

## Chapter ER-MRS 30

## CAREER EXECUTIVE EMPLOYMENT

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Note: Chapter Pers 30 was renumbered chapter ER-Pers 30, except Pers 30.12, effective March 1, 1983. Chapter ER-Pers 30 was renumbered chapter ER-MRS 30 under s. 13.93 (2m) (b) 1, Stats., Register, October, 1994, No. 466.

**ER-MRS 30.01 Policy.** (1) In accordance with s. 230.24, Stats., these administrative rules are promulgated: to provide state agencies with a pool of highly qualified executive candidates for competitive appointment to executive level positions in such a way as to achieve and maintain a balanced work force; to provide employes with the opportunity for advancement as well as flexibility and mobility within and between state agencies; and to make optimum use of employes' managerial and administrative skills.

(2) The career executive program is an integral part of the civil service system of the state of Wisconsin and subject to all statutes and the rules of the administrator. In accordance with the provisions of s. 230.24, Stats., where other statutes and rules conflict with s. 230.24, Stats., and the rules promulgated to effect such statute, the provisions of s. 230.24, Stats., shall take precedence.

(3) On initial appointment to or voluntary movement into a career executive position, the employe becomes a career executive.

History: Cr. Register, March, 1974, No. 219, eff. 4-1-74; am., Register, February, 1981, No. 302, eff. 3-1-81; cr. (3), Register, February, 1983, No. 326, eff. 3-1-83; am. (3), Register, May, 1988, No. 389, eff. 6-1-88.

**ER-MRS 30.03 Career executive candidate source and registers.** (1) Career executive candidates may be classified civil service employes or persons from outside of the classified civil service. All candidates shall have demonstrated knowledges and skills acquired through work experience and training which, in the judgment of the administrator, will provide reasonable prospects for success in the type of positions included in the program.

(2) Emphasis shall be placed on obtaining career executive candidates from within the classified civil service.

(3) The register maintained for candidates who are classified civil service employes, referred to as the internal register, shall be maintained separate from the register for other candidates, referred to as the external register, when a register for other candidates is established.

History: Cr. Register, March, 1974, No. 219, eff. 4-1-74; am. (1) and (2), (3) renum. from Pers 30.04 (4) and am., Register, February, 1981, No. 302, eff. 3-1-81.

**ER-MRS 30.05 Certification.** (1) The highest ranking candidates shall be determined through a comparison of their qualifications, including technical or professional qualifi-

cations, where applicable, with the qualification 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.

(2) Certification from the external register when such register is established, may occur simultaneously with the certification from the internal register. Certification from the external register may also be provided at any time after candidates from the internal register have been certified, but prior to the time an appointment is made. No candidate from the external register who has earned a score lower than the candidate with the lowest score certified from the internal register shall be certified, except when the latter register contains fewer than 10 candidates.

History: Cr. Register, March, 1974, No. 219, eff. 4-1-74; am., (1), r. and recr. (2), r. (3), Register, February, 1981, No. 302, eff. 3-1-81; correction in (1) made under s. 13.93 (2m) (b) 7, Stats., Register, October, 1994, No. 466.

**ER-MRS 30.06 Career executive trial period.** (1) Upon initial appointment to the career executive program, a career executive employe, prior to attaining permanent status, shall serve a 2 year continuous service trial period. However, one year, or any portion thereof, may be waived by the appointing authority at any time after a one year continuous service trial period has been served after both the employe and the administrator have been notified in writing. If an employe transfers to a different agency while serving a trial period, the trial period shall be extended to provide for 6 continuous months of service in the receiving agency. Upon successful completion of the trial period, a career executive employe attains permanent status. Except as provided in sub. (3) and s. ER-MRS 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 agencies.

(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 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

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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.

**History:** Cr. Register, March, 1974, No. 219, eff. 4-1-74; am. (1), Register, September, 1976, No. 237, eff. 10-1-75; am., Register, February, 1981, No. 302, eff. 3-1-81; am. (1) Register, February, 1983, No. 326, eff. 3-1-83; renum. (2) to be ER 30.065, Register, May, 1988, No. 389, eff. 6-1-88; correction in (1) made under s. 13.93 (2m) (b) 7, Stats., Register, October, 1994, No. 466.

**ER-MRS 30.07 Career executive reassignment.** (1) Career executive reassignment means the permanent appointment by the appointing authority of a career executive within the agency to a different career executive position at the same or lower classification level for which the employe is qualified to perform the work after being given the customary orientation provided to newly hired workers in such positions.

(2) When an appointing authority determines that the agency's program goals can best be accomplished by reassigning an employe in a career executive position within the agency to another career executive position in the same or lower classification level for which the employe is qualified, the appointing authority may make such reassignment, provided it is reasonable and proper. All such reassignments shall be made in writing to the affected employe, with the reasons stated therein.

**History:** Cr. Register, March, 1974, No. 219, eff. 4-1-74; am., Register, February, 1981, No. 302, eff. 3-1-81; r. and recr. (1), Register, February, 1983, No. 326, eff. 3-1-83.

**ER-MRS 30.08 Career executive voluntary movement.** Any career executive shall be eligible to voluntarily move to any vacant career executive position. If the appointing authority is considering the voluntary movement of a career executive employe to a position allocated to a higher class, all career executive employes shall be so notified and provided an opportunity for appointment consideration, as follows:

(1) Intra-agency movement: all career executive employes in the agency.

(2) Inter-agency movement: all career executive employes in state service.

**History:** Cr. Register, March, 1974, No. 219, eff. 4-1-74; renum. (1) and am., r. (2), Register, February, 1981, No. 302, eff. 3-1-81.

**ER-MRS 30.10 Career executive employe redress rights.** (1) Career executive program employment grants to each employe thereunder rights and privileges of movement between positions within the program without examination and additional competition. Career executive reassignment and career executive voluntary movement to a position allocated to a classification assigned to a lower or higher pay range shall not be considered a demotion, or a promotion, respectively, and the statutory appeal rights provided thereto shall not apply.

(2) Career executive reassignment by the appointing authority, as defined under s. ER-MRS 30.07 (1) and referred to in sub. (1), is authorized without limitation. However, an employe with permanent status in the career executive program may appeal the reassignment to the personnel commission if it is alleged that such reassign-

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ment either constitutes an unreasonable and improper exercise of an appointing authority's discretion or is prohibited by s. 230.18, Stats.

(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 pay range 17 or below is defined as a demotion, and may be appealed.

(4) Permanent status in the career executive program grants an employe the same redress rights granted employes with permanent status in class under s. 230.44, Stats., except as provided in sub. (1).

(5) An employe in a career executive position serving a trial period shall have the same right of appeal under s. 230.44, Stats., as an employe who does not have permanent status in class in his or her present position.

**History:** Cr. Register, March, 1974, No. 219, eff. 4-1-74; am. (1) and (2), r. (3), renum. (4) and (5) to be (3) and (4) and am., Register, February, 1981, No. 302, eff. 3-1-81; am. (2) to (4) and cr. (5), Register, February, 1983, No. 326, eff. 3-1-83; correction in (2) made under s. 13.93 (2m) (b) 7, Stats., Register, October, 1994, No. 466.

**ER-MRS 30.105 Layoff of career executive employes.** For purposes of this chapter, "layoff" means the termination of a career executive with permanent status in the career executive program from the career executive program due to a reduction in the career executive force in the employing unit.

(1) Layoff of career executive employes shall be in accordance with ch. ER-MRS 22, except that where such rules conflict with this chapter, the provisions of this chapter shall apply.

(2) Whenever it is necessary to lay off a career executive employe, an appointing authority shall group the career executive employes and then make layoffs within this group in accordance with s. ER-MRS 22.06. The layoff group shall include all of the career executive employes within the employing unit who meet the following 2 criteria:

(a) They are either at or below the pay range level of the position to be abolished or vacated; and

(b) They are performing work which the employe who has been occupying the abolished position would be qualified to perform after being given the customary orientation provided to newly hired workers in such positions.

(3) Before a career executive employe with permanent status in the career executive program is laid off, the appointing authority shall terminate all employes in the same or lower class in the employing unit in which the layoff occurs, who are performing duties which the career executive employe would be qualified to perform after being given the customary orientation provided to newly hired workers in such positions, as follows:

(a) Limited term employes including provisional,

(b) Employes serving on a project appointment,

(c) Employes serving an original appointment trial period.

(4) Prior to receiving a notice of layoff under s. ER-MRS 22.07, a career executive employe with permanent status in the career executive program has a right to an appointment to a vacancy in the career executive program in the employing agency which is allocated to a pay range at or below the employe's current pay range, and for which he or she is qualified to perform the duties after the customary orientation provided for a newly hired worker in the position. However, this right may not be exercised until after the appointing authority has considered transfers, demotions or reassignments of persons currently employed in the employing agency who would not be affected by the layoff.

(5) After exhaustion of the alternatives within the career executive program, the alternatives as a result of layoff under s. ER-MRS 22.08 apply for positions not in the career executive program.

(6) Restoration from layoffs shall be in accordance with s. ER-MRS 22.10, with the following exception: restoration rights to a career executive position shall be limited to a position in the career executive program at or below the pay range of the last career executive position that the employe held for which he or she is qualified to perform the duties after the customary orientation provided for a newly hired worker in such position.

*History:* Cr. Register, February, 1981, No. 302, eff. 3-1-81; cr. (intro.), am. (2) (intro.), (3) (intro.), (a) and (c), (4) and (5), Register, February, 1983, No. 326, eff. 3-1-83; am. (2) (b), Register, May, 1988, No. 389, eff. 6-1-88; corrections made under s. 13.93 (2m) (b) 7, Stats., Register, October, 1994, No. 466.

**ER-MRS 30.11 Employment reinstatement and restoration.**

(1) If the career executive appointment is terminated prior to the time that the employe attains permanent status, the employe shall have the same reemployment rights and eligibility as an employe in a non-career executive position who is terminated prior to completing a probationary period. In addition, an employe with permanent status in a class appointed to a career executive position in an agency referred to as the "trial" agency, which is other than the agency, referred to as the "status" agency, in which the employe was serving with permanent status in class, shall have mandatory restoration rights to a position at or closest to the same or counterpart pay range level in which the employe last achieved permanent status in class, as follows:

(a) Within the "status" agency, if terminated during the first 6 months of the trial period, and

(b) Within the "trial" agency, if terminated after the first 6 months of the trial period.

(2) If the position to which the employe is to be restored has been abolished, the employe shall be given consideration for any other vacant position in the same or counterpart pay range for which the employe is qualified to perform the work after being given the customary orientation provided for newly hired workers. If no such vacant position exists, the employe shall be treated as if he or she had been restored to the previous position and the provisions for making layoffs under ch. ER-MRS 22 shall apply.

(3) If an employe terminates employment as a career executive under conditions other than those specified in sub. (1), the employe shall have the same reinstatement and restoration status and rights as provided in ch. ER-MRS 16.

*History:* Cr. Register, March, 1974, No. 219, eff. 4-1-74; am. (1), renum. (2) to be (3) and am., cr. (2), Register, February, 1981, No. 302, eff. 3-1-81; correction in (2) and (3) made under s. 13.93 (2m) (b) 7, Stats., Register, October, 1994, No. 466.

**ER-MRS 30.99 Incumbents of positions placed in the career executive program.** (1) Each incumbent shall be given the option of being 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 under the noncareer 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 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.

(3) The provisions specified in subs. (1) and (2) shall also apply to persons on authorized leave of absence from positions placed in the career executive program, commencing with their return.

*History:* Cr. Register, March, 1974, No. 219, eff. 4-1-74; r. (1), renum. (2) to be (1) and am., renum. (3) and (4) to be (2) and (3), Register, February, 1978, No. 266, eff. 3-1-78; am., Register, February, 1981, No. 302, eff. 3-1-81; am. (1), Register, May, 1988, No. 389, eff. 6-1-88; corrections in (1) made under s. 13.93 (2m) (b) 7, Stats., Register, October, 1994, No. 466.