

Wisconsin Human Resources Handbook

Chapter 244

Verifying Applicant Information

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Sec. 244.010 Introduction

Prior to making an appointment to a position, it is necessary to verify the accuracy of any information relating to the appointee's status such as veterans preference points, race/ethnicity, registration for selective service, or any other special requirements required of the position. The purpose of this chapter is to provide guidance on verifying the necessary information.

The areas requiring verification are those in which the applicant self-claims eligibility. It is most cost effective to complete the verification process between certification and hiring rather than at the time of application. This prevents devoting a lot of resources toward verification when only a small percentage of the applicant pool will actually be hired. Upon verification, the appointing authority may proceed with the hire if the information claimed by the applicant is accurate. However, no further consideration may be given to a candidate who does not meet the necessary requirements.

Sec. 244.020 Statutory and Rule Authority

1. “(a) A preference shall be given to those veterans and to those spouses of veterans specified in subds. 1. to 6. 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. A preference means the following:
 1. For a veteran, that 10 points shall be added to his or her grade.
 2. For a disabled veteran, that 15 points shall be added to his or her grade.
 3. For a disabled veteran whose disability is at least 30%, that 20 points shall be added to his or her grade.
 4. For the spouse of a disabled veteran whose disability is at least 70%, that 10 points shall be added to the spouse's grade.
 5. For the unremarried spouse of a veteran who was killed in action, that 10 points shall be added to the spouse's grade.
 6. For the unremarried spouse of a veteran who died of a service-connected disability, that 10 points shall be added to the spouse's grade.(b) An applicant who is certified for a position after receiving a preference under par. (a) 4., 5. or 6. and who is appointed to that position may not obtain a preference under par. (a) 4., 5. or 6. for any other civil service position for which the applicant subsequently applies.” s. 230.16(7), Wis. Stats.
2. “Except as provided in s. 230.16(7m), veteran means any of the following:
 - (a) A person who served on active duty under honorable conditions in the U.S. armed forces and who was entitled to receive any of the following:
 1. The armed forces expeditionary medal established by executive order 10977 on December 4, 1961.
 2. The Vietnam service medal established by executive order 11231 on July 8, 1965.

3. The navy expeditionary medal.
 4. The marine corps expeditionary medal.
 - (b) A person who served on active duty under honorable conditions in the U.S. armed forces in Bosnia, Grenada, Lebanon, Panama, Somalia or a Middle East crisis under s. 45.34.
 - (c) A person who served on active duty under honorable conditions in the U.S. armed forces for at least one day during a war period, as defined in s. 45.35(5)(e) or under section 1 of executive order 10957 dated August 10, 1961.
 - (d) A person who served on active duty under honorable conditions in the U.S. armed forces for 2 continuous years or more or the full period of the person's initial service obligation whichever is less. A person discharged from the U.S. armed forces for reasons of hardship or a service-connected disability or a person released due to a reduction in the U.S. armed forces prior to the completion of the required period of service shall also be considered a "veteran", regardless of the actual time served." s. 230.03(14), Wis. Stats.
3. Section 230.16(7m)(a), Wis. Stats., defines a veteran **for late application purposes** as ". . . [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."
 4. "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.
 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. "A person who is required to register with the selective service system under 50 USC, Appendix, sections 451 to 473, but has not registered, may not receive any of the following during the period that the person is required to register:
 - (1) An original appointment to a position in the classified service.
 - (2) An appointment to a position described in s. 230.08(2)(k).
 - (3) An appointment to a position as a corps enrollee with the Wisconsin conservation corps program under s. 106.215(1)(c)." s. 230.143, Wis. Stats.
 7. Section 230.15(1), Wis. Stats., states, in part, "Subject to the restriction under s. 230.143, appointments to, and promotions in, the classified service shall be made only according to merit and fitness . . ."
 8. "Persons employed by the University of Wisconsin System whose employment is a necessary part of their training, student assistants or student hourly help as provided under s. 36.05(6)." s. 230.08(2)(k), Wis. Stats.
 9. Section ER-MRS 6.10, Wis. Adm. Code, states in part, "In addition to provisions stated elsewhere in the law or rules, the administrator may refuse to examine or certify an applicant, or may remove an applicant from a certification:
 - (1) Who is found to lack any of the preliminary requirements established for the position; . . .
 - (5) Who has made a false statement of any material fact in any part of the selection process; . . .
 - (7) Who practices, or attempts to practice, any deception or fraud in his or her application, certification, examination, or in securing eligibility or appointment; . . ."

Sec. 244.030 Definitions

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. **Certification:** Process used to determine the number and names of candidates from a register that will be considered for a specific position vacancy.
4. **Disabled veteran:** A veteran who has a service-connected disability.
5. **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.
6. **Selective Service Registration:** The process of providing the Selective Service System with personal information, such as name, address, date of birth, Social Security Account Number and other related information. Men are required to register with Selective Service as soon as they reach age 18.
7. **Selective Service System:** An independent agency within the Executive Branch of the Federal Government. The Director of Selective Service is appointed by the President and confirmed by the Senate. Selective Service is not a part of the Department of Defense. The Federal law under which the agency operates is the Military Selective Service Act. Under this law, the mission of the Selective Service System is to provide the numbers of men needed by the Armed Forces, within the time required, should Congress and the President decide to return to a draft, in the event of a national emergency.

Sec. 244.040 Veterans Preference

1. It is necessary for agency human resources staff to verify a person’s eligibility for receiving veterans preference points and verify that the person is not currently a state employee before making an offer of employment. Agencies are strongly encouraged to perform these verifications before conducting interviews, but are required to perform them prior to making an offer of employment. Failure to do so could result in an illegal hire.
2. Currently, applicants self-report their veteran status by completing the *Veterans Preference Supplement* form (OSER-MRS-38L [R1/03]). (This form can be found at <http://oser.state.wi.us/docview.asp?docid=1240>.) It is the applicant’s responsibility to show proof that he or she is eligible for veterans preference points under the provisions of ss. 230.03(14) and 230.16(7)(a), Wis. Stats. Candidates should submit their *Certificate of Release or Discharge from Active Duty*, also called the DD Form 214. Other documentation used to verify eligibility may be letters from the U.S. Departments of Defense, Army, Navy, or Air Force stating a veteran’s eligibility for the expeditionary medal for the appropriate campaign or conflict.
3. Agencies should notify the affected veteran that his or her status must be verified. This notice should be given when scheduling interviews and is usually in writing. Only those veterans certified under ss. 230.25(1m) and 230.25(1g), Wis. Stats., require verification. It is important to give an applicant claiming veterans preference a reasonable amount of time to provide the necessary documentation proving his or her eligibility. However, agencies should avoid long delays in the selection process when verifying an applicant’s veteran status.
4. To verify eligibility of all veterans certified through preference points, review, at a minimum, the veteran’s *Certificate of Release or Discharge from Active Duty* (DD214). The DD214 should include the veteran’s service dates, which will indicate:

- a. Active service during a wartime period;
- b. At least two years of continuous service on active duty under honorable conditions;
- c. Serving the full period of initial service obligation;
- d. That the veteran was discharged or released after less than two years due to hardship; or
- e. That the person was discharged due to a service connected disability or a reduction in the armed forces.

In addition, the DD214 will identify whether the person was awarded, authorized, or entitled to the Armed Forces Expeditionary Medal, the Vietnam Service Medal, or has authorization to wear the National Defense Service Medal. Other documentation used to verify eligibility may be letters from the U.S. Departments of Defense, Army, Navy, or Air Force stating a veteran's eligibility for the expeditionary medal for the appropriate campaign or conflict.

Note: Active duty service is defined at the Wisconsin Department of Veterans Affairs' web site. The address of that site is http://dva.state.wi.us/Eli_activeduty.asp.

5. If the applicant claims a service-connected disability, he or she must provide documentation that verifies the percentage of disability. Disabled veterans generally receive a letter from the Federal Veterans Administration providing this information and can be considered an acceptable form of verification.
6. In addition to verifying eligibility for preference points, agency personnel must also verify the employment status of a veteran before making an offer of employment. Pursuant to s. 230.16(7), Wis. Stats., an applicant is not eligible for veterans preference if he or she holds a permanent state civil service appointment or has mandatory restoration rights to a permanent appointment to any state position. However, there is **one exception** as indicated in s. 230.25(1g), Wis. Stats., i.e., hiring a veteran for a promotional position who has at least a 70 percent disability. In this situation, verify the eligibility of the highest ranked disabled veteran whose disability is at least 70 percent. To verify employment, check the *Personnel Management Information System* (PMIS) to see if the person is a permanent civil service employee.
7. If an applicant cannot verify his or her veteran status or if his or her employment status prohibits the use of veterans preference, agency personnel must update the candidate's applicant record in WiscJobs. In addition, provide the candidate with a removal letter stating that the information has been updated and his/her name has been removed from the certification. Enter a report of action of "Not Eligible" (NE) in WiscJobs to remove the name from the list. Document the reason for the NE. Agencies may receive a replacement name, if available.

Note: It is possible that the applicant could be eligible for certification under Basic or expanded certification, i.e., DEC, MEC, or WEC. Entering a report of action of NE removes that applicant's name from the entire certification pool, i.e., the removed name would not appear under Basic, DEC, MEC, or WEC. Extra care should be taken to ensure that an applicant is not removed from the certification pool too soon. (See Chapter 212-Certification of the *Wisconsin Human Resources Handbook* for more information regarding certification procedures.)

8. Upon verification of veterans preference points, indicate in the WiscJobs applicant record that he/she has been verified. To do this, check the "DD214 Form Verified" box under the "Vets Information" section on the Applicant Detail screen.

Sec. 244.050 Disabled Expanded Certification

Agency staff should not verify eligibility for those applicants who are certified under the Disabled Expanded Certification (DEC) program. A qualified professional verifies the disability and eligibility for the program prior to DMRS entering the DEC information in WiscJobs. Therefore, a person will not be certified on a certification list until verification has taken place. The verification is valid for all positions for which the person applies for five years after the date DMRS receives the completed *Disabled Expanded Certification Verification* form from a qualified professional. (See s. ER-MRS-12.06(3), Wis. Adm. Code and Chapter 212—Certification of the *Wisconsin Human Resources Handbook*.)

Sec. 244.060 Minority Expanded Certification

1. The *Application for State Employment* form (OSER-DMRS-38 [rev. 6/02]) contains five Race/Ethnicity categories. (See <http://oser.state.wi.us/docview.asp?docid=1121> for a copy of the form.) Applicants are asked to check only one box. The categories are:
 - a. Black (Not Hispanic). All persons having origins in any of the black racial groups of Africa.
 - b. Asian or Pacific Islander. All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands.
 - c. American Indian/Alaska Native. Persons descending from any of the original peoples of North America who possess one-fourth degree of documented tribal descendancy or are enrolled with a federally or state recognized tribe, or are recognized by a federally or state recognized tribe as American Indians for state affirmative action purposes.
 - d. Hispanic. All persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.
 - e. White (Not Hispanic). All persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.
2. 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 for positions in which the classification is underutilized for minorities. The determination of whether there is such underutilization is automatically handled within WiscJobs. If underutilization for minorities exists, WiscJobs will certify the three highest passing civil service scores of applicants who claimed they were something other than White (not Hispanic) and were not otherwise certified. (See Chapter 212—Certification of the *Wisconsin Human Resources Handbook* regarding Minority Expanded Certification.)
3. It is not necessary to verify the race/ethnicity claimed by all the applicants. In fact, it is important not to verify until after the agency has decided who should be hired. At that time, there may be situations while preparing to make a job offer in which it may appear that there is a discrepancy between what the applicant self-identified as their race/ethnicity and the race/ethnicity that the candidate appears to be. In other cases, an outside party may indicate that the candidate purposely provided inaccurate information. If a question exists, it is important for the agency staff person to contact their agency's Affirmative Action office or OSER's Division of Affirmative Action to discuss how to proceed.
4. Candidates who claim to be *Black, Asian or Pacific Islander, or Hispanic* must have at least one-eighth of that origin. In most cases, the candidate's birth certificate will serve as proof of race/ethnicity. In some cases, the candidate may have to present their grandparent's birth certificate as proof.
5. As per Executive Orders 104 and 119, *American Indian or Alaska Native* is defined as a person who is: (1) possessing one-fourth degree of documented tribal descendancy; or (2) enrolled with a federally or state recognized tribe as American Indian for state affirmative action purposes. Acceptable forms of documentation may include, but are not limited to:
 - a. A tribal identification or enrollment card, if available; or
 - b. A letter from a tribe verifying their status as a member or as an American Indian for affirmative action purposes; or
 - c. A letter from the Bureau of Indian Affairs verifying their status.
6. If the applicant is not a minority, agency personnel must update the candidate's applicant record in WiscJobs to reflect the correct race/ethnic code. In addition, agency personnel must provide the candidate with a removal letter stating that the information has been updated and his/her name has been removed from the certification. To remove the name from the list, enter a report of action of "Not Eligible" (NE) in WiscJobs for that certification list. Document the reason for the NE. Agencies may receive a replacement name, if available.

Note: It is possible that the applicant could be eligible for certification under Basic, DEC, VET, or WEC. Entering a report of action of NE removes that applicant's name from the entire certification pool, i.e., the removed name would not appear under Basic, DEC, VET, or WEC. Extra care should be taken to ensure that an applicant is not removed from the certification pool too soon. (See Chapter 212—Certification of the *Wisconsin Human Resources Handbook* for more information regarding certification procedures.)

7. In situations where the applicant provided the wrong race/ethnicity, modify that information in the WiscJobs applicant record. Check the applicant's certification record for any other certifications where the individual was certified under MEC. Contact the hiring authorities to let them know that the person is ineligible to be considered under that category.

Sec. 244.070 Special Requirements/Qualifications

1. Agencies may require applicants to have special qualifications or requirements for a position, e.g. licensures, other languages, skills, etc. In most cases, applicants will be asked during the examination process to indicate whether they have the necessary qualifications. This information will be added to the applicant record. The certification request will include the necessary special qualification(s) for the position, and WiscJobs will certify those applicants with that qualification(s).
2. Prior to making an offer, agency staff must verify whether the applicant has the necessary qualifications. If the applicant does not, agency personnel must update the candidate's record in WiscJobs so he/she will no longer be certified with this qualification. In addition, provide the candidate with a removal letter stating that the information has been updated and his/her name has been removed from the certification. Enter "Not Eligible" (NE) as the report of action in WiscJobs. Document the reason for the NE. Agencies may receive a replacement name, if available.
3. There are several websites that provide assistance in verifying applicant education. Links to these sites may be found on the OSER website at <http://oser.state.wi.us/docview.asp?docid=6715>.

Sec. 244.080 Selective Service

1. Effective February 1, 2003, eligibility for an **original appointment** to a position in the classified service requires that the applicant comply with the registration requirements of the Selective Service System (SSS). (In addition, certain appointments to positions in Wisconsin Conservation Corps and certain student appointments also require the person to meet these registration requirements.)
2. The Selective Service System sponsors a website at www.sss.gov that defines who is required to register. With few exceptions, all male United States citizens and male aliens residing in the United States and its territories must register within 30 days of their 18th birthday. Men cannot register after reaching age 26.
3. An agency can verify registration using the On-Line Verification System located at www.sss.gov. Be prepared to enter the last name, Social Security Account number, and date of birth for the registered male.

Note: A person who registers with the SSS will receive a *Registration Acknowledgement Card* between 30 to 90 days following registration. If that person registers using the on-line registration system, he should receive acknowledgement in about two weeks.

4. If the person has not registered, do not proceed with the hire. Explain to the candidate that he must first register before he can be appointed to a position.
5. If the person refuses to register, he can no longer be considered for the position. Provide the candidate with a removal letter stating that his name has been removed from the certification. Enter "Not Eligible" (NE) as the

report of action on the certification list. Document the reason for the NE. (See Chapter 212–Certification of the *Wisconsin Human Resources Handbook* for information on entering a report of action.)

Sec. 244.090 Administrative Information

This handbook chapter was originally issued in March 2003. It did not exist in the *Wisconsin Personnel Manual*. It replaces Bulletin MRS-195. This bulletin is now obsolete.

The chapter was revised in June 2003 to include acceptable forms of documentation for candidates who claim American Indian or Alaska Native descendency. This replaces Bulletin MRS-54 and AA-2.

In December 2003, the chapter was revised to include information regarding verification of a service-connected disability.

In February 2008, a link to a resource for education websites was added to section 070.