

DEPARTMENT OF EMPLOYMENT RELATIONS BULLETIN

Subject: Veterans and Affirmative Action
Requirements under 1991 Wisconsin
Act 101

Date April 15, 1992

Number OS-55, MRS-134, AA-25

This bulletin is to inform state agencies of the requirements of 1991 Wisconsin Act 101, which relates to the following employment subjects:

- Late applications from veterans. under certain conditions
- Higher preference points for veterans and certain spouses of veterans
- Expanded certification for random ranking
- Adding a 70% disabled veteran to promotional certifications
- Disclosure of affirmative action information on certification lists
- Written reasons for certain hiring decisions
- Data collection on the veterans and affirmative action status of state employees

Most of the Act's provisions take effect May 1, 1992.

Where appropriate, job announcements in the Current Employment Opportunities Bulletin and the Servicewide Promotional and Transfer Job Opportunities Bulletin will include information about the provisions of Act 101.

APPLICATIONS

The higher preference points available under Act 101 may be claimed on a Veterans Preference Supplement to the Application for State Employment form (DER-DMRS-38SL) until a new state application is created. The Supplement form should be made available with Application forms prior to May 1, 1992 so that applicants who will be applying after that date may claim the higher points. If applications are received after May 1, 1992 without the Veterans Preference Supplement, the procedures explained under the PREFERENCE POINTS section should be followed.

Each agency will receive an initial supply of the Supplement form shortly before May 1, 1992. Agencies should print additional copies. Printing masters can be obtained from the Division of Merit Recruitment and Selection by calling (608) 266-1731.

LATE APPLICATIONS

Late applications from certain veterans must be accepted after the normal deadline for positions using machine-storable exams. Veterans who wish to take advantage of this opportunity must check the appropriate space on the Supplement form.. Late applications must be accepted if all of the conditions A. through E. below are met:

- A. The applicant is a veteran who meets at least one of the following:
 - 1. Served on active duty in the U.S. armed forces for at least 180 days, not including training, or
 - 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, or
 - 3. Was honorably discharged from the U.S. armed forces, or
 - 4. Is eligible to receive federal veterans benefits.

NOTE: The above definition of veteran for purposes of accepting late applications is different and broader than the definition used for veterans preference points. To submit a late application, service in a specified war period or conflict is NOT required.

- B. The application was filed not more than 45 days after the applicant's separation from the U.S. armed forces.
- C. The register was established not more than 60 days before the applicant's separation from the U.S. armed forces.
- D. The register has not expired.
- E. The examination for the position is machine-storable.

Within 30 days after acceptance of an application under the above conditions, the applicant shall be given an opportunity to take the examination. DMRS will contact the veteran to make arrangements for taking the examination.

Certifications already prepared from a register should not be amended to include an applicant taking an examination based on a late application. However, the applicant who receives a passing score should be incorporated into the register and included on future certifications as appropriate.

PREFERENCE POINTS

The higher preference points outlined below apply only to applications received on or after May 1, 1992. If a basic application is received after May 1 without the Veterans Preference Supplement form and the applicant claims preference points, the agency should award 10 points if the veteran does not have a disability, (i.e. box 17a is checked on the basic application) or 15 points if the veteran has a disability (box 17b is checked) - regardless of the percentage of disability.

<u>Type</u>	<u>Old</u>	<u>New</u>
Wartime veteran	5	10
Disabled wartime veteran (less than 30%)	10	15
300 or more disabled wartime veteran	10	20
Spouse of 70% disabled wartime veteran	NA	10
Unremarried spouse of wartime veteran killed in action or wartime veteran who died of service-connected disability	NA	10

If an agency is accepting applications for a position both before and after May 1, 1992, it should make an effort to inform applicants who are veterans that it is to their advantage to delay submission of an application until after May 1, 1992.

Note: Veterans preference points continue to be available only to applicants not holding a permanent appointment or mandatory restoration rights; i.e. they are not available on promotionals. [See provision under CERTIFICATIONS which requires the highest-ranking veteran with a 70% disability to be added to promotional certifications.]

A spouse who is certified for a position after receiving preference points and who is appointed to that position may not receive spouse preference points on any subsequent application. For example, if the spouse successfully gains an appointment with preference points, terminates state employment and reapplies at a later date, he/she is not eligible for preference points as a spouse.

Verification. Because of the increase in the number of points and the various disability levels, agency personnel managers must verify the eligibility for preference points of any veteran who is offered an appointment after being certified with veterans preference points. Agencies, if they choose, may also request verification from all applicants who are certified with preference points. A veteran should be asked to verify eligibility by submitting a copy of his/her DD214 or other documents of the federal government which establish eligible service or disability status.

Since the spouse or widow/widower of a veteran may use spouse preference points only once to secure an appointment, a method must be devised to verify prior nonuse. Because verification of prior nonuse will not be immediately necessary in the first few months of the new law and because the number of spouses claiming points is expected to be small, the verification procedures will be developed and implemented at a later date.

CERTIFICATIONS

Effective May 1, 1992, expanded certification (HEC, MEC, WEC) will be available on random ranked certifications according to the same procedure used for permanent positions. In addition, up to three veterans must be added to random ranked certifications, based on the initial ranking.

For promotional certifications created after May 1, 1992, the highest ranked 70% disabled wartime veteran shall be added to the promotional certification. This requirement applies only to registers created from applications that are submitted with a Veterans Preference Supplement after May 1, 1992. 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 Handicapped Expanded Certification (HEC) or the other Expanded Certifications.

Each certification list provided by DMRS and each list generated by an agency after May 1, 1992 shall indicate whether the certification includes the names of qualifying veterans or affirmative action group members. The following information shall be printed on the alpha certification list whenever applicable:

- * This position is in a job group that is underutilized for racial/ethnic minorities. This list includes one or more persons who are racial/ethnic minorities.
- * This position is in a job group that is underutilized for racial/ethnic minorities. There are no racial/ethnic minorities on this certification.
- * This position is in a job group that is underutilized for women. This list includes one or more women.
- * This position is in a job group that is underutilized for women. There are no women on this certification.
- * This list includes one or more persons who have self-identified as being a person with disabilities.
- * This list includes one or more persons who qualify for veterans preference.
- * This list includes a veteran with a disability of 70 0 or more.
[On promotional certifications only]

Note: The statement relating to persons with disabilities will be included if at least one of the certified applicants marked either box 12a (AA/EEO) or box 12b (Handicapped Expanded Certification) on the current Application for State Employment Form. 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 may no longer indicate the racial/ethnic, gender or handicapped status of applicants. S. 230.25 (2) (a), Stats., forbids the identification of the names of applicants who are racial/ethnic minorities, women, handicapped or veterans. This information may and will be supplied to the appointing authority, but may not be disclosed to the hiring supervisor except as necessary to comply with Affirmative Action Policy and Procedure Standards referred to under AFFIRMATIVE ACTION POLICIES.

AFFIRMATIVE ACTION POLICIES

All of the requirements outlined in DER's Division of Affirmative Action (DAA) Policy and Procedure Standards I.C and I.D shall apply whenever any of the following occur:

The position to be filled is in a job group that is underutilized for racial/ethnic minorities and there are racial/ethnic minorities on the certification.

The position is in a job group that is underutilized for women and there are women on the certification.

The certification includes one or more persons with a disability.

After a tentative hiring decision is made, the hiring supervisor shall consult with the agency's affirmative action officer as provided in the Policy and Procedure Standards. [The pertinent portions of the Policy and Procedure Standards are attached.]

WRITTEN HIRING REASON

Sections I and V of the "Hiring Reason Form" (attached) must be completed for all permanent appointments (new and promotional) made from a certification and all project appointments, regardless of who is appointed. This requirement applies to all appointments made on or after May 1, 1992.

If an affirmative action group member in an underutilized position or a person with a disability or a veteran is not hired, written reasons for hiring the person who was selected (sections II, III and IV) must also be prepared. (If a racial/ethnic minority or woman is hired, but the position is not underutilized for racial/ethnic minorities or women, respectively, written hiring reasons are required unless a veteran or a person with a disability is hired) The form is not required if a vacancy is filled through restoration, reinstatement, transfer or demotion.

An agency may use the DER Hiring Reason Form or its own form containing substantially the same information. [The DER form may be photocopied.] Agencies may develop their own forms which request additional information. At a minimum, the form must include identifying information, the categories in section I, a space for written hiring reasons, and the statistical categories in sections III and IV. It is strongly recommended that DER review agency-developed forms prior to their use.

One form should be completed by either the supervisor making the hiring decision or a member of the Human Resources staff. After a hiring decision is made and the applicant has accepted the offer of appointment, the Human Resources staff shall either complete the Hiring Reason Form or inform the hiring supervisor that the form must be completed. Based on the status of the successful applicant, the Human Resources staff shall also complete the written hiring reason section or inform the hiring supervisor whether written hiring reasons must be prepared.

Agencies may use the same reasons contained in the written justification required under DAA policies as long as the statement explains the reasons for hiring the applicant who was appointed. The remaining sections of the DER form should still be completed and the written justification attached. Alternatively, agencies may combine the written justification and written hiring reasons onto the same form, as long as the form contains all information required to comply with Act 101.

The form preferably should be maintained in the personnel manager's office, but additional copies may be filed according to an agency's needs. An agency may computerize the contents of the written hiring reason, but a written copy must be available for periodic reviews and evaluations by DER. The form should not be sent to DER.

An annual summary of the written hiring reasons must be completed using DER "Hiring Reasons Summary Form" which will be available at a later date. The Hiring Reasons Summary will be substantially the same as the individual hiring reason form. This annual summary will be due on a date to be determined following the close of the 1993 fiscal year (June 30, 1993) and will cover the period from May 1, 1992 through June 30, 1993. Agencies may tabulate the results throughout the year as written hiring reasons are prepared or at the end of the fiscal year.

DATA COLLECTION ON VETERANS STATUS OF NEW EMPLOYES

Act 101 requires that the veterans status of all new employes (including permanent, project, LTE's, seasonal and sessional employes) be collected and maintained. The information which will be required includes:

- * Whether the employe is a veteran as defined in s. 230.03 (14).
- * Whether the veteran has a wartime disability and, if so, the percentage range of the disability.
- * The specific campaign and/or war period in which the veteran served.

This information shall be collected and provided in a manner to be provided in the near future.

SURVEY ON VETERANS STATUS OF EXISTING EMPLOYEES

A one-time mandatory survey of the veterans status of existing employes will be conducted in order to obtain complete data on the veterans status of all existing employes.

A separate communication will be sent to all employes and agencies in the near future.

QUESTIONS

If you have any questions about the new law or these procedures, please contact the following individuals:

Applications and Certifications

Deb Schwab, Division of Merit Recruitment and Selection (608) 267-3361

Written Hiring Reasons/Affirmative Action Policy

Jim Lawrence, Division of Affirmative Action (608) 266-1062

Data Collection/Veterans Survey

Jacquelyn Rader, Division of Administrative Services (608) 266-7212

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ADMINISTRATOR
DIVISION OF AFFIRMATIVE ACTION

Attachments

Written Hiring Reason for Classified and Project Appointments

This form must be completed for all permanent appointments (new and promotional) made from a certification list and all appointments to project positions.

Agency	Secondary Unit (Div., Bureau, etc.)
Position Classification	Certification Number
Name of Person Appointed Permanent	Date of Appointment Project

I. Hiring Decision Check the appropriate box(es). (More than one box can be checked)

- A. A veteran, or a spouse of a veteran, as defined in s. 230.03 (14) was hired. (Service in designated wartime period is required)
- B. A person with a disability was hired.
- C. The position is in a job group that is underutilized for racial/ethnic minorities, and a racial/ethnic minority was hired.
- D. The position is in a job group that is underutilized for women, and a woman was hired.
- E. None of the above.

If A, B, C, or D is checked, go to Section V. If E is checked, complete Sections II, III, and IV.

II. Written Hiring Reason Describe the reason for selecting the successful candidate over the other applicants.

III. Statistical Summary For the statistical summary required by state law, check the ONE box below which most closely describes the most significant reason given in Section II for selecting the person who was appointed.

- A. The selected person served in this position or a similar position previously.
- B. The selected person has superior relevant education and/or training for this position.
- C. The selected person has greater or more relevant experience for performing the duties of this position.
- D. The selected person demonstrates superior ability to perform the key tasks required in this position.
- E. The selected person received more favorable recommendations.

IV. Additional Information Check all that apply

- A. There no veterans on the certification list.
- B. The position is in a job group that is underutilized for racial/ethnic minorities. There were no racial/ethnic minorities on the list.
- C. The position is in a job group that is underutilized for women. There were no women on the list.
- D. There were no self-identified persons with disabilities on the list.
- E. Persons from A, B, C or D above were on the list, but all either declined an offer, failed to report, were not available, were not located; or were not interested in, or eligible for, the position..

V. Signature

Signature	Date
Name (Print)	Title

Excerpt from: Department of Employment Relations
Division of Affirmative Action
"Affirmative Action/Equal Employment Opportunity Policy and
Procedure Standards, January 1, 1990 -- June 30, 1993"

- B. In order to ensure that there is no adverse effect on the agency's AA program, all requests for authorization of any of the registers or restricted certifications referenced in Chapter 232, Wisconsin Personnel Staffing Manual, shall require the review and signature of the AA Officer or designee on the certification request before the request is sent to DMRS for approval. The agency AA Officer or designee shall make a recommendation within 2 working Jays or the proposed personnel action will be taken.
- C. 1) The agency AA goal must be submitted in writing by personnel staff to all agency persons associated with the hiring process prior to the interview when the certification includes AA group members (sample Form, Exhibit I attached).
- 2) Upon notification by the personnel staff (Step C. (1) above), the appointing authority or designee shall arrange a discussion with the agency AA Officer or designee, and those persons who will develop the selection interview questions, to review the appropriateness of the proposed interview questions and the related benchmarks for evaluating the candidates.
- 3) Prior to the start of the selection interviews, the agency Appointing Authority or designee shall arrange for the AA officer or designee to discuss the AA objective in the particular hiring decision with the selection interview panel.

NOTE: Step 3 will not be required for those persons involved in the discussion in Step 2. However, if there are additional persons recruited to participate on the interview panel who were not a part of the group that formulated the selection interview questions, the agency Appointing Authority or designee shall ensure that Step C. 3 is accomplished for the participants added to the interview panel.

D. In the event that AA goal and an AA group candidates) is certified for an appointment but not recommended for hire, the following steps should be taken:

- 1) An informal discussion will be held prior to any offer of appointment between the agency AA officer and the highest level hiring official (e.g. division administrator and department head) who is responsible for the recommendations) not to hire. These individuals will review the explanations and circumstances regarding the recommendation not to hire and strive to reach a consensus on the decision.
- 2) If a consensus or agreement is not reached between the agency AA officer and the highest level hiring official, both parties shall jointly consult *with the* agency appointing authority or designee regarding the appropriateness of the recommendation not to hire and the final decision reached.
- 3) Prior to any offer of appointment, the appointing authority or designee responsible for the hiring recommendation shall draft and submit a written justification which explains the nonselection or recommendation(s) not to hire to the AA office. The AA officer or designee will review the written justification and acknowledge his/her agreement or disagreement in writing.

NOTE: If an agreement is reached in Steps D.1 or D.2 above, Step D.3 will not be required.

- II. The Standards contained in this section are designed to promote Equal Employment Opportunity (EEO) principles in an agency. All personnel transactions that occur within an agency *shall be* governed by the principles of EEO. Documentation of compliance shall be made available for monitoring upon reasonable notice.
- A. The agency shall engage in recruitment activities that focus on AA group members and such activities shall be documented.
 - B. The agency shall actively engage in initiatives to promote upward mobility for AA group members (e.g., reclassifications, reallocations, transfers, promotions).
 - C. To identify the need to provide reasonable accommodations for employes with disabilities, a self-identification and needs assessment survey must be initiated every two years. All new employes should be surveyed as they enter the work force.
 - D. The agency personnel function shall retain copies of all certifications which include AA group members in a file which shall be available for monitoring purposes. The file can either be maintained manually or through automated information systems.