

Wisconsin Human Resources Handbook

Chapter 156

Career Executive Employment

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Sec. 156.010 Introduction

This chapter outlines the procedures for managing appointments to career executive positions and movements within the service involving career executive employees. .

Sec. 156.020 Statutory and Rule Authority

1. Section 230.24 (1), Wis. Stats. authorizes the DPM administrator to “develop a career executive program that emphasizes excellence in administrative skills” Additionally, to accomplish the purposes of this program, s. 230.24 (1), Wis. Stats authorizes the BMRS director to “provide policies and standards for recruitment, probation, employment register control, certification, transfer, promotion and reemployment.”
2. “An appointing authority shall fill a vacancy in a career executive position using an open competitive process, with due consideration given to affirmative action.” s. 230.24(2), Wis. Stats.
3. Chapter ER-MRS 30, Wis. Adm Code provides the policies and standards developed by the BMRS director relating to the career executive program.
 - a. Trial Period – s. ER-MRS 30.06, Wis. Adm. Code
 - b. Reassignment – s. ER-MRS 30.07, Wis. Adm. Code
 - c. Transfer - s. ER-MRS 30.08, Wis. Adm. Code
 - d. Layoff – s. ER-MRS 30.105, Wis. Adm. Code
 - e. Re-employment— s. ER-MRS 30.11, Wis. Adm. Code
4. Each incumbent whose position is placed in the career executive program shall immediately come under the career executive employment provisions. (See s. ER-MRS 30.99(1), Wis. Adm. Code.)

Sec. 156.030 Definitions

The following definitions are used in this chapter.

1. **Career executive position:** A permanent position that has been placed in the career executive program by the DPM Administrator.
2. **Career executive reassignment:** The permanent, involuntary appointment of a career executive employee to a different career executive position at the same or lower classification level either within the agency under s. ER-MRS 30.07(1), Wis. Adm. Code, or from one agency to another under s. 230.24(4), Wis. Stats.
3. **Career executive transfer:** The voluntary permanent appointment of a career executive incumbent employee to a different career executive position where selection of the incumbent is by competition. (See s. ER-MRS 30.08, Wis. Adm. Code.)
4. **Trial Period:** A two-year continuous term of service at the beginning of a career executive appointment in which the work of a career executive employee is to be closely observed to determine if the employee is effectively able to carry out the assigned duties and responsibilities on a continuing basis. (See s. ER-MRS 30.06, Wis. Adm. Code.)
5. **Upward and downward movements within the career executive program:** Career executive voluntary movement to a position allocated to a classification assigned to a lower or higher pay range shall not be considered a demotion or a promotion respectively. (See s. ER-MRS 30.10(1), Wis. Adm. Code.) Upward or downward movements are coded as “Transfer/Career Executive Upward Movement” “Transfer/Career Executive Downward Movement” in STAR HCM.

Sec. 156.040 Positions Included in the Career Executive Program

1. Chapter ER 30.01, Wis. Adm. Code establishes that classifications assigned to pay schedule and range 81-02 and 81-01 are career executive positions. The DPM administrator has also determined that classifications assigned to the following pay schedules are ranges are career executive positions:
 - a. 50-20 (Effective January 1, 2012); and
 - b. 70-01 (Effective June, 29, 2014).
2. Additionally, the DPM administrator may designate permanent positions which meet the requirements of s. ER 30.02, Wis. Adm. Code, into the career executive program upon agency request. Agencies wishing to include such positions must request the action through emailing the required documentation to DOADPMClassificationGenInfo@wisconsin.gov. A sample request memo is included as an attachment to this handbook chapter. Incumbents of positions placed in the career executive program will immediately come under the career executive employment provisions. This includes rare instances where incumbents are regraded following an action under Ch. ER 3, Wis. Adm. Code. Status upon entrance to the program will be in accordance with s. ER-MRS 30.99, Wis. Adm. Code.

Sec. 156.050 Entrance into the Career Executive Program

1. Under the provisions of s. 230.24(2), Wis. Stats., appointment to a career executive position must be accomplished through open competitive procedures, with the following requirements:
 - a. Non-state employees must apply through an open job announcement and take the required assessment.
 - b. Current, non-career executive state employees in pay schedules/ranges which are counterpart to a career executive schedule/range must apply through an open announcement and take the required assessment for initial appointment to the career executive program.

2. Section ER-MRS 30.05 states “[e]xcept as provided in ss. ER-MRS 30.07, 30.08, and 30.11(2) and 30.99, Wis. Adm. Code, certification for appointment to a vacant career executive position will be according to s. 230.25, Stats.” Provisions for expanded certification of racial or ethnic minorities, women, veterans, and persons with disabilities apply to career executive certifications. (See also Chapter 212—Certification of the Wisconsin Human Resources Handbook for details on certification procedures and practices.)

Sec. 156.060 Career Executive Reassignment

1. The career executive program was established to provide for the mobility of career executive employees among agencies and units of state government for the most advantageous use of their managerial and administrative skills as noted in s 230.24(1), Wis. Stats. Career executive employees may be reassigned to another career executive position under the following conditions:
 - a. Reassignments will only be authorized when a subsequent career executive vacancy is created.
 - b. Reassignments within an agency require approval by the BMRS director in advance of the reassignment. Requests must include rationale regarding the benefits to agency program goals expected with the reassignment, as provided in s. ER-MRS 30.07(2), Wis. Adm. Code. Additionally, a description of the employee’s qualifications as related to the position must be included in the request.
 - c. Reassignments between agencies require advance approval from the BMRS director to ensure compliance with ss. ER-MRS 30.07(3) and ER-MRS 30.10(2), Wis. Adm. Code.
2. An employee currently serving a trial period may be reassigned within an agency and must complete the balance of their trial period in the new position. Reassignments between agencies of employees currently serving a trial period are prohibited.
3. All reassignments shall be made in writing to the affected employee and notice shall be given in advance of the effective date. Notices must include: the reason for the reassignment, effective date, classification, rate of pay, trial period status, and notice of appeal rights.
4. An employee with permanent status in the career executive program may appeal the reassignment to the Wisconsin Employment Relations Commission under the provisions of s.ER-MRS 30.10(2), Wis. Adm. Code. If the reassignment is between agencies, the sending appointing authority is responsible for composing the written reassignment notice to the employee, which must be signed by both the sending and receiving appointing authorities. A copy of all career executive reassignment notices must be sent to the BMRS director.

Sec. 156.070 Career Executive Voluntary Movement Guidelines

1. “Voluntary transfer of career executive employees shall be in accordance with ch. ER-MRS 15, except that where ch. ER-MRS 15 conflicts with this chapter, the provisions of this chapter apply.” (See s. ER-MRS 30.08, Wis. Adm. Code.)
2. Current employees with career executive status must apply through an open job announcement process. Agency internal competitions for career executive positions are prohibited.
3. Career executive candidates may be required by the agency to participate in the open competitive procedures along with non-career executive and non-state employee applicants. Career executives are then subject to rules governing registers and certifications.

4. An agency may offer career executive candidates special application instructions, such as submission of a resume but omitting a narrative required of non-career executives and non-state employees.
5. Eligible career executives would then be referred to the hiring manager as a supplement to a certification produced from the competitive assessment procedures required of all other candidates.
6. A hiring manager may separately review career executive qualifications and screen out a career executive from further consideration based on job related requirements.
7. Once referred to subsequent steps in the process, there are no distinctions in the applicant pool; equal consideration and consistency in the steps and tools are required.
8. If an agency offers special application procedures, a current career executive may choose to participate in the initial competitive selection step along with non-career executive and non-state employees. Doing so eliminates the “permissive candidate” status and guarantees the career executive candidate further consideration if certified.

Note: When certifying using a related register, agency staff should contact the agency holding the register to determine if special application procedures for current career executives were used. If the register holding agency offered special application procedures, the list of incumbent career executives who expressed interest in the position should be obtained and considered along with the related register

Sec. 156.080 Reinstatement Eligibility

1. A person who has held permanent status in class as a career executive shall have the same reemployment rights and eligibility as an employee in a non-career executive position. (See s. ER-MRS 30.11, Wis. Adm. Code) When a career executive vacancy for which the person is qualified and eligible occurs, the person may be reinstated at the discretion of the appointing authority as provided in Chapter ER-MRS 16, Wis. Adm. Code.
2. The appointing authority has the discretion to require a person who is eligible for reinstatement to a career executive position to participate in the competitive selection process. However, if a former career executive employee has reinstatement eligibility at the 81-02 level, and the vacancy is an 81-01, the former employee must go through the competitive selection process to be considered for appointment
3. Reinstatement eligibility is for positions in the same or lower pay range, to include career executive positions. All permanent positions in classifications assigned to pay ranges 50-20, 81-01, 81-02, and 70-01 are included in the career executive program. However, to be eligible for reinstatement to the career executive program, the individual must have previously held permanent status in the program. That is, applicants who have reinstatement eligibility resulting from a non-career executive IS Supervisor 2 position are not consequently eligible for reinstatement to a career executive IS Supervisor 2 position. This holds true where the pay ranges and schedules may be designated as counterparts to one another (for instance, 07-02 and 70-02 are counterparts): non-career executive employees cannot reinstate into career executive positions even though the schedules and pay ranges may be “counterparted” with one another.

Sec. 156.090 Career Executive Trial and Permissive Probationary Periods

1. Upon initial appointment to a career executive position, an employee is assigned a two-year trial period. The employee will earn permanent status in class and permanent status in the career executive program upon completion of the trial period.

2. A career executive serving a trial period upon promotion **within an agency** who is dismissed during the trial period shall have the same reemployment rights and eligibility as an employee in a non-career executive position.
3. A career executive serving a trial period upon promotion **between agencies** who is terminated without misconduct or delinquency, shall be reemployed at the same or counterpart pay range in which the employee last achieved permanent status in class.
 - a. If the employee is terminated less than 12 months from the start of the appointment, the employee is reemployed at the former agency.
 - b. If the employee is terminated more than 12 months after the start of the appointment, the employee is reemployed at the agency in which they were serving the trial period.
4. If a career executive employee transfers to a different agency while serving a trial period, the trial period starts over. (See s. ER-MRS 30.06 (1))
5. A career executive incumbent employee may be required to serve up to a twelve-month permissive probationary period upon voluntary movement between agencies. At any time during the permissive probationary period, the agency may remove the employee from the career executive position without right of appeal and shall be in accordance with s. ER-MRS 13, Wis. Adm. Code. (See s. ER-MRS 30.06(3), Wis. Adm. Code.)
6. A former career executive employee who is eligible for reinstatement and had previously attained permanent status as a career executive may be assigned a permissive probationary period upon hire into a career executive position. (See s.ER-MRS 16.04, Wis. Adm. Code) A former career executive employee who is eligible for reinstatement and had not previously attained permanent status as a career executive must serve a two-year trial period upon hire into a career executive position.
7. If a reinstated employee is terminated prior to completion of the initial Career Executive trial period, follow s. ER-MRS 30.11(1), Wis. Adm. Code.
8. A former employee who attained permanent status in the career executive program who returns to a career executive position within 3 years of separation and who does not have reinstatement eligibility shall not serve another career executive trial period but may be placed on a 12-month permissive probation. If the employee returns after 3 years from the separation date, a new career executive trial period must be served.

Sec. 156.100 Pay and Benefits Provisions

1. Provisions for determining beginning base pay rates for career executive appointees and subsequent movement within the career executive program are contained in the State of Wisconsin Compensation Plan.
2. The pay provisions of Ch. ER 30, Wis. Adm. Code, apply to career executive appointees, where applicable. Please consult with the Bureau of Classification and Compensation, Division of Personnel Management, for assistance in determining pay rates or pay adjustments for an individual holding a career executive appointment.

Sec. 156.110 Administrative Information

This chapter was issued in April 2002, after the Career Executive recruitment and certification rules at ER-MRS 30, Wis. Adm. Code, were revised. Chapter 281 of the *Wisconsin Personnel Manual* and DMRS Bulletin MRS-139 have been replaced by this handbook chapter and by DER Bulletin MRS-225/CLR/POL-72.

In March 2003 the chapter was revised to reflect current formatting procedures, electronic links were updated, and an Administrative Information Section added.

The chapter was revised in September 2003 to identify the change in policy of allowing agencies to screen career executive candidates separately from non-career executives and to include information regarding certifying using a related register.

In May 2004, the chapter was revised to include information regarding the completion of supervisory training prior to the waiver of the second year of a trial period. In addition, a section was added regarding reinstatement eligibility.

The handbook chapter was further revised in October 2005 to reinforce that non-career executive employees may not transfer or be reinstated into a career executive position without competition.

In March 2012 the chapter was revised to add guidance for Career Executive reassignment between agencies as added to s.230.24(4), Wis. Stats., with the implementation of 2011 Wisconsin Act 10. The former section pertaining to “Career Executive Permissive Transfer Guidelines” was removed, with elements specific to transfer combined with the reassignment section. The chapter was revised to renumber and re-sequence some sections and include new sections to address “Positions included in the career executive program” and “Entrance into the career executive program.” The section regarding upward movement was modified to include clarification language regarding the distinguished applicant pools of career executive and non-career executive employees in s.230.24(2), Wis. Stats. The section titled “Delegation of Career Executive Staffing Transaction Authority” has been removed because it was superfluous instruction relative to general delegation of staffing authority. The chapter was renamed from “Career Executive Recruitment” to “Career Executive Employment.” A sample request to include a position in the career executive program has been added as an attachment.

In August 2018, the chapter was revised to update reference to Office of State Employment Relations as it was eliminated in July 2015 and the functions were transferred to the newly created Department of Administration, Division of Personnel Management. It was also updated to account for the implementation of ACT 150 and updated Administrative Codes related to those changes. Major changes include the following:

- Defined eligibility to reinstatement.
- Clarified reassignments as involuntary movements that require BMRS Director approval.
- Added 70-01 positions into the career executive program.
- Clarified trial periods and probationary periods.
- Changed any reference to examinations to assessments.
- Added to the ways to enter into the career executive program by including accretion and regrading employees.
- Modified consideration of current career executive employees for vacancies to allow participation in the open competitive process. With the publication of this chapter Policy Bulletin “OSER-0328-MRS is obsolete.

SAMPLE

Agency request to include position in Career Executive program

Date: XXXXXX, 2012

To: OSER Agency Contact
Human Resources Consultant
OSER/DMRS

From: Department HR Staff
Position
Bureau of Human Resources

Re: Request to include a position in the Career Executive program

The Department of _____ submits an IS Supervisor 2 position (position number _____) to be considered for inclusion in the Career Executive program under s.ER 30.02, Wis. Adm. Code.

In summary, this position... [include agency general justification for inclusion in career executive program] The position description with exclusions and organizational chart is attached for reference.

(1) The position meets the definition of management under s.111.81 (13), Stats; [include agency explanation specific to the position]

(2) The position is predominately administrative in nature; [include agency explanation specific to the position]

(3) The position is assigned to a classification that is assigned to a non-represented pay range that the director has determined to be comparable to pay ranges 81-01 or 81-02. [reference to current counterpart pay range bulletin]

Please direct any questions or correspondence relative to this request to _____.

Cc: _____

Attachments: