

Wisconsin Human Resources Handbook

Chapter 228

Project Appointments

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Sec. 228.010 Introduction

This chapter outlines the procedures for staffing project positions. It provides state agencies with guidelines to determine whether project or permanent appointments are appropriate when filling project positions. The purpose of this chapter is to ensure that:

- Project positions are filled with qualified candidates.
- Project appointments are made when appropriate.
- Agencies are able to fill project positions efficiently and quickly when necessary.
- Adequate project appointment records are maintained.
- A project position filled on a permanent appointment basis follows the same policies and procedures used to fill permanent classified civil service positions.

Sec. 228.020 Statutory and Rule Authority

1. “[T]he [BMRS] director may provide by rule for the selection and appointment of a person to a project position.” s. 230.27(2), Wis. Stats.
2. “The duration of a project appointment to a project position shall not exceed 4 years from the date of the appointment to the project position. Successive appointments [of the same person] to the same project position shall also not exceed 4 years from the date of the first appointment.” s. ER-MRS 34.01, Wis. Adm. Code.
3. “If a project position is originally funded for less than 4 years and is later extended, any project appointment to such position may also be extended. The total duration of the original and extended appointment shall not exceed 4 years.” s. ER-MRS 34.01, Wis. Adm. Code.
4. “A project position may be filled on a project appointment basis only if approved by the [BMRS] director.” s. ER-MRS 34.03(1), Wis. Adm. Code.
5. “In order to safeguard the public interest, recruitment and selection procedures for project appointments shall be approved by the [BMRS] director, and the appointing authority shall maintain records of the procedures followed in making project appointments.” s. ER-MRS 34.09, Wis. Adm. Code.
6. “No employee may recommend or make a . . . project 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.

7. A project appointment to a classified state position will be based solely on merit and no employment recommendation will be based on political or religious affiliation or on membership in associations not primarily related to merit in employment. (See s. 230.20(1), Wis. Stats.)
8. “If the director finds that an agency failed to comply with project appointment standards . . . the director may remove the incumbents of positions for which appointment standards were not followed.” (See ER-MRS 34.10, Wis. Adm. Code.)
9. The director may delegate, in writing, any of his or her functions set forth in Ch. 230, subchapter II, Wis. Stats. The director will withdraw delegated authority if he or she determines that any agency is not performing such delegated function within prescribed standards. (See s. 230.05(2)(a), Wis. Stats.)
10. “An employee in a project position on a project appointment, while in the position, shall earn and receive all privileges specifically authorized by statute for nonrepresented classified employees except tenure, transfer, restoration, reinstatement, promotion eligibility and layoff benefits.” s. 230.27(2m), Wis. Stats.
11. The conditions for accumulation and transfer of continuous service rights and benefits earned while serving in a project appointment to or from another project or permanent appointment are contained in s. 230.27(2m), Wis. Stats.
12. Permanent classified employees may be granted a leave of absence to cover the time served in a project appointment. Any time limits established under s. 230.35, Wis. Stats., do not apply to leaves of absence granted under s. 230.27(3), Wis. Stats. (See also s. ER 18.14(2)(f), Wis. Adm. Code.)
13. Project employment provisions for position classification actions, pay, benefits, and employee status and rights are contained in ch. ER 34, Wis. Adm. Code and the State of Wisconsin Compensation Plan.
14. “[A]n appointing authority is prohibited from appointing a person who is not a resident of this state to a project position The director may waive the prohibition if there is a critical need for employees in a specific classification or position or a critical shortage of residents of this state possessing the skills or qualifications required for a position.” (See s. 230.27 (1m), Wis. Stats.)

Sec. 228.030 Definitions

The following definitions are used in this chapter.

1. **Immediate family:** An employee’s spouse; and an employee’s relatives by blood, marriage, or adoption; and any other person who “directly or indirectly receives more than one-half of his or her support from the employee, or from whom the employee directly or indirectly receives more than one-half of his or her support.” s. ER-MRS 24.03(5), Wis. Adm. Code.
2. **Permanent appointment:** “[T]he appointment of a person to a classified position in which permanent status can be attained.” s. ER-MRS 1.02(20), Wis. Adm. Code.
3. **Project appointment:** “[T]he appointment of a person to a project position under conditions of employment which do not provide for attainment of permanent status.” s. ER-MRS 1.02(25), Wis. Adm. Code.
4. **Project employment:** Employment as a result of a project appointment to a project position. s. ER-MRS 1.02(26), Wis. Adm. Code.
5. **Project position:** A position that “is normally funded for 6 or more consecutive months and which requires employment for 600 hours or more per 26 consecutive biweekly pay periods, either for a temporary workload

increase or for a planned undertaking which is not a regular function of the employing agency and which has an established probable date of termination. No project position may exist for more than 4 years.”
s. 230.27(1), Wis. Stats.

Sec. 228.040 Guidelines for Determining Project or Permanent Appointment

Note: Before the process is initiated to fill a position by project appointment, the agency must have the appropriate position authority from the Department of Administration, State Budget Office.

1. A project position is a position created outside of the permanent position management process. A project position is typically created when funds are obtained or allocated by an agency to complete a specific set of duties which will require eighteen months to four years of work. In limited instances, such as delay in funding availability, the project end date may be extended by the State Budget Office. However, the project appointment may not be extended beyond the maximum four year expiration date, regardless of funding availability or number of hours worked.
2. After creation of the project position, the HR Specialist must determine if the candidate appointed to the position will serve in a project appointment or a permanent appointment. This combination of position and appointment is commonly referred to as a “project project” or a “project permanent”. The main distinction between the two appointments is the permanent appointment affords the employee an opportunity for permanent status and all of the associated rights and privileges. In contrast, a project appointment earns the same benefits but is not able to transfer, demote, etc.
3. Agencies will make the appointment determination on a case-by-case basis and must consider and document each of the following factors when deciding whether a permanent or project appointment is appropriate. In short, if the funding or duties are expected to go beyond the full four years of the project position and the agency expects to have an available permanent position for the employee when the project ends, then a permanent appointment is appropriate. In most all other instances, a project appointment is most appropriate. Once determined and the position is filled, the appointment type cannot be changed.
 - a. *How long is the proposed appointment?* The duration of the proposed project position is used as a guideline or starting point for deciding whether to make a permanent or project appointment. Generally, project appointments are appropriate when the duration of the project position is expected to be 24 months or less. Permanent appointments may be considered when the proposed project position is for more than 24 months.
 - b. *Is the project position likely to be funded continuously beyond the position’s authorized end date?* If **yes**, then a **permanent appointment** is likely most appropriate.
 - c. *Are the project’s assigned duties expected to continue as an on-going, regular or permanent function of the agency or employing unit?* If **yes**, then a **permanent appointment** is likely most appropriate.
 - d. *Are there financial or time requirements associated with initiating or completing the project? For example, is there a likelihood of a funding loss if this position is not filled by a certain date? Or do the funds end regardless of the success or failure of the position?* If **yes**, then a **project appointment** is likely most appropriate.
 - e. *Are the duties of the proposed project position closely related to on-going, permanent or regular functions of the agency or employing unit?* If **yes**, then a **permanent appointment** may be appropriate.
 - f. *Is there enough routine turnover within the agency or employing unit in the occupational area or classification of the project position?* Sufficient turnover to ensure the appointee could be easily

absorbed into the work force when the project is completed or terminated? When answering these questions, agency personnel will consider the probability of layoff if the appointment is made permanent and there are no open positions to which the employee can transfer. If **yes**, then a **permanent appointment** is likely to be appropriate.

g. Are there any other factors the agency considered in making its decision?

4. As noted in 1. a. above, the duration of the proposed project position (i.e., less than or equal to 18 months or greater than 18 months) is the starting point for evaluating whether to fill the position on a permanent or project appointment basis. Agencies will analyze all factors when making the final determination.
5. Agencies must also maintain the documentation of each determination conducted according to the records retention schedule for documents associated with the *Certification Request/Report* (DOA-15313; located on the DPM website at <https://dpm.wi.gov/PublishingImages/Pages/Forms/Certification%20Request%20Report%20%28DOA%20-%2015313%29.pdf>).

Sec. 228.050 Procedures

1. Agencies must obtain the appropriate position authority from the Department of Administration, State Budget Office, prior to initiating the hiring process. In some instances, HR staff will be asked to develop a Position Description or estimate a classification and salary in order to facilitate a grant application to secure possible funding. In this case, the project position is created after the funds are secured. In other instances, the funds are authorized, and the position is created as part of a renewal of funding, excess in funding sufficient to create another project position, etc. This process is normally led by the agency budget office in conjunction with the State Budget Office.
2. Agencies must complete the Position Description (DOA-15302; located on the DOA/DPM web site at <https://dpm.wi.gov/PublishingImages/Pages/Forms/DOA-15302%20Position%20Description.pdf>) or equivalent, and the *Certification Request/Report* (DOA-15313), or an electronic equivalent of the Certification Request/Report, if budget and classification are being managed electronically, and obtain any necessary approvals for project positions.
3. Using the factors listed in s. 228.040(3) in this handbook chapter, the agency must then determine whether to fill the project position as a permanent or project appointment. When recruiting for a project position, the job announcement will indicate the position is a project position and whether the appointment is project or permanent. These details are considered terms of employment.
4. If the agency decides a **project appointment is appropriate**, the agency must evaluate the position requirements to identify job related qualifications and criteria in order to evaluate applicants using a competitive selection process. A record of these job-related criteria will be stored with the rest of the records related to the recruitment. Project positions being filled by a project appointment must be announced online in Wisc.Jobs for a minimum of three days. Select the announcement type of “Project/Project Employment” when creating the announcement in Wisc.Jobs. When developing a recruitment strategy, agencies may consider the following sources of qualified personnel:
 - a. Potential applicants in the state labor market.
 - b. Candidates already on an appropriate employment register for the kind and type of employment.
 - c. Referrals from agency Affirmative Action Officers or Enterprise Recruiting in DPM.
 - d. Persons in layoff status from the employing agency or from other state agencies.
 - e. Permanent employees who may be granted a discretionary leave of absence in order to accept the project position.
 - f. Persons collecting unemployment compensation benefits from the employing agency.
 - g. Other appropriate sources.

Note: A change in job duties of 50 percent or greater constitutes a new project position. As a result, the new project position must start again with the procedures listed above (228.050).

5. If the agency decides a **permanent appointment is appropriate**, the agency will follow all standard hiring processes and timelines (including the minimum of seven days for posting) in order to make a permanent appointment to the civil service. The only difference between hiring a permanent position and a project permanent is that the agency must notify the applicants in the job announcement the position is a project position. It is often most practical to explain the details surrounding the project position and what to expect when the position ends at the interview stage or prior to the candidate's acceptance of the position. Select the announcement type of "Civil Service Classified," when creating the job announcement in Wisc.Jobs.

Sec. 228.060 Required BMRS Approvals

1. If an agency does not have project appointment delegation under section 228.070 of this handbook chapter, BMRS must approve the decision to use a project appointment along with the recruitment and selection procedures the agency intends to use to fill the project position. Agencies with staffing delegation for project appointments are expected to adhere to these same standards in managing and documenting their own project appointment activities.
2. To request approval to make a project appointment, an agency must provide BMRS with:
 - a. The *Certification Request/Report* (DOA-15313) or electronic equivalent.
 - b. Documentation of the agency's consideration of the factors outlined in section 228.040(1) of this handbook chapter and a justification for the decision to make a project appointment.
 - c. A position description, organization chart, and *Supervisor Exclusion Analysis* form when appropriate (DOA-15316). This form is located on the DPM website:
<https://dpm.wi.gov/Documents/DPM%20FORMS/DOA-15316%20Supv%20Exclusion%20Analysis.docx>
3. After BMRS approves the decision to use a project appointment, an agency must provide BMRS with recruitment and selection procedures and criteria the agency will use to identify qualified candidates. In general, BMRS will look for a recruitment process that provides for adequate public notice to the relevant applicant pool and a selection process that uses job related criteria developed by subject matter experts and applied through a process that ensures that a qualified applicant is appointed.
4. An agency may submit a project appointment request and the proposed recruitment and selection procedures concurrently. However, an agency may not appoint a project employee until it receives BMRS approval.
5. To request an extension of an originally approved project appointment, an agency must document its consideration of the factors listed in section 228.040(3) of this handbook chapter and submit this documentation with the extension request to BMRS for action. Project appointments may not exceed four years in total. **Note:** *An extension from the original end date up to the four year maximum also requires budget authorization and a formal change to the date by the State Budget Office.*

Sec. 228.070 Delegation of Project Appointment Authority

1. Agencies with staffing delegation also have delegation for staffing project positions. For additional information about staffing delegation and the auditing process, see *Wisconsin Human Resources Handbook* Chapter 248—Delegation—Staffing.

2. The director may remove a person on a project appointment if the appointment does not comply with project appointment standards. BMRS may also withdraw delegation authority if an agency is not meeting prescribed standards. (See s. ER-MRS 34.10, Wis. Adm. Code.)

Sec. 228.080 Letter of Appointment

1. Agencies will prepare a letter of appointment following the requirements of s. ER-MRS 12.08, Wis. Adm. Code. Agencies will also provide all project appointees with the following information. (See also s. 230.27(2m), Wis. Stats.)

- a. A statement to clarify whether the employee is a permanent or project appointment to the project position.

If the employee is in a project appointment, the letter will clarify that while in the position, the employee shall earn and receive all rights and privileges specifically authorized by statute for nonrepresented classified employees, except tenure, transfer, restoration, reinstatement, promotion eligibility and layoff benefits.

A permanent appointment has full right of civil service in the same fashion as an employee appointed to a permanent position upon successful completion of the probationary period.

- b. Statements explaining that if the project position is converted to a permanent position:
 - 1) Civil service selection procedures (as outlined in Ch. 230, Wis. Stats., and chs. ER-MRS 1 through 34, Wis. Adm. Code) will be used to fill the position on a permanent appointment basis. If the incumbent was hired into the position as a project appointment and wants to be considered for the job, the incumbent must participate in the civil service selection process; there is no guarantee of permanent appointment. If the incumbent was hired into the position as a permanent appointment and civil service selection procedures were properly followed during the selection, the incumbent may utilize transfer eligibility or other mechanism determined by the agency.
 - 2) If the incumbent is subsequently appointed to a permanent position, the pay rate attained in the project appointment will not serve as a basis for the pay rate set on appointment to the permanent position.
- c. The above information must be included in an acknowledgment letter that each project appointee will sign and return to the appointing agency no later than the first day of employment. See Attachment #1. Certifying signatures may be made by either the appointing authority or designated representative.
- d. Agencies may consider including a statement to notify the candidate that funding for the project position may be terminated at any time and the appointment of the employee to the project position may also be terminated at any time prior to the project end date.

<p>Note: Per s. 230.27(1m), Wis. Stats., individuals appointed to project positions must be Wisconsin residents. For cases where there is a shortage of qualified applicants, the director may waive the residency requirement.</p>

Sec. 228.090 Pay and Benefit Provisions

1. Provisions for determining beginning base pay rates for project appointees are contained in the State of Wisconsin Compensation Plan.

2. The current *Wisconsin Human Resources Handbook*, Chapter 732, “Transfer of Continuous Service and Accumulated Leave Credits Upon Movement Within State Service,” contains specific provisions for project appointees. Please consult the Classification and Compensation Section, Bureau of Compensation and Employment Relations for assistance with specific leave credit and other benefit-related questions to an individual’s project appointment.

Sec. 228.100 Administrative Information

This handbook chapter was originally released on October 15, 1996, following a settlement agreement between the Department of Justice, representing the State of Wisconsin, and the Association of Career Employees. The core concepts of that settlement agreement relating to the merit system of appointment process and record keeping are contained in this handbook chapter.

This chapter was updated in December 2002 to recognize that some agencies have switched from paper to electronic certification procedures. It also reflects the addition of the WiscJobs web-based job announcement process as a source of candidates for project appointments.

In December 2003, the chapter was revised to note that agencies are required to obtain the appropriate position authority from the Department of Administration before initiating the project appointment process.

In September 2004, several updates were made to the chapter: (1) removal of two guidelines in section 228.040 that were not factors in determining if a position is a project or permanent position; (2) direction that state employees may be appointed to project positions if they are granted a leave of absence; (3) addition of a note indicating that project positions may not exist for more than four years; (4) indication that a 50 percent or greater change in job duties constitutes a new project position; (5) finally, a note was added to clarify that only Wisconsin residents may be appointed to project positions. A statutory definition was added to section 228.020 to clarify this requirement. Lastly, the reference to ER 29, Wis. Adm. Code, under pay and benefit provisions was removed because benefit information will be covered in a pending *Wisconsin Human Resources Handbook* chapter published by the Division of Compensation and Labor Relations and in the Compensation Plan.

The chapter was revised in May 2006 to require the use of WiscJobs for posting project positions. In addition, the chapter was updated to clarify the requirement to establish job-related criteria to be utilized in the selection process. Under 228.060, the two references to the five-day turnaround time from DMRS was removed. DMRS will continue to review the requests in a timely matter. Lastly, section 228.070 was updated to remove the language on how to request delegation for project appointments. Agencies with staffing delegation are now delegated for project appointments, so there is not a separate process to request delegation for project appointments.

In August 2016, Chapter 228 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. This chapter was also updated to address changes in procedural guidance and provide policy clarification regarding the difference of project or permanent appointments to project positions.

In August 2018, minor updates were made to ensure that the information is current and to update the formatting of the chapter to align with the Wisconsin Human Resources Handbook standards. All links in the chapter were also updated.

Attachment #1

PROJECT APPOINTMENT ACKNOWLEDGMENT

1. I understand that this project appointment does not give me rights to any permanent civil service position, and does not lead to permanent status in class as defined in s. ER 1.02(28), Wis. Adm. Code.
2. I understand that as a project appointee, while in the position, I shall earn and receive all rights and privileges specifically authorized by statute for nonrepresented classified employees, except tenure, transfer, restoration, reinstatement, promotion eligibility and layoff benefits according to s. 230.27(2m), Wis. Stats.
3. I understand that if this project position is converted to a permanent classified position, then the civil service selection procedures (as outlined in Ch. 230, Wis. Stats., and Chs. ER-MRS 1 through 34, Wis. Adm. Code) will be used to fill the position on a permanent basis.
4. I understand that if this project position is converted to a permanent classified position, and I wish to be considered for the job, then I must participate in the civil service selection process. However, there is no guarantee of a permanent appointment.
5. I understand that the Director of the Bureau of Merit Recruitment and Selection (BMRS) is the final approving authority for project appointments, and as such, has the authority to terminate my project appointment if this agency does not comply with the provisions of s. 230.27, Wis. Stats., and Chs. ER-MRS 1 through 34, Wis. Adm. Code.
6. I understand that if I am subsequently appointed to a permanent position, the pay rate I attained in the project appointment will not serve as a basis for the pay rate set on appointment to a permanent position.

Employee Name (print)

Employee Signature

Date

I certify that the appointment of the above-named person is made in compliance with the provisions of s. 230.27, Wis. Stats., and Chs. ER-MRS 1 through 34, Wis. Adm. Code; and Ch. 228, *Wisconsin Human Resources Handbook*; that the employee is qualified to perform the duties of this position; and that the total duration of employment will not exceed legal limits.

Signature of Appointing Authority or Designated Representative

Date