

Wisconsin Human Resources Handbook

Chapter 156

Career Executive Employment

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Sec. 156.010 Introduction

This chapter outlines the procedures for managing appointments to career executive positions and movements within the service involving career executive employees. The intentions of this chapter are to ensure that:

- Career executive positions are filled with highly qualified candidates having excellent administrative skills.
- Broad opportunities for career advancement and mobility are provided to career executive incumbents.
- Agencies are able to fill career executive positions efficiently and quickly.
- Adequate appointment records are maintained.
- Civil service polices and procedures are followed.

Sec. 156.020 Statutory and Rule Authority

1. “The [OSER] director may by rule develop a career executive program that emphasizes excellence in administrative skills . . .” s. 230.24(1), Wis. Stats.
2. “. . . the [DMRS] administrator may provide policies and standards for recruitment, examination, probation, employment register control, certification, transfer, promotion and reemployment . . .” s. 230.24(1), Wis. Stats.
3. “A vacancy in a career executive position may be filled through an open competitive examination, a competitive promotional examination or by restricting competition to employees in career executive positions in order to achieve and maintain a highly competent work force in career executive positions, with due consideration for affirmative action. The appointing authority shall consider guidelines under s. 230.19 [Wis. Stats.] when deciding how to fill a vacancy . . .” s. 230.24(2), Wis. Stats.
4. “Emphasis shall be placed on obtaining career executive candidates from within the classified civil service.” s. ER-MRS 30.03(2), Wis. Adm. Code.

5. Except as provided in ss. ER-MRS 30.07, 30.08, and 30.11(2), Wis. Adm. Code, certification for appointment to a vacant career executive position will be according to s. 230.25, Wis. Stats.
6. Transfer of career executive employees will be in accordance with Ch. ER-MRS 15, Wis. Adm. Code, except that where such rules conflict with this handbook chapter, the provisions of this chapter apply. Career executive employment reinstatement and restoration will be in accordance with s. ER-MRS 30.11, Wis. Adm. Code. (See s. ER-MRS 30.08, Wis. Adm. Code.)
7. Layoff of career executive employees will be in accordance with Ch. ER-MRS 22, Wis. Adm. Code, except that where such rules conflict with this handbook chapter, the provisions of this chapter apply. Restoration from layoffs will be in accordance with s. ER-MRS 22.10, Wis. Adm. Code. (See s. ER-MRS 30.105, Wis. Adm. Code.)
8. “When an appointing authority determines that the agency’s program goals can best be accomplished by reassigning an employee in a career executive position within the agency to another career executive position in the same or lower classification level for which the employee is qualified, the appointing authority may make such reassignment, provided it is reasonable and proper” s. ER-MRS 30.07(2), Wis. Adm. Code.
9. Each incumbent whose position is placed in the career executive program shall immediately come under the career executive employment provisions. (See s. ER-MRS 30.99(1), Wis. Adm. Code.)
10. Section 230.05(2)(a), Wis. Stats., states in part that the administrator may delegate, in writing, any of his or her functions set forth in Chapter 230, subchapter II, Wis. Stats. The administrator may withdraw delegated authority if he or she determines that any agency is not performing such delegated function within prescribed standards.
11. “An appointing authority may reassign an employee in a career executive position to a career executive position in any agency if the appointing authority in the agency to which the employee is to be reassigned approves of the reassignment.” s. 230.24(4), Wis. Stats.

Sec. 156.030 Definitions

The following definitions are used in this chapter.

1. **Career executive candidate:** A person who is on a register for a career executive position. Candidates may be classified civil service employees or persons from outside of the classified civil service.
2. **Career executive incumbent employee:** A person who occupies a career executive position and is included in the career executive program.
3. **Career executive position:** A permanent position that has been placed in the career executive program by the OSER Director. Classifications assigned to pay ranges 81-01, 81-02 and 50-20 are included in the career executive program. Upon request, OSER may also approve the inclusion of appropriate individual positions which are counterpart to 81-01 and 81-02 into the career executive program.
4. **Career executive reassignment/transfer:** The permanent appointment of a career executive employee to a different career executive position at the same or lower classification level either within the agency under s. ER-MRS 30.07(1), Wis. Adm. Code, or from one agency to another under s. 230.24(4), Wis. Stats. Conceptually, there is no distinction between reassignment and transfer. In practice, involuntary movements are typically labeled as reassignments and there is no trial period.

5. **Trial Period:** A term of service at the beginning of a career executive appointment in which the work of a career executive employee is to be closely observed to determine if the employee is effectively able to carry out the assigned duties and responsibilities on a continuing basis. (See s. ER-MRS 30.06, Wis. Adm. Code.)
6. **Upward and downward movements within the career executive program:** 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. (See s. ER-MRS 30.10(1), Wis. Adm. Code.) Upward or downward movements may be coded as promotion or demotion respectively in the payroll system in the absence of upward or downward movement options.

Sec. 156.040 Positions Included in the Career Executive Program

1. Chapter ER 30.01, Wis. Adm. Code establishes that classifications assigned to pay schedule and range 81-02 and 81-01 are career executive positions. Effective January 1, 2012, positions assigned to pay schedule and range 50-20 are included in the career executive program. These positions were formerly assigned to pay schedule and range 81-02.
2. Additionally, the OSER director may designate permanent positions which meet the requirements of s. ER 30.02, Wis. Adm. Code, into the career executive program upon agency request. Agencies wishing to include such positions must request the action through their regular staffing contact in DMRS. A sample request memo is included as an attachment to this handbook chapter.

Sec. 156.050 Entrance into the Career Executive Program

1. Under the provisions of s. 230.24(2), Wis. Stats., initial appointment to a career executive position must be done through the use of a competitive examination. This applies to state employees as well as non-state employees.

Non-career executive employees cannot transfer or be transferred into vacant career executive positions without successfully competing through a recruitment and examination. This means that for “mixed” classes (such as Information Systems (IS) Supervisor 2 in broadband 70-02 where some positions in the broadband are career executive) applicants who occupy a non-career executive IS Supervisor 2 position cannot transfer, be transferred, or be reassigned into a career executive IS Supervisor 2 position. This holds true where the pay ranges and schedules may be designated as counterparts to one another (for instance, 07-02 and 70-02 are counterparts): non-career executives cannot transfer or be transferred into career executive positions even though the schedules and pay ranges may be “counterparted” with one another. If in this case a previously non-career executive employee is appointed to a career executive position through competition, for the purposes of payroll and compensation the transaction is administratively coded as a transfer.

2. Upon initial appointment to a career executive position, the employee is assigned a two-year trial period. The employee will earn permanent status in class upon completion of the trial period. (See also section 156.100 below.)
3. Career executive employees are eligible for transfer, reassignment and reinstatement, including those serving a trial period.

Sec. 156.060 Career Executive Reassignment and Voluntary Movement Guidelines

1. The career executive program was established to provide for the mobility of career executive employees among agencies and units of state government for the most advantageous use of their managerial and

administrative skills as noted in s 230.24(1), Wis. Stats. When reasonable and proper, employees in the career executive program may be reassigned to best meet an agency's program goals. Employees may be reassigned to another career executive position in the same or lower classification level for which the employee is qualified. Reassignments must meet the conditions of s. 230.18, Wis. Stats, which prohibits discrimination. All reassignments shall be made in writing to the affected employee including the reasons for the action. This notice shall be made at a reasonable period of time prior to the effective date of reassignment. An employee with permanent status in the career executive program may appeal the reassignment to the Wisconsin Employment Relations Commission under the provisions of s. ER-MRS 30.10(2) Wis. Adm. Code.

- a. Reassignment within the agency. Career executive incumbent employees may be reassigned within an agency under s. ER-MRS 30.07, Wis. Adm. Code. These internal reassignments are delegated and do not require DMRS Administrator approval nor notice.
- b. Reassignment between agencies. Career executive employees may be reassigned from one agency to another under s. 230.24(4), Wis. Stats. The same rationale for reassignment within the agency applies to career executive employees reassigned between agencies. For example, if a career executive employee possesses abilities that would be used more beneficially if assigned to a position in another agency, the employee may be reassigned across agencies if both the sending and the receiving appointing authorities agree upon the reassignment.

The sending appointing authority is responsible for composing the written reassignment notice to the employee, which must be signed by both the sending and receiving appointing authorities. The reassignment notice must include the reason for the reassignment, the effective date, the classification, rate of pay and trial period status. If an employee serving a career executive trial period is reassigned, the trial period continues with the time served carried over upon reassignment. No new trial period may be assigned as a result of a reassignment. The appointing authority must provide a copy of the reassignment letter to the DMRS Administrator.

2. Any qualified career executive incumbent employee is eligible to transfer to any vacant career executive position within an employing unit, within an agency, or between agencies if the position is the same pay range or same broadbanded pay range or counterpart to the career executive incumbent's present position. This means that a career executive employee could not permissively transfer from a broadband 81-02 position to an 81-01 position because they are not in the same pay range or counterpart. Transfers (from an 81-01 position to another 81-01 position or from an 81-02 position to another 81-02 position) are permissible throughout state civil service and do not require approval from DMRS.
3. Applicants for career executive transfer may be obtained by announcing the vacancy on a servicewide/systemwide, agency-wide, or employing unit basis. Announcement of a career executive transfer opportunity is not required. Agency affirmative action plans should be given consideration in making the determination to post or not to post a career executive transfer opportunity and how broadly to advertise the opportunity within the employing unit, agency, systemwide, or servicewide.
4. If an incumbent career executive employee is appointed to the same or a counterpart career executive pay range, the movement will be considered a "career executive reassignment or voluntary movement to a position allocated to a classification in the same pay range" for compensation purposes and coded as a transfer for payroll purposes. Movement to a lower level within the career executive program (e.g., pay range 81-01 to 81-02) should be considered a "career executive reassignment or voluntary movement to a lower class" for compensation purposes and is not a demotion. However, due to limitations in the payroll system, such a downward movement transaction may be coded in the payroll system as a demotion. Appropriate probation as a transfer or downward movement applies.

Sec. 156.070 Career Executive Upward Movement Guidelines

1. The pool of candidates to fill a career executive position cannot be restricted to the broad category of all current career executive employees when there is potential for an upward movement, e.g., from broadband 81-02 to 81-01. With the assignment of the 81-02 and 81-01 pay ranges to career executive positions, Ch. ER-MRS 30, Wis. Adm. Code, was modified in 2002 (see [bulletin MRS-225 CLR/POL-72](#)) to make the career executive provisions for certification and transfer consistent with the rules for non-career executive employees. Additionally, competition cannot be exclusive to a group of pay ranges. Therefore, when staffing a career executive vacancy, an opportunity for upward movement for career executive employees must be accompanied by an open or promotional exam to allow for a promotional opportunity for non-career executive applicants to compete for the career executive position.

Furthermore, s. 230.24(2), Wis. Stats., identifies the pool of incumbent career executive employees as being distinguished from non-career executive employees and applicants certified by open or promotional exam. Therefore, the agency essentially conducts two recruitments: one for career executive employees and one for non-career executive employees and outside applicants. The announcement of the competitive exam for a career executive opportunity follows the standard procedures for staffing permanent classified positions including job announcement, examination, register creation and certification, etc. Because the incumbent career executive employees are a separate applicant pool, the agency has more flexibility in recruiting career executive employees. As such, agency consideration of incumbent career executive employees is not constrained by the posted application period for the competitive exam. While the appointing authority considers candidates certified from the exam register, the agency may continue to recruit and consider incumbent career executive candidates for selection. DMRS will maintain and provide upon request an email distribution list for agencies to send notice to incumbent career executive employees of career executive position opportunities.

2. Section 230.19, Wis. Stats., states: “The administrator shall provide employees with reasonable opportunities for career advancement, within a classified service structure designed to achieve and maintain a highly competent work force, with due consideration given to affirmative action.” If a vacant career executive position is in a classification in a DAA Job Group that is fully utilized at the statewide and agency levels with respect to ethnic minorities and women, a servicewide promotional announcement and examination are permitted and encouraged. Where a narrower base of competition (agency or unit) is desired, an Area of Competition decision based on a “feeder group” analysis is required. See Chapter 108—Area of Competition of the *Wisconsin Human Resources Handbook* for details.
3. Selection criteria must be job-related and distinctively define the skills, knowledge, and task or behavioral demands that are required to meet performance standards. Non-career executive applicants will be given the opportunity to compete in the competitive examination, will be placed on the register if they meet established criteria, and may be included in the certification process (depends on the selected certification rule).
4. Incumbent career executive employees in the 81-02 broadband or a counterpart pay range will not take the competitive exam for a higher level career executive vacancy in the 81-01 broadband. Likewise, career executives in lower pay ranges shall not be required to take the competitive examination for a career executive position in the 50-20 broadband. Instead, all career executive employees who apply for a career executive vacancy are referred for further consideration and will be given objective job-related appointment consideration, on a post-certification basis, without competing in the examination. However, if the agency needs are better met by identifying those career executive incumbents who are a best fit for the position, further screening may be done outside the formal examination process. This screening should take place for only the career executive incumbents since the other candidates (non-career executive) were required to participate in the formal examination process. Selection criteria must be job-related and distinctively define the skills, knowledge, and task or behavioral demands that are required to meet performance standards.

Note: If necessary, another screening may occur after the career executive screening. The screening is conducted post certification and includes career executive incumbents and non-career executive candidates.

5. If an incumbent career executive employee is selected for a higher-level career executive vacancy the movement is not a promotion. Rather it is an upward movement within the career executive program and considered a “career executive voluntary movement to a higher class” for compensation purposes. However, due to limitations in the payroll system, the transaction may be coded in the payroll system as a promotion. Appropriate probation as an upward movement applies.

Sec. 156.080 Reinstatement Eligibility

1. A person who has held a career executive appointment and separated without any delinquency or misconduct is eligible for reinstatement. (See s. ER-MRS 30.11, Wis. Adm. Code)
2. When a career executive vacancy for which the person is qualified and eligible occurs, the person may be reinstated at the discretion of the appointing authority within a five-year period from the date of separation.
3. The appointing authority has the discretion to require a person who is eligible for reinstatement to a career executive position to participate in the competitive examination process.
4. A career executive employee with previous permanent status has reinstatement eligibility for positions in the same or lower pay range, to include career executive positions. All permanent positions in classifications assigned to pay ranges 50-20, 81-01 and 81-02 are included in the career executive program. However, OSER may approve individual positions counterpart to 81-01 or 81-02 to be included in the career executive program, as well. This means that for “mixed” classes (such as Information Systems (IS) Supervisor 2 in broadband 70-02 where some positions in the broadband are career executive) applicants who have reinstatement eligibility to a non-career executive IS Supervisor 2 position are not consequently eligible for reinstatement to a career executive IS Supervisor 2 position. This holds true where the pay ranges and schedules may be designated as counterparts to one another (for instance, 07-02 and 70-02 are counterparts): non-career executive employees cannot reinstate into career executive positions even though the schedules and pay ranges may be “counterparted” with one another. However, for the purposes of payroll and compensation, if selected for the position through competition the transaction is coded as a reinstatement or promotion under s. ER-MRS 14.02(5), Wis. Adm. Code.
5. The reinstatement may require a trial period, or the appointing authority may be able to assign a permissive probationary period. Employees who have permanent status but are appointed into a career executive position must be assigned the initial two-year continuous service trial period under s. ER-MRS 30.06(1), Wis. Adm. Code. Employees who have permanent status as a career executive employee may be assigned a permissive probationary period under s. ER-MRS 16.04(1), Wis. Adm. Code.
6. If a reinstated employee is terminated prior to completion of the initial Career Executive trial period, follow s. ER-MRS 30.11(1), Wis. Adm. Code.

Sec. 156.090 Certification

1. Certification from the competitive register established for non-career executive incumbents will be in accordance with s. 230.25, Wis. Stats., including applicable provisions for veterans preference and expanded certification of racial or ethnic minorities, women, and persons with disabilities. Those certified as a result of competitive examination include only non-career executive candidates. The statute allows flexibility in the number of names certified for classified civil service positions, using sound statistical methods and personnel management principles that are designed to maximize the number of certified names that are appropriate for

the specific position, now including career executive positions. (See also Chapter 212—Certification of the *Wisconsin Human Resources Handbook* for details on certification procedures and practices.)

2. Incumbent career executive applicants may be accepted any time during the hiring process before a hire is made. These candidates are referred on a post-certification basis. They cannot be required to participate in the competitive exam for career executive positions, but agencies may do additional screening on all career executive candidates to reduce the number of candidates to be interviewed and to ensure that those interviewed are the most qualified. Since the non-career executive candidates participated earlier in a competitive examination, this post-certification screening applies to only the career executive incumbents. Independent of the vacancy posting and application period for the competitive exam, career executive incumbent employees may be notified by email of the vacancy as a means to solicit additional applicants.
3. The career executive certification function is delegated to agencies with staffing delegation. Agencies without staffing delegation must submit their assessment and proposed certification approach or rule and rationale for DMRS review at the time the [Exam Plan Checklist](#) (OSER-MRS-98) is submitted or when submitting exam materials to DMRS for review.
4. When certifying using a related register, agency staff should contact the agency holding the register to obtain the list of Career Executive candidates. At the time of this writing, the names of the Career Executive candidates are not retained in Wisc.Jobs. Therefore, the names must be obtained directly from the agency and considered along with the related register. Additionally, career executive incumbent employees may be notified by email of the vacancy as a means to solicit additional applicants.

Note: If an agency is completing the [Certification Request Report](#) (OSER-MRS-34, Rev. 02/08) as part of the career executive position staffing action, please ignore the career executive option boxes in the fields for ‘Kind of Register’ and ‘Report of Hire.’ Instead, mark one of the remaining boxes in each of these two fields as appropriate. Be sure to code box 2102 – Employee Status – as “C” indicating that the employee is a career executive.

Sec. 156.100 Career Executive Trial Periods

1. Career executive trial periods will be managed in accordance with s. ER-MRS 30.06, Wis. Adm. Code. This means a single two-year trial period will be served upon initial appointment to the career executive program. The trial period continues uninterrupted, regardless of the number of subsequent career executive appointments an individual has during the two years. There is provision for waiving up to one year at any time after a one-year continuous service trial period has been served.

Note: A waiver of portions of the trial period for a supervisory position may be granted only if the employee has successfully completed supervisory training as required by s. 230.28(1)(am), Wis. Stats.

2. A career executive incumbent employee may be required to serve up to a six-month permissive trial period upon voluntary movement between agencies. (See s. ER-MRS 30.06(3), Wis. Adm. Code.)
3. A former career executive employee who is hired into a career executive position during the five-year reinstatement eligibility period may be assigned a probationary period if permitted. (See s.ER-MRS 16.04, Wis. Adm. Code)
4. A former career executive employee who is hired into a career executive position after the five-year reinstatement eligibility period expired is subject to an original (initial) appointment. Even if the employee had completed a two-year trial period in the previous employment, he or she must serve a new two-year trial period in this circumstance.

Sec. 156.110 Pay and Benefits Provisions

1. Provisions for determining beginning base pay rates for career executive appointees are contained in the State of Wisconsin Compensation Plan.
2. The pay provisions of Ch. ER 30, Wis. Adm. Code, apply to career executive appointees, where applicable. Please consult with the Bureau of Compensation, Division of Compensation and Labor Relations, for assistance in determining pay rates or pay adjustments for an individual holding a career executive appointment.

Sec. 156.120 Administrative Information

This chapter was issued in April 2002, after the Career Executive recruitment and certification rules at ER-MRS 30, Wis. Adm. Code, were revised. Chapter 281 of the *Wisconsin Personnel Manual* and DMRS Bulletin MRS-139 have been replaced by this handbook chapter and by DER Bulletin MRS-225/CLR/POL-72.

In March 2003 the chapter was revised to reflect current formatting procedures, electronic links were updated, and an Administrative Information Section added.

The chapter was revised in September 2003 to identify the change in policy of allowing agencies to screen career executive candidates separately from non-career executives and to include information regarding certifying using a related register.

In May 2004, the chapter was revised to include information regarding the completion of supervisory training prior to the waiver of the second year of a trial period. In addition, a section was added regarding reinstatement eligibility.

The handbook chapter was further revised in October 2005 to reinforce that non-career executive employees may not transfer or be reinstated into a career executive position without competition.

In March 2012 the chapter was revised to add guidance for Career Executive reassignment between agencies as added to s.230.24(4), Wis. Stats., with the implementation of 2011 Wisconsin Act 10. The former section pertaining to "Career Executive Permissive Transfer Guidelines" was removed, with elements specific to transfer combined with the reassignment section. The chapter was revised to renumber and re-sequence some sections and include new sections to address "Positions included in the career executive program" and "Entrance into the career executive program." The section regarding upward movement was modified to include clarification language regarding the distinguished applicant pools of career executive and non-career executive employees in s.230.24(2), Wis. Stats. The section titled "Delegation of Career Executive Staffing Transaction Authority" has been removed because it was superfluous instruction relative to general delegation of staffing authority. The chapter was renamed from "Career Executive Recruitment" to "Career Executive Employment." A sample request to include a position in the career executive program has been added as an attachment.

SAMPLE

Agency request to include position in Career Executive program

Date: XXXXXX, 2012

To: OSER Agency Contact
Human Resources Consultant
OSER/DMRS

From: Department HR Staff
Position
Bureau of Human Resources

Re: Request to include a position in the Career Executive program

The Department of _____ submits an IS Supervisor 2 position (position number _____) to be considered for inclusion in the Career Executive program under s.ER 30.02, Wis. Adm. Code.

In summary, this position... [include agency general justification for inclusion in career executive program] The position description with exclusions and organizational chart is attached for reference.

(1) The position meets the definition of management under s.111.81 (13), Stats; [include agency explanation specific to the position]

(2) The position is predominately administrative in nature; [include agency explanation specific to the position]

(3) The position is assigned to a classification that is assigned to a non-represented pay range that the director has determined to be comparable to pay ranges 81-01 or 81-02. [reference to current counterpart pay range bulletin]

Please direct any questions or correspondence relative to this request to _____.

Cc: _____

Attachments: