

Wisconsin Human Resources Handbook

Chapter 248

Delegation - Staffing

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Sec. 248.010 Introduction

The Division of Merit Recruitment and Selection (DMRS) Administrator may delegate staffing responsibility to agencies that have the capability to perform staffing functions. The goal of delegating this authority is to give agencies the means to obtain well-qualified job candidates in an efficient and timely manner. Delegating will help eliminate unnecessary delays and duplication of effort. The appointing authority that accepts the responsibility of delegation must assume accountability for maintaining a level of performance that is consistent with policies and procedures. The level of delegation may be modified if the necessary standard levels are not met.

Sec. 248.020 Statutory and Rule Authority

1. “The head may delegate and redelegate to any officer or employee of the department or independent agency any function vested by law in the head.” s. 15.02(4), Wis. Stats.
2. “Except as provided under par. (b), the administrator may delegate, in writing, any of his or her functions set forth in this subchapter to an appointing authority, within prescribed standards if the administrator finds that the agency has personnel management capabilities to perform such functions effectively and has indicated its approval and willingness to accept such responsibility by written agreement. If the administrator determines that any agency is not performing such delegated function within prescribed standards, the administrator shall withdraw such delegated function. The administrator may order transfer to the division from the agency to which delegation was made such agency staff and other resources as necessary to perform such functions if increased staff was authorized to that agency as a consequence of such delegation or if the division reduced staff or shifted staff to new responsibilities as a result of such delegation subject to the approval of the joint committee on finance. Any delegatory action taken under this subsection by any appointing authority may be appealed to the commission under s. 230.44(1)(a). The administrator shall be a party in such appeal.” s. 230.05(2)(a), Wis. Stats.
3. “The administrator is prohibited from delegating any of his or her final responsibility for the monitoring and oversight of the merit recruitment and selection program under this subchapter.” s. 230.05(2)(b), Wis. Stats.
4. “The administrator may issue enforceable orders on all matters relating to the administration, enforcement and effect of the provisions of this subchapter for which responsibility is specifically charged to the administrator and the rules prescribed thereunder. Any action brought against the appointing authority for

failure to comply with the order of the administrator shall be brought and served within 60 days after the date on which the administrator's order was issued. Such order may be appealed to the commission under s. 230.44(1)(a)." s. 230.05(4), Wis. Stats.

5. "An appointing authority shall . . . report promptly to the director or administrator any information the director or administrator requires in connection with any delegated personnel function and with each appointment, promotion, demotion, suspension or separation from the service or other change in employee status." s. 230.06 (1)(d), Wis. Stats.
6. "An appointing authority may delegate in writing part or all of his or her power of appointment, including discipline and removal." s. 230.06(2), Wis. Stats.

Sec. 248.030 Definitions

1. **Administrator:** The administrator of the Division of Merit Recruitment and Selection.
2. **Appointing authority:** ". . . [T]he chief administrative officer of an agency unless another person is authorized to appoint subordinate staff in the agency by the constitution or statutes." s. 230.03(4), Wis. Stats
3. **Commission:** For the purposes of this handbook chapter, "commission" refers to the Wisconsin Employment Relations Commission.
4. **Delegation:** The authority to perform specific staffing and/or classification functions.
5. **Human Resources (HR) Consultant:** Working title for Executive Human Resources Specialist in DMRS responsible for classification and staffing.
6. **Lead Auditor:** Human Resources Consultant in DMRS responsible for overseeing the delegation auditing process. This person will act as a resource to others in the division and other agencies.
7. **Specialist:** For the purposes of this handbook chapter, "specialist" refers to a human resources professional who is knowledgeable in the area of recruitment and selection. This does not specifically relate to an individual's classification.

Sec. 248.040 Agency Delegation

When receiving delegation, the appointing authority agrees to ensure that the processes and activities of recruiting and selecting employees for agency positions are performed and reviewed or endorsed by specialists who are knowledgeable and proficient with generally accepted psychometric, measurement and testing, and merit system legal standards. Training will be offered by DMRS in the areas related to recruitment and selection.

When an appointing authority is interested in receiving delegation for the first time, he or she should submit a written request to the DMRS Administrator. The request must include an explanation as to why the agency is requesting delegation. Also, the request must include an explanation and examples demonstrating how the staff is capable of taking on delegation. It is critical to note the process that will be used to ensure there is a qualified reviewer for each of the various parts of the recruitment process. A description of the staff and their training and experience in recruitment and selection is required.

After the request is reviewed at DMRS, the HR Consultant assigned to the agency and the Lead Auditor will meet with the HR Director from the agency to discuss the delegation request. In addition, the HR Consultant and the Lead Auditor will conduct an audit. The audit will consist of a review of recruitment and selection materials. Although DMRS would have reviewed the recruitment materials as part of the non-delegated recruitment process, an audit will be conducted to ensure that agencies are meeting the DMRS standards as specified in the *Wisconsin Human Resources Handbook*, policy bulletins, Wisconsin State Statutes, and Wisconsin Administrative Code and

Register. Upon completion of the audit, the HR Consultant will make a recommendation to the Lead Auditor as to whether or not delegation should be granted. After reviewing the written request from the agency, the results of the audit, and the recommendations of the HR Consultant and Lead Auditor, the DMRS Administrator will respond in writing with the determination as to whether delegation is granted or denied.

If delegation is approved, both parties will sign the *Delegation Agreement*. (See Attachment #1.) The agency will sign the *Delegation Agreement* first and then send it to the DMRS Administrator for the final signature.

When signing the *Delegation Agreement*, the agency agrees to ensure that the processes and activities of recruiting and selecting employees for agency positions are properly performed and are reviewed by specialists knowledgeable in the areas of recruitment and selection. As a condition of maintaining a delegation agreement, the agency agrees to maintain a sufficient number of staff members who are adequately trained to perform the staffing activities. A sufficient number of staff is defined as a minimum of two specialists. The rationale for two specialists is so that one person can perform the transaction and another person can review it. For example, if a specialist develops an exam and statistically analyzes it, another specialist is required to review it to ensure that it meets the psychometric, measurement and testing, and merit system legal standards. In addition, the agency must ensure that those staff members complete any required training, including on-the-job training.

The Division of Merit Recruitment and Selection retains the authority to approve additional delegation of staffing functions to agencies, on a case-by-case basis, for functions which are not covered in the *Delegation Agreement*.

If delegation is denied, the DMRS Administrator will provide the agency HR Director with a written explanation for the denial. The explanation will include suggestions on courses of action that can be taken in order to grant delegation in the future.

Sec. 248.050 Training

Training will be offered on an as-needed basis. The training topics may vary but will cover areas listed in the *Agency Delegation Staffing Guidelines*. (See Attachment #2.) Training will include, but is not limited to, Wisc.Jobs upgrades, new testing methods, refresher courses, etc. Information on OSER training will be available at <http://oser.state.wi.us>.

Sec. 248.060 Delegation Limitations

Delegation limitations are defined within the *Agency Delegation Staffing Guidelines* (Attachment #2) and listed under non-delegated items. Regardless of whether or not an agency has staffing delegation, there are particular staffing actions that are not delegated to any agency.

Recruitments including attorney, chaplain, and professional-level human resources which includes certain equal opportunity and labor relations classifications (Attachment #3) are not delegated for staffing. These recruitments should be developed at the agency and must be submitted to DMRS for review and approval. As non-delegated recruitments, this review includes the approval of the civil service examination prior to exam administration and the approval of the scores prior to creation of the exam register.

Recruitments in which DMRS maintains a central register, including multiple choice exams and Entry Level Professional Accountant and Auditor (ELPA) are not delegated. An agency with staffing delegation may request to use an alternate exam when justified. Information to provide to your DMRS Agency Services Consultant:

1. Agency/campus
2. Classification
3. Location of the position (County)
4. Existing exam title
5. Requested alternate exam type

6. Justification for the request to use an alternate exam- this could include factors such as: testing on dimensions that are not measured in the current exam, location of the position, or any other relevant factor,
7. Exam Plan
8. HIJC PD
9. Exam and Benchmarks

When reviewing the request, DMRS will consider the submitted information as well as the reliability and validity of both the current and proposed examinations to determine whether an alternate exam can be used. Recruitments using alternate exams are considered a non-delegated staffing transaction. Similar to recruitments for attorneys and chaplains, the agency must receive approvals from DMRS as non-delegated recruitments.

Random-ranked (labor and service classifications) recruitments are not delegated. DMRS conducts statewide, continuous basis recruitments and agencies may certify from these random rank registers as needed. See Chapter 160 of the Wisconsin Human Resources Handbook for more information on random ranked recruitments.

Recruitments for Professional Consultant LTE are not delegated. See Chapter 224 of the *Wisconsin Human Resources Handbook* for information regarding staffing Limited Term Employment positions.

Sec. 248.070 DMRS Liaison

The HR Consultant assigned to the agency will serve as the DMRS liaison on matters related to delegation and the delegation agreement, including but not limited to:

1. Activities excluded from delegation.
2. Resolving problems associated with delegated transactions.
3. Operational or technical questions about delegated transactions.
4. Other matters that may arise in relation to staffing agency positions within delegated staffing agreement authority.

Note: All correspondence regarding a delegated transaction should be directed to the HR Consultant assigned to the agency.

Sec. 248.080 Auditing

The Division of Merit Recruitment and Selection will periodically (at a minimum every three years, and as deemed necessary) perform a formal review of an agency's transactions pertaining to delegation and adherence to the *Agency Delegation Staffing Guidelines*. The Division will contact the agency HR Director to schedule the audit. During DMRS' auditing process, agencies should be prepared to allow the HR Consultant and Lead Auditor to review information on agency exams and registers, completed certification requests, related electronic files, etc. A sample of the audit checklist (Staffing & Classification Program Review) that DMRS follows is posted on the OSER website. At the end of the review, DMRS staff will provide a report and meet with the agency to discuss the results. The report will include the results of the review and highlight program strengths as well as identify any areas needing improvement. The report will include an action plan to correct any problems that may have been identified during the review process. After the agency HR Director has reviewed the report, he/she may respond in writing to the findings.

Sec. 248.090 Appeals

1. For matters appealed to the Wisconsin Employment Relations Commission (WERC) on actions by the delegated agency, the agency will be responsible for representing the joint interests of the agency and DMRS unless DMRS chooses to represent both parties. All appealed matters not covered by the delegation

agreement will be coordinated by the OSER Legal Counsel, the HR Consultant, and the agency's representative.

2. For matters appealed to the WERC on actions taken by the agency and/or DMRS regarding non-delegated transactions, DMRS will be responsible for representing the joint interests of both parties unless the agency is a named party and chooses to represent itself with DMRS' consent.
3. An agency that handles an appeal under either one of the two previous paragraphs must provide DMRS with a copy of the settlement agreement. The Division reserves final authority to approve any settlement agreement for all such appeals to the WERC.

Sec. 248.100 Administrative Information

This chapter was originally created in May 2005 to replace the staffing portion of Chapter 772—Personnel Management Delegation of the *Wisconsin Personnel Manual*. The classification portion of that chapter was re-written in January 2003 and published as Chapter 300—Classification Management Delegation of the *Wisconsin Human Resources Handbook*. Chapter 772 of the *Wisconsin Personnel Manual* is now obsolete.

The chapter was revised in October 2005 to clarify the appeal responsibilities for delegated transactions under section 248.090.

In October of 2011, the chapter was revised to remove references to narrative response exam types Achievement History Questionnaire (AHQ) and Application Materials Review (AMR) and replace them with the Training and Experience Assessment (T&E). The auditing timeframe was modified to be consistent with the duration of agreement. Professional Consultant LTE was added to the list of non-delegated items.

In May of 2012, Attachment #3 was added to identify individual professional-level HR classifications which are not delegated for staffing.

In June of 2013, a statement was added to section 248.040 regarding DMRS authority to approve delegation of other staffing functions not covered in a *Delegation Agreement*. Instructions on procedures for non-delegated staffing actions were added to section 248.060. Random-ranked position recruitments were added to section 248.060 regarding delegation limitations and added to the list of recruitments not delegated to agencies as part of the staffing delegation agreement noted in the guidelines in Attachment #2. Section 248.080 regarding audits was updated to include implementation of a three-year schedule instead of a five-year schedule of program review. Attachment #3 was modified to add a new classification, Corrections HR Supervisor. Also added were Executive Equal Opportunity Specialist and Senior.

STAFFING DELEGATION AGREEMENT

**DELEGATION OF STAFFING FUNCTIONS TO
THE DEPARTMENT OF [agency name]
BY THE DIVISION OF MERIT RECRUITMENT AND SELECTION
OFFICE OF STATE EMPLOYMENT RELATIONS**

I. DELEGATION AUTHORITY

Under the authority of s. 230.05(2)(a), Wis. Stats., the Administrator of the Division of Merit Recruitment and Selection (DMRS) delegates to the **Department of [agency name]**, hereafter referred to as the Agency, the authority set forth in Article III below to perform specified staffing functions.

This Delegation Agreement is specifically designed to meet the unique mission and employment needs of the Agency and as such does not apply to other state agencies.

II. GOALS AND OBJECTIVES

The goal of delegating staffing authority is to give the Agency the means to obtain well-qualified job candidates in an efficient and timely manner. Delegating staffing authority will increase the productivity of human resources staff and help eliminate unnecessary delays and duplication of effort.

III. SCOPE OF DELEGATION

DMRS delegates to the Agency the authority to perform specified staffing functions for all classifications used by the Agency except those classifications, activities, and actions excluded in the *Agency Delegation Staffing Guidelines*. In turn, the Agency agrees that the processes and activities of recruiting and selecting employees for the agency positions are performed and reviewed or endorsed by specialists. As provided for in s.230.05(2), Wis. Stats., the Agency agrees to maintain a minimum of two specialists who are adequately trained to perform the staffing activities delegated in this agreement according to applicable statutes, administrative codes, DMRS policies, and other relevant directives as identified by DMRS. Both agencies understand that this agreement may result in workload imbalances. If such problems occur, both agencies will make all reasonable efforts to assist each other to meet workload demands for staffing Agency positions.

IV. AUDITING

Section 230.05(2)(b), Wis. Stats., prohibits the DMRS Administrator from delegating any of his or her final responsibility for monitoring and oversight of the merit recruitment and selection program. Therefore, DMRS has established an auditing process to ensure best practices and procedures are used throughout the state. DMRS will partner with the Agency to review and evaluate the Agency's practices and procedures. This process may result in recommendations for enhancements, change, training, and new procedures. In some cases, the Agreement may be rescinded.

V. DURATION OF AGREEMENT

This delegation agreement will remain in effect until rescinded or modified in writing by the DMRS Administrator. DMRS will re-evaluate the delegation agreement every three years. At that time, the agreement may be extended, modified, or rescinded by the DMRS Administrator. DMRS reserves the right to withdraw or modify any portion of this agreement, pursuant to s. 230.05(2)(a), Wis. Stats. The Agency may terminate this agreement in whole or in part upon 90 days notice subject to the provisions of s. 230.05, Wis. Stats. Any changes to this Agreement will be attached to the original as an amendment.

As Secretary of the Department of [agency name], I accept delegation of the authority as provided in s. 230.05(2)(a), Wis. Stats.

FOR: Department of [agency name]

FOR: Division of Merit Recruitment and Selection

[name]
Secretary

Jack R. Lawton
DMRS Administrator

Date

Date

Attachment # 2

Agency Delegation Staffing Guidelines

In order for an agency to hold a staffing delegation agreement with the Office of State Employment Relations, Division of Merit Recruitment and Selection, the agency must maintain a staff level that is proficient in all the areas of recruitment and selection. This means that there must be a knowledgeable staff member responsible for reviewing or endorsing the work of other specialists. This review is critical to ensure that the methods used are within the merit system legal standards.

An individual or individuals within an agency must be able to perform the delegated tasks listed below. Many of these tasks must be completed in conjunction with the subject matter expert/hiring supervisor.

PREPARATION FOR A RECRUITMENT

1. Obtain the necessary position approvals (budget and class).
2. Prepare an up-to-date position description, including a knowledge, skills, and abilities section. (This is the responsibility of the hiring supervisor in conjunction with HR. See *Wisconsin Human Resources Handbook* Chapter 310 for required format and content.)

JOB ANALYSIS

3. Review and approve a related register request (when both registers are held by the agency).
4. Obtain and analyze High Importance Job Content (HIJC) ratings on the position description.

JOB ANNOUNCEMENTS AND RECRUITMENT

5. Select the appropriate Area of Competition for filling the position, i.e., union transfer, at-risk appointment, permissive transfer, reinstatement, restoration, demotion, existing registers, promotional, or open recruitment.
6. Conduct an Area of Competition analysis (feeder group analysis), if needed.
7. Prepare a Recruitment Activity Plan that thoroughly documents and communicates recruitment activities.
8. Prepare and publish an announcement in the Employee Referral Service (WISCERS).
9. Prepare a Wisc.Jobs announcement that identifies the key elements from the position description.
10. Recruit (write announcements and ads, identify recruitment resources, etc.).

EXAM DEVELOPMENT

11. Determine the appropriate exam type.
12. Work with job experts to develop an examination that conforms to professional and legal standards; must be able to develop Training and Experience Assessment, Objective Inventory Questionnaire (OIQ), essay, and oral exams.
13. Create an exam master in Wisc.Jobs.
14. Create an online exam in Wisc.Jobs.

EXAM ADMINISTRATION

15. Administer an examination.
16. Collect and blind examination responses.
17. Schedule and coordinate a rating panel.

EXAM SCORING AND STATISTICAL ANALYSIS

18. Conduct the exam scoring or rating process.
19. Collect and enter exam scores into Wisc.Jobs.
20. Summarize and analyze exam results in Excel, Wisc.Jobs, or another statistical software package. (Must be able to understand statistical theory and its relationship to staffing; understand reliability; plan for validity; and calculate mean, coefficient alpha, or other reliability measurements, standard error of measurement, variance, standard deviation, confidence intervals, etc.)
21. Generate and analyze the Adverse Impact Report.
22. Adjust passing point.
23. Evaluate and document passing point decisions on the *Exam Score Analysis* form or similar form.

REGISTER CREATION AND MAINTENANCE

24. Verify eligibility of applicants for internal promotional registers.
25. Create and approve register in Wisc.Jobs.
26. Integrate a register.
27. Generate and distribute *Examination Results* notices.
28. Push grade notice information to the applicant's job cart in Wisc.Jobs.
29. Generate and distribute suspension letters for agency-held registers.
30. Receive applicant correspondence/requests and update records.
31. Reactivate or extend an agency-held register.

CERTIFICATION

32. Enter a certification request in Wisc.Jobs selecting the appropriate certification rule.
33. Determine underutilization.
34. Certify.
35. Apply expanded certification rules.
36. Change the existing certification rule to a broader certification rule.
37. Enter reports of action (ROA) in Wisc.Jobs.
38. Send removal letters for applicants with a Failed to Show (FS) ROA on agency held registers.
39. Supplement a certification with new names by getting replacement names through ROAs or by adding an additional register.
40. Verify the necessary applicant information for potential hire.
41. Close a certification within 60 days: generate the Cert Request Report in Wisc.Jobs and resolve any issues with outstanding certifications.

PROBATIONARY PERIODS AND PROJECT APPOINTMENTS

42. Review requests and approve/deny extensions of probationary periods for employees serving a new original or permissive probationary period.
43. Review requests and approve/deny waivers of employees' permissive probationary periods.
44. Review and approve project appointments for classifications they have delegation for.

NON-DELEGATED ITEMS:

The following list contains recruitments and tasks that are not delegated. For assistance in these areas, contact the DMRS HR Consultant assigned to the agency.

1. Random-ranked position recruitments
2. Recruitments for Attorney classifications.
3. Recruitments for professional-level Human Resources classifications (See WHRH Chap. 248, Attachment #3)
4. Recruitments for Chaplains.
5. Recruitments for LTE Professional Consultants

6. Recruitments where DMRS maintains a central register, including multiple choice exams and ELPA (Entry Level Accountant and Auditor).
7. Related register requests to use a register created by another agency.
8. Removal of applicants from registers and certifications (including removals for applicants with a Failed to Show [FS] report of action on registers not held by the agency).
9. Changing the existing certification rule to a more restrictive certification rule.
10. Cancel certifications. (See ER-MRS 6.095, Wis. Adm. Code.)
11. Lengthened probationary period requests.
12. Acting assignments that exceed 45 days.
13. Provisional LTE appointments.

Note: In most cases, multiple choice exams will not be delegated. For those agencies where multiple choice exams are delegated, the *Agency Delegation Staffing Guidelines* will be amended to reflect this. Additionally, other items listed above may be delegated on a case-by-case basis.

Attachment #3

List of Professional-Level HR Classifications Not Delegated for Staffing

Class Code	Classification Title	Pay Schedule	Pay Range	Additional procedures considerations
10930	CORR HUMAN RESOURCES SUPERVISOR	81	3	
11440	EMPLOYMENT RELATIONS MGR-UW SYSTEM	81	1	Agency Career Exec , May need DMRS to function as lead recruiter working directly with the hiring manager.
11210	EMPLOYMENT RELATIONS PROG COORD	81	2	Agency Career Exec , May need DMRS to function as lead recruiter working directly with the hiring manager.
11410	EMPLOYMENT RELATIONS SPECIALIST	81	3	
74310	EQUAL OPPORTUNITY PROG OFFICER	81	2	Agency Career Exec , May need DMRS to function as lead recruiter working directly with the hiring manager.
74312	EQUAL OPPORTUNITY PROG SPEC	81	4	
74313	EQUAL OPPORTUNITY PROG SPEC-SENIOR	81	3	
74412	EXEC EQUAL OPPORTUNITY SPECIALIST	81	4	OSER HR Professional , DOA HR works with DMRS for exam and scoring approval.
74413	EXEC EQUAL OPPORTUNITY SPEC-SENIOR	81	3	OSER HR Professional , DOA HR works with DMRS for exam and scoring approval.
10990	EXEC HUMAN RESOURCES MANAGER	81	1	OSER Career Exec , DOA HR lead recruitment working directly with hiring manager.
10970	EXEC HUMAN RESOURCES OFFICER	81	2	OSER Career Exec , DOA HR works with DMRS for exam and scoring approval.
10904	EXEC HUMAN RESOURCES SPEC-ADV	81	3	OSER HR Professional , DOA HR works with DMRS for exam and scoring approval.
10902	EXEC HUMAN RESOURCES SPECIALIST	81	4	OSER HR Professional , DOA HR works with DMRS for exam and scoring approval.
10903	EXEC HUMAN RESOURCES SPEC-SENIOR	81	3	OSER HR Professional , DOA HR works with DMRS for exam and scoring approval.
10110	HUMAN RESOURCES COORDINATOR	81	4	

Class Code	Classification Title	Pay Schedule	Pay Range	Additional procedures considerations
10890	HUMAN RESOURCES MANAGER	81	1	Agency Career Exec , DMRS will function as lead recruiter working directly with the hiring manager.
10810	HUMAN RESOURCES PROGRAM OFFICER	81	2	Agency Career Exec , May need DMRS to function as lead recruiter working directly with the hiring manager.
10802	HUMAN RESOURCES SPECIALIST	81	4	
10804	HUMAN RESOURCES SPECIALIST-ADV	81	3	
10803	HUMAN RESOURCES SPECIALIST-SENIOR	81	3	
10830	HUMAN RESOURCES SUPERVISOR	81	3	
11010	INSTITUTION HUMAN RESOURCES DIRECTOR	81	4	
11110	INSTITUTION HUMAN RESOURCES DIRECTOR-ADV	81	3	
11240	LABOR RELATIONS MANAGER	81	1	OSER Career Exec , DOA HR works with DMRS for exam and scoring approval.
11211	LABOR RELATIONS SPEC	81	3	OSER HR Professional , DOA HR works with DMRS for exam and scoring approval.
11213	LABOR RELATIONS SPEC-CHIEF	81	2	OSER Career Exec , DOA HR works with DMRS for exam and scoring approval.
11212	LABOR RELATIONS SPEC-SENIOR	81	3	OSER HR Professional , DOA HR works with DMRS for exam and scoring approval.
10310	NAT RES HUMAN RESOURCES MANAGER	81	3	
10910	UW HUMAN RESOURCES MANAGER	81	4	
11310	UW HUMAN RESOURCES MANAGER-ADV	81	3	