

Wisconsin Human Resources Handbook

Chapter 300

Classification Management Delegation

Sec. 300.010	Introduction	Sec. 300.060	OSER-Initiated Proposals for Classification Delegation
Sec. 300.020	Statutory Authority	Sec. 300.070	Types of Transactions That May Be Delegated
Sec. 300.030	Delegation Agreement	Sec. 300.080	Performance Standards for Classification Delegation
Sec. 300.040	Subsequent Delegation Requests	Sec. 300.090	Maintenance of Standards
Sec. 300.050	Agency Delegation Requests for Unusual Progression Allocations	Sec. 300.100	Administrative Information

Sec. 300.010 Introduction

Delegation is a formalized process that provides for centralized policy development and decentralized policy implementation. Centralized policy development is intended to define in writing clear guidance and boundaries for the application and interpretation of policies. Decentralized implementation through delegation agreements recognizes that the specific needs and circumstances of an agency often require the application of judgement and discretion by those closest to the issues. Delegation agreements delineate the roles and responsibilities of the Office of State Employment Relations (OSER) and the agency or campus in delivering effective and efficient human resource services while maintaining the spirit and intent of civil service laws and policies.

Sec. 300.020 Statutory Authority

The authority for the Director of OSER to delegate to agencies and for the agencies to accept is based on:

- “The director may delegate, in writing, any of his or her functions set forth in this chapter to an appointing authority, within prescribed standards if the director finds that the agency has human resources management capabilities to perform such functions effectively and has indicated its approval and willingness to accept such responsibility by written agreement. If the director determines that any agency is not performing such delegated function within prescribed standards, the director shall forthwith withdraw such delegated function.” s. 230.04, Wis. Stats.
- “An appointing authority shall: conform to, comply with, and aid in all proper ways in carrying into effect this subchapter and the rules prescribed thereunder.” s. 230.06(1)(a), Wis. Stats.
- “The head may delegate and redelegate to any officer or employee of the department or independent agency any function vested by law in the head.” s. 15.02(4), Wis. Stats.
- The Administrator of the Division of Merit Recruitment and Selection has been delegated the *management* of classification creation, abolishment and modification. The Director retains the authority to approve classification creation, abolishment and modification.

Sec. 300.030 Delegation Agreement

In order for a delegation agreement to become effective, the agency head must sign a written classification management delegation agreement and return it to the OSER Director for his or her signature. The signature indicates that the agency head is accepting responsibility for the delegation authority that the OSER Director extends to the agency. An agency head may delegate (i.e., formally designate in writing) a representative to enter into a delegation agreement on behalf of the agency. The Director may likewise designate a representative to enter into a delegation agreement on behalf of OSER. This delegation agreement acceptance is based upon the determinations by the agency head and the OSER Director that:

1. The agency has the human resources management capability to effectively perform the delegated functions.
2. The agency has a history of successfully performing such human resources functions.
3. The agency desires to accept classification delegation authority.
4. The function is one that is typically delegated to agencies.

This acceptance also commits the agency head to assume accountability for maintaining a level of performance that is consistent with the relevant policies and procedures established by OSER, as well as with the performance standards identified in section 300.080 and maintenance of standards in section 300.090 of this handbook chapter. Should the agency human resources management staff be unable to maintain the necessary level of performance, delegation may be withdrawn, or other appropriate measures instituted, in order to improve the agency's performance.

Sec. 300.040 Subsequent Delegation Requests

Once the delegation agreement has been signed by the agency head or designee and filed with OSER, that agreement will remain in effect until one or both parties formally request to rescind or significantly modify the agreement. Minor modifications to the delegation request, such as when new classifications are created, can be achieved by direct correspondence between OSER and the agency human resources office. A new classification list will be issued to the agency if the requested modification is approved.

Sec. 300.050 Agency Delegation Requests for Unusual Progression Allocations

The agency human resources office may submit a request to OSER for delegation of an agency-specific, unusual classification progression. This request should include an explanation and analysis of why the progression is logical for reclassification or reallocation purposes and include a position description (PD) for each level and classification. The allocation may involve moving positions in a way that is not considered logical, such as movement between classifications not considered a normal progression or between bargaining units or between broadbands.

Unusual progression allocation examples:

1. If an agency has delegation for the classifications of Payroll and Benefits Specialist (P&BS) and Financial Specialist (FS), they do not have delegation for the reclassification of a position from the P&BS classification to the FS classification, unless this allocation has been documented and pre-approved by OSER.
2. If an agency typically assigns 60 percent FS duties and 40 percent Accountant duties when a vacancy is filled, and it is expected that in the future the duties will evolve to 60 percent Accountant and 40 percent FS duties, the agency does not have delegation for the reclassification of a position even if they have delegation for each of these classifications, unless this type of transaction has been documented and pre-approved by OSER.

Note: There currently are accepted transactions, such as a reclassification between broadbands (for example the Budget and Management Analyst Agency to Budget and Management Analyst Agency Advanced), that an agency may approve. The accepted transactions should be identified in the classification specifications.

Sec. 300.060 OSER Initiated Proposals for Classification Delegation

OSER will determine which classifications are appropriate to delegate to an agency by assessing past performance in utilizing the classification(s) whenever possible. OSER will initiate a proposal to delegate certain functions to the agency human resources office as new classifications are created that have been determined to be appropriate for delegation. The agency human resources office will review the delegation proposal submitted by OSER and accept, modify, or reject the delegation extended to the agency, as appropriate.

Sec. 300.070 Types of Transactions That May Be Delegated

Classification delegation to agencies under the delegation agreement includes responsibility for the following transactions:

1. Certification Requests (See *Wisconsin Human Resources Handbook* [WHRH] Chapter 340.)
2. Reclassification Requests (See WHRH Chapter 380 and Wisconsin Personnel Manual [WPM] Chapter 332 or replacement WHRH 370.)
3. Reallocation Requests (for s. ER 3.01(2)(e), (f), (g) only) (See WHRH Chapter 390, currently WPM Chapter 332 or replacement WHRH 370.)
4. Appeals of delegated actions (See WHRH Chapter 420.)

OSER will review, approve if appropriate, and transfer classification delegation authority by directly notifying the agency human resources office with a letter of delegation and a revised delegation agreement, or a modified listing of the delegated classifications, depending on the specific need.

Sec. 300.080 Performance Standards for Classification Delegation

Delegation is limited to classification transactions in accordance with the plain language of the specifications/standards. Consequently, agencies are not authorized to base classification decisions on factors or information not included within the specification language.

Classification decisions must be based on the “best fit” of the duties within the existing classification structure. The “best fit” is determined by the majority (more than 50 percent) of the work assigned to and performed by the position when compared to all of the class concepts and definitions of the specifications or through other methods of position analysis. Position analysis defines the nature and character of the work through the use of any or all of the following: definition statements; listing of areas of specialization; representative examples of work performed; allocation patterns of representative positions; job evaluation guide charts, standards or factors; statements of inclusion and exclusion; licensure or certification requirements; and other such information necessary to facilitate the assignment of positions to the appropriate classification.

All of the language of the specification must be taken into account, and the duties must be described by the definition statement and comparable to any representative positions within the specification. Inclusion and Exclusion statements are used to determine whether or not positions may be classified within any classification series.

Comparison positions reviewed that are not classified appropriately must be corrected, per s. ER 2.02, Wis. Adm. Code; **Seidel v. DER**, 95-0081-PC (7/23/06); and **Gold v UW and DER**, 91-0032-PC (6/11/92). (See also WPM 232 and s. 230.06[1][c], Wis. Stats.) If during the course of a position review it is determined that the position is misclassified, the classification must be corrected through reallocation or by processing a certification request to transfer the duties to the incumbent, if transfer is appropriate.

1. Goal: Assign positions to the classification that most clearly identify and/or encompass the described duties, authority, and responsibilities of the position.

- a. **Standard:** The supervisor of the position is responsible for ensuring that the PD accurately describes the duties and responsibilities assigned.
 - 1) All supervisors shall receive the training necessary to participate effectively in the state's classification system. Supervisors must understand their role and responsibility in assigning duties to a position, in accurately completing the PD and attached forms, and in working within their agency's procedures. Personnel management training is available at OSER or through approved agency-sponsored training.
 - 2) The PD and related documents are written utilizing standard forms and appropriate guidelines.
 - 3) Supervisors are responsible for the preparation of PDs and must certify to their accuracy by signing and dating the PD forms.
- b. **Standard:** The PD must be evaluated and analyzed for purposes of proper classification assignment in accordance with established statewide classification standards and human resources policies.
 - 1) Human Resources professional shall conduct the evaluation and analysis of the PD.
 - 2) The information contained in the PD must provide a justifiable basis for the classification decision.
 - 3) The initial classification of a position shall be documented by the completion of the certification document or its electronic equivalent.
 - 4) The signature of the human resource manager or specialist or delegated staff in the appropriate line on the PD form certifies:
 - a) The human resources office or delegated office received the document.
 - b) The classification of the position is correct.
 - c) The supervisor and employee signed the document on the appropriate lines provided.
 - d) The PD and related documents are completed in accordance with established procedures.
 - 5) The appropriate agency authority shall give the final classification approval based on the classification delegation agreement.

Note: Supervisors are responsible for notifying their agency human resources office when revised PDs contain significant changes in duties and responsibilities that may warrant a change in classification of the position.

Note: If an agency maintains the PDs electronically, it does not have to submit a signed copy to OSER. However, a hand signed and dated copy of the PD must be maintained by the agency and must be produced in the event of a classification transaction appeal, even if electronic signatures are used.

2. Goal: Ensure continual evaluation, assessment, and maintenance of position classification assignments.

- a. Standard: There shall be a systematic method for reviewing and updating PDs consistent with the standards established:
 - 1) Each state agency shall develop a method or use the method developed by OSER for reviewing and/or updating all PDs at least once every year or more often if significant changes occur during the interim.
 - 2) Each time a PD is formally reviewed, it must be initialed and dated by both the supervisor and the employee.
 - 3) Supervisors shall be informed of their responsibilities in regard to the regular review and updating of the PD of their subordinates.
- b. Standard: Each agency shall have information available for all employees explaining the position classification process. This may be accomplished by inclusion of the information within an employee handbook.
- c. Standard: All updated PDs containing significant changes shall be evaluated in accordance with Standard 1.B.
- d. Standard: Implementation of the appropriate class decision must be in accordance with established policies and procedures.

3. Goal: Ensure that the classification system meets the needs and statutory requirements of the state.

- a. Standard: When an agency assumes or is assigned new program responsibilities which may not be adequately covered by existing classification specifications or allocations, the agency will confer with OSER. OSER will review and determine whether an existing classification or classification series is adequate or whether a new series, classification, or allocation pattern is needed.
 - 1) The agency's notification to OSER and the subsequent discussion shall be accomplished at the earliest possible time.
 - 2) The OSER review and decision must take into account the goals, needs, and obligations of the agency to implement the new activity.
- b. Standard: When an agency and/or OSER identifies a problem with an existing classification or classification series, OSER will assess the problem with the agency(s) and take whatever appropriate action is determined to be necessary.
 - 1) Agencies are responsible for fully documenting perceived problems and submitting recommended solutions or alternative approaches.
 - 2) OSER shall respond to such agency requests in writing detailing the rationale for the decision.
- c. Standard: The Director's representative shall establish a biennial schedule of classification surveys. (See WHRH Chapter 450.)
 - 1) The schedule shall reflect statutory mandates and recommendations from and dialogue with agencies, OSER staff, or other interested parties.

- 2) The schedule shall identify those surveys in progress and those to be commenced during that biennium.

4. Goal: Ensure that all classification actions maintain the integrity and principles upon which the state Classification Plan is established, per statute, administrative code, Wisconsin Personnel Manual, Wisconsin Human Resources Handbook Chapters, and bulletins.

- a. Standard: All new supervisors, human resources staff, and administrators will be oriented as to the purpose and general content of the state classification and compensation system.
- b. Standard: Such individuals will be provided with information on relevant changes to the Classification Plan on a timely basis.

Sec. 300.090 Maintenance of Standards

Problems identified in the human resource management delegation program are the mutual concern of the OSER Director and the agency head. They share responsibility for constructively seeking a solution that will ensure the effective continuation of the delegation agreement.

The maintenance of standards involves the following measures that will be applied in a progressive fashion:

1. Meetings

Meetings between agency HR and OSER staff, or between the OSER Director and agency head, will be held to identify, discuss, and seek resolution of the problem.

2. Training

Training or retraining of agency and/or OSER staff will be conducted where it is found that the staff is not properly administering the policies and procedures involved in delegation. Training may include:

- a. Wisconsin Human Resources Handbook Chapter update orientation or training: OSER will provide training modules for agency human resource management processes.
- b. Employee Interchange: Employee(s) of OSER may be temporarily assigned to work in an agency or human resources staff of an agency may be temporarily assigned to work in OSER in order to receive additional training and/or to view the problem in a different context.
- c. Temporary Re-centralization: Responsibility for delegated function(s) may be temporarily withdrawn from an agency and re-centralized within OSER through the supervision of agency personnel by OSER staff. This serves to isolate the problem for intensive assistance and resolution.

3. Delegation Amendment

The OSER Director, in consultation with the agency head, may amend the type and scope of delegation to the appropriate level, in accordance with the standards of performance in section 300.080 of this handbook chapter.

4. Delegation Withdrawal

Withdrawal of some or all of the functions delegated to the agency head requires written notification to the agency human resources office by the OSER Director regarding the basis for this action. If delegation is withdrawn from an agency, the OSER Director may order that agency's staff, and other resources as necessary, transferred to OSER to perform formerly delegated functions. This action would be taken if

increased staff were authorized to the agency as a consequence of delegation or if OSER reduced staff or shifted staff to new responsibilities as a result of the delegation. The approval of the Joint Committee on Finance under s. 13.101, Wis. Stats., is required for such a transfer, and the OSER Director will notify the agency head of both the intent to seek such approval as well as the receipt of such approval. (See s. 230.04(1m), Wis. Stats.)

5. Monitoring

Each agency is required to maintain a log of classification transactions. These logs may be used at any time by OSER staff to monitor delegated and nondelegated transactions. They generally will be used by OSER in monitoring visits as part of the routine monitoring program. They also must be made available to OSER on an “as needed” basis. The minimum information provided should contain:

- a. For reclassification actions: employee name, effective date, current class, requested class, disposition (such as approved, denied, or modified).
- b. For reallocation actions for the correction of an error, for a logical change in the duties and responsibilities, or for a permanent change in the level of accountability resulting from a reorganization: employee name, effective date, current class, requested class, reason, and disposition (approved, denied, or modified). (See s. ER 3.01(2)(e), (f), (g), Wis. Adm. Code.).

Sec. 300.100 Administrative Information

This Chapter is a combination of the former Wisconsin Personnel Manual Chapters 304, Classification Delegation, and 772, Personnel Management Delegation. (Note that Chapter 304 was never issued.)

The Office of State Employment Relations anticipates publishing a separate handbook chapter on staffing delegation.

Chapter 300 was issued in January 2003.

In February 2007, changes were made to indicate that agencies no longer are required to submit a report of classification transactions to OSER; rather, they are required to maintain an accessible log of all classification transactions.