

## Chapter ER—MRS 15

### TRANSFER

ER—MRS 15.01	Eligibility for transfer.	ER—MRS 15.055	Employee removal; status and rights.
ER—MRS 15.02	Authorization by director.	ER—MRS 15.06	Pay on transfer.
ER—MRS 15.03	Transfer between agencies.	ER—MRS 15.07	Transfer while serving a probationary period.
ER—MRS 15.04	Transfer <del>between different employing units of within</del> the same agency.	ER—MRS 15.08	Transfer to a supervisory or management position.
ER—MRS 15.05	<del>Transfer within the same employing unit.</del>		

**Note:** Chapter Pers 15 was renumbered chapter ER—Pers 15, effective March 1, 1983. Chapter ER—Pers 15 was renumbered chapter ER—MRS 15 under s. 13.93 (2m) (b) 1., Stats., Register, October, 1994, No. 466.

**ER—MRS 15.01 Eligibility for transfer.** To be eligible for transfer, an employee shall be qualified to perform the work of the position to which the employee would transfer after customary orientation provided for a newly hired worker in the position.

**Note:** See ER—MRS 1.02 (33) for a definition of transfer.

**History:** Cr. Register, October, 1972, No. 202, eff. 11-1-72; am. Register, December, 1976, No. 252, eff. 1-1-77; am. Register, February, 1981, No. 302, eff. 3-1-81; am. Register, February, 1983, No. 326, eff. 3-1-83; r. and recr. Register, May, 1988, No. 389, eff. 6-1-88.

**ER—MRS 15.02 Authorization by director.** The director ~~will authorize~~ may waive competition for a voluntary transfer ~~when requested upon written request~~ by an appointing authority ~~providing the appointing authority has determined that provided~~ the employee meets the eligibility requirement under s. ER—MRS 15.01 and that the position to which the employee is transferring is assigned to a class in the same or counterpart pay rate or pay range to which any of the employee's current positions is assigned, and such documentation is provided to the director. The director may delegate this authority to appointing authorities. The director may authorize an involuntary transfer, upon written request by an appointing authority, due to performance, discipline, or operational needs.

**History:** Cr. Register, October, 1972, No. 202, eff. 11-1-72; r. and recr. Register, February, 1981, No. 302, eff. 3-1-81; r. and recr. Register, May, 1988, No. 389, eff. 6-1-88; correction made under s. 13.93 (2m) (b) 7., Stats., Register, October, 1994, No. 466; corrections made under s. 13.92 (4) (b) 6., Stats., Register September 2015 No. 717.

**ER—MRS 15.03 Transfer between agencies.** An employee who transfers between agencies may be required by the appointing authority to serve a probationary period, except that a probationary period shall be required upon transfer to any position identified in s. ER—MRS 13.02 (1). An employee serving such a probationary period after transferring from a position in which the employee had permanent status in class or who has transferred under s. ER—MRS 15.07, may be separated from the service without the right of appeal at the discretion of the appointing authority. ~~See s. 230.31, Stats., for provisions relating to the reinstatement eligibility of a person so dismissed.~~

**Note:** For pay on transfer see s. ER 29.03 (5) or the compensation plan.

**History:** Cr. October, 1972, No. 202, eff. 11-1-72; renum. from Pers 15.04 (1) and am., Register, February, 1981, No. 302, eff. 3-1-81; am. Register, February, 1983, No. 326, eff. 3-1-83; am. Register, May, 1988, No. 389, eff. 6-1-88; corrections made under s. 13.93 (2m) (b) 7., Stats., Register, October, 1994, No. 466.

**ER—MRS 15.04 Transfer between different employing units of the same agency.** (1) An employee who transfers ~~or is involuntarily transferred~~ between different employing units of the same agency may be required by the appointing authority to serve a probationary period, except that a probationary period shall be required upon a transfer to a trainee position. If the transfer is to a position in a different class and no probationary period resulting from the transfer is required, the employee shall immediately attain permanent status in class. An employee who transfers ~~or who is involuntarily transferred~~ while serving a probationary period may continue in the probationary status being served prior to transfer or begin a new probationary period under s. ER—MRS 15.07.

(2) An employee currently serving a permissive probationary period or an employee not currently serving a probationary period who is involuntarily transferred will not be required to serve a probationary period and the employee shall immediately attain permanent status in class.

**History:** Cr. Register, October, 1972, No. 202, eff. 11-1-72; renum. (2) to be (1) and (2) and am., Register, February, 1981, No. 302, eff. 3-1-81; r. (intro.), renum. (1) and am., renum. (2) to be ER—Pers 15.055 and am. Register, February, 1983, No. 326, eff. 3-1-83; correction made under s. 13.93 (2m) (b) 7., Stats., Register, October, 1994, No. 466; CR 04-138; am. Register June 2005 No. 594, eff. 7-1-05.

**ER—MRS 15.05 Transfer within the same employing unit.** No employee who transfers or who is involuntarily transferred within the same employing unit either to a position in a different class or to a different position in the same class may be required to serve a probationary period, except that a probationary period shall be required upon transfer to a trainee position.

**History:** Cr. Register, October, 1972, No. 202, eff. 11-1-72; am. (3), Register, September, 1975, No. 237, eff. 10-1-75; renum. from Pers 15.04 (3) and am., Register, February, 1981, No. 302, eff. 3-1-81; am. Register, February, 1983, No. 326, eff. 3-1-83; CR 04-138; am. Register June 2005 No. 594, eff. 7-1-05.

**ER—MRS 15.055 Employee removal; status and rights.** If a probationary period resulting from a transfer under s. ER—MRS 15.04 or 15.05 is required, the appointing authority, at any time during this period, may remove the employee from the position to which the employee transferred, without the right of appeal. An employee so removed shall be restored to the employee's previous position or transferred to a position for which the employee is qualified in the same pay range or pay rate or a counterpart pay range or pay rate without a break in employment. Any other removal, suspension without pay, or discharge during a probationary period resulting from transfer shall be subject to s. 230.34, Stats.

**History:** Renum. from Pers 15.04 (2) and am., Register, February, 1983, No. 326, eff. 3-1-83.

**ER—MRS 15.06 Pay on transfer.** See s. ER 29.03 (5) or the compensation plan.

**History:** Cr. Register, February, 1981, No. 302, eff. 3-1-81; correction made under s. 13.93 (2m) (b) 7., Stats., Register, October, 1994, No. 466; CR 04-138; am. Register June 2005 No. 594, eff. 7-1-05.

**ER—MRS 15.07 Transfer while serving a probationary period.** (1) Employees serving a probationary period may transfer ~~or be involuntarily transferred~~ to a different position. The probationary period time served prior to such movement shall be carried over if the transfer is within an employing unit. If the transfer is between employing units of the same agency or between agencies, the probationary period time served prior to such movement may be carried over at the discretion of the appointing authority.

(2) Where time served in the probationary period may be carried over at the discretion of the appointing authority, the appointing authority shall give written notice to the employee at the time of appointment of the determination whether the probationary period may be carried over. A record of that determination shall be placed in the employee's personnel file.

**History:** Cr. Register, February, 1981, No. 302, eff. 3-1-81; CR 04-138; am. Register June 2005 No. 594, eff. 7-1-05.

**ER—MRS 15.08 Transfer to a supervisory or management position.** ~~An employee who transfers to a supervisory or management position within the same employing unit may not be required to serve a probationary period.~~ An employee who transfers to a supervisory or management position ~~in a different employing unit of the same agency or in another agency~~ may be required, at the discretion of the appointing authority, to serve a probationary period ~~Such a probationary period shall be served~~ in accordance with the provisions of s. 230.28 (1) (am) and (4), Stats.

**History:** Cr. Register, May, 1988, No. 389, eff. 6-1-88