

Chapter ER 44

EMPLOYEE DEVELOPMENT AND TRAINING

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Note: Corrections made under s. 13.93 (2m) (b) 6., Stats., Register December 2003 No. 576.

ER 44.01 Policy and purpose. To promote efficiency and economy in the operation of state government, the state is committed to offering training opportunities for employees at all levels to develop maximum employee proficiency, to enhance the achievement of affirmative action goals, and to establish and maintain the highest standards of performance in the transaction of the state's business. Appointing authorities are responsible for identifying training needs and making opportunities available for their employees in accordance with the policy set forth in s. 230.046 (1), Stats. Upon request of a state agency or where cost efficiencies can be realized, the division will sponsor training and other developmental programs designed to develop and maintain the skills, knowledge and abilities of the state's work force.

History: Cr. Register, February, 1984, No. 338, eff. 3-1-84; correction under s. 13.92 (4) (b) 6., Stats., Register September 2015 No. 717.

ER 44.02 Definitions. In this chapter:

(1) "Career-related training and educational activities" means those activities which are necessary for:

- (a) The employee to progress through a classification series related to the employee's current position; or
- (b) The employee to advance to another position within a career path.

(2) "Employee development and training program" means the aggregate policies, procedures and activities that are designed and established to meet the training and development needs of employees.

(3) "Employee development and training plan" means the procedures and course of action established to implement an employee development and training program.

(4) "Formal training" means instructor-led structured training.

(5) "Job-related training and educational activities" means those developmental activities to which the agency assigns an employee to:

- (a) Develop, improve or update skills or knowledge which the agency determines an employee needs to perform the duties of the employee's current position;
- (b) Meet performance standards in a trainee, intern, understudy, apprentice, or specially funded employee development program; or
- (c) Complete activities designed to broaden the employee's experience while accomplishing the work of the agency.

(6) "New supervisor" means an employee appointed to a position with supervisory or managerial responsibilities as defined in s. 111.81 (19) and (20), Stats., who has not previously attained permanent status in a supervisory or managerial position in the classified service.

(7) "Personal development training and educational activities" means those activities which an employee chooses to undertake to gain skills, knowledge or experience for self-improvement and which are not directly related to the employee's current position or recognized by the agency as career-related.

(8) "Supervisory development program" means a formal, structured program designed to provide supervisors and managers with the skills, knowledge and experience needed to perform effectively in supervisory or managerial positions.

History: Cr. Register, February, 1984, No. 338, eff. 3-1-84; renum. (2) to (6) to be (4) to (8), cr. (2) and (3), Register, May, 1988, No. 389, eff. 6-1-88.

ER 44.03 Basic supervisory development. (1) PURPOSE. Recognizing that supervisors represent a key link between agency goals and agency action and that the behavior and attitudes of supervisors are of fundamental importance to employee relations, s. 230.046 (2), Stats., requires each new supervisor to complete successfully a supervisory development program.

(2) **WAIVER OF APPROVED SUPERVISORY DEVELOPMENT PROGRAM.** An appointing authority may waive all or a portion of the supervisory development program for any new supervisor or manager if the appointing authority determines that the employee received prior supervisory training equivalent to the requirements in s. 230.046 (2), Stats. The appointing authority shall place a copy of the determination in the employee's personnel file.

(3) **PROBATIONARY PERIOD WAIVER.** For provisions regarding waiver of a probationary period prior to completion of basic supervisory development training, see s. 230.046 (2), Stats.

History: Cr. Register, February, 1984, No. 338, eff. 3-1-84; CR 04-139; am. (1), renum. (2) (a) to be (2) and am., r. (2) (b) and (c) Register June 2005 No. 594, eff. 7-1-05.

ER 44.04 Understudy program. (1) PURPOSE. To provide continuity in provision of service, the administrator may establish an understudy program for a selected position so that an employee may participate in relevant duties before functioning independently.

(2) **ESTABLISHMENT.** (a) An agency desiring to appoint an employee under the understudy program shall request approval from the administrator prior to initiation of the recruitment process under s. 230.14, Stats.

(b) A person may be appointed to serve as an understudy in a position having duties in addition to the understudy functions or in a position specified solely for understudy, but in no case shall a position specified solely for understudy be filled for more than one year before the objective position vacancy is anticipated.

(3) **BASIS OF UNDERSTUDY PAY.** Persons serving in positions having solely understudy functions may be paid on the same basis as provided for trainees under ch. ER 29 and the compensation plan. Persons serving in positions having duties in addition to the understudy function shall continue to be paid on the basis provided for the non-understudy functions.

History: Cr. Register, February, 1984, No. 338, eff. 3-1-84; cr. (3), Register, May, 1988, No. 389, eff. 6-1-88; correction in (1), (2) (a) under s. 13.92 (4) (b) 6., Stats., Register September 2015 No. 717.

ER 44.05 In-service training internship program.

(1) **PURPOSE.** In order to implement the state's commitment to a responsible, highly qualified staff, a training internship program for positions shall be established by the administrator to give training in public service administration, to improve opportunities for career progression, or to meet agencies' affirmative action goals.

(2) **ESTABLISHMENT.** (a) In-service training internships may be established by agencies for a period not to exceed 3 years under the direct supervision of an experienced employee in a managerial position.

(b) Each training internship shall be approved by the administrator.

(c) A comprehensive training plan shall be developed for each training internship. The plan shall include provisions for:

1. Establishing development objectives against which the intern will be evaluated by the supervisor at least every 6 months during the internship; and

2. Ensuring that there is a managerial employee responsible for overseeing the intern's progress during the training internship.

(3) **REPORTING.** Agencies shall provide progress and status reports on each internship as required by the administrator.

History: Cr. Register, February, 1984, No. 338, eff. 3-1-84; correction in (1), (2) (b), (3) under s. 13.92 (4) (b) 6., Stats., Register September 2015 No. 717.

ER 44.06 Tuition and fees refund program. When an employee participates in employee training and educational activities with the prior approval of the appointing authority, the following minimum standards for refund of tuition, necessary fees and time off from work shall apply:

(1) **JOB-RELATED TRAINING AND EDUCATIONAL ACTIVITIES.** Attendance of employees at job-related training and educational activities shall be without loss of pay and shall be at the employer's expense.

(2) **CAREER-RELATED TRAINING AND EDUCATIONAL ACTIVITIES.** Upon successful completion of career-related training and educational activities, the employer may reimburse the employee for tuition, registration fees, laboratory costs, books and required student fees, except those fees paid for student activity, health or athletic events. The reimbursement level shall be agreed upon prior to attendance at the activity. Time off for career-related training and educational activities may be granted without loss of pay or taken as authorized accrued leave or compensatory time off, or may be accommodated through the use of alternative work patterns.

(3) **PERSONAL DEVELOPMENT TRAINING AND EDUCATIONAL ACTIVITIES.** When an employee's objectives are to engage in training or education related to personal development training and educational activities, the employer shall not reimburse the employee for any cost associated with these activities. Time off for personal development training and educational activities may

be granted by the appointing authority. If granted, such time off shall be without pay, taken as authorized accrued leave or compensatory time off, or may be accommodated through the use of alternative work patterns.

History: Cr. Register, February, 1984, No. 338, eff. 3-1-84.

ER 44.07 Records of training program participation. (1) **PURPOSE.** To establish a centralized overview of training activities, each agency is required under s. 230.046 (4), Stats., to adopt a standardized system for measuring, recording, reporting, and recognizing employee participation in employee development and formal training programs.

(2) **AGENCY RESPONSIBILITY.** (a) Each agency shall maintain training records according to guidelines established by the administrator.

(b) Each agency shall provide information on training activities as requested by the administrator.

History: Cr. Register, February, 1984, No. 338, eff. 3-1-84; CR 04-139: r. (2) (a) Register June 2005 No. 594, eff. 7-1-05; correction in (2) under s. 13.92 (4) (b) 6., Stats., Register September 2015 No. 717.

ER 44.09 Trainee. (1) **USE OF TRAINEES.** The administrator may authorize the use of trainees, except for career executives, when the special funding requirements of a position require that the position be filled by a trainee, or when the administrator determines that a sufficient number of qualified promotional candidates for the objective level, including women, minorities, and individuals with disabilities, are not available within the agency or employing unit; and:

(a) Filling the position as a trainee will be more appropriate than appointment at the objective level because ability to satisfactorily perform the job tasks is normally acquired as a result of a structured program of job related training and on-the-job experience is required; or

(b) Qualified candidates at the objective level are not readily available in the labor market; or

(c) Filling the position as a trainee will increase the agency's ability to comply with an approved affirmative action plan or program.

(2) **APPOINTMENT TRANSACTION.** The type of appointment transaction shall be based on the objective classification level for the position when filling a position with a trainee.

History: Cr. Register, May, 1988, No. 389, eff. 6-1-88; correction in (1) (intro.) under s. 13.92 (4) (b) 6., Stats., Register September 2015 No. 717; CR 21-110: am. (1) (intro.) Register June 2022 No. 798, eff. 7-1-22.

Note: See s. ER-MRS 13.03 for an explanation of the requirements of the probationary period for trainees and understudies.