

Wisconsin Human Resources Handbook

Chapter 224

Limited Term Employment

Sec. 224.010	Introduction	Sec. 224.100	Out-of-State Recruitment and Residency Waiver Requests
Sec. 224.020	Statutory and Rule Authority	Sec. 224.110	Provisional LTE Appointments
Sec. 224.030	Definitions	Sec. 224.120	LTE Benefits
Sec. 224.040	Limited Term Appointments	Sec. 224.130	LTE Status Notification and Acknowledgment
Sec. 224.050	Concurrent LTE Appointments	Sec. 224.140	Record Keeping
Sec. 224.060	Dual Employment	Sec. 224.150	Administrative Information
Sec. 224.070	Classification and Compensation for LTEs	Attachment #1	LTE Request/Report
Sec. 224.080	FLSA Considerations for LTEs	Attachment #2	Limited Term Employment Acknowledgment
Sec. 224.090	Recruitment and Selection for LTE Positions		

Sec. 224.010 Introduction

This chapter provides guidance and oversight to ensure that agency activity with respect to classification, compensation, recruitment and selection of Limited Term Employees (LTEs) complies with applicable state laws and administrative rules.

Limited Term Employees are employed to respond to increases in workload, provide program coverage while filling permanent vacancies or other temporary scenarios in which work must be accomplished on a short-term basis.

Sec. 224.020 Statutory and Rule Authority

1. “The director may provide by rule for selection and appointment for limited term appointments, which are provisional appointments or appointments for less than 1,040 hours per year.” s. 230.26(1), Wis. Stats.
2. “An appointing authority may not appoint a person who is not a state resident to a limited term appointment unless approved by the director.” s. 230.26(1m), Wis. Stats.
3. “If there are urgent reasons for filling a vacancy in any position in the classified service and the director is unable to certify to the appointing authority, upon requisition by the latter, a list of persons eligible for appointment from an appropriate employment register, the appointing authority may nominate a person to the director. If the nominee is certified by the director as qualified, the nominee may be appointed provisionally to fill the vacancy until an appointment can be made from a register established after announcement of competition for the position, except that no provisional appointment may be continued for more than 45 working days after the date of certification from the register. Successive appointments may not be made under this subsection. This subsection does not apply to a person appointed to a vacant position in the classified service under s. 230.275.” s. 230.26(2), Wis. Stats.
4. “Fringe benefits specifically authorized by statutes, with the exception of deferred compensation plan participation under subch. VII of ch. 40, worker's compensation, unemployment insurance, group insurance, retirement, and social security coverage, shall be denied employees hired under this section. Such employees may not be considered permanent employees and do not qualify for tenure, vacation, paid holidays, sick leave, performance awards, or the right to compete in promotional processes.” s. 230.26(4), Wis. Stats.

5. “If the director determines that an agency is not in compliance with the requirements of, or rules related to, sub. (1), (1m) or (2) regarding a particular employee, the director shall direct the appointing authority to terminate the employee.” s. 230.26(5), Wis. Stats.
6. “If the director finds an agency has failed to comply with limited term appointment standards established under this chapter, the director may remove the incumbents of positions for which appointment standards were not followed. Employees subject to removal under this section shall be given notice of removal. The director may also withdraw all delegated authority for making limited term appointments from the agency until such time as, in the judgment of the director, the agency takes appropriate measure to ensure that future limited term appointments will be in compliance with established standards.” s. ER-MRS 10.06 (1), Wis. Adm. Code.
7. “The total time worked in any one position by an individual limited term employee shall not exceed 1039 hours of employment during a block of time which consists of 26 consecutive biweekly payroll periods and which ends on the anniversary date of the appointment. The maximum time durations for provisional appointments are provided under s. 230.26(2), Wis. Stats.” s. ER 10.01, Wis. Adm. Code.
8. “Limited term employees who have reached or exceeded the hours or earnings limitations established by s. 230.26(1) or s. 16.417(2), Stats. Respectively, shall be immediately removed from the position.” s. ER-MRS 10.06(2), Wis. Adm. Code.
9. “An individual appointed to the limited term position must be qualified to perform the duties of the position. A limited term appointment may not be made for a person who is not a state resident, under s.230.26(1m), Stats., unless approved by the director. A limited term appointment may not violate s. ER-MRS 24.04 or subch. 11 or ch. 40, Stats.” s. ER-MRS 10.035, Wis. Adm. Code.
10. “In order to safeguard the public interest, recruitment and selection procedures must be in accordance with the standards established by the director, and the appointing authority shall maintain such records of the procedures followed in making limited term appointments as are determined to be necessary by the administrator. Limited term appointments shall be made so as to contribute to a competent work force with due consideration given to affirmative action.” s. ER-MRS 10.04(2), Wis. Adm. Code.
11. Section D of the Compensation Plan covers compensation provisions for limited term employees in the classified and unclassified service.
12. “. . . No employee may recommend or make a limited term . . . appointment when the person to be hired is a member of the employee’s immediate family.” s. ER-MRS 24.04(2)(e), Wis. Adm. Code.

Sec. 224.030 Definitions

1. **Annuitant:** A person receiving a retirement annuity, beneficiary annuity or a disability annuity from the Wisconsin Retirement System, including a person whose disability annuity has been suspended., s. 40.02(4), Wis. Stats.
2. **Health care professional:** “means any of the following:
 1. A registered nurse who is licensed under s. 441.06 or in a party state, as defined in s. 441.50 (2) (j), or permitted under s. 441.08.
 2. A licensed practical nurse who is licensed or has a temporary permit under s. 441.10 or who is licensed as a licensed practical/vocational nurse in a party state, as defined in s. 441.50 (2) (j).
 3. A physician who is licensed to practice medicine and surgery under s. 448.02.
 - 3m. A physician assistant who is licensed under s. 448.04 (1) (f).
 4. A psychologist who is licensed to practice psychology under ch. 455.”

See s. 16.417 (1) (e), Wis. Stats

3. **Immediate Family:** An employee's spouse and an employee's relatives by marriage, consanguinity or adoption, and any other person who directly or indirectly receives more than one-half of their support from the employee, or from whom the employee directly or indirectly receives more than one-half of his or her support. See s. ER-MRS 24.03(5), Wis. Adm. Code.
4. **Limited Term Appointment:** The appointment of a person to perform a grouping of duties and responsibilities on a non-project basis under conditions of employment which do not provide for attainment of permanent status under s. 230.26 (1), Wis. Stats. s. ER-MRS 1.02(13), Wis. Adm. Code
5. **Limited Term Employment:** Employment in which the nature and conditions do not permit attainment of permanent status in class for which the use of normal procedure for recruitment and examination are not practicable. s. ER-MRS 1.02(14), Wis. Adm. Code
6. **Position:** A group of duties and responsibilities in either the classified or unclassified divisions of the civil service, which require the services of an employee on a part-time or full-time basis. s. 230.03(11), Wis. Stats.
7. **Resident** [of this state]: "... a person who, on the date an application under s. 230.16(1) is filed:
(a) Has established a residence, as defined in s. 6.10(1), in this state not less than 10 days earlier;
(b) Has resided in this state for not less than a total of one year out of the immediately preceding 5 years;
(c) Is eligible to register to vote in this state; or
(d) Is the spouse of a person meeting the requirements of par. (a), (b), or (c)." s.230.03(12), Wis. Stats.

Sec. 224.040 Limited Term Appointments

1. Limited term employees are hired for positions which are temporary and for which the individual will not attain permanent status. LTEs may not work more than 1039 hours over a 12-month term. If the 1039 hours limit is reached before the end of the 12-month term, the appointment must be terminated. There are no circumstances in which a LTE may be permitted to exceed the 1039 limitation. When hiring an LTE, agency staff must complete a [Limited Term Employment Request/Report form](#) (DOA-15530) or agency DPM approved form. See Attachment #1 for instructions on completing the form.

Agencies may not appoint a non-resident of Wisconsin to an LTE position unless the BMRS Director approves a waiver. (See section 224.100 of this handbook chapter for information on these exceptions and handling out-of-state recruitments.)

Section ER-MRS 24.04(2)(e), Wis. Adm. Code states "[n]o employee may recommend or make a limited term or project appointment when the person to be hired is a member of the employee's immediate family." (For the definition of "immediate family," see section 224.030 of this handbook chapter.)

Annuitants must have a valid termination of employment and be separated from WRS employment for at least 75 days before they can return to WRS-covered employment, however, this only applies if returning to the same agency they retired from. If an annuitant does not separate for at least 75 days, the retirement will be considered invalid. Consult with ETF about any questions concerning WRS annuitants.

2. Agencies are delegated for staffing LTE positions in the classifications for which the agency has classification delegation. Appointments to Provisional LTE positions are not delegated. (See section 224.110 of this handbook chapter.) Most Medical Consultant-LTE positions are not delegated. Contact DPM if you wish to use this classification.

To request LTE approval to fill non-delegated classes, submit the following to your agency's DPM-BCER contact for review and approval:

- a. Limited Term Employment Request/Report form (DOA-15530), or agency form.

- b. Position description or description of duties.
- c. The requested compensation.

To ensure all State opportunities are as inclusive as possible, consult with your agency Affirmative Action Officer for recruitment and selection of LTE positions.

Sec. 224.050 Concurrent Limited Term Employment Appointments

1. Different Positions

Concurrent limited term appointments are generally not appropriate due to the 1039-hour limitation on accumulated work hours per position over a 12-month term. However, multiple LTE appointments may be allowed if they are for different positions. The following factors must be considered when reviewing multiple LTE appointments for purposes of determining whether or not they are different. All factors will be considered collectively; no one factor will be determinative.

- a. At least 50 percent of the duties of each LTE position must be different from the duties of the other LTE position held.
- b. A different classification title or official subtitle is appropriate for each position.
- c. A different recruitment option title in certain circumstances when the classification title is the same, e.g., Teacher – Special Education or Teacher – Family and Consumer Education. If a recruitment option title would be used if announcing the position to be filled permanently, supply that recruitment option title on the LTE Request/Report form.
- d. A personnel movement defined as a transfer, rather than management reassignment of work duties, would occur if the positions were permanent.
 - 1) Transfer generally occurs when the person moves without the position; i.e., the person moves but the set of duties and responsibilities remains.
 - 2) Management reassignment of work duties occurs when the work assignments of the position change, i.e., the duties change within the position.
- e. Different supervisors.
- f. Different program areas.
- g. Different geographic locations within the employing unit, e.g., different buildings.

2. Concurrent LTE appointments in different positions within the same agency

- a. Individuals may hold two or more concurrent appointments in different classifications within the same agency.
- b. Individuals may hold two or more concurrent appointments in the same classification if the duties are sufficiently different. In order for this to be acceptable, the “different position” factors must be considered. (See #1—Different Positions above.)

Example: An Office Operations Associate LTE appointment at the Department of Administration reporting to supervisor A in one work unit and an Office Operations Associate LTE appointment reporting to supervisor B in a different work unit within the Department may constitute two different positions. However,

each situation must be evaluated using the factors in 1 above (Different Positions) of this section in order to determine whether the two sets of assigned duties are separate and distinct enough to be considered separate positions and therefore eligible for separate appointments.

Note: A different class level within a progression series does not constitute a different position when held in the same employing unit.

3. Concurrent LTE appointments in different agencies
 - a. Individuals may hold two or more concurrent LTE appointments when each appointment is located in a different agency.
 - b. In the case of different agencies, it is not necessary that the appointments have a different primary job purpose.

Example: An individual may hold an Office Operations Associate position at DNR and a second Office Operations Associate position at DOT concurrently.

4. Successive LTE appointments in the same agency

Successive limited term appointments of up to 1039 hours are permissible if the employee is working in bona fide different positions. While the length of any one LTE position (set of duties and responsibilities) may exceed 1039 hours, an individual is limited by statute to working a maximum of 1039 hours in that position. If the employee reaches the hourly limit but the work of the position continues, the employee must be terminated, and a new LTE appointed.

In situations where the hours worked by an LTE will never reach the 1039-hour limit by the anniversary date, the individual may continue in the same position. Agencies may decide whether or not to administratively end the appointment and reappoint on the anniversary date, or keep the appointment open.

Cautions:

Incorrectly classifying LTE positions in order to continue an employee in a position for more than 1039 hours is a violation of the LTE statutes and rules.

The actual changing of the duties and responsibilities significantly enough to change the classification of the job may be appropriate, but a change to a different class level within a progression series does not constitute a new position.

Sec. 224.060 Dual Employment of Permanent, Full-Time State Employees as LTEs

An Attorney General's opinion ([77 Op. Att'y Gen. 245, 245\[1988\]](#)) discusses restrictions which s. 16.417(2), Wis. Stats., imposes on dual state employment of civil service employees. Please be aware of these restrictions when considering limited term employment of a permanent civil service employee. Key points covered by s. 16.417(2), Wis. Stats., include:

1. An individual who is employed or retained in a full-time position with a state agency or authority may not earn more than \$12,000 in an additional position with any state agency or authority in a 12-month period. (The amount of \$12,000 is the limit as of the date of this release.)
2. No agency or authority may employ any individual in violation of this limitation.
3. The Department of Administration shall annually check to ensure that no individual violates the \$12,000 additional earnings limit.

4. The Department of Administration shall order any person in violation to repay the portion of economic gain in excess of \$12,000.
5. The statute does not apply:
 - a. To an individual other than an elected state official who has a full-time appointment for fewer than 12 months, during any time not included in the appointment
 - b. An individual who is employed by the Board of Regents of the University of Wisconsin System, but only with respect to compensation received within the system.
 - c. A health care professional who is employed or retained in a full-time position or capacity with an agency or authority and who holds another position or is retained in any other capacity with an agency or authority for less than 1,040 hours during any 12-month period.
6. Refer to *Wisconsin Human Resources Handbook*, Chapter 520—Administration of the Federal Fair Labor Standards Act [FLSA] and Wisconsin Statutes to determine status of a dual employment situation under the FLSA.
7. An appointing authority must immediately remove a limited term employee who has reach the \$12,000 limit established under s. 16.417, Wis. Stas. Failure to remove the employee will lead to forfeiture of any amount over the limit.

Sec. 224.070 Classification and Compensation for LTEs

1. “Classification titles for [LTE] appointments shall be determined in accordance with the provisions of the limited term classification and pay schedule or be consistent with other classifications identified in the classification plan.” s. ER 10.02(1), Wis. Adm. Code
2. If a classification used for a permanent position adequately describes the work assigned to an LTE position, the permanent classification title should be used.
3. There may be situations where no permanent classification adequately describes the work assigned to the LTE position. In those cases, it is necessary to classify the duties using one of the classifications contained in the Compensation Plan that are exclusively for LTE positions assigned to Pay Schedule 18. These LTE classifications are also reflected in the Alphabetical Listing of Classifications. Limited Term Employment titles in pay schedule 18 are intended for use only in situations where no parallel classification exists in the permanent classified service. The **Professional Consultant LTE** classification is only used when there is no existing classification which fits the job duties assigned.
4. Agencies must obtain classification approval from DPM prior to staffing an LTE position in a classification for which the agency is not delegated.
5. Compensation for all LTE appointments shall be made in accordance with the current State Compensation Plan. Classifications are assigned to pay ranges which dictates the established pay rate or pay range available to use for recruitment purposes.

Sec. 224.080 FLSA Considerations for LTEs

All LTEs are considered FLSA non-exempt (with the exception of physicians, dentists, attorneys, teachers, and employees described in Chapter 520 of the *Wisconsin Human Resources Handbook*).

1. Concurrent LTE appointments within the same agency:

- a. For non-exempt LTEs occupying more than one LTE position, FLSA combines all hours worked within a work week within the agency to determine the total hours worked in any given work week.
 - b. No distinctions are made for different employing units of the agency or different LTE positions functioning in different capacities.
2. Concurrent LTE appointments in different agencies: Agencies should very carefully consider FLSA implications if hiring an employee who is also employed at another agency. The FLSA counts hours worked for each agency separately unless a joint employment situation exists. (See Chapter 520 of the *Wisconsin Human Resources Handbook*) Also see Section 224.060 of this handbook chapter regarding dual employment of permanent state employees as LTEs and the Attorney General's opinion ([77 Op. Att'y Gen. 245, 245\[1988\]](#)) regarding dual employment.

Sec. 224.090 Recruitment and Selection of Candidates for LTE Positions

Unlike recruitment for permanent classified positions, candidates for limited term appointments are not certified from civil service registers. However, the selection must be merit based. Various methods of recruitment and selection may be used to facilitate a hire consistent with ER-MRS 10.04(2), Wis. Adm. Code, which requires LTE appointments contribute to a competent work force while considering affirmative action goals. Therefore, agencies are advised to diversify recruitment efforts by informing the agency Affirmative Action Officer of all LTE openings. Job-related qualifications for positions are determined by employing agencies based on their evaluation of the requirements of the position.

Section ER-MRS 10.04(1), Wis. Adm. Code, provides recruitment and selection procedures as set forth in Chapter 230, Wis. Stats., may be modified to expedite the appointment process of LTEs.

Candidate resources to consider when seeking LTEs, include but are not limited to the following:

1. Reemployment of persons collecting unemployment compensation benefits from the employing agency.
2. Active registers established for that classification or a related classification. Registrants may be contacted about LTE opportunities and referred for selection consideration.
3. Referrals such as from the agency Affirmative Action Officer, or the State Veteran's Service Office. The agency goal to establish a balanced workforce should be considered when appointing LTEs.
4. Persons who are in layoff status from the employing agency or from other state agencies.
5. Referrals from the W-2 program.
6. Referrals from state internship programs.
7. Referrals of students/graduates from college and university programs.
8. Referrals from the service offices of the Department of Workforce Development (DWD), Division of Vocational Rehabilitation. See <https://dwd.wisconsin.gov/dvr/> for more information.
9. Persons who have retired from state civil service (annuitants), provided any required break in employment has been met.
10. Persons who apply in response to an LTE vacancy posted on an agency website or Wisc.Jobs.

Sec. 224.100 Out-of-State Recruitment and Residency Waiver Requests

Appointing authorities may not hire an individual as an LTE who is not a resident of this state unless specifically approved by the Director. There may be instances where the agency has work sites outside Wisconsin and may need to employ LTEs at those sites. When this occurs, it may be in the best interests of the agency to hire someone who lives near the work site, which generally means that the individual will not be a Wisconsin resident. Guidance for valid justifications may be generally equated to the approval of non-residents for project positions. (See s.230.27(1m)(b), Wis. Stats.) This may include considerations such as when a worksite is located out of state or is near the state border, there is a critical need for employees in a specific classification or position, or a critical shortage of Wisconsin residents possessing the qualifications needed in the job. Agencies should submit their requests for waiver of the residency requirement to their BMRS Contact for review. The request should include:

- Classification of the position.
- Name of the selected applicant.
- Justification for non-resident hire, including recruitment efforts to recruit and attract a state resident.

Sec. 224.110 Provisional LTE Appointments

1. Agencies may consider appointing an LTE to serve in the capacity of a permanent classified position while the agency takes action to staff the position with a permanent appointment. These provisional LTE appointments may be made to fill vacancies in the classified service in accordance with s. 230.26(2), Wis. Stats. A person may be appointed provisionally to temporarily fill a vacancy if no one is eligible for appointment from an appropriate employment register.
2. All LTE requests for provisional appointments must be submitted to the BMRS Director for approval prior to making an employment offer.

The Agency will submit a completed [Limited Term Employment Request/Report](#) form (DOA-15530) or similar form/document for their nominee including the Certification Request Number, Class Code and Position Number for the permanent position against which the provisional appointment is being made on the lines following the “provisional” box (extract below from LTE form).

DPM COMPLETES				
Justification for Provisional LTE:				
<input type="checkbox"/> No register available	Cert. Reg. No. _____	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	<input type="checkbox"/> Date _____
<input type="checkbox"/> No funds for short term LTE:	Position No. _____	DPM Analyst _____		
<input type="checkbox"/> Next schedule exam date of _____	is greater than 60 days			
Approval Information:				
<input type="checkbox"/> Nominee is on existing register, Title _____	Score _____	Expected date of hire _____		
<input type="checkbox"/> Is there an existing exam? <input type="checkbox"/> Yes <input type="checkbox"/> No	Agency Contact Person _____	Phone No. _____		
If no is there documentation identifying nominee qualifications?	<input type="checkbox"/> Yes <input type="checkbox"/> No			

In addition to the form, the agency will submit relevant documentation regarding the nominee’s qualifications for the provisional appointment.

3. Upon receipt of the provisional appointment request, the BMRS Director will determine if the nominee is qualified for the position, and will consult the Classification and Compensation Section if the requested rate of pay requires review.
4. If a nominee is found to be qualified, and BMRS has supporting evidence that action to fill the position on a permanent basis has begun, the request for provisional appointment will be approved and returned to the agency for completion of the hiring information.
5. Provisional LTEs are not subject to the 1039-hour limitation. However, no provisional appointment may be continued for more than 45 working days after the date of certification from a register.
6. No successive provisional appointments are allowed.

Sec. 224.120 LTE Benefits

In accordance with s. 230.26(4), Wis. Stats., fringe benefits specifically authorized by statutes, with the exception of worker's compensation, unemployment compensation, group insurance, retirement and social security coverage, are denied to LTEs. Limited Term Employees do not qualify for tenure, vacation, paid holidays, sick leave, performance awards or the right to compete as permissive candidates for permanent positions. In accordance with s. ER 10.045, Wis. Adm. Code, the eligibility of LTEs for worker's compensation, unemployment compensation, group insurance, retirement benefits and social security are subject to controlling conditions relating to these benefits.

1. **Absences.** Under certain circumstances, LTEs may be eligible for benefits under the provisions of s. 103.10, Wis. Stats., regarding Family/Medical Leaves of Absence. See Chapter 724—Family and Medical Leave of the *Wisconsin Human Resources Handbook* for information regarding eligibility.

Limited Term Employees also may be eligible for paid time off to vote or when working as an election official, per s. ER 18.11, Wis. Adm. Code and s. 7.33, Wis. Stats., respectively. Otherwise, LTEs must be paid only for actual hours worked.

2. **Retirement.** The eligibility criteria for participation in the Wisconsin Retirement System (WRS) is established by ch. 40, Wis. Stats., and administered by the Department of Employee Trust Funds (ETF). See ss. 40.02(26) and 40.22, Wis. Stats., and the Wisconsin Retirement System Administration Manual for information regarding participating employees (http://etf.wi.gov/employers/manual_health_local.htm).
 - a. The employer must determine, in accordance with the applicable statutes, rules and policies of the Department of Employee Trust Funds whether an LTE has met the participation requirements.
 - b. Limited Term Employees have the right to appeal ineligibility determination made by their employer to the Department of Employee Trust Funds under ss. 40.03(1)(j) and 40.06(1)(e), Wis. Stats.
 - c. Each state agency is considered a separate employer under the WRS. Therefore, an LTE's services for each agency must be considered separately when determining eligibility for or continuation of coverage.
 - d. An LTE must meet the eligibility criteria for each employer in order to be reported for retirement by each employer.
3. **Group Insurance.** The eligibility criteria for participation in group insurance programs is also established by Chapter 40, Wis. Stats., and administered by the Department of Employee Trust Funds. Refer to s. 40.02(25), Wis. Stats., and the applicable ETF Employer Administration Manual for information regarding participation requirements (http://etf.wi.gov/employers/manual_health_local.htm).

Sec. 224.130 LTE Status Notification and Acknowledgement

1. Agencies have the responsibility of informing LTEs of their status at the time a limited term appointment is made. Limited Term Employees must be given an acknowledgment that includes:
 - a. An explanation of the nature of limited term employment, specifically stating that it does not lead to permanent status.
 - b. An explanation of the potential benefits available to the LTE.
 - c. A brief summary of the laws and administrative rules governing limited term employment.

- d. An explanation of the Director's authority to terminate an LTE's employment under s. 230.26(5), Wis. Stats., if the agency does not comply with the laws and administrative rules.
 - e. A place for the appointee and the appointing authority or designee to sign the acknowledgment.
2. A sample [Limited Term Employment Acknowledgment](#) form (DOA-15519) is attached (Attachment #2). If used, the completed form must be kept on file with the agency's copy of the LTE Request/Report form.

Sec. 224.140 Record Keeping

1. The LTE Request/Report form must be completed in its entirety. It is especially important to enter specific duties of the position and information concerning previous employment. For LTEs who are being rehired within the same employing unit, attach a position description for both the old appointment and the new appointment if they are within a block of time consisting of 26 consecutive pay periods. The employee must sign the form.
2. By definition, LTEs shall not work more than 1039 hours in any one position within 26 consecutive pay periods. Agencies must track the number of hours LTEs accumulate to ensure that they do not exceed the limit established by law.
3. Each agency is responsible for monitoring limited term appointments on a continuing basis to ensure that LTEs do not exceed the hours allowed, to confirm that LTE rehires comply with the requirement to work in different positions, and to keep track of LTE eligibility for retirement and insurance benefits and FLSA coverage.
4. The BMRS Director may monitor to determine whether agencies are in compliance with statutes and administrative rules relating to limited term employment. If the Director determines that an agency is not in compliance with the requirements, he or she will direct the appointing authority to terminate the employee. (See s. 230.26(5), Wis. Stats.)
5. The DOA/DPM Bureau of Equity and Inclusion (BEI) Director may monitor LTE hiring records to ensure due consideration of the principles of equal employment opportunity and affirmative action.
6. Agencies are responsible for maintaining copies of the completed LTE Request forms for one year from the last day that the employee is on the payroll. The completed forms are subject to inspection by the BMRS Director or staff member designated to monitor the program.
7. At a minimum, agencies are required to place the appointment letter and PD for the LTE in the employee's Personnel File (P-file). Any other documents relating to the LTE should be placed in the P-file if they would otherwise be included in a P-file of a permanent employee.

Note: Substitute electronic versions of the LTE Request form that contain the same information as the DPM form may be used upon DPM approval.

Sec. 224.150 Administrative Information

This chapter was originally numbered Chapter 212 of the Wisconsin Personnel Manual-Staffing and supplemented Chapter 344 of the Wisconsin Personnel Manual-Administration, Classification and Compensation. It was revised and published jointly by the Department of Employment Relations' Divisions of Merit Recruitment and Selection and Classification and Compensation on June 1, 1989. At that time, it was renumbered to Chapter 224, *Wisconsin Personnel Manual-Staffing* and Chapter 344, *Wisconsin Personnel Manual-Administration*. The policy changes reflected in the chapter included: the definition of "different position" and factors to consider when determining a

different position; an Attorney General's Opinion (OAG55-88) regarding a civil service employee who holds more than one position; and the procedures to follow for appointment of provisional limited term employees.

In 1989, this chapter became part of the *Wisconsin Human Resources Handbook*. It incorporates policies and procedures from Bulletin MRS-95 & CC-194, dated June 1, 1989; that bulletin is now obsolete. The chapter also reflects a change in policy regarding the provisional LTE approval process.

In November 2003, the chapter was revised to include a section on the Wisconsin residency requirement for LTEs and an attachment was added that provides instructions on completing the LTE Request/Report form. In addition, agencies were delegated the authority to maintain their own copies of the completed LTE Request/Report forms.

In April 2013, the chapter was revised to address policy changes and clarification of procedures. Section 224.040 acknowledges the DMRS Administrator's authority to approve nonresident appointments to LTE positions under the 2011-2013 Compensation Plan (with procedures outlined in section 224.100). Clarification was added to explain the delegation authority to fill LTE vacancies. Section 224.050 was modified to include a contemporary example. Sections 224.060 and newly renumbered 224.080 were modified to provide guidance regarding dual employment relative to FLSA considerations. Section 224.070 was updated to clarify classification procedures and a statement regarding compensation was added. The section "Compensation for LTEs" (formerly 224.080) was removed entirely. The subsequent sections were renumbered. Section 224.090 includes more guidance on staffing. Section 224.110 includes more detailed instructions regarding the administration of provisional LTE appointments. A statement regarding absences during elections was added to section 224.120. The titles of some sections were modified to clarify the contents of the sections.

In August 2016, Chapter 224 underwent a review and update pursuant to changes introduced by 2015 Wisconsin Act 55 and by 2015 Wisconsin Act 150. In July 2015, the Office of State Employment Relations was eliminated and the functions were transferred into the newly created Department of Administration, Division of Personnel Management. This chapter was updated to reflect the changes in terminology that resulted from the organizational restructuring. In addition, effective July 22, 2015, LTE appointments are now "for less than 1040 hours per year" rather than 1044 hours per year. This chapter was updated to reflect this change.

In August 2018, Chapter 224 was updated pursuant to changes to Wisconsin Administrative Code ER-MRS 10. Additionally, 2017 Wisconsin Act 59 modified limitations on dual appointments provided in s. 16.417, Wis. Stats. for health care professional. Updates were also made to reflect these changes.

Attachment #1

(6 pages)

**INSTRUCTIONS FOR COMPLETING THE
LIMITED TERM EMPLOYMENT REQUEST/REPORT (DOA-15530)**

Delegated/Non-Delegated: Check the appropriate box based on the delegated classification agreement between the Department of Administration, Division of Personnel Management (DOA/DPM) and the agency. The LTE requests checked "Non-Delegated" must be submitted to DOA/DPM for approval.

Trans Cd: Enter appropriate payroll code.

SSN: Enter employee's Social Security Number.

✓: Enter the check digit. Leave the check digit blank for new employees.

Name (Last Jr./Sr., First Mid Initial) (0106): Enter the employee's full last and first name and middle initial in the indicated format. The total number of characters cannot exceed 30.

Request No.: Assign a LTE request number using the agency's own numbering system for LTE Requests. **Note:** A system that includes the year in the number may be helpful.

Agency No.: Enter the 3-digit agency code.

Appt #: Enter appropriate appointment number.

Effective Date: Enter the date the LTE appointment is effective in MMDDYY format. (Example: November 3, 2003 = 110303)

Sec Lv (2026): Enter 3-digit agency secondary level code, if applicable. If not, leave blank.

Home Address – No. & Street (0285): Enter employee's home mailing address including street name and number, box, or route identification. Do not exceed 25 characters.

City (0286): Enter employee's home city, not to exceed 12 characters.

State (0287): Enter employee's home state; use 2-character abbreviation.

Zip (0288): Enter employee's home zip code.

Name of Agency/Employing Unit: Enter formal agency name and name of the employing unit (if the agency has more than one employing unit.)

Mailing Address – P.O. Box (0208): Enter employee's mailing address if different from the home address listed in section 0285.

City (0209): Enter employee's city if the mailing address is different from the home address.

State (0210): Enter employee's state if the mailing address is different from the home address.

Zip (0211): Enter employee's zip code if the mailing address is different from the home address.

Area Code (0289): Enter employee's home telephone area code.

Home Phone (0290): Enter employee's home telephone number.

Hm County (0207): Enter employee's home county.

Pay Disp (0270): Enter the appropriate payroll code.

The following are used for electronic deposit of payroll checks. Enter the appropriate codes for:

Bank Transit # (0271)

Account # (0272)

Acct Type (0273)

Check Sort (0218): Enter agency assigned numeric code not to exceed 5 digits, if applicable.

Sex (0274): Enter M for male or F for female.

Birth date (0201): Enter 6-digit code in MMDDYY format. (Example: November 2, 1963 = 110263)

Handicap (0277): Enter the appropriate payroll code.

Ethnic (0276): Enter one of the following codes for each appointment:

- 1 = Black
- 2 = Asian or Pacific Islander
- 3 = American Indian or Alaskan Native
- 4 = Hispanic
- 5 = White

Vet Status (0204): Enter the appropriate payroll code values.

Prim Sec Lv (0199): Enter the appropriate payroll code

Employee Free Space (0219): Agency can define and use for its own purposes. (Limited to 15 characters.)

Employment Type (2101):

- 10 = Short Term – LTE appointments which will require no more than a total of 1,039 hours.
- 23 = Provisional – Appointments which are made in accordance with s. 230.26(2), Wis. Stats. An employee may be “appointed provisionally to fill a vacancy until an appointment can be made from a register established after announcement of competition for the position, except that no provisional appointments may be continued for more than 45 working days after the date of certification from the register.” **Note:** The Certification Request number for the permanent position against which the provisional appointment is being made must be entered in the *DPM Completes* section.

LTE Position No. (2034): Optional use by agencies.

District Code (2027): Enter appropriate agency District code, if required by agency.

Organization Code (2104): Enter appropriate agency organization code, if required by agency.

Employing Unit Code (2103): Enter the 6-digit employing unit code.

Work Street (2130): Enter the name of the street in which the work is to be performed or of the official workstation. (Limited to 15 characters.)

City (2131): Enter the name of the city in which the work is to be performed or of the official workstation. (Limited to 12 characters.)

State (2132): Enter the 2-character code for the state in which the work is to be performed or of the official workstation.

Zip (2134): Enter the zip code of the city in which the work is to be performed or of the official workstation.

Wk County (2133): Enter the county in which the work is to be performed or of the official workstation.

Work Schedule (2108): Enter appropriate schedule code.

Start Date Present Class (2033): Enter the date the LTE actually starts work in MMDDYY format. This is usually the same as the date as the “Effective Date.”

Retirement Category (2124): Enter appropriate payroll code. **Note:** LTEs normally are not eligible to participate in the Wisconsin Retirement Fund. Check eligibility with the Department of Employee Trust Funds prior to completion of this item. If the employee is not eligible, leave this item blank.

Base Pay Type (2006): No entry required.

Base Pay Amount (2121): Enter the hourly base pay for the LTE in the appropriate spaces to the right and left of the indicated decimal point. The pay must be reported with two decimal places. This rate should be the minimum of the Pay Range for the permanent class unless a provision applies (see section “If hired above min. of comparable permanent class . . .”).

Work Room (2129): Enter the number of the work room, if any.

Area Code (2135): Enter work telephone area code (3 digits).

Work Phone (2136): Enter work telephone number (7 digits).

HAM RMR Ind (2147): Enter appropriate payroll code.

Appt Fee Space (2142): Agency can define and use for its own purposes. (Limited to 15 characters.)

Class Code (2004): Enter the appropriate 5-digit class code as listed in the current Classification Plan (for permanent classes) or the LTE Schedule of the Compensation Plan (for LTE classes). The class code automatically generates the pay schedule, range, EEO and the formal classification title on the electronic records for all classified positions on the Central Payroll system.

Class Title: Enter the complete classification title including “trainee” designation, if applicable, as listed in the current Classification Plan or the LTE Schedule of the Compensation Plan.

Note: The use of the “trainee” designation means that: (1) the LTE is being employed in a situation that involves either formal or informal training; (2) the knowledges, skills, and/or abilities of the employee hired are lower than those normally required of an employee in the counterpart permanent classification; (3) and/or the duties and responsibilities assigned to the LTE are less complex and/or responsible than those normally assigned to a permanent employee in the same classification and there is no lower level permanent classification which is applicable.

Those permanent classifications which include a separate “confidential, supervisory, or management” designation may not be used for LTE positions if there is a direct parallel classification that does not include such designation. If the confidential, supervisory, or management exclusion is incorporated in the classification and that classification is the most appropriate available for the duties and responsibilities to be performed, it may be used for the LTE despite the built-in collective bargaining exclusion.

Sched: Enter the appropriate Pay Schedule for the classification level being used as listed in the current Classification Plan.

Range: Enter the appropriate Pay Range for the classification level being used as listed in the current Classification Plan.

EEO Cat: Computer generated.

Transfer Information:

Emp Rec (0007): Enter Y to transfer record from former agency.

From Agcy # (0008): Enter former agency number.

Tax (0009): Enter Y to transfer tax withholding from former agency.

Misc Ded (0014): Enter Y to transfer miscellaneous deductions from former agency.

Accounting Line Detail:

(3001-3020): Enter appropriate funding detail.

Fed-Marital (0125): Enter the appropriate payroll code

Exemptions (0126): Indicate the number of Federal Tax Exemptions claimed on the Employees Withholding Exemption Certificate (W-4 form).

Add'l Amount (6023): Enter the amount (dollars and cents) of additional Federal Tax an employee elects to have deducted every pay period.

FICA Elig (0129): Enter the appropriate payroll code

State of Empl (0154): Enter the appropriate payroll code

State of Res (0153): Enter the appropriate payroll code

State Marital (0127): Enter the appropriate payroll code

Exempt (0128): Indicate the number of State Tax Exemptions claimed on the Employee's Wisconsin Withholding Exemption Certificate (WT-4).

Add'l Amount (6026): Enter the amount (dollars and cents) of additional State Tax an employee elects to have deducted every pay period.

Duties of position: Describe as completely as possible the duties and responsibilities to be assigned to the LTE.

Note: A copy of the Position Description used to describe the permanent position should be attached in the case of Provisional appointments, and a Position Description may be used to describe the duties of an LTE if that format is necessary for a proper classification decision, for determination of Hiring Above the Minimum, and/or for providing information to the LTE employee. Any other information that is pertinent to the LTE appointment may also be included in this section or attached to the LTE Request.

Previous State Employment: Check either yes or no based on the LTE's previous work history. If yes is checked, check the current permanent employee, former permanent employee, or LTE box in the next section. **Note:** If the applicant worked as an unclassified employee or a student, do not check any box.

Agency where last employed: If the LTE had previous state employment, enter the name(s) of the agency(ies) and division in which the applicant was employed.

WRS Annuitant: Check either yes or no.

If hired above min. of comparable permanent class check reasons: Check appropriate box, if applicable.

Additional training or experience. Attach approved form DOA-15333.

Former permanent employee. Include class title.

Former pay rate. Include amount and ending date.

Justification for Provisional LTE: Check the appropriate box. DPM completes.

Cert. Req. No.: Enter the Certification Request number for the permanent position against which the provisional appointment is being made.

Position No.: Enter the position number.

Approved/Denied: The DPM specialist will check the appropriate box, include the date of his or her decision, and note their name in the DPM Analyst area.

Approval Information:

Nominee is on existing register. Check box if person is on the register for the classification being filled.

Indicate the register title, the applicant's score, and the expected date of hire.

Is there an existing exam? Check box if the nominee is not on an existing register but an exam is available that could be administered. Check yes or no and include the appropriate agency contact person and telephone number.

If no, is there documentation identifying nominee qualifications? Check yes or no. Information pertaining to the applicant's qualifications should be attached for review.

Employee Signature and Date: This section is designed to ensure that employees are properly informed about the type of employment they are accepting. It is necessary for the agency to have one signed and dated copy on file, i.e., in the employee's "P" file. The copy should be placed on file before or during the first weeks of employment.

Appointing Authority Signature and Date: This area must be signed and dated by an authorized party, i.e., someone who is authorized by the appointing authority to sign personnel documents. The person signing should note the contents of this statement since the appointing authority will be held directly accountable for any violations that occur. The signing of this item certifies that the agency has determined that "the employee is qualified to perform the duties" as determined by normally acceptable techniques. Information necessary to support this determination must be maintained in the agency's files for monitoring purposes.

Bureau of Classification and Compensation Approval (Non-Delegated): This area is to be signed and dated only by an authorized representative of the Division of Personnel Management, Bureau of Classification and Compensation.

Agency Approval (if different than above) (Delegated): This area is to be signed and dated only by an authorized representative of the agency human resources office in those cases where the classification decision and all other aspects of the LTE approval have been specifically delegated to the agency. This signature represents approval of the class level, the pay rate, the type of LTE category used, and the hiring of a particular individual into the specified LTE job.

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DIVISION OF PERSONNEL MANAGEMENT
DOA-15519 (09/2018)
SS. 16.417 & 230.26, WIS. STATS.
CHS. ER 10 & ER-MRS 24, WIS. ADM. CODE



LIMITED TERM EMPLOYMENT ACKNOWLEDGMENT

I understand that limited term employment does not give me rights to any permanent civil service position, and does not lead to permanent status.

I understand that as a limited term employee, I am not eligible for tenure, paid time off (e.g., compensatory time off, vacation, holidays, sick leave), performance awards or the right to compete in promotional exams.

I understand that as a limited term employee, I may be eligible for worker's compensation, unemployment compensation and social security coverage.

I understand that as a limited term employee, I may become eligible for group insurance and retirement benefits under Ch. 40, Wis. Stats. (Public Employee Trust Fund).

I understand that if I terminated employment covered by the Wisconsin Retirement System (WRS) on or after July 2, 2013, and received any benefit (annuity, lump sum retirement or separation), I will be ineligible for that benefit if I return to WRS-eligible employment before the latest of the following dates: 1) the annuity effective date; or 2) the 76th day after termination of WRS-covered employment. I understand that if it is determined that I am ineligible for a benefit, it will be cancelled, and any benefit payments received must be repaid. s. 40.26(5), Wis. Stats.

I understand that limited term employment is governed by s. 230.26 Wis. Stats., and Ch. ER 10, Wis. Adm. Code.

I understand that the Director, Bureau of Merit Recruitment and Selection (BMRS), has the authority under s. 230.26(5), Wis. Stats., to terminate my limited term employment if this agency does not comply with s. 230.26 Wis. Stats., and the administrative rules governing limited term appointments.

Employee Name

Employee Signature

Date

I certify that the limited term employment of the above-named individual is made in compliance with s. 230.26, Wis. Stats., and ch. ER 10, Wis. Adm. Code; that the employee is qualified to perform the duties of this position; that the total duration of the employment will not exceed legal limits; and that ch. ER-MRS 24, Wis. Adm. Code, and s. 16.417, Wis. Stats., will not be violated by employing the above named individual.

Appointing Authority Name

Agency Name

Appointing Authority Signature

Date