

State of Wisconsin

**DOA – DIVISION OF PERSONNEL MANAGEMENT**

*- MERIT RECRUITMENT AND SELECTION BULLETIN -*

**Date:** February 26, 2018

**Locator No.** DPM-0462-MRS

**Subject: REPLACEMENT BULLETIN:**

Notification of Policy Change Regarding  
Probation for First-time Supervisors and  
Managers

The purpose of this bulletin is to provide notice and guidance regarding a change in policy for the classified service due to 2015 Wisconsin Act 150 and the implementation of the 2017-2019 Compensation Plan. **This bulletin replaces Bulletin OSER-0334-MRS, which should be discarded.** Act 150 modified s. 230.12 (1) (h), Wis. Stats., to remove the authority of the compensation plan to supersede provisions of civil service, statutes and rules promulgated by the Division of Personnel Management.

**History**

Prior to 2013, an employee who transferred, demoted, reinstated or restored within an employing unit could not be required to serve a permissive probation under any circumstances. Section G – 12.00 of the 2013-2015 Compensation Plan provided language superseding the administrative rule prohibiting the assignment of probation for certain movements of an employee when appointed for the first time to a supervisor or manager position in the permanent classified service within the employing unit. Movements for which a one-year probation was permitted included transfer within the employing unit (s. ER-MRS 15.05, Wis. Adm. Code); reinstatement to the same employing unit (s. ER-MRS 16.04(1)(c), Wis. Adm. Code); voluntary demotion within the employing unit (s. ER-MRS 17.04(3)(b), Wis. Adm. Code); and restoration (s. ER-MRS 16.03, Wis. Adm. Code). The provision covered an employee’s first appointment to a supervisory or management position in the classified service. In 2013, the Joint Committee on Employment Relations, as recommended by OSER, introduced statutory language changes to incorporate some superseding provisions from the Compensation Plan. The changes in 2013 Wisconsin Act 123 to s. 230.24 (4) Wis. Stats., were intended to mirror the language in the Compensation Plan and allow for permissive probation upon first time appointment to a supervisor or manager position. Unfortunately, the language includes the word “another” which limits the intent of permitting permissive probation for first time supervisors, including within the same employing unit. DPM used the Compensation Plan to ensure the intended language was applied via Section G, 12.00 of the 2015-2017 Compensation Plan as administrative rules had not yet been modified. Because the 2017-2019 Compensation Plan may no longer limit application of statutory provisions, this language was removed from Section G, and the statutory language must be applied.

**Current Application**

Effective February 18, 2018, the assignment of **permissive** probationary periods for appointments of first-time supervisors or managers within the employing unit are no longer permitted. The only exception to this rule is the literal read of the statute, s. 230.28 (4), Wis. Stats.:

*A person reinstated in an employing unit other than one in which the person previously served in permanent status in the class in which the person is being reinstated, an employee who transfers from one employing unit to another, an employee who moves to a different employing unit in conjunction with a voluntary demotion, and a person who had not obtained permanent status in class in a supervisory or management position prior to appointment to another supervisory or management position, may be required by the appointing authority to serve a probationary period. Provisions for the duration of such probationary period shall be provided in the rules of the director. (Emphasis added)*

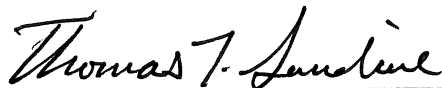
The bold text provides for additional permissive probationary periods for appointment to supervisory or management positions in limited circumstances beyond transfer, voluntary demotion or reinstatement to a different employing unit. In order for the appointing authority to require a permissive probationary period for movement within an employing unit, each of the following must be true: (1) the employee must have been previously appointed to a supervisory or management position; (2) permanent status was not obtained in that position; and (3) the new appointment is to **another** supervisory or management position.

The length of time for permissive probationary periods is set in accordance with s. ER-MRS 13.02, Wis. Adm. Code. The assignment of a one-year probationary period for original and promotional appointments to supervisory or management positions is still required under ss. 230.28 (1) and (2), Wis. Stats., and s. ER-MRS 13.03. Wis. Adm. Code.

#### **Administrative Information**

This bulletin supersedes any conflicting policy guidance in Chapter 116 of the *Wisconsin Human Resources Handbook*. Future updates to Chapter 116 will reflect the policy changes put forth in this bulletin.

Questions related to this bulletin, or the application of probationary periods, may be directed to Nicole Rute by email at [Nicole.Rute@wisconsin.gov](mailto:Nicole.Rute@wisconsin.gov) or by phone at (608) 267-1019.



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