehabilitation, or other person, as approved by the administrator.

EFFECTIVE DATE

The rules contained in this order take effect on the first day of the month following publication in the Wisconsin Administrative Register.

Dated: December 6, 1990


Hugh C. Henderson, Acting Administrator
Division of Merit Recruitment and Selection


Dennis L. Huett, Executive Personnel Officer
Division of Merit Recruitment and Selection

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State of Wisconsin

Tommy G. Thompson
Governor

Constance P. Beck
Secretary



137 East Wilson Street
P.O. Box 7855
Madison, WI 53707-7855
(608) 266-9820

DEPARTMENT OF EMPLOYMENT RELATIONS

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December 6, 1990

Bruce Munson
Revisor of Statutes
119 Martin Luther King, Jr. Blvd.
2nd Floor
Madison, WI 53702

Dear Mr. Munson:

Enclosed is a certified copy of the Order of the Administrator of the Division of Merit Recruitment and Selection adopting rules relating to the certification of names of persons with handicaps for state civil service positions. A second, uncertified copy of the Order is included, to be used for printer's copy of the rule.

Please publish the order in the January Wisconsin Administrative Register.

Sincerely,

A handwritten signature in cursive script, appearing to read "Hugh C. Henderson".

HUGH C. HENDERSON
ACTING ADMINISTRATOR
DIVISION OF MERIT RECRUITMENT AND SELECTION

A handwritten signature in cursive script, appearing to read "Dennis L. Huett".

DENNIS L. HUETT
EXECUTIVE PERSONNEL OFFICER
DIVISION OF MERIT RECRUITMENT AND SELECTION

HCH:DLH:BAS:mjb