

NEWS & VIEWS

Volume 6, Issue 1

April 2004

FROM THE DIRECTOR'S OFFICE: *New Directions for a New Organization*

Welcome to News & Views, the Office of State Employment Relations' newsletter for state supervisors and other non-represented employees. In our last issue, I focused on the recent changes not only in this newsletter's format, but also in our agency's name and structure due to the elimination of the former Department of Employment Relations. At that time, a physical move of our agency was in the planning stages. OSER has now resettled in our newly refurbished office space on the fourth floor of the Administration Building at 101 East Wilson Street.



Karen Timberlake
Director, OSER

One of the positive aspects of these recent changes is that they allow – or even require – us to re-examine our organization's strengths, weaknesses, opportunities, and challenges. In the interest of taking a breath and assessing where we now find ourselves, the theme we've selected for this issue of the News & Views is "Back to Basics." In keeping with this theme, we present articles that provide general overviews and basic information about some of our key programs and initiatives: workforce planning, affirmative action, employee compensation, and employee disciplinary investigations. We hope that this "Back-to-Basics" newsletter serves as a refresher course for some of our more seasoned readers, and provides our newer subscribers with a good introduction to OSER and its mission of guiding state employment policy. Let me comment on two additional initiatives that also have their roots in the basics of good government.

OSER is beginning an enterprise-wide review of the state's human resource functions, with a particular emphasis on hiring, classification management, and compensation. The Wisconsin civil service tradition is a long-standing and strong one, and in many respects the system serves the general public, the business needs of agencies, and the interests of candidates and employees very well. The Wisconsin civil service system enjoys this favorable reputation in large part because it has adapted over time to the ever-changing needs of the state as an employer and of employees. Consistent with Governor Jim Doyle's emphasis on improving and streamlining the business support services of state government, our goal in this review is to breathe further flexibility and efficiency into the policies and procedures that govern this complex system while staying true to the core values of merit based selection, equal employment opportunity, and fair treatment of employees. While we at OSER should always be asking ourselves how we can improve the state's human resources function, Governor Doyle's interest in a broader review of state government administrative services, as led by the Department of Administration, emphasizes the importance of this effort.

Finally, please mark your calendars for April 19, 2004. This date marks the kick-off of the Governor's Fitness Challenge. Through this effort, Governor Doyle is challenging

(Continued on page 2)

INSIDE THIS ISSUE:

<i>Workforce Planning/ Disciplinary Investiga- tion/</i>	2
<i>Just Cause</i>	3
<i>Affirmative Action Planning</i>	4
<i>W-2 Hiring</i>	5
<i>Compensation FAQs</i>	7
<i>04 Training Conference, OSER Training Calen- dar</i>	8
<i>OSER Web Basics</i>	9

Special points of interest:

- Look for "Back to Basics" information in this issue
- Discipline Basics
- Comp/AA/SEO Basics
- Workforce Planning Basics



State of Wisconsin
Office of
State Employment Relations
101 E. Wilson Street.
Madison, WI 53703
(608) 266-9820
<http://oser.state.wi.us>

NEW DIRECTIONS (Cont.)

(Continued from page 1)

everyone in Wisconsin to be physically active for thirty minutes a day, five days a week, for six weeks. I'm the first to admit that this sounds like a tall order, but the whole point of the challenge is to build healthy habits one day at a time. More information about how you can get involved at your worksite will be coming your way shortly. You can also learn more about the challenge at <http://www.wisconsinchallenge.org/>. Please take the Governor up on his challenge and invest in your health not just for six weeks, but every day.

WORKFORCE PLANNING: ANTICIPATING WORKFORCE CHANGES



Patricia Almond
Administrator,
DMRS

By Patricia M. Almond

Governor Doyle appointed Patricia Almond as Administrator of the OSER Division of Merit Recruitment and Selection as a result of the merit process in August 2003. She was reappointed in March 2004.

Workforce planning is a management tool that an organization uses to identify and plan for the future human resources needs that the organization will require to achieve its business objectives. In the surplus labor markets of the past, workforce planning was thought to be nice to have, but certainly not a necessity. Two major demographic changes are on course to collide in the near future. The pool of available talent is smaller than in the past and at the same time the baby boomers (those born between 1946 and 1964) are approaching retirement age. These converging trends are projected to bring about a labor crisis that careful workforce planning can help overcome. (IPMA-HR, February 2004).

In response to these looming workforce changes, OSER is

sponsoring an inter-agency focus group to collect and make available workforce planning materials to agency managers and human resources staff. The group identified the essential components of a workforce plan. These include workforce analysis, recruiting, employee retention, staff development, leadership development, succession planning and competencies. The group then developed a survey based on these components that was sent out to agencies. This survey will determine where agencies are in the workforce planning process and what best practices/resources they are using. A workforce planning resources toolkit will be available on the OSER website by the middle of April. The toolkit will include information on workforce analysis, workforce planning models and some best practices in key component areas. As time goes on, the website will be updated with additional information and resources.

The overall goal of this initiative is to help agencies provide the necessary job-related tools, training or skill development that will allow employees to do their jobs more effectively and assist agencies to meet their business goals more effectively.

DISCIPLINARY INVESTIGATION BASICS

By David Vergeront

While no one looks forward to dealing with disciplinary situations, it comes with the job for supervisors and managers. It is important to both the accused employee and the appointing authority that the investigation be handled in such a way that the correct decision is made. Thus it is crucial that the part of the investigation preceding the investigatory interview of the accused (Phase I) be conducted in a complete and thorough manner. The quality of the "leg work" that the supervisor/manager undertakes

in Phase I is critical in determining whether a violation has occurred and, if so, what the appropriate discipline is. While not all inclusive, the following represent some sound investigative techniques.

Once a possible violation comes to light, use the facts available at the time to isolate possible work rule violations. This will provide a framework for your investigation by focusing on the key words of the rule(s) - threatening, insubordination, harassment, etc. Next, if there are

(Continued on page 3)

DISCIPLINARY INVESTIGATION BASICS (CONT.)

(Continued from page 2)

names of individuals (other than the accused) that have been mentioned in the facts made available to you, start your investigation with them. Determine a logical order to interview witnesses. Usually, you should start with the principal witnesses. Invariably, you will start with the complainant. This should allow you to determine other employees who observed the incident and/or have some facts that may have a bearing on the investigation.

Before interviewing a witness, develop a set of questions that get at what occurred. The questions should produce answers as to "when, where, who, how and what." Usually the prepared questions will generate responses that require follow-up questions that one could not anticipate. It is important that you ask these follow-up questions because they will in all likelihood lead to additional information that will be productive. Keep in mind that

many witnesses are reluctant to get involved or to provide the information, but, if you ask them a direct or specific question, they usually will give you the answer. Always ask the witness if there are any documents that support his/her account and secure them as part of the investigation. As the interview proceeds, you should write down, in detail, the responses provided by the witness. At the end of each interview, ask the witness if there is anything he/she would like to add. Then, you should ask the witness to review what you wrote. If there are changes that need to be made, make them and have the witness place his/her initials at the point of the changes. When the witness agrees with the write-up, add the following at the end: "I have read the statement and it is true and accurate." Then have the witness sign and date the statement.

Sometimes, there will be inconsistencies between the statements of the various witnesses. It is important to attempt to resolve these in Phase I.

The only way to do that is to conduct additional interviews of the witnesses to see if they can shed any light on the inconsistencies. Inconsistencies can be caused by semantics, answers to different questions or the reluctance of witnesses to get involved. Before conducting the additional interviews, try to determine an approach that will provide the best opportunity to get at and try to resolve the differences. Sometimes two and three interviews of a witness or several witnesses may be necessary in order to resolve or narrow the inconsistencies. Follow-up interviews should be handled in the same manner as the initial interviews.



With Phase I of the investigation completed, you are ready to proceed to the investigatory interview of the accused employee. The work product of Phase I will prove to be invaluable as you continue the process.

JUST CAUSE FOR DISCIPLINE

By Mike Soehner

If you are a supervisor, you will eventually be confronted with a situation where you will need to take corrective action in the form of discipline in order to encourage a positive change in the behavior of a subordinate employee, either represented or non-represented. This may vary from a written reprimand to an unpaid leave (suspension). Remember, the

“ the goal of discipline is to change behavior”

goal of discipline is to

change behavior so that the employee returns to an acceptable level of behavior. Prior to imposing discipline, it is critical that you meet a just cause standard.

The basic elements of just cause that many arbitrators have emphasized have been reduced by Arbitrator Carroll R. Daugherty to seven tests. These tests, in the form of questions, represent the most specifically articulated analysis of the just cause standard, as well as an extremely practical approach for supervisors to use when carrying out discipline.

A “no” answer to one or more of the questions means that just cause either is not satisfied or at least is seriously weakened in that some arbitrary, capricious, or discriminatory element is present.

1. Notice:

Did the employer give to the employee forewarning or foreknowledge of the possible or probable disciplinary consequences of the employee's conduct?

2. Reasonable Rule or Order:

Were the employer's rules or mana-

(Continued on page 4)

JUST CAUSE FOR DISCIPLINE (CONT.)

(Continued from page 3)

gerial order reasonably related to (a) the orderly, efficient, and safe operation of the employer's business and (b) the performance that the employer might properly expect of the employee?

3. Investigation:

Did the employer, before administering the discipline to an employee, make an effort to discover whether the employee did in fact violate or

disobey a rule or order of management?

4. Fair Investigation:

Was the employer's investigation conducted fairly and objectively?

5. Proof:

At the investigation, did the "judge" obtain substantial and compelling evidence or proof that the employee was guilty as charged?

6. Equal Treatment:

Has the employer applied its rules,

orders, and penalties evenhandedly and without discrimination to all employees?

7. Penalty:

Was the degree of discipline administered by the employer in a particular case reasonably related to (a) the seriousness of the employee's proven offense and (b) the record of the employee in his or her service with the employer?

WHAT IS AFFIRMATIVE ACTION PLANNING?

By Pepe Indalecio

The State of Wisconsin has a history of commitment to the principles of non-discrimination, affirmative action, and diversity for all citizens of the state. The State of Wisconsin prohibits discrimination based on race, creed, ancestry, religion, color, sex, national origin, age, disability, arrest or conviction record, marital status, political affiliation, sexual orientation or membership in the National Guard, in compliance with federal and state laws pertaining to equal employment opportunity and affirmative action.

Under state statutes [s.230.04 (9)(a)], the Office of State Employment Relations' Division of Affirmative Action is required to establish standards for state agency equal employment opportunity and affirmative action plans. The plans are designed to ensure equal employment opportunity and eliminate the present effects of past discrimination for racial/ethnic minorities, women, and persons with disabilities.

One of the key analyses in affirmative

action planning is the determination as to whether the representation of racial/ethnic minorities and women in the state workforce is below their representation in the relevant labor pool. The relevant labor pool is an estimate of the percentage of persons having the requisite skills, experience, training, etc., in the recruitment area from which applicants could be expected. A finding of underutilization is considered evidence of an imbalance in traditionally segregated job categories.

Based on the underutilization analysis, state agencies and university campuses must develop action-oriented programs to correct underutilization in the state workforce. These programs do not create set-asides for women and minorities, but represent ultimate strategies to correct underutilization in the state work force. The goals do, however, require special efforts in outreach, recruitment, training, internships, upward mobility programs and other activities to increase the pool of qualified racial/ethnic minorities and women.

An affirmative action program is a management tool designed to ensure equal employment opportunity in every

aspect of the employment process. A central theme underlying affirmative action is that, in the long-run, the state workforce will reflect the percentages of racial/ethnic minorities, women and persons with disabilities in the overall labor force. A representative workforce is important because state government exists to serve the people of the state and should be reflective of the people we serve. There is also a growing recognition that a diverse workforce is simply good business. A diverse work force brings a diversity of background, ideas and viewpoints which increases the overall quality of the work we perform. This premise coincides with OSER's goal to ensure that state government is equipped with a talented and diverse workforce to provide the best possible service to the public.

An affirmative action program also includes those policies, practices, and procedures to ensure that all qualified applicants and employees are receiving an equal opportunity for recruitment, selection, advancement, and every other term and privilege associated with employment. Effective affirma-

(Continued on page 5)

AA PLANNING BASICS (CONT.)

(Continued from page 4)

tive action programs include internal auditing and reporting systems as a means of measuring progress toward achieving the workforce that would be expected in the

absence of discrimination. Accountability for the implementation of equal employment opportunity and affirmative action program rests with the agency head/chancellor, affirmative action officer, management and supervisors.

BACK TO BASICS FOR W-2 HIRING



We are in an era of change and, with all the change that is going on, it is nice to know that you can still rely on the State Employment Options (SEO) program to serve state agencies and the W-2 population.

I would like to reintroduce you to the basics of the State Employment Options (SEO) program, as well as introduce you to some new initiatives SEO is working on.

The Office of State Employment Relations has had a partnership with the Department of Workforce Development since 1988 to provide services to W-2 eligible job seekers, and to assist state agencies in meeting W-2 hiring goals.

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The SEO staff work with job centers and W-2 agencies to help W-2, Food Stamp, Food Stamp Employment and Training (FSET), and Children First customers find employment with state agencies and the University of Wisconsin system. On average, state agencies and the university hire over 120 W-2 customers annually into permanent state positions and many more in limited term employment (LTE) positions.

<u>Services for W-2 Job Seekers</u>	<u>Services for State Agencies/University Campuses</u>
“How To Get A State Job”	Workshop Cooperative Agreements
“Test Preparation” Workshop	Recruitment and Retention Strategy Planning
Train-the-Trainer Sessions	ASTEQ - Exam
Friday State Exam Centers	W-2 Certification

Services for W-2 Job Seekers

SEO provides the “How to Get a State Job” workshop to promote state employment and help job seekers understand the Wisconsin Civil Service System. SEO also offers “Test Preparation” workshops and state exams at the W-2 agencies in Madison and Milwaukee. State employment is promoted at conferences and job fairs throughout the state.

So far in FY04, SEO has trained over 700 job seekers, administered state exams to over 600 individuals at W-2 agencies in Madison and Milwaukee, and has participated in 13 job fairs.

A new initiative that began this March is the Train-the-Trainer sessions. A video “State Employment: An Opportunity for Everyone” was developed along with a trainer and student manual. The training is designed to train employment specialists from the W-2 program, job centers, Division of Vocational Rehabilitation (DVR), community-based organizations, and the vocational technical colleges on how to help low-income job seekers find state employment. By training these individuals, W-2 job seekers will have better access to assistance in finding state employment.

Services for State Agencies/University Campuses

The on-going mission of the SEO program is to assist state agencies in exceeding the statutory hiring goals for new W-2 hires into the civil service system. Through the use of cooperative agreements, SEO can provide assistance to state and

(Continued on page 6)

W-2 HIRING (CONT.)

(Continued from page 5)

university human resource offices to develop and implement recruitment strategies for hiring and retaining W-2 job-seekers in state government.

SEO and the Office of State Employment Relations annually obtain information from state agencies on their W-2 plans and W-2 hires. This mandated report under Section 230.04 (13) (a-e), Wisconsin Statutes, is prepared and sent to the legislative leaders on or before September 30 each year.

In FY03 state agencies and the university reported hiring 154 W-2 customers. We are aiming for the same success in FY04.

SEO will forward the request for W-2 hiring plans and reports to state agencies in June 2004 with a due date of August 2, 2004. Your agency may use the W-2 certification process to hire W-2 customers to meet your hiring goals. Contact your HR office and ask them to request a W-2 Certification.

What is a W-2 Certification?

When an agency has a vacancy, they may request a W-2 Certification. To be eligible, applicants must pass the civil service exam and must have received W-2 benefits during the past twelve months.

What is ASTEQ?

The Admistrative Support Training and Experience Questionnaire (ASTEQ) is an alternative exam for office support positions. This is a self-evaluation exam, giving W-2 applicants credit for training and past work experience. This has been a pilot exam limited to Dane County; however, shortly it will be rolled out statewide and available online on the WiscJobs website.

What are CSJ Positions?

CSJ stands for Community Service Jobs. SEO encourages state agencies to utilize CSJ positions. They help prepare customers for permanent or LTE positions. Agencies may contact the W-2 agencies for additional information about the CSJ program.

Does my agency have a Cooperative Agreement?

State agencies and the University who have more than 100 permanent full time employees are required to set W-2 hiring goals. One way SEO assists agencies with this goal is through the cooperative agreements. SEO will be making appointments to meet with the major state agencies to discuss your plans for W-2 hiring and training.

If you have questions about the SEO program, or would like to utilize any services, you may contact Kathryn Moore at (608) 266-9472 or Jean Fillner at (608) 266-2705.

"When you say things in anger, they leave a scar just like the nail holes."

THE FENCE

There was a little boy with a bad temper. His father gave him a bag of nails and told him to hammer a nail in the back fence every time he lost control.

The first day the boy drove 37 nails into the fence. Then it gradually dwindled down. He discovered it was easier to hold his temper than to drive those nails into the fence.

Finally the day came when the boy didn't lose his temper at all. His father suggested that the boy now pull out one nail for each day that he was able to hold his temper. The days passed and the young boy was finally able to tell his father that all the nails were gone.

The father led his son to the fence. "You have done well, but look at the holes in the fence," he said. "When you say things in anger, they leave a scar just like the nail holes. You can put a knife in a person and draw it out. It won't matter how many times you say 'I'm sorry,' the wound is still there. A verbal wound is as bad as a physical one."



"If you think you're too small to make a difference, you haven't been in bed with a mosquito!!"

Anita Roddick

COMPENSATION Q & A'S

By Lynn Maulbetsch



Many compensation-related questions can be answered by visiting the OSER website: <http://oser.state.wi.us/index.asp>. Following are answers to compensation-related questions frequently asked of the Division of Compensation and Labor Relations (DCLR):

Question?

- **Q.** *Where within the OSER website can I find the Compensation Plan for non-represented employees and the represented employee union contracts, including represented employee pay schedules?*

A. Go to the OSER website at <http://oser.state.wi.us>, choose the Reference Center tab and then click on the Compensation Plan or Labor Agreements link. The direct link is: http://oser.state.wi.us/section_detail.asp?linkid=29
- **Q.** *Where can I find the pay schedules for non-represented employees?*

A. Non-represented pay schedules are located in Section Z of the Compensation Plan.
- **Q.** *How can I find out what my pay rate would be if I took a new position?*

A. For a general reference you will need to first determine the pay schedule associated with the new position (typically located in the job announcement) and then locate the pay transaction provisions unique to that collective bargaining agreement or the Compensation Plan to determine your pay rate upon movement to the new position. For example, go to Section I in the Compensation Plan to find the pay transaction provisions for non-represented positions. For more specific pay rate details unique to your particular situation, contact the hiring agency Human Resources Office.
- **Q.** *Where can I find information regarding future pay increases contained in my union contract?*

A. Click on the OSER website provided in the answer to the first question (Human Resources Services), then click on Labor Agreements. Select the relevant contract period, then select your union's name and perform a search in the document for wages.
- **Q.** *Who do I contact with questions regarding my pay rate?*

A. We suggest that you speak to someone in your agency's human resources (HR) office. However, you may also send your questions to OSER via e-mail. The DCLR address at OSER is <mailto:derdclr@OSER.state.wi.us>.
- **Q.** *Where can I find information regarding the Accumulated Sick Leave Conversion Credit (ASLCC) Program for payment of health insurance after retirement?*

A. This is a Department of Employee Trust Funds (DETF) program. Please contact DETF directly, or visit the DETF web site. <http://etf.wi.gov/>
- **Q.** *Where can I find information about the Supplemental Health Insurance Conversion Credit (SHICC) program?*

A. This program is administered by OSER and is described in Section H of the Compensation Plan and also is contained in most union contracts, if applicable.
- **Q.** *Where can I find information regarding State of Wisconsin Employee Military Leave provisions?*

A. General information covering State Employee Military Leave will be covered in the new policy bulletin, OSER-0019-CLR/LR. Please consult with your agency HR office with questions as noted in the back of the Military Leave policy bulletin.



Answer!!

IMPORTANT NOTICE:

May 5, 2004 is **State Employee Recognition Day**. All agencies will be receiving information from OSER soon regarding suggested ways to recognize the significant contributions state employees make every day.

Here's a preview to get those creative wheels turning: If you are a supervisor, consider giving the employees you supervise a personalized "thank-you" or other recognition that day, in honor of their contributions and hard work during the past year.

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2004 STATE TRAINING CONFERENCE DEEMED A SUCCESS

By Robert Toomey

The Wisconsin State Training Council presented its third annual conference on March 4 at the Monona Terrace Convention Center. Of the record attendance of more than 260 people, approximately two-thirds of the participants were training, education, and human resource staff from the State and University of Wisconsin; about one-third was made up of their counterparts in the private sector.

With this year's theme, "Creating Success Through Learning," internationally known Dr. Peter Senge gave the keynote address live via satellite. Other speakers presented on a number of topics, including adult learning techniques, e-Learning, learning communities, development and marketing training, and the future of learning. Please visit the conference web page for more informa-

tion: <http://www.ohrd.wisc.edu/wstc>.

The Wisconsin State Training Council is an association of training staff representing all state agencies. Council Officers for 2004 are:

- Chair: Ralph Schwartz, Department of Natural Resources;
- Vice Chair: Sharon Mylrea, Department of Transportation;
- Immediate Past Chair: Kay Lawrence, Department of Public Instruction
- Secretary-Treasurer: Mark Isenberg, Public Service Commission

For more information on the Wisconsin State Training Council, visit its web page which is hosted on the OSER web site at <http://OSER.state.wi.us> – then click on the Train-

OSER TRAINING CALENDAR

By Robert Toomey

The Office of State Employment Relations (OSER) continues to offer training programs to help give supervisors, managers, and human resource staff information and guidance to perform their jobs.

- **Accelerated Labor Relations (ALR) program for supervisors & managers:** *this was formerly known as the ALM program and has been streamlined to a 3-day program which has a corresponding lower registration fee. Upcoming sessions include: April 6-7-8 (Madison); May 11-12-13 (Madison); June 15-16-17 (Eau Claire); October 19-20-21 (Wausau); November 16-17-18 (Madison); and December 14-15-16 (Madison).*
- **Management: Personnel Administration:** *April 6-7-8; June 1-2-3; August 4-5-6; October 6-7-8; and December 14-15-16.*
- **Management: Leadership:** *April 28-29; June 16-17; and fall dates to be announced later.*
- **How to Advance in the Wisconsin Civil Service:** *Check our website for the spring class to be scheduled.*
- **EEO/AA Training for Agency Staff:** *Check our website for more information on customized training options.*

- **Recruitment/Selection Training for HR/Personnel Specialists:** *Check website for any future sessions.*
- **NEW: Classification Training for state HR staff:** *May 4-5-6 (FULL), August 10-11-12, and November 16-17-18.*

Location: Now that OSER has moved to a new location, participants should check the information at our website for exact location of individual class sessions. For precise location, participants should also carefully review the confirmation notice they receive approximately two weeks prior to the class start date.

For further information on these training programs, including course descriptions and registration, visit the OSER training web page at <http://OSER.state.wi.us> – then click on the Training tab. In addition to details about our training, the OSER training web page also includes information on training resources and "Learning Links" to other training organizations including the Wisconsin State Training Council.

"Every passing day is one that is gone forever. Make sure it is one in which you have done something for others, especially those who cannot do for themselves."

Anonymous



We're on the Web!
Oser.state.wi.us

April 2004

Editorial Staff:

- Editor: Pat Waterman
- Editorial Board:
 - Tim Borchert
 - Susan Crawford
 - Demetri Fisher
 - Wil Mickelson
 - Kathryn Moore
 - Michael Soehner
 - Robert Toomey
- Director: Karen Timberlake
- Executive Assistant:
 - Susan Crawford

101 E. Wilson St.
Madison, WI 53703

Phone: 608-266-9820
Fax: 608-267-1020
Web site: <http://oser.state.wi.us>

OSER WEBSITE BASICS

By Pat Waterman

The OSER website has undergone a number of positive changes. Here is a “map” to save you some time when you are looking for something. Go to <http://oser.state.wi.us>. On the Welcome page you will see tabs for Home, About OSER, Employee Programs, Human Resource Services, Jobs, Reference Center, and Training. Many of these websites have been referenced in this newsletter. Included in each web page are links to the following:

- **HOME:** Welcome page
- **ABOUT OSER:** Welcome from Director Timberlake, Archived Announcements/Events/Releases, Awards and Recognition, Biennial Reports, Contact Information, History, How to Get Here and Visitor Information, Job Openings at OSER, Mission, Newsletter—OSER News and Views, OSER Organizational Charts, WI State Workforce Fact Book 2002
- **EMPLOYEE PROGRAMS:** Coping with change, Employee Assistance Program, Employee Benefits, Employee Referral Service (WISCERS), Employee Suggestion Program, Job Listings and Application Materials, Labor-Management Cooperation, Workforce Reduction Resources
- **HUMAN RESOURCE SERVICES:** Affirmative Action, Classification, Compensation, Coping with Change for Management, Councils and Directories, Labor Relations, OSER Bulletins, Resource Guides, State Employment Options, Statutes/Rules & Glossaries, Training, WI City County Services, WI Human Resources Handbook, Workforce Reduction Resources
- **JOBS:** WiscJobs—State of WI Job Opportunities, Application Forms and Exam Materials, State Employment Options, Summer Affirmative Action Intern Program, WI City County Services
- **REFERENCE CENTER:** Document Library, 2003-2005 Compensation Plan, Alphabetical Listing of Classifications, Classification Specifications, Forms, Labor Agreements (Union Contracts), Newsletter—OSER News and Views, Policy Bulletins, Statutes/Rules & Glossaries, WI Human Resources Handbook
- **TRAINING:** OSER Training Courses, Free Training through the WI State Training Council, Learning Links, Training Registration Form for OSER Training, Training Registration Guide and Cancellation Policy, Training Resource Center, WI State Training Council.

We urge you use our website and hope you will find it a very useful tool in managing your state employment and duties.

ABOUT THE CONTRIBUTORS

Lynn Maulbetsch—Lynn is a Compensation Analyst with the OSER Division of Compensation and Labor Relations.

David Vergeront—David is the OSER Legal Counsel.

Pepe Indalecio—Pepe is an AA/EEO Analyst with the OSER Division of Affirmative Action.

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