

Wisconsin Human Resources Handbook

Chapter 212

Certification Procedures

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Sec. 212.010 Introduction

The certification of names is the end result of recruitment and examination activities and is an integral part of the staffing process. The law and rules provide for numerous options and alternatives. This chapter is designed to assist those creating and receiving certifications to ensure that certifications are accurate and used correctly.

Sec. 212.020 Statutory and Rule Authority

Section 230.25, Wis. Stats., and ch. ER-MRS-12, Wis. Adm. Code, authorize the Administrator of the Division of Merit Recruitment and Selection (DMRS) to certify eligible applicants as provided in the law and rules.

1. “Appointing authorities shall give written notice to the administrator of any vacancy to be filled in any position in the classified service. The administrator shall certify, under this subchapter and the rules of the administrator, from the register of eligibles appropriate for the kind and type of employment, the grade and class in which the position is classified, any number of names at the head thereof. In determining the number of names to certify, the administrator shall use statistical methods and personnel management principles that are designed to maximize the number of certified names that are appropriate for filling the specific position vacancy. Up to 2 persons considered for appointment 3 times and not selected may be removed from the register for each 3 appointments made. Certification under this subsection shall be made before granting any preference under s. 230.16(7).” s. 230.25(1), Wis. Stats.
2. “For every position to be filled by promotion from a promotional register, the administrator shall, after certifying names under sub. (1), additionally certify the name of the highest ranked disabled veteran whose disability is at least 70%.” s. 230.25(1g), Wis. Stats.
3. “Whenever a vacancy occurs in a position in the classified service that is determined by the administrator to be a nonprofessional position or in an entry professional position under s. 230.22, the appointing authority may appoint a disabled veteran on a noncompetitive basis if all of the following occur . . .” (See s. 230.275, Wis. Stats.)

4. “After certifying names under sub. (1), additional names shall be certified in rank order of those who with the combination of veterans preference points awarded under s. 230.16(7) and examination score earn a total score equal to or higher than the lowest score of those certified on the basis of examination only. The number of veterans or spouses of veterans added to the list may not exceed the number of names certified under sub. (1).” s. 230.25(1m), Wis. Stats.
5. “After certifying names under subs. (1), (1g) and (1m), the administrator may engage in expanded certification by doing one or more of the following:
 1. Certifying up to 3 names of persons belonging to at least one of one or more specified racial or ethnic groups.
 2. Certifying up to 3 names of persons of a specified gender.
 3. Certifying up to 3 names of persons with a disability.” s. 230.25(1n)(a), Wis. Stats.
6. “Unless otherwise provided in this subchapter or the rules of the administrator, appointments shall be made by appointing authorities to all positions in the classified service from among those certified to them in accordance with this section. Appointments shall be made within 60 days after the date of certification unless an exception is made by the administrator . . . ” s. 230.25(2)(b), Wis. Stats.

Sec. 212.030 Definitions

The following are definitions of terms used in this Chapter.

1. **Appointing authority:** “. . . [T]he chief administrative officer of an agency unless another person is authorized to appoint subordinate staff in the agency by the constitution or statutes. s. 230.03(4), Wis. Stats.
2. **Appointment:** “. . . [T]he action of an appointing authority to place a person in a position within the agency in accordance with the law and chs. ER 1 to 47 and ER-MRS 1 to 34, Wis. Adm. Code, effective when the employee reports for work or is in paid leave status on the agreed starting date and time. ‘Appointment’ does not include an acting assignment under ch. ER-MRS 32.” s. ER-MRS 1.02(2), Wis. Adm. Code.
3. **Area of Competition:** Defines the group of people eligible to apply for a position. There are two primary areas of competition to consider: open and promotional competition. Open competition is open to all qualified applicants. Promotional competition is open to qualified applicants in the classified civil service who occupy a regular, seasonal or sessional position in which permanent status may be obtained; who are on an approved leave of absence; who are former employees with restoration rights resulting from layoff; or who have previously gained permanent status and are temporarily serving in a project position under a project position. Promotional competition may be open to all eligible employees within the classified civil service (servicewide), or, if certain conditions are met, to eligible employees within the UW System (systemwide), an agency (agencywide), or recognized employing unit (unitwide).
4. **Certification:** Process used to determine the number and names of candidates from a register that will be considered for a specific position vacancy.
5. **Certification request:** The electronic or paper form that identifies a vacant position and is updated with hire information upon a person’s appointment to the position (Form OSER-MRS-34).
6. **Certification rule:** Number of names that the appointing authority determines to be certified from the appropriate register.
7. **Disabled veteran:** A veteran who has a service-connected disability.

8. **Equal consideration:** All candidates are treated equally from point of certification through the initial hiring process, commonly an employment interview. What is done for one candidate initially is done for all others.
9. **Register:** List of names and scores of those individuals who have taken an exam and received a passing score or met the minimum eligibility requirements.
10. **Report of Action:** The response from a certified candidate regarding his/her interest in the position for which they were certified or the action taken by the appointing authority.
11. **Veteran:** “. . . [A] person who fulfills at least one of the following requirements:
 1. Served on active duty in the U.S. armed forces for at least 180 days, not including training.
 2. Was discharged from the U.S. armed forces because of a disability incurred during active duty or because of a disability that is later adjudicated by the U.S. department of veterans affairs to have been incurred during active duty.
 3. Was honorably discharged from the U.S. armed forces.
 4. Is eligible to receive federal veterans benefits.” s. 230.16(7m)(a), Wis. Stats.

Sec. 212.040 Preparing to Certify

1. Agency human resource staff should complete the electronic or paper *Certification Request/Report* (OSER-MRS-34) or a similar form. (See <http://oser.state.wi.us/docview.asp?docid=1125> for a copy of the form.) See Chapter 314 of the *Wisconsin Personnel Manual—Classification and Compensation* for detailed instructions for filling out this form. Necessary budget and classification approvals should be obtained. If the position is represented, complete any necessary steps required by union contracts.
2. Determine if an existing or related register can be used, if an expired register can be reactivated, or if a new recruitment must be established.
 - a. When a register exists for the classification of a vacancy in the same agency, OSER-held registers must be used unless use of an alternate exam is requested by the agency.
 - b. If a new register must be established, follow established procedures for announcement, recruitment, examination development, and scoring.
 - c. When no register exists for the classification of a vacancy in the same agency, use of a related register may be authorized by DMRS under s. 12.04, Wis. Adm. Code. when a register exists for a different classification and:
 - 1) The duties of the vacancy to be filled are essentially the same as the duties of the vacancy described in the job announcement for the existing register.
 - 2) The pay range of the vacancy is not higher than the pay range of the classification for which the related register was established.
 - 3) The recruitment area is the same.
 - 4) No register exists that is more appropriate.

See Chapter 204—Examination Scoring and Register Establishment of the *Wisconsin Human Resources Handbook*, for procedures on requesting use of a related register and completing a *Request to Use Related Register* form (OSER-MRS-194).

Note: Delegated agencies should refer to their *Delegation Agreement* regarding authority to use related registers.

- d. Registers are active for a period of three to twelve months from the date they are established but may be extended or reactivated for up to three years from the date of establishment as provided in s. 230.25(3), Wis. Stats. The decision to extend or reactivate a register is based on consideration of factors such as the number of candidates remaining on the register, the potential for attracting new applicants of equal or greater qualifications, and the state's interest in the efficient and timely staffing of positions. Effective October 2, 2006, agencies (both delegated and non-delegated) no longer need to request approval from DMRS to reactivate or extend registers that were created by their agency.
3. Create a certification in Wisc.Jobs or another system if deemed appropriate. (See the *Wisc.Jobs Training Guide* for specific instructions.) Wisc.Jobs will certify the appropriate number of candidates from the register based on the selected certification rule, geographic location of the position (areas/counties), type of employment (full-time, part-time, etc.), and any special qualifications or requirements of the position. (Note: W-2 is considered a special qualification and should be entered at this time if the agency wants the certification list to contain W-2 participants.) (See sections 212.020(3) and (4), 212.080, and 212.090 of this handbook chapter regarding expanded certification rules.)

Sec. 212.050 Determining the Minimum Number to Certify

1. The law allows for use of flexible certification, which allows flexibility in the number of names certified for classified civil service vacancies. In deciding the number to certify, consider such factors as the number of anticipated applicants and number of names appropriate for filling the vacancy. All non-delegated agencies wishing to use flexible certification must submit their proposed certification approach, strategy or rule, along with the supporting rationale, to DMRS prior to recruitment.
2. Ten is the recommended minimum number of persons to be certified (basic, excluding veterans preference and expanded certification). If a larger list is needed, the number certified can be increased in increments of five (e.g., 15, 20, 25) where numerical descending score registers are used. For small registers (i.e., 15-20 names), adopting a "rule of the register," is recommended by certifying everyone on the list, where applicable. For registers established on an "eligible-not eligible" or "pass-fail" basis, all persons considered as "eligible" or "pass" must be certified and given equal consideration regardless of the number of candidates on the register.
3. When an agency establishes a certification approach, strategy, or rule but wishes to deviate from it or recommend a revision, the agency must allow DMRS to review the revised certification rule when the agency is lowering or decreasing the number certified. No review is necessary when increasing the number to be certified. If DMRS review is necessary, submit a proposal to the appropriate DMRS Human Resources Consultant seeking a modified certification rule supported by the business rationale for the change, i.e., candidate quality, number of people in the bands, placement of affirmative action target group members, recruitment results producing many more or fewer candidates than initially anticipated, reliability results, or other relevant factors. DMRS approval of flexible certification will be based, in part, on the merits of the agency proposal and the ability of the agency to manage the registers and certification process properly.
4. If an agency uses a related register, the agency may select the certification rule most appropriate for the needs of the agency.

Sec. 212.060 Certification Categories

The candidates who are eligible for employment consideration will be certified by category. In addition to names certified under basic (BAS) certification provisions, other candidates may be certified under the following categories: veterans preference (VET), disabled expanded certification (DEC), minority expanded certification (MEC), women expanded certification (WEC), and disabled eligible (DEL), in that order.

1. **Basic Certification (BAS)** – Section 230.25(1), Wis. Stats., states, in part, that “the administrator shall use statistical methods and personnel management principles that are designed to maximize the number of certified names that are appropriate for filling the specific position vacancy.” The agency will decide the appropriate number of people to be certified for the vacant position. (See section 212.050 of this handbook chapter for determining the minimum number to certify.)
2. **Veterans Preference (VET)** – Section 230.16(7), Wis. Stats., states, in part, that “a preference shall be given to those veterans and to some spouses of veterans . . . who gain eligibility on any competitive employment register and who do not currently hold a permanent appointment or have mandatory restoration rights to a permanent appointment to any position.” Eligibility refers to receiving a passing score of 70.00 or higher. A preference means the following points will be added to the applicant’s score:
 - a. For a veteran, 10 points will be added.
 - b. For a disabled veteran, 15 points will be added.
 - c. For a disabled veteran whose disability is at least 30 percent, 20 points shall be added.
 - d. For the spouse of a disabled veteran whose disability is at least 70 percent, 10 points shall be added to the spouse’s score.
 - e. For the unremarried spouse of a veteran who was killed in action, 10 points shall be added to the spouse’s score.
 - f. For the unremarried spouse of a veteran who died of a service-connected disability, 10 points shall be added to the spouse’s score.

Note: The highest ranked veteran with a service-connected disability of 70 percent or greater shall be added to a promotional certification. (See section 212.110(5) of this handbook chapter.)

An applicant must request eligibility for veterans preference points by completing the *Veterans Preference Supplement* form (OSER-MRS-38L). (See <http://oser.state.wi.us/docview.asp?docid=1240> for a copy of the form.) The applicant needs to submit a completed form only once because the information will remain in Wisc.Jobs and will be applied to future applications. In order to qualify for certification as a veteran, the civil service score plus added veterans preference points must be equal to that of the lowest scoring person certified under BAS. The number of veterans certified under this provision may not exceed the number of applicants certified under the BAS category.

Example: There are eight applicants certified using BAS. The lowest BAS score certified is 81.58. In this example, a veteran whose score is 82.00 (civil service score of 72.00 + 10 veterans preference points) will be certified unless the number of veterans who scored higher and are already certified exceeds the number under the BAS category.

Prior to making an appointment of a person certified within the VET category, the veteran’s status must be verified by the appointing agency. See Chapter 244—Verifying Applicant Information of the *Wisconsin Human Resources Handbook* for verification guidelines. If the candidate’s DD214 has been reviewed and is eligible for veterans preference points, indicate this in Wisc.Jobs by checking the “DD214 Form Verified” box under the “Vets Information” section on the Applicant Detail screen.

3. Disabled Expanded Certification (DEC) – Section 230.25(1n), Wis. Stats., and s. ER-MRS-12.06, Wis. Adm. Code, indicate that up to three names of persons with a disability can be certified. “To be eligible for certification under this section, a person shall have a permanent physical or mental impairment which substantially limits the major life activity of working. “Substantially limits” means significantly restricts the ability to perform either a class or broad range of jobs compared to the average person who has comparable training, skills and abilities.” s. ER-MRS-12.06(2), Wis. Adm. Code.

In order for applicants to be eligible for DEC, a qualified professional must verify the disability and eligibility for the program by completing the *Disabled Expanded Certification Verification* form (OSER-MRS-159) and submitting it to DMRS prior to certification. (For a copy of this form, see <http://oser.state.wi.us/docview.asp?docid=1200>.) The verification will be valid for all positions for which the person applies for five years after the date DMRS receives the verification. See s. ER-MRS-12.06(3), Wis. Adm. Code.

Persons who have a disability but who are certified on the basis of civil service scores without regard to their disability are not counted for purposes of this certification provision.

4. Minority Expanded Certification (MEC) – Section 230.25(1n), Wis. Stats., and s. ER-MRS-12.05, Wis. Adm. Code, indicate that up to three names of persons belonging to at least one or more specified racial or ethnic groups can be certified. The determination of whether there is underutilization for minorities is automatically handled within Wisc.Jobs; refer to the Underutilization section of the Wisc.Jobs menu. To manually determine this, refer to the AA Goals/Underutilization Table. (The table is located on the OSER website at <http://oser.state.wi.us/docview.asp?docid=6517>.) Information regarding an applicant’s racial/ethnicity is obtained from the candidate’s *Application for State Employment* form (OSER-MRS-38) or in other written communication. (See <http://oser.state.wi.us/docview.asp?docid=1121> for a copy of the form.) Minorities certified are those with the three highest passing civil service scores not otherwise certified. Minorities certified under the BAS certification provision are not counted for purposes of MEC.

5. Women Expanded Certification (WEC) – Section 230.25(1n), Wis. Stats., and s. ER-MRS-12.05, Wis. Adm. Code, indicate that up to three names of persons of a specified gender can be certified. The determination of whether there is underutilization for women is automatically handled within Wisc.Jobs; refer to the Underutilization section of the Wisc.Jobs menu. To manually determine this, refer to the AA Goals/Underutilization Table (<http://oser.state.wi.us/docview.asp?docid=6517>). Information regarding an applicant’s gender is obtained from the candidate’s *Application for State Employment* form (OSER-MRS-38) or in other written communication. The women certified are those with the three highest passing civil service scores not otherwise certified. Women certified under the BAS certification provision are not counted for purposes of WEC.

6. Disabled Eligible (DEL) – Section ER-MRS 12.07, Wis. Adm. Code, states that the Administrator may waive the test requirement for a person with a disability under this section if the administrator determines that the disability precludes the person from equitably participating in the tests used to examine candidates certified under s. 230.24(1) or 230.25 Wis. Stats., because of impaired sensory, manual, reading, or speaking skills not related to the tasks to be performed after reasonable accommodations have been made on the job.

Because persons with disabilities can be accommodated in the taking of civil service examinations in order to eliminate any effect of their disability, which might otherwise lower their civil service score, the DEL category is not used often. Providing readers, signers, interpreters, extending time limits, and providing various physical accommodations are commonplace. (See Chapter 184—Special Exam Accommodations of the *Wisconsin Human Resources Handbook* regarding providing special accommodations.)

7. In the event a person could be certified under more than one of the categories, that individual is certified under only one, this being the first category for which they are eligible in the following order: Basic (BAS), veterans preference (VET), disabled expanded (DEC), minority expanded (MEC), women expanded (WEC). For example, a candidate who is eligible to be certified under VET and WEC would only be certified under VET because names are certified under this category before WEC.

Sec. 212.070 Transfers, Reinstatements, and Voluntary Demotions

1. Persons eligible to be appointed to a position without competition via transfer, reinstatement or voluntary demotion are not “certified” to an agency from *Wisc.Jobs* unless the individual has taken the appropriate exam and is eligible for certification from the register. However, such persons may be eligible for the same degree of employment consideration as certified candidates and can be hired at any point in the recruitment process. Adequate planning regarding consideration of such persons and the manner in which they will be handled should be decided early in the developmental stages of the staffing process. (See chs. ER-MRS-15, -16, and -17, Wis. Adm. Code.)
2. Additional names may be referred to an agency from the State Injured Worker Re-Employment Program. The purpose of this program is to return state injured workers to appropriate employment as soon as possible per ss. 102.35 and 102.44, Wis. Stats. Employees participate in this program when work restrictions indicate the injured worker may not be able to return to the job held at the time of the work injury. The Coordinator of the Re-Employment Program obtains information from the *Wisc.Jobs Current Employment Opportunities* and other sources regarding potential vacancies within an agency. The Coordinator contacts the agency when it appears that someone from the program is qualified for an existing position. The candidate can be considered prior to certification or with other certified names. Depending on the worker’s classification at the time of injury, he/she may be eligible for the position through transfer, reinstatement, or voluntary demotion.

Sec. 212.080 Non-Competitive Appointment of 30% Disabled Veterans

Agencies are permitted (but not required) to make non-competitive appointments of 30 percent disabled veterans to classified civil service vacancies without following existing procedures for filling classified positions (announcement, recruitment, competitive examination, certification, etc.). This authority is permissive, not mandatory. (This provision was revised with the passage of 2011 Wisconsin Act 211 which removed previous restrictions of this program to fill only non-professional and entry level professional positions. Effective April 19, 2012, all positions in the classified service are eligible for this program. See bulletin OSER-0304-MRS.)

The law requires that certain restrictions be met in order to make a non-competitive appointment.

1. The disability must be service-connected, and the veteran must have at least a 30 percent disability.
2. The agency must give equal consideration to all qualified veterans who are 30 percent or more disabled who express an interest in the position or those who have been certified through competitive examination for the position.
3. The agency must determine that the individual is qualified to perform the duties of the position.
4. The veteran must provide written documentation from the federal government certifying the existence and extent of the disability.

Agencies wishing to make a non-competitive appointment should send a letter of intent, identifying the civil service job title, to the DMRS Administrator before filling the vacancy.

Sec. 212.090 Career Executive Positions

Chapter 156 of the *Wisconsin Human Resources Handbook* provides information specific to staffing Career Executive positions.

Sec. 212.100 Random Rank Positions

The number of candidates certified under BAS, DEC, MEC, and WEC are the same as identified in section 212.060 of this handbook chapter. The rules for VET are different. Up to three veterans will be added to random ranked certifications, based on their ranking.

Sec. 212.110 Promotional Certifications (Area of Competition)

1. Section 230.19, Wis. Stats., applies to requesting certifications from existing registers established from a restricted AOC such as employing unit, agency, or servicewide/systemwide. Agencies must perform an Area of Competition (AOC) analysis when considering restricting the AOC of a certification. See Chapter 108—Area of Competition of the *Wisconsin Human Resources Handbook* for guidelines on completing the AOC analysis.
2. In determining the AOC for certifications, an agency must meet or exceed the OSER/DAA statewide job group availability standards to justify restricting the AOC from which the certification is made in the case of a servicewide certification where the targeted job group is underutilized and for all agency/systemwide or unit certifications. The relevant labor pool for an established employment register has already been defined. Nevertheless, an analysis must be performed when restricting the AOC.
3. Unless delegated, agency personnel must request written approval for a restricted certification from the DMRS Human Resources Consultant responsible for that classification.
4. Agencies must maintain proper documentation of each AOC analysis conducted according to the records retention tables for certification records.

Example: CERTIFYING SERVICEWIDE FROM AN OPEN REGISTER

Register XYZ was established as an “open” register and the agency is requesting use of that register restricted to current classified employees only (servicewide). The agency must do all of the following:

- a. Justify the “**best able**” applicant pool (in this case “servicewide”).
- b. Certify servicewide from this open register if the vacant position is in a job group that is not underutilized.
- c. Compare the availability (percentages listed in the *Standards* tables) of women and/or minorities to the relevant labor pool (i.e., the makeup of eligible minorities and/or women on the restricted register) if the vacant position is in a job that is underutilized. NOTE: The analysis is of the already defined eligible labor pool resulting from the use of the proposed restricted basis of certification.

5. The highest-ranked veteran with a service-connected disability of 70 percent or greater will be added to a promotional certification. The veteran must have received a passing score, but the score need not be higher than the lowest-ranked applicant on the basic certification. This additional certification is unrelated to preference points and will be in addition to—and done prior to—certifications made under DEC, MEC, or WEC.

Sec. 212.120 Supplementing Certifications

1. Supplemental certification is used when the number of interested and available candidates is less than the number originally requested. Reports of action may be entered in Wisc.Jobs for those people who are not interested in interviewing (NI), failed to respond to inquiry (FR), are not available (NA), declined an offer for the position (DO), are unable to locate (UL), failed to show (FS), or not eligible (NE). (See section 212.160

[1g] of this handbook chapter regarding the FS report of action.) Upon entering the appropriate reports of action, additional replacement names may be certified.

2. When there are an insufficient number of names remaining on a register to provide a certification, consideration can be made to certify from a related register as indicated in s. ER-MRS 12.04, Wis. Adm. Code. This option should be discussed with the DMRS Human Resources Consultant for the classification of the position to which the original certification was made. The necessary approvals must be given for use of a related register. See Chapter 204—Examination Scoring and Register Establishment of the *Wisconsin Human Resources Handbook*
3. If the agency wishes to pursue the option of additional recruitment, the request to do so should be made, in writing, to the appropriate DMRS Human Resources Consultant. The request should include an explanation of why the additional time and costs to perform additional recruitment are considered necessary by the agency. At this time, consideration should be made as to whether the candidates from the additional recruitment should be integrated into the existing register or a new register established.

Note: Delegated agencies should refer to their <i>Delegation Agreement</i> regarding authority to pursue additional recruitment.

4. When an agency receives an employing unit certification and requests additional names, and the register from which the original certification was made is exhausted, a supplemental certification may be made from existing registers in this order: agency, servicewide, and open. If the existing agency register becomes exhausted, a supplemental certification may be made from an existing servicewide register. If the servicewide register becomes exhausted, a supplemental certification may be made from an existing open register.

Sec. 212.130 Certification Lists

1. Upon entering a certification in Wisc.Jobs, the agency human resources office can generate two certification lists: the alphabetical certification list and the ranked certification list. The alpha certification list will contain the names of the candidates in alphabetical order, along with address and telephone number; this list will not contain any scores nor identify how the candidates are certified. In addition, each list provided will indicate whether the certification includes the names of qualifying veterans and affirmative action group members for underutilized positions. The following information will be printed on the alpha certification list whenever applicable:
 - a. This position is in a job group that is underutilized for racial/ethnic minorities. It will further state, “This list includes (number) racial/ethnic minorities.” **OR** “There are no racial/ethnic minorities on this certification.”
 - b. This position is in a job group that is underutilized for women. It will further state, “This list includes (number) women.” **OR** “There are no women on this certification.”
 - c. This list includes (number) persons who qualify as DEC.
 - d. This list includes (number) who qualify for veterans preference.
 - e. (On promotional certifications only.) This list includes a veteran with a disability of 70 percent or more.

Statements will be printed whenever applicable regardless of whether the racial/ethnic minority, woman, or veteran was certified on the basic certification or through expanded certification or veterans preference points.

The alpha certification list should be forwarded to the agency’s hiring supervisor.

2. The second list will be a ranked list, which contains the civil service score, racial/ethnic status, certification category under which the candidate was certified, as well as name, address, and telephone numbers. The information on this list is confidential and is for human resources office use only; it should not be shared with anyone outside that office. The following information shall be printed on the ranked certification list whenever applicable:
 - a. This position is in a job group that is underutilized for racial/ethnic minorities. It will further state, “This list includes (number) persons certified for MEC.” **OR** “There are no persons certified for MEC.”
 - b. This position is in a job group that is underutilized for women. It will further state, “This list includes (number) persons certified for WEC.” **OR** “There are no persons certified for WEC.”
 - c. This list includes (number) persons who are certified under DEC.
 - d. This list includes (number) persons certified as a veteran.
 - e. (On promotional certifications only.) This list includes a veteran with a disability of 70 percent or more.

In addition, the list will include:

- f. Total number of minorities on list.
 - g. Total number of women on list.
 - h. Total number of veterans on list.
 - i. Total number of DEC on list.
3. In addition to the alpha certification list, hiring managers may be provided unscored narratives and resumes. See *Wisconsin Human Resources Handbook* Chapter 192—Examination Security, regarding public disclosure.
4. Upon the appointing authority’s and/or hiring supervisor’s receipt of the certification list, all certified candidates must be contacted and considered for the vacant position. Contact may be made by telephone, mail, or e-mail. If the list is short, it may be worthwhile to contact the candidates by telephone. If the list is long, it may be more efficient to contact the candidates by mail. If contact is made by telephone and a message must be left for the candidate, or an e-mail is sent, indicate that the individual must respond within five workdays. Make it clear that the person will be considered as “not interested” in the position if he/she does not respond by the specified date/time. If the certification list is quite lengthy, contact should be made by mail (see Attachment #1 for a sample applicant certification letter). A letter inquiring about interest in interviewing for the position should be sent to the candidate. The letter must indicate that any person who fails to respond to the inquiry within five workdays of the day following the mailing of the inquiry will be considered not interested in interviewing. See s. ER-MRS 11.04(1)(b), Wis. Adm. Code.

Note: An agency may wish to perform a post-certification screening prior to scheduling candidates for an interview. For example, if the certification list is large, the agency may choose to contact the candidates by telephone to obtain information regarding a job-specific area that was not previously covered within the exam. Based on the candidates’ response, the agency will identify those candidates who are eligible to interview. A report of action of NS (not selected) should be entered when closing the certification. (See section 212.160 of this handbook chapter for information regarding reports of action.)

5. An agency must ensure that all candidates certified are given equal consideration for the vacancy. This means that all candidates are treated the same; what is done with one candidate will be the same for all others. For example, the same screening criteria, same interview questions, etc. will be used for all candidates.
6. At the time of making an appointment, it is necessary to verify the accuracy of any information relating to the appointee’s status such as veterans preference points, racial or ethnic group, or any other special qualifications required for the position. See Chapter 244—Verifying Applicant Information of the *Wisconsin*

Human Resources Handbook.

7. Certified candidates who have received appointment consideration and who are not selected must be informed when an appointment has been made. (See Attachment #2 for a sample non-select letter.)

Sec. 212.140 Reusing Interview Results

At times, agencies experience significant time delays when filling positions due to the amount of time it takes to contact and re-interview job candidates. The decision to re-use interview results is a discretionary decision made by the appointing authority. To assist in making the interview process more efficient, agencies may want to consider reusing interview results, but only under certain conditions. If agencies wish to use interview results from an earlier interview, notify all candidates of the policy. Agencies may give the individuals a choice on whether they want to interview again or reuse their interview results. If subsequent vacancies occur, agencies must contact and interview any new candidates who have been certified. In addition, the following five conditions must be met:

1. The candidate has been informed of the State's interview reuse policy.
2. The candidate must have been interviewed within the last six months.
3. The position identifies the same job classification, same or similar duties, and knowledge/skills required for the job.
4. At least one core interviewer is involved in both selection processes.
5. The same core interview questions will be used.

If an agency chooses to reuse the interview results from an earlier interview, it may do so but only if applied equitably. That is, if an agency reuses one candidate's results, then it must allow all candidates, who were previously interviewed, to reuse their interview results. Selectively using this policy for one individual, when more than one candidate has been previously interviewed, is not permitted. After a selection is made, agencies must notify all candidates who were certified of the outcome, i.e., whether or not that person was selected.

Sec. 212.150 Appointments

1. Section 230.25(2)(b), Wis. Stats., requires that "[A]ppointments shall be made within 60 days after the date of certification unless an exception is made by the administrator. If an appointing authority does not make an appointment within 60 days after certification, he or she shall immediately report in writing to the administrator the reasons therefor. If the administrator determines that the failure to make an appointment is not justified under the merit system, the administrator shall issue an order directing that an appointment be made."

If additional time is necessary to make an appointment, a written request for an extension should be sent by the agency to the appropriate DMRS Human Resources Consultant. The request should include the position title, certification number, the reason for the delay in filling the position, and the date by which an appointment can be made. The request will be reviewed and approved or denied. If the request is denied, the DMRS administrator will direct the agency to immediately make an appointment.

2. "Confirmation of appointment shall be in writing by the appointing authority and shall be sent to the employee no later than the first day of employment. Such letter of appointment shall include conditions of employment such as starting date, rate of pay, and probationary period to be served." (See Attachment #3 for a sample appointment letter.) s. ER-MRS 12.08, Wis. Adm. Code.

Sec. 212.160 Reports of Action

1. Reports of action (ROA) must be entered into Wisc.Jobs for all certified candidates. These ROAs may be used to close out the certification or to obtain additional names for certification. (See section 212.120 of this handbook chapter regarding supplemental certification.) The ROAs should be entered into Wisc.Jobs as soon as they are known. The established ROAs are:
 - a. SE – Selected. Used when the hiring agency offered the position to a candidate and the candidate accepted the offer.
 - b. DO – Declined Offer. Used if the agency offered the candidate the position but the candidate declined.
 - c. NS – Not Selected. Used when an agency considered a candidate but did not select that person for the position.
 - d. FR – Failed to Respond. Used when a candidate did not respond to the agency by the established deadline.
 - e. NI – Not Interested. Used for candidates who (1) respond to the agency but indicate they are not interested in the position; or (2) schedule an interview and then cancel it.
 - f. NA – Not Available. Used if the candidate is unavailable for an extended period of time (e.g., if the applicant is out-of-town or hospitalized) during the interview process.
 - g. FS – Failed to Show for an Interview. Used if a candidate failed to show for an interview that he or she agreed to attend and did not provide a valid reason for failing to show within five working days of the scheduled interview date. See section 212.170 of this handbook chapter for removal procedures. (See Attachment #4 for a sample failed to show removal letter.)
 - h. NC – Not Contacted. Used if the candidate was not contacted. This ROA should not be used for the candidates certified on the original certification unless the person hired was a transfer, reinstatement, or demotion and no one on the certification list was contacted or interviewed.
 - i. NE – Not Eligible. Used when a candidate did not meet the minimum requirements/qualifications for the position. The agency must document the basis for this decision.
 - j. UL – Unable to Locate. Used when an agency cannot reach the candidate by telephone or mail (i.e., the letter is returned with no forwarding address). If the agency cannot reach the candidate by phone, the agency must send a letter to the applicant and provide five working days to respond. See s. ER-MRS 11.04(c), Wis. Adm. Code.
 - k. PSE – Project Hire. Used when the hiring agency offered the project position to a candidate and the candidate accepted the offer.

Note: If the agency created a certification to fill a project position using a permanent position register, enter an ROA of PSE for the selected certified registrant but do not enter any of the hire information under the hire detail (i.e., type of hire, name, effective date, hiring reason). Doing so would remove the registrant from the permanent register. Instead, send a request to rescind the certification after all the ROAs are entered or create a separate project register and certify from there instead of the permanent register.

2. Reports of action should be entered as specified in the *Wisc.Jobs Training Guide*. As indicated in section 212.120(1) of this handbook chapter, additional replacement names may be certified for the following ROAs:

NI (not interested in interviewing), FR (failed to respond to inquiry), NA (not available), DO (declined offer), UL (unable to locate), FS (failed to show), or NE (not eligible).

Sec. 212.170 Removals

1. An appointing authority may request to remove an applicant from a certification, or refuse to certify an applicant, for sound personnel management reasons. The Administrative Code specifies two categories of removals: (1) disqualification or “for cause” removals; and (2) administrative removals. A removal request must be submitted to a DMRS Human Resources Consultant for disqualification and some administrative removals. Administrative removals under s. ER-MRS 11.04(a), (b), and (c), Wis. Adm. Code, are automatically handled in Wisc.Jobs.
 - a. Disqualification – Section ER-MRS 6.10, Wis. Adm. Code, lists ten specific reasons for the DMRS Administrator to remove an applicant from a certification. For example, these reasons include failure to meet the position’s preliminary requirements, a conviction related to the duties of the target position, dismissal for cause from state service, falsifying application materials, and unsatisfactory work references.
 - b. Administrative Removals – Section ER-MRS 11.04, Wis. Adm. Code, specifies seven reasons to remove an applicant from an employment register. Generally, when an applicant is removed for any of these reasons, he or she is removed from the employment register, not just from one certification. In some instances, the removal is automatic, such as when an applicant is appointed to a position. In other cases an appointing authority must justify the removal, e.g., by entering a report of action in Wisc.Jobs indicating that the applicant failed to respond to a request to interview after being given enough time to respond.
2. Removal requests submitted to a DMRS Human Resources Consultant must include the following information:
 - a. The applicant’s full name, appropriate job classification, and certification number, if applicable.
 - b. The specific provision of the Administrative Code on which the removal request is based. For example, if the request for the removal is because the applicant’s employment references were unsatisfactory, then the appropriate cite is s. ER-MRS 6.10(8), Wis. Adm. Code.
 - c. The specific reasons for the removal and any documents supporting the request.
3. The request should be sent to the DMRS Human Resources Consultant responsible for that classification title. If the request is approved, DMRS will notify the applicant of the removal action, unless otherwise coordinated with the requesting agency. Requests to restore an applicant’s name should be sent to the DMRS Human Resources Consultant responsible for that classification.

Sec. 212.180 Closing Certifications

1. The agency must keep an electronic or paper copy of the completed *Certification Request/Report* form (OSER-MRS 34) or a similar form for each position it fills. (See <http://oser.state.wi.us/docview.asp?docid=1125> for a copy of the form.) Agencies must record closeout information on the certification form including effective date, type of hire, person’s name, social security number, gender, and racial/ethnicity code. If the person hired is a “New Original” or “Promotional Appointment,” the agency must include a copy of the certified list of names used to make the appointment. Agencies must also maintain lists of every candidate contacted and the report of action for that candidate. This list may or may not include names of candidates considered for appointment without competition via transfer, demotion, or reinstatement (see section 212.070 of this handbook chapter). (See section 212.160 of this handbook chapter for the reports of action.)

2. The reports of action and hire information must be entered into Wisc.Jobs for all certifications generated by that system.
3. The *Written Hiring Reason for Classified and Project Appointments* (OSER-DAA 11) form must be completed for all permanent appointments (new and promotional) made from a certification and all project appointments, regardless of who is appointed. (See <http://oser.state.wi.us/docview.asp?docid=7313> for a copy of the form.) See OSER Bulletin OS-55/MRS-134/AA-25, dated April 15, 1992, *Veterans and Affirmative Action Requirements under 1991 Wisconsin Act 101*, for specific details on completing this form. (The bulletin is on the OSER website: http://oser.state.wi.us/bulletins/bulletin_get.asp?bid=16.)
4. The *Veterans New Hire Report* (OSER-DAA-16) form must be completed by all employees who are new original hires by the State of Wisconsin. (See <http://oser.state.wi.us/docview.asp?docid=1239> for a copy of the form.)
5. Agencies must keep closed certification documentation for a total of four calendar years from the effective date of the hire. Documentation can be kept two years on site and kept at the Records Center for the remaining two years. (The agency may send the documentation to Records Center earlier if there is not space available to keep records on site.) The records must be destroyed after four years from the appointment, unless litigation is in process. (See the Department of Administration General Records Schedule at <http://publicrecordsboard.wi.gov/docview.asp?docid=20705&locid=165>.) Documentation includes: completed Certification Request/Report form, certification list(s) containing all certified candidates, reports of action, documentation for any “not eligible” candidates, removal letters, and verification information.

Sec. 212.190 Canceling or Rescinding Certifications

Section ER-MRS 6.095, Wis. Adm. Code, states that, “The Administrator may cancel a register or certification at any time the administrator determines that:

1. The register was not established in compliance with s. 230.16(4), Wis. Stats.; or
2. One or more applicants gained knowledge of the content of the examination not available to every applicant; or
3. The establishment of a register was not consistent with the principles of merit and fitness as set forth in the law and rules.”

In addition, agencies may need to rescind a certification for other reasons, such as: lost budget authority for the position; position restructuring which changes the classification title, etc. These reasons are not specifically identified in the rules, but do occur and must be handled appropriately.

All requests to rescind or cancel a certification should be sent to the DMRS Human Resources Consultant for review. The request can be made via mail or email and should include the following information:

1. Agency/campus and employing unit number.
2. Contact person and phone number.
3. Position title and class code.
4. Certification number.
5. Is the certification for a project or permanent position(s)?
6. Is the register for a project or permanent position(s)?
7. Reason for rescinding the certification.
 - a. Former employee returned to position—the position is being filled by reinstatement/restoration or similar transaction.
 - b. Reorganization—the position is not being filled due to a typical reorganization or because the work has been reorganized within the organization; therefore the position is no longer needed.
 - c. Different class will be used to fill this position—it was found that the needs of the organization have changed and this position needs to be filled with a different classification.

- d. Inaccurate application data loaded—administrative errors within Wisc.Jobs.
 - e. Due to budget reasons—the position has been cut due to budget and it will not be filled at this time.
 - f. Certification was created to fill project position—If a certification is created to fill a project position and the register used is for permanent positions we must rescind the cert in order to close it out so the certified registrants aren't taken off the permanent register.
 - g. Inaccurate score data loaded—administrative errors within Wisc.Jobs.
 - h. Invalid exam per s.230.16(4), Wis. Stats.—The exam was found to not be job-related in compliance with appropriate validation standards.
8. Timeline. EXAMPLE: This position was announced from DATE to DATE. The recruitment was certified on DATE, additional names were certified on DATE.
Since that time, the top two candidates have both withdrawn/declined our offers. That forced the supervisor to reassess her needs for this position. As a result, the supervisor and the department have determined that the position should remain unfilled.
 9. Supervisor's involvement. EXAMPLE: The supervisor has seen the list of names. All candidates have been interviewed.
 10. Candidates' involvement. EXAMPLE: Candidates have received result notices and have been contacted for interviews. Candidates will be sent a non-select letter for this recruitment.
 11. Reports of Action. EXAMPLE: All reports of action have been entered into Wisc.Jobs.

The DMRS Human Resources Consultant will review the request and notify the agency whether the cancellation/rescission is approved or denied.

Sec. 212.200 Administrative Information

This chapter was issued in May 2002 as Chapter 212 of the *Wisconsin Human Resources Handbook*. It replaced Chapter 232 of the *Wisconsin Personnel Manual*. Chapter 212 replaced several MRS policy bulletins: MRS-20, Civil Service Rank and Score Information for Certified Candidates; MRS-32/AA-1, Balanced Work Force Definition: Expanded Certification and Affirmative Action Goals; MRS-51, Certification Audits; MRS-88, Supplemental Certification; and MRS-181, Elimination of Requirement to Submit Closed Certifications to OSER/DMRS.

The chapter was updated in October 2002 to include policy information regarding the State Injured Worker Re-Employment Program. Bulletin MRS-121, Updated Information Regarding the State Reemployment Program, became obsolete at that time.

In February 2003, the chapter was revised and re-issued. At that time, references to SHRS were changed to Wisc.Jobs and web links were updated.

The chapter was revised in November 2003 to include information on non-competitive appointments for veterans who have a 30 percent or more disability and information regarding the reuse of interview results.

In April 2004, information was added to clarify that individuals must be given five workdays to respond to an agency's telephone or e-mail message regarding interest in interviewing for a position. A note was also added indicating a replacement name may be certified upon entering a report of action of not eligible.

The chapter was updated in March 2005 to remove the reference to Policy Bulletin MRS-149 on register extensions and reactivations. Bulletin MRS-149, dated January 21, 1994, is now obsolete.

In August 2005, the chapter was updated to remove references to Policy Bulletin MRS-199, dated June 24, 1999, on related registers. The bulletin was made obsolete as a result of the updates made to Chapter 204—Examination Scoring and Register Establishment of the *Wisconsin Human Resources Handbook Chapter*.

The chapter was changed again in February 2007 to give updated directions for locating the underutilization tables for determination of whether there is underutilization for minorities or women.

In September 2012 the definition of banding and the sections on establishing bands to certify candidates and the Entry Professional Program were removed from the chapter because those certification practices are no longer in use. The sections were renumbered. The third paragraph in section 212.130 was modified. Passage of 2011 Act 211 changed the conditions for noncompetitive appointment of 30% disabled veterans as is covered in section 212.080. References to “wartime veteran” were corrected to read “veteran with a service-connected disability.” Bulletin MRS-192 on flexible certification (October 22, 1998) and Bulletin MRS-207, which was a notification of ER-MRS rule changes, (November 1, 2000) are obsolete.

Attachment #1

SAMPLE APPLICANT CERTIFICATION LETTER

[Date]

[Name]
[Address]

Dear [Name]:

Your name has been referred to me for consideration for a permanent [**job title**] position. This position is located in the [**department, division, bureau or office**] at [address]. Enclosed is a copy of the Position Description that provides more detail on the job duties and responsibilities of this position.

The person hired for this position will work [#] of hours per week, Monday through Friday. The minimum starting rate of pay will be (*amount*) per hour, plus excellent benefits. A [**# of months**]-month probationary period is required. Pay upon appointment such as a promotion, transfer, reinstatement or demotion will be determined according to the rules that apply to the specific transaction.

I expect to schedule interviews the week of [date]. Our agency provides reasonable accommodations for qualified disabled individuals who are applicants for employment. Please advise me at the time you set up your interview if you desire special accommodations for this interview.

Please contact me before 4:00 PM on [date], if you are interested in being considered for this position or if you have further questions. If I do not hear from you by this time, I will assume you are not interested in this position. I can be reached at [**telephone number**], E-mail [**e-mail address**], or FAX [**number**].

Sincerely,

[Name]
[Title]

Enclosure

Attachment #2

SAMPLE NON-SELECT LETTER

[Date]

[Name]
[Address]

Dear [Name]:

Thank you for your interest in the [job title] position located in the [department], [division], [bureau or office] at [address]. It was a difficult decision, since we had a number of qualified applicants. However, an offer of employment has been accepted by another candidate.

I appreciate the time and effort you took in interviewing for this position and for considering the [department] as a potential employer. I wish you the best of luck in your future endeavors.

Sincerely,

[Name]
[Title]

SAMPLE APPOINTMENT LETTER

[Date]

[Name]

[Address]

Dear [Name]:

This letter confirms your appointment to the position of [classification/pay range], in [division], [department]. The effective date of your appointment is [date].

Your starting salary will be [amount] per hour. You will be required to serve a [# of months]-month probationary period. Your position is included in the [name] bargaining unit and is considered [exempt or non-exempt] under the Federal Fair Labor Standards Act (FLSA).

Several payroll and benefits documents must be completed on your first day of employment. Your appointment to this position is contingent on your ability to provide documentation required of all new employees as outlined on the attached Form I-9, Employment Eligibility Form. Please bring the required documentation with you when you report for work. I will make arrangements for you to meet with our Department's Payroll and Benefits Specialist, to complete the documents after you start.

If you have any questions please contact me at [telephone number], E-mail [e-mail address], or FAX [telephone number]. I am pleased that you have accepted employment with our Department.

Sincerely,

[Name]

[Title]

Attachment #4

SAMPLE FAILED TO SHOW REMOVAL LETTER

[Date]

[Name]
[Address]

Dear [Name]:

In accordance with subsection ER-MRS 11.04(1)(h), Wisconsin Administrative Code, Rules of the Administrator, we are removing your name from the certification and the register of eligible candidates created from the [date – month/year] administration of the exam for [title].

Subsection ER-MRS 11.04(1)(h), Wisconsin Administrative Code, allows for the removal of an applicant from an employment register "When a person does not appear for a mutually agreed upon scheduled interview and does not provide a valid reason for such failure to appear within 5 work days of the interview date." Specifically, you agreed to interview at [time] on [date] at the [department], [division], [bureau or office]. You failed to appear for the interview and did not provide a valid reason for this failure within five workdays.

As provided in s. 230.17(2), Wis. Stats., this is "the full and explicit statement of the exact cause" of your removal. You may appeal this removal decision to the Wisconsin Employment Relations Commission (WERC) within 30 days after the effective date of the action, or within 30 days after being notified of the action, whichever is later, under s. 230.17(2) and s. 230.44(1)(a) and (3), Wis. Stat. See the WERC website at <http://werc.wi.gov>.

This action does not prevent you from competing for vacancies in other classifications in state service. You may retest for the [title] classification after [date].

If you have any questions regarding this action, please contact me at [telephone number], e-mail [address], or FAX [number].

Sincerely,

[Name]
[Title]

Attachment #5

SAMPLE REQUEST TO REMOVE A REGISTRANT FROM A CERTIFICATION LIST

DATE:

TO: **[Name of DMRS Human Resources Consultant]**
DMRS Human Resources Consultant

FROM: **Name of Agency Human Resources Representative**
[Agency Name]

SUBJECT: Request for Removal from Certification # **[number]**

I request that the Division of Merit Recruitment and Selection (DMRS) remove **[candidate's name]** from the certification list for the **[classification title]** position (Certification # _____), pursuant to s. ER-MRS 6.10(3), Wis. Adm. Code.

We conducted an arrest and conviction record check on all applicants for this position. During the check on **[name]**, we discovered that **[he/she]** had been convicted of two counts of retail theft in February 2001 and one count of forgery in March 2001. Attached is the arrest and conviction record.

This position is responsible for receiving significant amounts of cash on a daily basis. (See the attached position description.) The department believes that the convictions for retail theft and forgery are substantially related to the circumstances of this position and that removal for cause from the above-noted certification is justified according to the administrative rules.

Please contact me at **[telephone number]** with any questions regarding this request.

Attachments