

## **Chapter 3 Filling Vacant Positions**

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## Chapter 3 Filling Vacant Positions

### 3.01 Filling Classified Permanent Positions

The policy and process described in this chapter applies to Human Resources (HR) transactions used in the recruitment and filling of permanent positions. For definitions of many of the terms described in this material, see the end of the chapter.

A permanent position is filled according to the following steps:

1. **Supervisor initiates a request to fill a vacant position.** It is the supervisor's responsibility to initiate a request to fill a vacant position by following employing unit procedures. Supervisors should contact their employing unit HR Representative if they have questions about how to initiate a request.

In most cases, the supervisor will create an HR transaction by electronically submitting a position description and supporting information (e.g., Organization Chart, [Supervisory Exclusion Analysis Form](#)) via the [CLASSIFIED HUMAN RESOURCES INFORMATION SYSTEM \(CHRIS\)](#). First time users within CHRIS will need to set up a user profile before they can begin their transaction (see "[Getting Started](#)" on the OHR website).

Below are the specifics on how the position description should be developed within the CHRIS HR transaction:

- **Position Description (PD)**

The position description [[Appendix 3-B](#)] is a written summary that describes the components of a position specifying the goals the employee is expected to achieve and the worker activities (duties) necessary to accomplish the goals. The PD is an essential management tool for a number of functions such as assignment of duties, performance review and position classification and selection consistent with federal/state equal employment opportunity laws and rules.

The first step a supervisor must take to fill a vacant permanent position is to write or update the PD via CHRIS. If there is an existing PD, the supervisor should review it and make any necessary changes which reflect the current position's duties and responsibilities. If a new PD is necessary, it should be developed according to the format and instructions found in [Appendix 3-B](#) and [Appendix 3-C](#).

- **Organization Chart**

In addition to the PD, an organization chart showing the structure of the unit should be prepared as part of the PD package in CHRIS. The chart should identify the vacant position and should indicate the **current** position classifications and names of **current** employees in the unit. Enough information should be provided within the organization chart to show where the position is located, its reporting relationship, and like positions within the organization.

- **Supervisory Exclusion Analysis Form (SAF)**

A "Supervisory Exclusion Analysis Form" [[Appendix 3-E](#)] must be completed as part of the PD package in CHRIS if a position is considered to be supervisory (i.e., if item #13 of the PD is checked "yes"). The SAF is used to determine whether the position can be properly classified as supervisory.

**The employing unit HR Representative reviews the CHRIS transaction.**

After the "Authorization to Hire" and related materials have been prepared and received via CHRIS, necessary internal approvals according to employing unit procedures need to occur. The HR Representative will review the CHRIS transaction to ensure all items are

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correctly entered and the appropriate classification is being requested.

If the title is delegated to the employing unit, the HR Representative approves the class title. The HR Representative would follow the same review/approval process as described below.

If the title is not delegated to the employing unit, the HR Representative submits the recommendation for class title to when sending the transaction to reviews the CHRIS transaction for appropriate classification approval and supporting documentation for titles delegated to the UW- Madison campus. The State classification system and the position classification process are explained below.

- **State Classification System**

A job classification ("class") is a group of positions with sufficiently similar duties and responsibilities as to justify common treatment in the processing of various personnel transactions. Each job classification is assigned to a specific pay range.

Under state civil service statute, the Secretary, DER, is charged with the responsibility of establishing and maintaining the classification system. The Secretary may delegate authority to for classifying positions in specified classes with no further approval required by DER. may further delegate some of its authority to other employing units within the UW-Madison campus.

A non-delegated classification is one that requires DER approval before proceeding to fill the vacancy.

A delegated classification is one that requires either or employing unit approval, based on specific delegation agreements, before proceeding to fill a vacancy.

- **Position Classification Process**

An HR Specialist first reviews the PD, organization chart, (and SAF, if appropriate) to become familiar with the duties and responsibilities of the position. If this information is not clear from the PD, the HR Specialist will discuss the position with the appropriate HR Representative (and supervisor, if necessary).

The HR Specialist then compares the position to the class specifications developed by DER. Class specifications define the nature and character of the work within the class through the use of definition statements, listing of areas of specialization, examples of work that are included or excluded, allocation patterns of Representative positions, and class factor information. This comparison is the primary basis for determining which class specification best describes the position.

The HR Specialist also compares the PD for the position with PDs of other similar positions to ensure an appropriate classification decision is made. This comparison is typically done with positions on the UW-Madison campus, but may include a review of other positions throughout state government.

The HR Specialist then determines the most appropriate job classification for the position. If this determination differs from the classification requested by the employing unit, the HR Specialist will discuss the decision with the employing unit HR Representative and/or the supervisor of the position until differences are resolved.

#### **DER reviews the non-delegated HR transaction**

For classifications not delegated to UW-Madison, the HR Transaction must be reviewed

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and approved for classification by the Department of Employment Relations (DER) before it can be processed further. Non-delegated HR transactions include positions that move between delegated classes in different bargaining units; allocation of a position to "confidential"; movement of a filled position into a first time supervisory title; or movement of a position from a delegated to a non-delegated classification. Typically, class titles that are used exclusively by other state agencies (i.e., agency specific) are not delegated to the UW for classification.

- **Proceeding to fill the position**

After an HR Transaction has been processed through all appropriate steps in the position clearance process via CHRIS, the vacant position is authorized to be staffed according to the following steps. These steps include the procedures for filling both represented (unionized) and non-represented positions before a certification list can be utilized (i.e., consider outside applicants).

#### 2. Steps to follow prior to filling a "represented" position from a certification list.

Each of the steps outlined below must be followed in sequence for most collective bargaining agreements. Consult with your employing unit HR Representative if you have any questions.

Represented Employees are afforded the Opportunity to Transfer to the Vacant Position if it is in a Bargaining Unit Job Classification.

Certain labor contracts between the State and collective bargaining units require the University to notify the local union for represented employees about vacant positions and afford them the opportunity to transfer to the positions.

For union contract administration purposes, a transfer is defined as the movement of an employee with permanent status in class from one position to a vacant position in the same job classification. **EXCEPTION:** Positions that are filled through random ranking allow movement of employees between different titles in the same pay range and bargaining unit, within the same employing unit.

- **Posting of a Vacancy**

To satisfy the notification requirement, posts a notice of the vacancy on the Office of Human Resources' website and appropriate bulletin boards. To be considered as a contractual transfer candidate, a represented employees must complete a "Request for Transfer" card [[Appendix 3-1](#)], either manually or online, within the time limit specified in the union contract.

#### **WSEU Transfer Postings - Mandatory WSEU Contractual Referrals Within the Employing Unit (For positions covered by other collective bargaining agreements, skip this step)**

Upon completion of the vacancy notification procedure and specified time limits, names are referred to the employing unit HR Representative via CHRIS. The referrals occur as follows:

Names of WSEU represented employees in the class title, in seniority order within the employing unit, who completed a transfer card indicating interest in transfer to the position, along with instructions on making a selection. The supervisor must follow the provisions of the applicable union contract in selecting an employee to fill the vacancy.

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When the supervisor has completed this transfer step, the list is returned to the HR office indicating the results. If no represented employee is interested in the position, the hiring process continues as follows.

- **Restoration/Bumping**

will inform the Employing Unit HR Representative if any person has a restoration right or bumping right to the vacancy. Collective bargaining agreements for represented employees provide mandatory rights to certain vacancies to employees who have been laid off or are in the process of being laid off. If the employing unit is notified there are such candidates, the Employing Unit HR Representative should contact for assistance. Such employees must be offered the vacancy according to the applicable provision in the collective bargaining agreement. If there are no such candidates, or if the candidate turns down the offer, proceed to the next step.

- **WSEU Union Transfer from Outside the Employing Unit.** (For positions covered by other collective bargaining agreements, skip this step)

The supervisor receives the names of represented employees in the class title in seniority order outside the employing unit and within the UW System who completed a transfer card indicating interest in transfer to the position. The supervisor must follow the applicable union contract provision when making the selection by seniority.

If the vacancy is covered by Science Professional, Professional Patient Care, or the Wisconsin Professional Employee collective bargaining agreements, will refer names of all represented employees interested in transfer to the position who completed a transfer card.

The supervisor must follow the applicable union contract provision when making the selection.

- **Non-contractual Transfer, Reinstatement, Voluntary Demotion, Certified candidates for the vacancy**

The supervisor may at this point consider applicants who are non-contractual transfers, reinstatements, or voluntary demotions, but may also wait to consider these candidates along with other candidates referred to the vacancy via the certification list. Employees "At Risk" of being laid off should be considered immediately.

### 3. Steps to follow prior to filling a "non-represented" position from a certification list.

The following sequence includes steps that will rarely be exercised unless layoffs are occurring or have occurred in non-represented areas on campus.

- **Transfer or Demotion within the Employing Unit**

For non-represented vacant positions, an appointing authority may fill the vacancy by transfer or demotion limited to represented or non-represented employees within the employing unit.

- **Transfer in lieu of layoff within the employing unit**

A qualified non-represented employee from within the employing unit who has received a written notice of layoff may transfer in lieu of layoff to any vacancy in the same or counterpart pay ranges regardless of classification but is limited to those positions where the employee is qualified to perform the work after customary orientation and training. If there is more than one non-represented position to which the employee can transfer,

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the appointing authority may designate the position to which the employee shall exercise the right of transfer in lieu of layoff.

- **Transfer in lieu of layoff outside the employing unit and within the University**  
A qualified non-represented employee from outside the employing unit and within the University System who has received a written notice of layoff may exercise their right to transfer in lieu of layoff to any vacancy in the approved layoff group where the employee is qualified to perform the work after the customary orientation and training. If there is more than one non-represented position to which the employee can transfer, the appointing authority may designate the position to which the employee shall exercise the right of transfer in lieu of layoff.
- **Demotion in lieu of layoff within the employing unit**  
If transfer is not available, the appointing authority will offer the employee the opportunity to demote to a vacant position regardless of classification but limited to those positions where the employee is qualified to perform the work after customary orientation and training.
- **Demotion in lieu of layoff outside the employing unit and within the University**  
If demotion within the employing unit is not available, the appointing authority will offer the employee the opportunity to demote to a vacant position within the university regardless of classification but limited to those positions where the employee is qualified to perform the work after customary orientation and training.
- **Restoration**  
If the position is not filled by the above step, will inform the Employing Unit HR if anyone has restoration to the vacancy. Non-represented employees from the employing unit who have been laid off, demoted in lieu of layoff, who have exercised displacement rights in lieu of layoff, or who transferred or demoted to any other agency in lieu or layoff and terminated while on probation shall be granted this mandatory appointment consideration for a five year period from the date of such action.
  - **To the same employing unit**  
When a vacancy occurs in the employing unit at or closest to the same or counterpart pay range level from which an employee left, the employee shall be recalled in inverse order of layoff providing the employee is qualified to perform the work after being given the customary orientation provided newly hired workers in such position, unless the employee previously declined a similar offer.
  - **To the University**  
When a vacancy occurs at the University in the approved layoff group from which the employee left, the employee shall be recalled in inverse order of layoff, providing the employee is qualified to perform the work after being given the customary orientation provided newly hired workers in such positions unless the employee previously declined a similar offer.
- **Transfer, Reinstatement, Voluntary Demotion, Certified candidates for the vacancy**

The supervisor may at this point consider applicants who are requesting to transfer, be reinstated or take a voluntary demotion. These individuals may be considered immediately or considered along with other certified candidates (see below) for the vacancy.

#### 4. Steps to follow when filling a position from a certification list.

- **Using an Existing Employment Register**  
Under the Division of Merit Recruitment and Selection (DMRS) policy, departments are required to fill vacant positions from existing employment registers whenever possible.

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If a register exists, will certify the names of eligible candidates to the employing unit HR Representative.

**NOTE:** It may also be possible to use a related register or to reactivate a recently expired register. The supervisor should contact the employing unit HR Representative for questions about using a related or reactivated register.

- **Establishing an Employment Register**

If a vacant position is not filled by any of the methods previously described, the position is announced and filled by competition under the rules and procedures established by DMRS.

- **Areas of Competition**

There are several areas of competition that may be used in the recruitment process depending on the nature, classification, and Affirmative Action requirements of the vacant position.

**Open Competition** means the position is open to all current state employees (classified and unclassified) and non-state employees. This competition is not limited to residents of Wisconsin.

**Promotional Competition** means the position is limited to any seasonal, session, probationary or permanent classified state employee not serving on a limited term or project basis. Former employees currently in layoff status may compete in promotional examinations if they would have been eligible to compete prior to layoff. This competition can be:

- Open to all current classified state employees (service-wide) or
- Limited to current classified employees of the UW-Madison (Agency); or
- Limited to current classified employees of a specific employing unit within UW-Madison (Unit).

Service-wide competition is the preferred promotional procedure, with agency competition available as an option when it is likely that a large qualified pool of candidates will be available within the agency or when other considerations indicate that agency competition is preferable. Employing unit competition is used infrequently because of the DMRS policy of encouraging the widest competition due to statutory requirements. Supervisors wishing to limit competition should consult with their HR Representative.

#### **Competition Limited to W-2 Participants**

Section 230.147, Wis. Stats., encourages the employment of individuals receiving aid in a ratio related to the number of permanent employees. Exceptional employment lists may be established for any vacancy to meet the goal of providing employment opportunities to this group of economically disadvantaged individuals. Experience indicates that multi-vacancy, entry-level classifications for clerical, para-professional, technical and professional positions work best. Supervisors wishing to use such a register should notify their HR Representative early in the process.

- **Methods of Recruitment**

Several recruitment methods are available depending on the area of competition desired, the classification of the vacant position and the status of previous and current registers established by DMRS.

- **Current Employment Opportunities Bulletin (COB)**

Vacancies in the majority of job classifications open to both state and non-state employee applicants are listed in the COB, published approximately 50 Mondays per

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year by DER. The bulletin is distributed and posted at Job Service offices; State office building and agency human resources offices; post-secondary school human resources offices; many community action organizations; all county and approximately 30 city human resources offices; and over 100 public libraries. The COB is available on [WISCJOBS](#) and is also available through subscription.

- **Entry Professional Program (EPP)**

The EPP is designed to provide agencies with a flexible and timely process to recruit and hire entry-level professional employees. The program will enable state service to be more competitive for highly qualified candidates, including women, members of racial and ethnic minority groups, and persons with disabilities. All EPP selections will be based on merit, as determined by content valid competitive examinations or other assessment techniques. Although the EPP is aimed at college graduates, applicants with equivalent professional experience or training may apply for EPP vacancies.

- **Other Recruitment Considerations**

- **Special Recruitment**

Special recruitment efforts may be undertaken to attract qualified applicants for classifications where the labor market is limited, e.g., higher-level management positions or for affirmative action purposes. Methods may include personal appearances by a program manager, HR Specialist or Affirmative Action officer or designee before community, professional, or minority organizations. Also, special mailings about the position can be sent to the above groups and/or potential applicants.

- **Special Advertising**

In addition to the official civil service announcement, special newspaper and/or professional advertisements may be placed by the employing unit depending on the difficulty of recruitment and need for wider announcement. Consult with your HR Representative regarding special advertising.

- **Review of Applications**

Applicants are normally requested to submit an [Application for State Employment](#) by a specific deadline date. It is the responsibility of applicants to insure that the application is completed according to instructions and received at the announced location by the announced deadline. Applications received at the announced location after 4:30 p.m. on the deadline date will not be processed. Late applications will not be returned to applicants. The recruitment process is completed when the application deadline has passed.

- **Qualification Requirements**

Civil service job announcements may specify qualification requirements that applicants must meet to be eligible to compete for a position. Civil service statute prohibits state departments from requiring college graduation as a condition of application unless the vacant position must be filled by an incumbent holding license or registration in an occupation regulated by law and college graduation is required to obtain the occupational license or registration (e.g., Physical Therapist, Nurse Clinician).

Announcements for most job classifications contain general statements to the effect that candidates must have sufficient training and experience to demonstrate that the skills and knowledge necessary to perform the tasks upon appointment have been acquired. Prospective applicants are then expected to evaluate their own training and experience in relation to those tasks and knowledge.

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If there is a specific qualification requirement stated in the announcement, the HR office reviews all applications received to ensure that applicants meet this requirement before they are allowed to compete further in the selection process.

- **Developing and Administering a Civil Service Examination**

Under Wisconsin civil service law, appointments and promotions in the classified service must be made only according to merit and fitness, which must be ascertained so far as practicable by competitive examination. In addition, all examinations, including minimum training and experience requirements, for positions in the classified service must be job-related in compliance with appropriate validation standards.

- **Types of Examination**

There are several types of examinations used in the state civil service system. The HR Specialist determines the appropriate method depending on the number of applicants, classification of the position, and the DMRS requirements.

- **Structured Oral Examination**

Candidates appear before a panel of at least three members, one of which by law must be a non-state employee, who are knowledgeable of the requirements of the job. Each candidate is asked a series of standardized questions appropriate to the job requirements. Candidates' responses are then evaluated by the panel members according to pre-established guidelines. Typically, the oral exam is used for a limited number of applicants, and particularly when oral communication ability is an important job requirement.

- **Written Examinations**

The Achievement History Questionnaire (AHQ) is a series of detailed questions directly related to job requirements that is mailed to applicants who are requested to describe their work and life experiences in response to the questions. At least two evaluators knowledgeable of the job requirements then rate all AHQs according to pre-established guidelines. The AHQ is used when it is necessary for applicants to have demonstrated their ability to perform certain aspects of the job. This type of exam is not appropriate when the anticipated background of applicants is very similar. Therefore, it is seldom used for promotional exams.

The Objective Inventory Questionnaire (OIQ) is a list of specific job tasks, tools, technologies, or equipment relating to the vacancy, which is mailed to applicants. Applicants identify their level of experience, training, and academic representation for each item included in the list. The OIQ is used when it is necessary for applicants to identify their level of training or experience in regard to the tangible aspects of the job and a large number of applicants are expected. Examinations are machine or hand scored using a pre-established guide.

An Essay Examination is a series of job-related questions that require written responses from applicants. It is typically used with large numbers of applicants for professional positions. At least two evaluators knowledgeable of the job requirements then rate all essays according to pre-established guidelines.

A multiple-choice examination is a series of job-related questions that require applicants to select one of a number of possible correct answers. It is typically used when a specific knowledge or application of the knowledge to a practical problem is to be measured and there are a large number of applicants. Examinations are machine scored using a pre-established guide.

A Performance Simulation examination requires applicants to perform a sample of

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work actually performed on the job; their performance may be observed by evaluators who rate performance according to pre-established guidelines. It is generally used for classifications that lend themselves to performance testing (e.g., typing performance test). Simulation exercises for higher-level administrative positions in the form of management problems also may be used.

- **Examination Security**

Any individual participating in any phase of test development must not discuss any portion of the selection process. This includes:

- Examination questions, proposed or final
- Examination question benchmarks
- Scoring procedures
- Weights of examination parts
- High importance job content

Individuals involved in any phase of test development will not participate in any briefing sessions of potential applicants regarding job duties, possible exam questions or "how to take a particular test" session.

Any questions received by the supervisor from applicants for a vacancy regarding test content or duties of the position should be referred to the HR Specialist where copies of the PD and announcement will be provided upon request.

Individuals who participate in any phase of test development and/or the selection process and who have access to confidential testing information must sign a "Test Security Agreement" [Ref: [Appendix 3-F](#)].

- **Developing the Examination**

- **The Position Description and Position Analysis**

The PD is the basic document used by the HR Specialist in developing an examination. The PD should be written and the high importance job content rated.

- **Identification of Exam Dimensions**

The procedure used to identify the significant tasks and knowledge requirements of a position, is called the "Job Content Questionnaire Rating Instructions," (also known as "High Importance Job Content Rating") [Appendix 3-D]. Supervisors, as well as present and former incumbents of the position, may be used as subject matter experts to rate the significance of each task and knowledge. The tasks and knowledge noted as important for performance upon appointment to the position are grouped by the HR Specialist into logical and somewhat exclusive categories or dimensions that serve as the basis for writing the exam questions. These dimensions are then reviewed by the subject matter expert as a final check to ensure that all-important areas of the job are covered.

- **Writing the Exam Questions**

Once the exam dimensions are identified, the subject matter expert or supervisor, assisted by the HR Specialist, writes a series of exam questions designed to measure applicants' knowledge and ability to perform the specific elements of the job.

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Consultation may be necessary during this phase to ensure that the questions are based on actual situations that occur and knowledge required on the job.

- **Administering the Examination**  
Examination materials are printed and either mailed to applicants (e.g., AHQ, OIQ, EPP, Questionnaire, etc.), or applicants are given instructions to appear at an examination center on a specific date and time, or applicants are given detailed instructions at the time of announcement.
- **Selecting Exam Evaluators**  
Panels of exam evaluators must be selected for their knowledge of the type of work being examined and to maintain an affirmative action balance. Panels should include minorities, Representatives from both sexes, and persons with disabilities whenever possible. Supervisors of vacant positions may be requested to suggest possible evaluators. Once the panel members are selected, their names must be kept confidential until the examination has been completed.
- **Scoring the Examinations**  
Examinations are scored either by computer, in the case of multiple-choice exams, or by panels of evaluators (e.g., Oral exam, AHQ, essay). In the latter cases, the HR Specialist computes the final civil service scores according to a statistical formula. Usually, a civil service score of 70 or above is passing and qualifies a candidate to be placed on an employment register.
- **Establish the Employment Register**  
After an examination is scored, DER or the agency, if delegated under an approved staffing delegation agreement with DER, establishes an official employment register file that lists the rank and scores of all candidates receiving a passing score. A "Notice of Examination Results" (DER-PERS 15) containing the score and/or rank is sent to each candidate.

### Definitions

The following are definitions for various terms used in this chapter:

- **Bumping:**  
An option given to Represented employees after receiving an official layoff notice and before the actual layoff date that is a right to a position within the employing unit, within the bargaining unit, that is a lower class in the same series or a class in which the employee previously attained permanent status in the classified service. The right is first to a vacancy, and if no vacancy exists, then the employee may choose to be included with those employees occupying that class title, and the contractual layoff process is applied to this new group. Bumping cannot occur between: employing units on campus; UW campuses, or state agencies.
- **Certification List:**  
List of candidates taken off an employment register who have been determined to be the most qualified for a vacancy. These candidates will all be equally considered when the employing unit is using this list to make a hire. In most cases, equally considered means each individual is interviewed for the vacancy.
- **Counterpart Pay Ranges:**  
Pay ranges or groupings of pay ranges in different pay schedules that are designated by the Secretary, DER, to be at the same level for purposes of determining personnel transactions.

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- **Displacement Rights:**  
Rights given to non-Represented employees who are being laid off from their current position and can't exercise alternatives to layoff (Transfer or Demote to a vacancy). These rights allow the employee to displace other less senior employees in lower level positions within the employing unit depending on the classification/pay range (see HR Representative for further details). Displacement rights can only be exercised within five days of receiving actual notification of layoff.
- **Employing Unit:**  
An organizational unit within UW-Madison for the purpose of delineating employee rights and status regarding promotion, demotion, transfer, reinstatement, layoff and other related personnel transactions. Employing units are established on the recommendation of the Chancellor, subject to the approval of the Administrator, State Division of Merit Recruitment and Selection. [Employing units for UW-Madison are specified in Appendix 3-A.]
- **Employment Register:**  
Roster of candidates who have passed a civil service examination and, subsequently, have been deemed at least minimally qualified for a position(s).
- **Original Appointment:**  
The appointment of a person who has not previously attained permanent status in class or a former employee who is not eligible to reinstate or restore to a classified position.
- **Promotion:**  
The permanent appointment of an employee with permanent status in class to a different position in a higher class than the highest position currently held in which the employee has permanent status in class.
- **Higher Class:**  
A class assigned to a higher pay range.
- **Higher Pay Range/Band:**  
The pay range/band having a higher maximum rate when comparing pay ranges/bands not designated as counterparts.
- **Demotion:**  
The permanent appointment of an employee with permanent status to a lower class than their currently held permanent position.
- **Lower Class:**  
A class assigned to a lower pay range.
- **Lower Pay Range/Band:**  
The pay range/band having a lower maximum rate when comparing pay ranges/bands not designated as counterparts.
- **Reinstatement:**  
The permissive re-appointment without competition of an employee or former employee a) to a position in the same class in which the person was previously employed, or b) to a position in another classification to which the person would have been eligible to transfer had there been no break in employment, or c) to a position in a class having a lower pay rate or pay range maximum for which the person is qualified to perform the work after the customary orientation provided to new workers in the position. Reinstatement is available for a period of five years from last employment in the appropriate title.

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- **Restoration:**

The act of mandatory re-appointment without competition of an employee or former employee a) to a position in the same class in which the person was previously employed, or b) to a position in another classification to which the person would have been eligible to transfer had there been no break in employment, or c) to a position in a class having a lower pay rate or pay range maximum for which the person is qualified to perform the work after the customary orientation provided to new workers in the position. Restoration rights are available for a period of five years for Represented employees and three years for non-Represented employees. These rights are derived from the employee's last employment title when separated.

- **Transfer:**

The permanent appointment of an employee to a different position assigned to a class having the same or counterpart pay rate or pay range as a class to which any of the employee's current positions were assigned. The employee must be qualified to perform the work after customary orientation provided for newly hired workers in such positions.

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### 3.02 Filling Classified Project Appointments

#### I. Policy/Definition

Wisconsin law defines project employment as at least 600 hours per year in a planned undertaking which is not a regular or continuing function of an agency and which has a probable duration of less than four years.

#### A. Classified Project Employee Benefits and Rights

After six months, project employees receive the same benefits given to classified state employees, including:

- Vacation, sick leave, holidays, insurance, and retirement benefits
- Eligibility for regrade if the project position is reallocated or reclassified; and
- Same grievance and appeal rights as non-represented permanent employees, except that termination of the project appointment may not be appealed. This includes terminations due to the end of the project or employee performance problems.

#### B. Rights NOT Granted to Classified Project Employees

- I. Permanent status in class
- II. Appeal terminations
- III. Collect layoff benefits
- IV. Layoff, reinstatement, restoration, or displacement rights to any permanent, seasonal, or session position unless that right was previously earned in a permanent, seasonal, or session position. **NOTE:** Such eligibility lapses five years from the date of separation from a classification permanent appointment.

#### II. Procedure for Filling a Classified Project Position Vacancy

The employing unit reviews departmental requests and submits HR Transaction via **CHRIS** for classified project positions to Classified Human Resources. This is the same process supervisors follow for permanent positions, but the following must also be included:

- Anticipated duration of the project
- Source of funding
- Nature of the project
- Rationale for creating a project appointment rather than a permanent or limited-term appointment.

will review the information to both determine if the position is appropriately designated as a project appointment and whether the classification is correct. Although project positions can last up to four years, approval will only be for a two year period. Employing units will need to request approval for a project extension after the initial two year period. Extension requests will be directed to with a justification for the extension(e.g., funding still tenuous).

Staffing process for project vacancies allows employing units to recruit and make selections without using an employment register. Organizations should use sound human resources practices to make project hires. As with permanent positions, a non-discriminatory hiring process should occur in which the most qualified applicant is selected for the position. Other resources within the Classified Policies and Procedures (e.g., Chapter 4) should be followed when making a selection.

If identified in the CHRIS transaction, an approved project vacancy notice may be posted on the **Office of Human Resources website** (OHR). The notice instructs applicants how to apply for the position and who to contact with questions.

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In addition, the employing unit may use any additional recruitment measures needed to insure that qualified applicants learn of the vacancy, including requesting the contact information off an appropriate employment register.

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## 3.03 Classified LTE Appointments and Staff Selection

- **Definition of Limited Term Employment**

Section 230.26(1), **Wis. Stats.** states that: "The administrator may provide by rule for selection and appointment for limited term appointments which are provisional appointments or appointments for less than 1044 hours per year."

"Limited Term Appointment means the appointment of a person to perform a grouping of duties and responsibilities on a non-project basis under conditions of employment which do not provide for attainment of permanent status under s. 230.26 (1), **Stats.**" ER-Pers. 1.02(13).

"Limited Term Employment means employment in which the nature and conditions do not permit attainment of permanent status in class and for which the use of normal procedures for recruitment and examination are not practicable." ER 1.02 (17); ER-Pers. 1.02(14).

Therefore, limited term employment is a non-project appointment for less than 1,044 hours within 26 consecutive biweekly payroll periods, which does not lead to permanent status.

- **Procedures**

The supervisor creates an HR Transaction by electronically submitting an LTE Request via the Classified Human Resources Information System (CHRIS) to the employing unit Human Resources representative. The HR representative reviews, approves and submits the LTE Request via CHRIS-HR to the Classified Human Resources.

Classifications that are not delegated to the UW Madison require pre-approval. A non-delegated classification is one that requires DER approval before proceeding to fill a vacancy. After the LTE request is submitted via the Classified Human Resources Information System (CHRIS) to Classified Human Resources it is forwarded on to the Department of Employment Relations for approval prior to the selection of the employee. Requests for special salary rates, such as hiring above the minimum (HAM) or professional consultant rate, must be submitted prior to the LTE's first day of employment.

For all LTE Transactions, a signed copy of the LTE Request/Report form must be kept on file with the employing unit.

- **Limited Term Employment: When Used, What Type**

Limited term employment should be used when the duties and responsibilities are assigned under conditions that do not provide for attainment of permanent status. As a guide, typical examples of when limited term employment may be most appropriate are illustrated below:

- Employment of a recurring nature for less than 600 hours per year.
- Employment of a recurring nature for 600 or more hours per year for which the work hours cannot be scheduled in advance with a reasonable degree of certainty (such as emergency snow removal).
- Employment of a recurring nature for 600 or more hours per year which is so irregularly needed that a permanent, seasonal or project appointment is not feasible (such as during registration).
- Employment of a non-recurring nature for less than 1044 hours per year.

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When determining whether a group of duties and responsibilities should be performed by a limited term position, the needs of the employer must first be established. This review should provide insight as to which type of appointment (LTE, permanent, project, seasonal) will best fit the position.

Chapter 230.26, *Wis. Stats.* recognizes two categories of LTEs:

- Short Term: Appointments of less than 1044 hours (the most commonly used type)
  - Provisional Appointments: Individuals may be appointed provisionally in accordance with 230.26(2), *Wis. Stats.*, to fill a vacancy when a certification request has been submitted and the Administrator is unable to certify a list of eligibles. These appointments may be made for an indefinite period of time and are not subject to the 1,044 hour maximum. However, no provisional appointment may be continued for more than 45 working days after the date of certification from a register. This type of LTE appointment is used rarely and requires approval by .
- **Hourly Employment Limitations**

**Duration of Limited Term Employment.** "The total time worked in any one position by an individual limited term employee shall not exceed 1043 hours of employment during a block of time which consists of 26 consecutive bi-weekly payroll periods and which ends on the anniversary date of the appointment. The maximum time durations for provisional appointments are provided under s.230.26(2), *Stats.*" ER 10.01.

The hourly limitation applies to the specific employee performing the LTE duties not the LTE position. The length of any one position (set of duties and responsibilities) may exceed 1,044 hours. However, an individual is limited in the number of hours they may perform in that position. During one year, starting from the date of employment, a person is limited to less than 1,044 hours. If the individual reaches the hourly maximum before the anniversary of their appointment, but the position is to continue, the individual must be terminated and a new LTE appointed.

Limited term employment is temporary; therefore, employing units are limited in the rehiring of LTEs. The following guidelines may be helpful to insure that people are not hired back into the same job.

- At least 50% of the duties of the proposed LTE position must be different than the duties of the previously held LTE position.
- A different classification title helps justify that the position is different.
- The supervisor or geographical location is different from that of a previously held LTE position.

There are three instances in which an individual may be employed for 1,044 or more hours within 26 consecutive bi-weekly payroll periods. They are as follows:

- The individual holds a provisional appointment. See 230.26(2), *Wis. Stats.*, for the conditions surrounding the use of the provisional category.
- The individual holds two or more concurrent appointments in different positions which in total exceed the limit.

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- The individual holds back-to-back appointments in different positions where the total hours worked within 26 bi-weekly pay periods exceeds the limit.

**NOTE:** The key in both case "2" and "3" is that the individual must be working in different positions. In situation "2" the test would be to ask, "Can the duties be logically combined into one position?" If, for example, the positions are physically located in different work locations (Typist in the Physical Plant and Typist in the Registrar's Office), or have very dissimilar duties (Typist versus Financial Specialist duties), it may not be logical to combine the positions and having two separate appointments would be appropriate.

In the case of situation "3" the requirement is that the individual must be performing in a bona fide different position (set of duties and responsibilities).

In either of the above cases, the LTE may not exceed the hourly limit in any one position. However, the individual is not limited to only one position. Therefore, in totaling the number of hours worked for all positions, the hourly limit may be exceeded.

The statutes limit the number of hours an individual may work in a position, and do not provide for extensions. As stated earlier, an LTE is limited to an appointment of less than 1,044 hours in any one position. After reaching the limit, the individual must be terminated. At this time, each employing unit has the primary responsibility for monitoring LTE hours on a continuous basis.

- **Classification Actions**

The Wisconsin Administrative Code spells out how classifications should be applied to LTEs. According to ER 10.02(1), Wis. Adm. Code, class titles for LTE appointments "shall be determined in accordance with the provisions of the limited term classification and pay schedule, or be consistent with other classifications identified in the classification plan."

Those permanent classifications which include a separate "confidential," "supervisory," or "management" designation (e.g., Program Assistant 1-Confidential) may not be used for LTE positions if there is a directly parallel classification that does not include such designation (e.g. Program Assistant 1). LTEs are excluded from union representation by State law. However, if the confidential, supervisory, or management exclusion is incorporated into the classification (e.g. Human Resources Assistant - all are confidential) and that classification is the most appropriate given the position's duties and responsibilities, it may be requested. The use of supervisory classifications for LTE positions is prohibited.

- **Compensation: Classified Civil Service LTE Policies and Procedures**

Pay rates for LTEs "shall be in accordance with the provisions of the Limited Term pay schedule." ER 10.02(2). Given the following restrictions, each employing unit should develop an LTE compensation approach that represents reasonable personnel management practices, where similar LTE appointments are treated consistently in terms of pay administration.

The pay of an LTE may be at any rate up to the minimum hourly rate for the classification's counterpart in the permanent service. For those employees classified in one of the limited term classes, the salary shall not exceed the limits stated in Pay Schedule 18. All LTEs must be paid at least the Student Wage Plan minimum, unless a lower wage is authorized

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pursuant to Section 14 of the Fair Labor Standards Act.

The following exceptions exist which allow an LTE to be hired above the minimum:

- When a broad band pay schedule is in place for permanent positions in the title – employing unit can use broad banding flexibility to set starting pay (minimum to appointment maximum)
- When a hiring above the minimum (HAM) has been established for the position.
- When a raised minimum rate (RMR) has been established for the classification.
- A former state employee eligible for reinstatement or restoration to the permanent service may be paid in accordance with the controlling section of ER 29, Wis. Adm. Code. To be eligible for a rate above the minimum rate, the LTE must be performing work similar to that performed in his/her permanent position (see ER 29.03(6) and 29.03(7), Wis. Adm. Code, pay on reinstatement and restoration).
- Permanent state employees working on an additional employment basis may be paid at their current rate of pay if they are performing similar work in the same or equivalent classification. The duties and responsibilities of the LTE position must be related to those of the permanent position, and the LTE base pay rate cannot be higher than the employee's permanent rate of pay. The base pay rate may not exceed the maximum of the pay range for the counterpart permanent class of the LTE position.

LTEs are eligible for the same type of supplemental compensation (e.g. overtime, weekend differential, night differential, etc.) as permanent employees in the same classification and/or pay range. However, limited term employees cannot be granted compensatory time off and must be paid for all assigned extra hours worked. In addition, the amount of the supplemental pay is specified in the compensation plan, and not by contract.

LTEs **must** be paid overtime if eligible. The overtime rate is governed, and determined, by the compensation plan in effect at the time.

During their employment, LTEs are eligible for the following pay adjustments:

- LTEs paid below the maximum rates indicated in Schedule 18 may have their rates adjusted by the appointment authority during the fiscal year to a rate not to exceed the maximum.
- LTEs paid at the minimum of the classification's counterpart in the permanent service may have their salary adjusted to the new minimum if that minimum is adjusted in accordance with the annual compensation plan.
- LTEs shall have their pay adjusted if required by the annual compensation plan.

**NOTE:** LTEs are not eligible to receive those salary adjustments to which permanent classified employees may be eligible, such as regrade resulting from reclassification, within range pay progression, equity, or other discretionary awards.

- **Benefits: Classified Civil Service LTE Policies and Procedures**

In accordance with s. 230.26 (4), **Stats.**, fringe benefits specifically authorized by statutes (with the exception of worker's compensation, unemployment compensation, group insurance, retirement and social security coverage) shall be denied to LTEs. LTEs do not qualify for tenure, vacation, paid holidays, sick leave, performance awards or the right to compete in promotional examinations. In accordance with ER 10.045, the eligibility of LTEs

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for worker's compensation, unemployment compensation, group insurance, retirement benefits and social security shall be subject to controlling conditions relating to these benefits. Under certain circumstances, LTEs may be eligible for benefits under the provisions of s. 103.10, [Stats.](#), regarding Family/Medical Leaves of Absence.

LTEs are entitled to retirement benefits under the following circumstances:

- If an LTE was previously employed within the University System at some time during the past 12 months in a position covered under the Wisconsin Retirement System (WRS) and has not since taken a WRS separation benefit; or
- If it is anticipated that an LTE will work at least 600 hours for a 12 month period (includes if the anticipation changes at any time during the LTE appointment that the incumbent will work at least 600 hours for a 12 month period); or
- If an LTE has worked at least 600 hours within the University System during the past 12 month period.
- When an LTE holds more than one appointment (perhaps even a combination of permanent classified or academic staff and LTE) and at least one appointment meets the specific retirement participation criteria, retirement deductions will be made on the total salary paid.

For those LTEs eligible to participate in retirements benefits, the State's share goes into effect immediately. If the employee is eligible, participation is mandatory and deductions must be made.

LTEs making retirement deductions are eligible to participate in state health and life insurance programs, income continuation, accidental death and dismemberment, and major medical insurances. LTEs eligible to participate, like all state employees, must serve a six month waiting period from the point retirement deductions begin before the State's share goes into effect.

For questions about specific benefit programs, benefit eligibility, or requirements for participation, contact your employing unit's Payroll and Benefits office.

- **Dual Employment of State Employees**

Permanent employees who work in an LTE position do not earn additional fringe benefits (e.g. vacation, sick leave, paid holiday accrual) based on their LTE appointment (see FAP - Limited Term Employment (G26), section 6.1).

Please be aware of these restrictions when considering limited term employment of a permanent civil service employee. Key points covered by s. 16.417(2) [Stats.](#) include:

- A person who is employed or retained in a full-time position with a state agency or authority may not earn more than \$12,000 in an additional position with any state agency or authority
- No agency or authority may employ any person in violation of this limitation. The Department of Administration shall annually check to ensure that no individual violates the \$12,000 additional earnings limit. The Department of Administration shall order any person in violation to repay the portion of economic gain in excess of \$12,000.

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- **Status of Limited Term Employees**

The following information is part of the LTE Transaction in the Classified Human Resources Information System (**CHRIS**) and is available as a printable form.

Employing units have the responsibility of informing limited term employees of their status at the time the appointment is made. LTEs must be given an appointment letter and a signed copy of the LTE Request/Report form that provides the following:

- An explanation of the nature of limited term employment, especially the fact that it does not lead to permanent status.
- An explanation of the potential benefits available to them.
- A brief summary of the statute and administrative rules governing limited term employment.
- An explanation of the Administrator's authority to terminate an LTEs employment under s. 230.26 (5), **Stats.**, if the agency does not comply with the statute and administrative rules.
- A place for the appointee and the appointing authority to sign the acknowledgement.