State of Wisconsin

OFFICE OF STATE EMPLOYMENT RELATIONS

–DIVISION OF MERIT RECRUITMENT AND SELECTION BULLETIN –

Date:	September 20, 2011	**Subject:**	**Reinstatement Eligibility of Former University of Wisconsin Hospitals and Clinics Board Employees Due to Act 10, Department of Commerce Employees Due to Act 7, and State of Wisconsin Investment Board Employees Due to Act 32**
Locator No:	OSER-0286-MRS		

This bulletin applies to appointing authorities with positions in the classified civil service. The purpose of this bulletin is to address the reinstatement eligibility of certain former employees removed from the classified civil service upon implementation of 2011 Wisconsin Act 10, 2011 Wisconsin Act 7, and 2011 Wisconsin Act 32.

University of Wisconsin Hospitals and Clinics (UWHC) Board

Effective with 2011 Wisconsin Act 10, University of Wisconsin Hospitals and Clinics (UWHC) Board employees were moved to the UWHC Authority. These employees have reinstatement eligibility under s.ER-MRS 16.035(1), Wis. Adm. Code for five years beginning June 29, 2011.

Since Board positions were not counterpart to other classified positions, the pay range maximum of the Board position and the pay range maximum of the agency vacancy must be compared to determine whether the former employee is eligible for reinstatement to that vacancy. During the five-year period of reinstatement eligibility from June 29, 2011, through June 28, 2016, an agency considering a former Board employee for permissive appointment to a classified position must compare the pay range maximum of the former employee's position as of June 29, 2011, to the pay range maximum of the vacant classified position as of June 29, 2011. UWHC has provided the Office of State Employment Relations (OSER) with the pay range maximum for each Board employee to conduct such comparisons. UWHC has also provided OSER with a "snapshot" of Board employee data at the time of transfer so reinstatement eligibility, pay and sick leave restoration may be researched if a former Board employee applies for a classified position in state service. (See also OSER bulletin OSER-0282-CLR, dated August 1, 2011.)

Department of Commerce Employees Transferred to Wisconsin Economic Development Corporation

Effective with 2011 Wisconsin Act 7, certain employees from the Department of Commerce were removed from the civil service and appointed to the Wisconsin Economic Development Corporation (WEDC). These employees have reinstatement eligibility under s.ER-MRS 16.035(1), Wis. Adm. Code for five years beginning July 1, 2011.

For the five-year period of July 1, 2011, through June 30, 2016, reinstatement eligibility is determined by analyzing the counterpart pay range relationship of the positions as if the former Commerce employee were still employed in his/her position as of July 1, 2011. Agencies considering former Commerce employees for permissive appointment must compare the classification(s) of the former Commerce employee to the classification of the agency vacancy according to the Counterpart Pay Range Designations bulletin in effect at the time the vacancy is being filled to determine if the former employee is eligible for permissive appointment.

For example, a former employee has reinstatement eligibility to pay range 07-04. When that employee is considered for reinstatement on March 4, 2013, the hiring agency must project the employee's eligibility at pay range 07-04 to the present day based on the former classification and apply the Counterpart Pay Range Designations bulletin that is in effect on March 4, 2013, to evaluate the employee's eligibility for permissive appointment.

State of Wisconsin Investment Board (SWIB)

Effective with 2011 Wisconsin Act 32, blue collar and clerical positions at SWIB were moved to the unclassified service. SWIB employees whose positions were transferred to the unclassified service as a result retain reinstatement eligibility to the classified service for five years beginning July 1, 2011.

The process for hiring agencies to determine the reinstatement eligibility of an affected SWIB employee is the same as for the Department of Commerce employees noted above.

Referral of Questions

Agencies seeking information on the rate of pay, sick leave and pay range maximums of individual UWHC Board employees' positions at the time of this transition may contact their assigned DMRS analyst. (See "DMRS Assignments Summary Table" on the OSER website

Questions regarding reinstatement eligibility under Chapter ER-MRS 16, Wis. Adm. Code, may be directed to Ed Porter, DMRS, (608) 267-0344, edward.porter@wi.gov.

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