

# Wisconsin Human Resources Handbook

## Chapter 212

### Certification Procedures

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#### Sec. 212.010 Introduction

The certification list of names is the end result of the initial assessment activity and is an integral part of the staffing process. The law and rules provide for numerous options and alternatives. This chapter is designed to assist those creating and receiving certification lists to ensure that certifications are accurate and used correctly.

During the completion of the Selection Assessment Strategy (DOA form 15536) and prior to posting the job announcement, the certification rule that will be used to produce a certification list will be determined.

#### Sec. 212.020 Statutory and Rule Authority

Wisconsin Statutes Chapter 230, and Wisconsin Administrative Code Chapter ER-MRS-12, authorize the Director of the Bureau of Merit Recruitment and Selection (BMRS) to certify eligible applicants as provided in the law and rules.

1. “Appointing authorities shall give written notice to the director of any vacancy to be filled in any position in the classified service. The director shall certify, under this subchapter and the rules of the director, from the register of eligibles appropriate for the kind and type of employment, the grade and class in which the position is classified, any number of names at the head thereof. In determining the number of names to certify, the director shall use statistical methods and personnel management principles that are designed to maximize the number of certified names that are appropriate for filling the specific position vacancy. Up to 2 persons considered for appointment 3 times and not selected may be removed from the register for each 3 appointments made.” s. 230.25(1), Wis. Stats.
2. “After certifying names under sub. (1), the director shall additionally certify the names of the 3 highest ranked disabled veterans whose disability is at least 70 percent and the 3 highest ranked individuals each of whom is the spouse of a disabled veteran whose disability is at least 70 percent.” s. 230.25(1g), Wis. Stats.
3. “After certifying names under sub. (1), the director shall additionally certify the names of all of the following:
  - a. The 3 highest ranked veterans.
  - b. The 3 highest ranked disabled veterans who are not certified under par. (a).

- c. The 3 highest ranked individuals each of whom is an unremarried spouse of a veteran who was killed in action.
  - d. The 3 highest ranked individuals each of whom is an unremarried spouse of a veteran who died of a service-connected disability.”
  - s. 230.25(1m), Wis. Stats.
4. “After certifying names under subs. (1), (1g) and (1m), the director may engage in expanded certification by doing one or more of the following:
- 1. Certifying up to 3 names of persons belonging to at least one of specified racial or ethnic groups.
  - 2. Certifying up to 3 names of persons of a specified gender.
  - 3. Certifying up to 3 names of persons with a disability.”
- s. 230.25(1n)(a), Wis. Stats.
5. “Unless otherwise provided in this subchapter or the rules of the director, appointments shall be made by appointing authorities to all positions in the classified service from among those certified to them in accordance with this section. Appointments shall be made within 30 days after the date of certification unless an exception is made by the director . . .” s. 230.25(2)(b), Wis. Stats.
6. “Whenever a vacancy occurs in a position in the classified service, the appointing authority may appoint a disabled veteran on a noncompetitive basis if all of the following occur . . .” s. 230.275, Wis. Stats.
7. “The director shall use techniques and procedures designed to certify eligible applicants to any vacant permanent position within 30 days after the filing of an appropriate request by an appointing authority.” s. 230.05 (7), Wis. Stats.
8. “(1) Each appointing authority of an agency with more than 100 authorized permanent full-time equivalent positions shall prepare and implement a plan of action to employ persons who, at the time determined under sub. (4), receive aid under s. 49.19, or benefits under s. 49.147(3) to (5). . . .”  
“(2) Each appointing authority of an agency with 100 or fewer authorized permanent full-time equivalent positions is encouraged to employ persons who, at the time determined under sub. (4), receive aid under s. 49.19, or benefits under s. 49.147(3) to (5). . . .”  
“(4) The determination of when a person is receiving aid under s 49.19 for the purposes of this section shall be made as follows: (a) For positions in the classified service, when the person is certified under s. 230.25.” s. 230.147, Wis. Stats.
9. “Annually, each appointing authority shall submit a report to the director and the administrator indicating the number of days it took to make an offer of employment for a vacant position after receiving from the director a list of names of individuals who are certified for appointment to the positions.” s. 230.15(6), Wis. Stats.
10. “(1) The director shall provide by rule, the conditions, not otherwise provided by law, under which an eligible may be refused certification. These conditions shall be based on sufficient reason and shall reflect sound technical personnel management practices and those standards of conduct, deportment, and character necessary and demanded to the orderly efficient and just operation of the state service.  
(2) If the director refuses to certify an eligible, as provided in this section, the director, if requested by the applicant so rejected within 10 days of the date of receipt of the notice of rejection, shall give the applicant a full and explicit statement of the exact cause of such refusal to certify. Applicants may appeal to the commission the decision of the director to refuse to certify under s. 230.44(1)(a). . . .” s. 230.17, Wis. Stats.

### Sec. 212.030 Definitions

The following are definitions of terms used in this Chapter.

1. **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.
2. **Appointment:** “. . . [T]he action of an appointing authority to place a person in a position within the agency in accordance with the law and chs. ER 1 to 47 and ER-MRS 1 to 34, Wis. Adm. Code, effective when the employee reports for work or is in paid leave status on the agreed starting date and time. ‘Appointment’ does not include an acting assignment under ch. ER-MRS 32.” s. ER-MRS 1.02(2), Wis. Adm. Code.
3. **Certification:** A list of candidates from the register who will be moved on to any post-certification selection process (e.g. phone screen, interview, another post-cert assessment, etc.). These are the candidates who have been identified as the most qualified candidates based upon evaluation of their assessment materials.
4. **Certification request:** The electronic or paper form that identifies a vacant position and is updated with hire information upon a person’s appointment to the position.
5. **Certification rule:** Number of names that the appointing authority determines to be certified from the appropriate register. These applicants will move on to any post-certification selection processes that have been pre-determined on the Selection Assessment Strategy (e.g. phone screen, interview, another post-cert assessment, etc.).
6. **Disabled veteran:** A veteran who has a service-connected disability.
7. **Equal consideration:** All candidates are treated equally from point of certification through the initial hiring process, commonly an employment interview. What is done for one candidate initially is done for all others.
8. **Register:** List of applicants who have completed the application process and have been deemed eligible. Applicants may be assigned passing civil service scores and be ranked on the register based on those scores if the assessment used a numerical score to determine eligibility. If the assessment applied pass/fail or eligible/not eligible to applicants and (by default) therefore no numerical score, all applicants deemed passing or eligible will be placed on the register.
9. **Report of Action:** The response from a certified candidate regarding his/her interest in the position for which they were certified or the action taken by the appointing authority.
10. **Veteran:** “Except as provided in s. 230.16 (7m), "veteran" means any of the following:
  - (a) A person who served on active duty under honorable conditions in the U.S. armed forces and who was entitled to receive any of the following:
    1. The armed forces expeditionary medal established by executive order 10977 on December 4, 1961.
    2. The Vietnam service medal established by executive order 11231 on July 8, 1965.
    3. The navy expeditionary medal.
    4. The marine corps expeditionary medal.
  - (b) A person who served on active duty under honorable conditions in the U.S. armed forces in a crisis zone, as defined in s. 45.01(11), Wis. Stats.
  - (c) A person who served on active duty under honorable conditions in the U.S. armed forces for at least one day during a war period, as defined in s. 45.01 (13), Wis. Stats., or under section 1 of executive order 10957 dated August 10, 1961.
  - (d) A person who served on active duty under honorable conditions in the U.S. armed forces for 2 continuous years or more or the full period of the person’s initial service obligation, whichever is less. A person discharged from the U.S. armed forces for reasons of hardship or a service-connected disability or a person released due to a reduction in the U.S. armed forces prior to the completion of the required period of service shall also be considered a “veteran” regardless of the actual time served.” s. 230.03(14), Wis. Stats.

**Sec. 212.040 Preparing to Certify**

1. Agency human resource staff should complete the electronic or paper *Certification Request/Report* (DOA-15313) or a similar form with equivalent information. (See <https://dpm.wi.gov/PublishingImages/Pages/Forms/Certification%20Request%20Report%20%28DOA%20-%2015313%29.pdf> for a copy of the form.) Necessary budget and classification approvals should be obtained. If the position is represented, complete any necessary steps required by union contract.
2. Determine if an existing or related register can be used, if an expired register can be reactivated, or if a new recruitment must be established.
  - a. If a register exists for the same classification and geographical area for an agency and it was created in the last 30 days, the agency that initially created the register is required to use it to certify applicants to fill a vacancy. If there is a business reason that would require the creation of a new register when one exists that is less than 30 days old, justification must be documented in the recruitment folder. Agencies must submit a justification to BMRS for approval prior to creating the new register. Agencies may also establish policies that would require the use of certain registers for a longer period of time (i.e. for large recruitments that are run on a regularly scheduled basis).
  - b. If a new register must be established, follow established competitive selection procedures, outlined in [Chapter 176](#) of the *Wisconsin Human Resources Handbook*.
  - c. When no register exists for the classification of a vacancy, use of a related register may be authorized by BMRS under s. ER-MRS 12.04, Wis. Adm. Code. when a register exists for a different classification and:
    - 1) The duties of the vacancy to be filled are essentially the same as the duties of the vacancy described in the job announcement for the existing register.
    - 2) The pay range of the vacancy is not higher than the pay range of the classification for which the related register was established.
    - 3) The geographical recruitment area is the same.
    - 4) No register exists that is more appropriate.See [Chapter 204](#)—Assessment Evaluation and Register Establishment, of the *Wisconsin Human Resources Handbook*, for procedures on requesting use of a related register and completing a *Request to Use Related Register* form (DOA-15516).
  - d. A register may be reactivated for up to 1 year-and an appointing authority may request an additional extension provided the total time does not exceed 3 years. The decision to extend or reactivate a register is based on consideration of factors such as the number of candidates remaining on the register, the potential for attracting new applicants of equal or greater qualifications, and the state's interest in the efficient and timely staffing of positions.
3. Create a certification in Wisc.Jobs or another system if deemed appropriate. (See the *Wisc.Jobs Training Guide* for specific instructions.) Wisc.Jobs will certify the appropriate number of candidates from the register based on the selected certification rule, geographic location of the position, type of employment (full-time, part-time, etc.), and any special qualifications or requirements of the position. (Note: W-2 is considered a special qualification and should be entered at this time if the agency wants the certification list to contain only W-2 participants.)

### Sec. 212.050 Determining the Minimum Number to Certify

1. The law allows for use of flexible certification, which allows flexibility in the number of names certified for classified civil service vacancies. In deciding the number to certify, consider such factors as the number of anticipated applicants, the type of assessment and scale used, and number of vacancies. All agencies wishing to use flexible certification must determine the proposed certification approach, strategy or rule, along with the supporting rationale during the completion of the Selection Assessment Strategy, prior to announcing the vacancy.
2. In a pass/fail initial assessment, the successful candidates are evaluated as eligible and the entire list or “flex all qualified” will be certified. However, when necessary a scoring mechanism may be used to narrow the applicant pool for interview. In this instance, five is the minimum number of persons to be certified (basic, excluding expanded certification). If a larger list is needed, the number certified can be increased in increments of five (e.g., 15, 20, etc.) where ranked registers are used. For small registers (i.e., 15-20 names), adopting a “flex all qualified” certification rule is recommended by certifying everyone on the list, where applicable. For registers established on an “eligible-not eligible” or “pass-fail” basis, all persons considered as “eligible” or “pass” must be certified and given equal consideration regardless of the number of candidates on the register.
3. When an agency wishes to lower the certification rule or decrease the number certified on an established certification list, the agency must allow BMRS to review the revised certification rule. No review is necessary when increasing the number to be certified. If BMRS review is necessary, submit a proposal to the appropriate BMRS Human Resources Consultant seeking a modified certification rule supported by the business rationale for the change, e.g., candidate quality, placement of affirmative action target group members, recruitment results producing many more or fewer candidates than initially anticipated, or other relevant factors. BMRS approval will be based, in part, on the merits of the agency proposal and the ability of the agency to manage the registers and certification process properly.
4. If an agency uses a related register, the agency may select the certification rule most appropriate for the needs of the agency.

### Sec. 212.060 Certification Categories

If a numerical score and rank is applied at any step of the pre-certification assessment process, expanded certification rules must be applied. In addition to names certified under basic (BAS) certification provisions, other candidates may be certified under the following categories: veteran status (VET), disabled expanded certification (DEC), minority expanded certification (MEC), women expanded certification (WEC), and disabled eligible (DEL), in that order.

1. Basic Certification (BAS) – Section 230.25(1), Wis. Stats., states, in part, that “the director shall use statistical methods and personnel management principles that are designed to maximize the number of certified names that are appropriate for filling the specific position vacancy.” The agency will decide the appropriate number of people to be certified for the vacant position. (See section 212.050 of this handbook chapter for determining the minimum number to certify.)
2. Veterans status (VET) – Section 230.25, Wis. Stats., states in part:  
“(1g) After certifying names under sub. (1), the director shall additionally certify the names of the 3 highest ranked disabled veterans whose disability is at least 70 percent and the 3 highest ranked individuals each of whom is the spouse of a disabled veteran whose disability is at least 70 percent.  
  
(1m) After certifying names under sub. (1) the director shall additionally certify the names of all the following:
  - (a) The 3 highest ranked veterans.
  - (b) The 3 highest ranked disabled veterans who are not certified under par. (a).

- (c) The 3 highest ranked individuals each of whom is an unmarried spouse of a veteran who was killed in action.
- (d) The 3 highest ranked individuals each of whom is an unmarried spouse of a veteran who died of a service-connected disability."

Persons who qualify in one of the veteran categories but who are certified under the BAS certification provision without regard to their veteran status are not counted for purposes of this certification provision.

An applicant must request eligibility for veteran status by completing the *Veteran Status* form. This can be done online through the applicant's *Wisc.Jobs Job Cart* or by completing the paper form (DOA-15529). (See <https://dpm.wi.gov/Documents/DPM%20FORMS/DOA-15529%20Veteran%20Status.pdf> for a copy of the form.) The applicant needs to submit a completed form only once because the information will remain in *Wisc.Jobs* and will be applied to future applications. In order to qualify for certification as a veteran, the applicant must be considered eligible or receive a passing civil service score.

Prior to making an appointment of a person certified under the VET category, the veteran's status must be verified by the appointing agency. See [Chapter 246](#)—Verifying Applicant Information and Securing Applicant Background Checks, of the *Wisconsin Human Resources Handbook* for verification guidelines. If the candidate's DD214 has been reviewed and is eligible for veteran status, indicate this in *Wisc.Jobs* by checking the "DD214 Form Verified" box under the "Vets Information" section on the Applicant Detail screen.

3. Disabled Expanded Certification (DEC) – Section 230.25(1n), Wis. Stats., and s. ER-MRS-12.06, Wis. Adm. Code, indicate that up to three names of persons with a disability can be certified. "To be eligible for certification under this section, a person shall have a permanent physical or mental impairment which substantially limits the major life activity of working. "Substantially limits" means significantly restricts the ability to perform either a class or broad range of jobs compared to the average person who has comparable training, skills and abilities." s. ER-MRS-12.06(2), Wis. Adm. Code.

Applicants are eligible for DEC, when a qualified professional verifies the disability and eligibility for the program by completing the *Disabled Expanded Certification Verification* form (DOA-15521) and submitting it to BMRS prior to certification. (For a copy of this form, see <https://dpm.wi.gov/PublishingImages/Pages/Forms/Disabled%20Expanded%20Certification%20%28DOA%20-%2015521%29.pdf>.) The verification will be valid for all positions for which the person applies for five years after the date BMRS receives the verification. See s. ER-MRS-12.06(3), Wis. Adm. Code.

Persons who have a disability but who are certified under the BAS certification provision without regard to their disability are not counted for purposes of this certification provision.

4. Minority Expanded Certification (MEC) – Section 230.25(1n), Wis. Stats., and s. ER-MRS-12.05, Wis. Adm. Code, indicate that up to three names of persons belonging to at least one or more specified racial or ethnic groups can be certified. The determination of whether there is underutilization for minorities is automatically handled within *Wisc.Jobs*. To manually determine this, refer to the Underutilization Table by Job Group. (The table is located on the DOA/DPM website [here](#).) Information regarding an applicant's racial/ethnicity is obtained from the candidate's *Application for State Employment* either online through *Wisc.Jobs* or on the form (DOA-15505) or in other written communication. (See <https://dpm.wi.gov/Documents/DPM%20FORMS/DOA-15505%20Application%20for%20State%20Employment%20with%20Instructions.pdf> for a copy of the form.)

Minorities certified are those with the three highest passing civil service scores not otherwise certified. Minorities certified under the BAS certification provision are not counted for purposes of MEC.

5. Women Expanded Certification (WEC) – Section 230.25(1n), Wis. Stats., and s. ER-MRS-12.05, Wis. Adm. Code, indicate that up to three names of persons of a specified gender can be certified. The

determination of whether there is underutilization for women is automatically handled within *Wisc.Jobs*. To manually determine this, refer to the Underutilization Table by Job Group. Information regarding an applicant's gender is obtained from the candidate's *Application for State Employment* form (DOA-15505) or in other written communication.

The women certified are those with the three highest passing civil service scores not otherwise certified. Women certified under the BAS certification provision are not counted for purposes of WEC.

6. **Disabled Eligible (DEL)** – Section ER-MRS 12.07, Wis. Adm. Code, states that the BMRS Director may waive the competitive procedure requirement for a person with a disability under this section if the director determines that the disability precludes the person from equitably participating in the competitive procedure used to evaluate candidates certified under s. 230.24(1) or 230.25 Wis. Stats., because of impaired sensory, manual, reading, or speaking skills not related to the tasks to be performed after reasonable accommodations have been made on the job.

Because persons with disabilities can be accommodated in the taking of civil service competitive selection assessments to eliminate any effect of their disability, which might otherwise lower their civil service score or eligibility, the DEL category is not used often. Providing readers, signers, interpreters, extending time limits, and providing various physical accommodations are commonplace. (See [Chapter 164](#)—Application Process, of the *Wisconsin Human Resources Handbook* regarding providing special accommodations.)

7. In the event a person could be certified under more than one of the categories, that individual is certified under only one, this being the first category for which they are eligible in the following order: Basic (BAS), one of the six veteran status (VET) categories, disabled expanded (DEC), minority expanded (MEC), women expanded (WEC). For example, a candidate who is eligible to be certified under one of the VET categories and WEC would only be certified under the appropriate VET category because names are certified under this category before WEC.

### **Sec. 212.070 Transfers Reinstatements, and Voluntary Demotions**

1. Persons eligible to be appointed to a position via transfer, reinstatement or voluntary demotion may be considered without being required to complete the preliminary assessment with open candidates, and are not “certified” to an agency from *Wisc.Jobs* unless the individual has taken the appropriate assessment and is eligible for certification from the register. However, such persons may be eligible for the same degree of employment consideration as certified candidates. Adequate planning regarding consideration of such persons and the manner in which they will be handled should be decided early in the developmental stages of the staffing process. (See chs. ER-MRS-15, 16, and 17, Wis. Adm. Code.)
2. Additional names may be referred to an agency from the State Injured Worker Re-Employment Program. The purpose of this program is to return state injured workers to appropriate employment as soon as possible per ss. 102.35 and 102.44, Wis. Stats (Worker’s Compensation Statute). Employees participate in this program when work restrictions indicate the injured worker may not be able to return to the job held at the time of the work injury. The Coordinator of the Re-Employment Program obtains information from *Wisc.Jobs* and other sources regarding potential vacancies within an agency. The Coordinator contacts the agency when it appears that someone from the program is qualified for an existing position. The candidate can be considered prior to certification or with other certified names. Depending on the worker’s classification at the time of injury, the candidate may be eligible for the position through transfer, reinstatement, or voluntary demotion.

### Sec. 212.080 Non-Competitive Appointment of 30% Disabled Veterans

Agencies are permitted (but not required) to make non-competitive appointments of 30 percent or more disabled veterans to classified civil service vacancies without following existing procedures for filling classified positions (announcement, recruitment, competitive assessment, certification, etc.), per ss. 230.15(2m) and 230.275, Wis. Stats. The law requires that certain conditions be met to make a non-competitive appointment. See Policy Bulletin [DPM-0456-MRS](#) – Delegation of Non-Competitive Appointment of Certain Disabled Veterans, for more details.

### Sec. 212.090 Supplementing Certifications

1. Supplemental certification is used when the number of interested and available candidates is less than the number originally requested. Reports of action may be entered in *Wisc.Jobs* for those people who are not interested in interviewing (NI), failed to respond to inquiry (FR), are not available (NA), declined an offer for the position (DO), are unable to locate (UL), failed to show (FS), or not eligible (NE). (See section 212.150 [1g] of this handbook chapter regarding the FS report of action.) Upon entering the appropriate reports of action or increasing the certification rule, additional replacement names may be certified.
2. When there are an insufficient number of names remaining on a register to provide a certification, consideration can be made to certify from a related register as indicated in s. ER-MRS 12.04, Wis. Adm. Code. This option must be discussed with a BMRS. The necessary approvals must be given for use of a related register. See [Chapter 204](#) —Assessment Evaluation and Register Establishment of the *Wisconsin Human Resources Handbook*.

### Sec. 212.100 Certification Lists

Upon entering a certification in *Wisc.Jobs*, the system will generate two certification lists: the alphabetical certification list and the ranked certification list. Each list provided will indicate whether the certification includes qualifying veterans and affirmative action group members for underutilized positions.

1. The alpha certification list will contain the names of the candidates in alphabetical order, along with contact information (address, telephone number, etc.); this list will not contain any scores nor identify how the candidates are certified. Whether the position is underutilized for minorities or women will be printed on the alpha list whenever applicable. In addition, the list will include the number of certified applicants in the following categories:
  - a. Total number of minorities on list.
  - b. Total number of women on list
  - c. Total number of veterans on list.
  - d. Total number of individuals who qualify for disability expanded certification on list.

Statements will be generated whenever applicable regardless of whether the racial/ethnic minority, woman, or veteran was certified on the basic certification or through expanded certification.

The alpha certification list should be forwarded to the agency's hiring manager.

2. In addition to the information on the alpha list, the ranked list contains the eligibility/civil service score, racial/ethnic status, gender, veteran status, and certification category under which the candidate was certified. The information on this list is confidential and is for human resources office use only; it should not be shared with anyone outside that office, including the hiring manager

3. In addition to the alpha certification list, hiring managers may be provided unscored narratives and resumes. See *Wisconsin Human Resources Handbook Chapter 192*—Security of Confidential Selection Process Materials, regarding public disclosure.
4. Upon the appointing authority's and/or hiring manager's receipt of the certification list, all certified candidates must be contacted and considered for the vacant position. A communication inquiring about interest in interviewing for the position will be sent to the candidate. Contact may be made by telephone, mail, or e-mail. If the list is short, it may be worthwhile to contact the candidates by telephone. If the list is long, it may be more efficient to contact the candidates by mail or email. If contact is made by telephone and a message must be left for the candidate, or an e-mail is sent, indicate that the individual must respond within two work days (an agency may extend this deadline but it must give the certified registrant at least two work days to respond). Make it clear the person will be considered as "not interested" in the position if they do not respond by the specified date/time. If the certification list is quite lengthy, contact should be made by mail or email (see Attachment #1 for a sample applicant certification letter). See s. ER-MRS 11.04(1)(b), Wis. Adm. Code.

**Note:** An agency may wish to perform a post-certification screening prior to scheduling candidates for an interview. For example, if the certification list is large, the agency may choose to contact the candidates by telephone to obtain information regarding additional selection criteria. This is called a phone screen. Based on the candidates' response, the agency will identify those candidates who are eligible for an interview. A report of action of NS (not selected) should be entered when closing the certification. (See section 212.150 of this handbook chapter for information regarding reports of action.) (See *Wisconsin Human Resources Handbook Chapter 176* for information regarding post-certification assessments.)

5. An agency must ensure that all candidates certified are given equal consideration for the vacancy. This means all candidates are treated the same; what is done with one candidate will be the same for all others. For example, the same post-certification assessment, same interview questions, etc. will be used for all candidates.
6. At the time of making an appointment, it is necessary to verify the accuracy of any information relating to the appointee's veteran's status, racial or ethnic group, or any other special qualifications required for the position. See [Chapter 246](#)—Verifying Applicant Information and Securing Applicant Background Checks of the *Wisconsin Human Resources Handbook*.
7. Certified candidates who have received appointment consideration and who are not selected must be informed when an appointment has been made. (See Attachment #2 for a sample non-select letter.)

### Sec. 212.110 Reusing Interview Results

At times, agencies experience significant time delays when filling positions due to the amount of time it takes to contact and re-interview job candidates. The decision to re-use interview results is a discretionary decision made by the appointing authority. To assist in making the interview process more efficient, agencies may want to consider reusing interview results, but only under certain conditions. Applicants are notified of the state's interview reuse policy through *Wisc.Jobs*. Agencies may give the individuals a choice on whether they want to interview again or reuse their interview results. If subsequent vacancies occur, agencies must contact and interview any new candidates who have been certified. In addition, the following four conditions must be met:

1. The candidate must have been interviewed within the last 60 days by the agency seeking to reuse the results. (A longer time frame may be allowed with the approval of the BMRS Director.)
2. The position identifies the same job classification or classification series, same or similar duties, and knowledge/skills required for the job.

3. At least one core interviewer is involved in both selection processes.
4. The same core interview questions will be used.

If an agency chooses to reuse the interview results from an earlier interview, it may do so but only if applied equitably. That is, if an agency reuses one candidate's results, then it must allow all candidates, who were previously interviewed, to reuse their interview results. Selectively using this policy for one individual, when more than one candidate has been previously interviewed, is not permitted. After a selection is made, agencies must notify all candidates who were certified of the outcome, i.e., whether or not that person was selected.

### Sec. 212.120 Appointments

1. Section 230.25(2)(b), Wis. Stats., requires that "...appointments shall be made within 30 days after the date of certification unless an exception is made by the director. If an appointing authority does not make an appointment within 30 days after certification, he or she shall immediately report in writing to the director the reasons therefor. If the director determines that the failure to make an appointment is not justified under the merit system, the director shall issue an order directing that an appointment be made."
2. "Confirmation of appointment shall be in writing by the appointing authority and shall be provided to the employee no later than the first day of employment. Such letter of appointment shall include conditions of employment such as starting date, rate of pay, and probationary period to be served." (See Attachment #3 for a sample appointment letter.) s. ER-MRS 12.08, Wis. Adm. Code.

### Sec. 212.130 Reports of Action

1. Reports of action (ROA) must be entered into *Wisc.Jobs* for all certified candidates. These ROAs may be used to close out the certification or to obtain additional names for certification. (See section 212.110 of this handbook chapter regarding supplemental certification.) The ROAs should be entered into *Wisc.Jobs* as soon as they are known. The established ROAs are:
  - a. SE – Selected. Used when the hiring agency offered the position to a candidate and the candidate accepted the offer.
  - b. DO – Declined Offer. Used if the agency offered the candidate the position but the candidate declined.
  - c. NS – Not Selected. Used when an agency considered a candidate but did not select that person for the position.
  - d. FR – Failed to Respond. Used when a candidate did not respond to the agency by the established deadline.
  - e. NI – Not Interested. Used for candidates who (1) respond to the agency but indicate they are not interested in the position; or (2) schedule an interview and then cancel it.
  - f. NA – Not Available. Used if the candidate is unavailable for an extended period of time (e.g., if the applicant is out-of-town or hospitalized) during the interview process.
  - g. FS – Failed to Show for an Interview. Used if a candidate failed to show for an interview that he or she agreed to attend and did not provide a valid reason for failing to show within two working days of the scheduled interview date. See section 212.160 of this handbook chapter for removal procedures.

**Note:** When a ROA of FS is entered, the certified applicant **must** be notified that they will be inactivated from a register. (See Attachment #4 for a sample failed to show removal letter.)

- h. NC – Not Contacted. Used if the candidate was not contacted. This ROA should not be used for the candidates certified on the original certification unless no one on the certification list was contacted or interviewed.
- i. NE – Not Eligible. Used when a candidate did not meet the minimum requirements/qualifications for the position. The agency must document the basis for this decision.
- j. UL – Unable to Locate. Used when an agency cannot reach the candidate by email, telephone, or mail (e.g., the letter is returned with no forwarding address). If the agency cannot reach the candidate by phone and/or email, the agency must send a letter to the applicant and provide two working days to respond. See s. ER-MRS 11.04(b)(c), Wis. Adm. Code.
- k. PSE – Project Hire. Used when the hiring agency offered a project position to a candidate from a project only register and the candidate accepted the offer.

**Note:** If the agency created a certification to fill a project position using a permanent position register, careful administration of the hire is needed to ensure the applicant is not inactivated on the register. Option 1: Enter an ROA for PSE for the selected certified registrant and enter the appropriate hire detail. Once the certification has closed, re-activate the registrant. Option 2: Send a request to rescind the certification after all the ROAs are entered. Option 3: Create a separate project register and certify from there instead of the permanent register.

- 2. Reports of action must be entered as specified in the *Wisc.Jobs Training Guide*. As indicated in section 212.110(1) of this handbook chapter, additional replacement names may be certified for the following ROAs: NI (not interested in interviewing), FR (failed to respond to inquiry), NA (not available), DO (declined offer), UL (unable to locate), FS (failed to show), or NE (not eligible).

### Sec. 212.140 Removals

- 1. An appointing authority may request to remove an applicant from a certification, or refuse to certify an applicant, for sound personnel management reasons. The Administrative Code specifies two categories of removals: (1) disqualification or “for cause” removals; and (2) administrative removals. A removal request must be submitted to a BMRS Human Resources Consultant for disqualification and some administrative removals. Some administrative removals under s. ER-MRS 11.04(a), (b), and (c), Wis. Adm. Code, are automatically handled in *Wisc.Jobs*.
  - a. Disqualification – Section ER-MRS 6.10, Wis. Adm. Code, lists ten specific reasons for the BMRS Director to remove an applicant from a certification. For example, these reasons include failure to meet the position’s preliminary requirements, a conviction related to the duties of the position, dismissal for cause from state service, falsifying application materials, and unsatisfactory work record or employment references.
  - b. Administrative Removals – Section ER-MRS 11.04, Wis. Adm. Code, specifies seven reasons to remove an applicant from an employment register. Generally, an applicant that is removed for any of these reasons is removed from the employment register in addition to the certification list. In some instances, the removal is automatic, such as when an applicant is appointed to a position. In other cases, an appointing authority must justify the removal, e.g., by entering a report of action in *Wisc.Jobs* indicating that the applicant failed to respond to a request to interview after being given enough time to respond.

Below are explanations of how ROAs effect registrants and certified registrants:

- 1) NA (Not Available), NC (Not Contacted), NE (Not Eligible), NS (Not Selected) — Does not change the status of a registrant on the register; they will continue to be eligible to be certified as long as the registrant’s “On Register Date” is within the “Registrant Eligibility Period” set on the register. If the register doesn’t have an expiration date the registrant will remain active until the batch job runs (that occurs the first Sunday of every month) and the “On Register Date” is more than 3 years ago or the certified registrant accumulates one or more ROAs, changing the registrant’s status on the register to a status that prevents them from being certified on future certifications. A status that prevents being certified is “SE” (Selected) or “I” (Inactive).
- 2) SE (Selected) – Changes registrant status to “SE” on the register which is a status that prevents the registrant from being certified on future certifications.
- 3) NI (Not Interested), FR (Failed to Respond), DO (Declined Offer) – If a registrant receives 3 or more DO, FR, and/or NI ROAs a batch job (that occurs daily) will change the registrants status to “3” (active but has accumulated 3 or more DO, FR, NI). For Wisc.Jobs to inactivate these registrants, please see the directions on the Wisc.Jobs helpdesk for Registers (creating a register and suspension notices).
- 4) FS – Failed to Show – changes the registrant status to “Inactive” on the register after the batch job runs. If this ROA is changed to another ROA after the registrant status has been changed to “Inactive” the batch job will change it to whatever rule applies to the new ROA as long as the registrant’s “Registrant Eligibility Period” has not expired and the register is still active.

**Note:** When a ROA of FS is entered, the certified applicant **must** be notified that they will be inactivated from a register. (See Attachment #4 for a sample failed to show removal letter.)

- 5) UL – Unable to Locate – changes the registrant status to “U” on the register when the daily batch job runs. If this ROA is changed to another ROA after the registrant status has been changed to “U” the batch job will change it to whatever rule applies to the new ROA as long as the registrant’s “Registrant Eligibility Period” has not expired and the register is still “Active”.
- 6) PSE – Project Hire – Does change the status of a registrant. Because the certified registrant was hired into a project position, steps are needed to ensure the registrant will remain eligible to be certified from the register. (See 212.140 of this handbook chapter for more specific details.)

2. Removal requests submitted to a BMRS Human Resources Consultant must include the following information:
  - a. The applicant’s full name, appropriate job classification, and *Wisc.Jobs* certification number, if applicable.
  - b. The specific provision of the Administrative Code on which the removal request is based. For example, if the request for the removal is because the applicant’s employment references were unsatisfactory, then the appropriate cite is s. ER-MRS 6.10(8), Wis. Adm. Code.
  - c. The specific reasons for the removal and any documents supporting the request.
3. The request should be sent to the appropriate BMRS Human Resources Consultant. If the request is approved, BMRS will notify the applicant of the removal action, unless otherwise coordinated with the requesting agency. Requests to restore an applicant’s name should be sent to the appropriate BMRS Human Resources Consultant.

### Sec. 212.150 Closing Certifications

1. The agency must keep an electronic or paper copy of the completed *Certification Request/Report* form (DOA 15313) or a similar form for each position it fills. (See

<https://dpm.wi.gov/PublishingImages/Pages/Forms/Certification%20Request%20Report%20%28DOA%20-%2015313%29.pdf> for a copy of the form.) Agencies must record closeout information on the certification form including effective date, type of hire, person's name, gender, and racial/ethnicity code. If the person hired is a "New Original" or "Promotional Appointment," the agency must include a copy of the certified list of names used to make the appointment. Agencies must also maintain lists of every candidate contacted and the report of action for that candidate. This list may or may not include names of candidates considered for appointment without competition via transfer, demotion, or reinstatement (see section 212.070 of this handbook chapter). (See section 212.150 of this handbook chapter for the reports of action.)

2. The reports of action and hire information must be entered into *Wisc.Jobs* for all certifications generated by that system.
3. All positions are considered underutilized for recruitment purposes. For reporting purposes, the hiring decision must be documented by agencies for all new hire, promotion and project positions. Following are the choices for the hiring reason decision:
  - A. Selected person served in this position or a similar position previously.
  - B. Selected person has more advanced education and/or training for this position.
  - C. Selected person has broader or more relevant experience performing the duties of this position.
  - D. Selected person demonstrates greater knowledge of the key tasks required in this position.
4. All employees who are original hires by the State of Wisconsin must provide information regarding their veteran status. New and existing employees will use PeopleSoft HCM employee self-service (ESS) to identify their personal demographic information. This information can also be provided using the *Veterans New Hire Report* form (DOA-15100) or an equivalent form. (See <https://dpm.wi.gov/PublishingImages/Pages/Forms/Veteran%20New%20Hire%20Information%20%28DOA%20-%2015100%29.pdf> for a copy of the form.)
5. Agencies must keep closed certification documentation for a total of four calendar years from the effective date of the hire. Documentation can be kept two years on site and kept at the Records Center for the remaining two years. (The agency may send the documentation to Records Center earlier if there is not space available to keep records on site.) The records must be destroyed after four years from the appointment, unless litigation is in process. (See [General Records Schedule: Human Resources and Related Records](#)) Documentation includes: completed Certification Request/Report form, certification list(s) containing all certified candidates, reports of action, documentation for any "not eligible" candidates, removal letters, and verification information.

### **Sec. 212.160 Canceling or Rescinding Certifications**

Section ER-MRS 6.095, Wis. Adm. Code, states that, "The director may cancel a register or certification at any time the director determines that:

1. The register was not established in compliance with s. 230.16(4), Wis. Stats.; or
2. One or more applicants gained knowledge of the content of the competitive procedure not available to every applicant; or
3. The establishment of a register was not consistent with the principles of merit and fitness as set forth in the law and rules."

In addition, agencies may need to rescind a certification for other reasons, such as: lost budget authority for the position; position restructuring which changes the classification title, etc. These reasons are not specifically identified in the rules but do occur and must be handled appropriately.

All requests to rescind or cancel a certification must be sent to the BMRS Human Resources Consultant for review. The request must be made in writing and should include the following information:

1. Agency and employing unit number.
2. Contact person and phone number.
3. Position title and class code.
4. Certification number.
5. Is the certification for a project or permanent position(s)?
6. Is the register for a project or permanent position(s)?
7. Reason for rescinding the certification.
  - a. Former employee returned to position—the position is being filled by reinstatement/restoration or similar transaction.
  - b. Reorganization—the position is not being filled due to a typical reorganization or because the work has been reorganized within the organization; therefore, the position is no longer needed.
  - c. Different class will be used to fill this position—it was found that the needs of the organization have changed and this position needs to be filled with a different classification.
  - d. Inaccurate application data loaded—administrative errors within Wisc.Jobs.
  - e. Due to budget reasons—the position has been cut due to budget and it will not be filled at this time.
  - f. Certification was created to fill project position—If a certification is created to fill a project position and the register used is for permanent positions we must rescind the cert in order to close it out so the certified registrants aren't taken off the permanent register.
  - g. Inaccurate score data loaded—administrative errors within Wisc.Jobs.
  - h. Invalid selection criteria per s.230.16(4), Wis. Stats.—The criteria were found to not be job-related in compliance with appropriate validation standards.
8. Timeline. EXAMPLE: This position was announced from DATE to DATE. The recruitment was certified on DATE, additional names were certified on DATE.  
Since that time, the top two candidates have both withdrawn/declined our offers. That forced the supervisor to reassess her needs for this position. As a result, the supervisor and the department have determined that the position should remain unfilled.
9. Supervisor's involvement. EXAMPLE: The supervisor has seen the list of names. All candidates have been interviewed.
10. Candidates' involvement. EXAMPLE: Candidates have received result notices and have been contacted for interviews. Candidates will be sent a non-select letter for this recruitment.
11. Reports of Action. EXAMPLE: All reports of action have been entered into Wisc.Jobs.

The BMRS Human Resources Consultant will review the request and notify the agency whether the cancellation/rescission is approved or denied.

### Sec. 212.170 Administrative Information

This chapter was issued in May 2002 as Chapter 212 of the *Wisconsin Human Resources Handbook*. It replaced Chapter 232 of the *Wisconsin Personnel Manual*. Chapter 212 replaced several MRS policy bulletins: MRS-20, Civil Service Rank and Score Information for Certified Candidates; MRS-32/AA-1, Balanced Work Force Definition: Expanded Certification and Affirmative Action Goals; MRS-51, Certification Audits; MRS-88, Supplemental Certification; and MRS-181, Elimination of Requirement to Submit Closed Certifications to OSER/DMRS.

The chapter was updated in October 2002 to include policy information regarding the State Injured Worker Re-Employment Program. Bulletin MRS-121, Updated Information Regarding the State Reemployment Program, became obsolete at that time.

In February 2003, the chapter was revised and re-issued. At that time, references to SHRS were changed to Wisc.Jobs and web links were updated.

The chapter was revised in November 2003 to include information on non-competitive appointments for veterans who have a 30 percent or more disability and information regarding the reuse of interview results.

In April 2004, information was added to clarify that individuals must be given five workdays to respond to an agency's telephone or e-mail message regarding interest in interviewing for a position. A note was also added indicating a replacement name may be certified upon entering a report of action of not eligible.

The chapter was updated in March 2005 to remove the reference to Policy Bulletin MRS-149 on register extensions and reactivations. Bulletin MRS-149, dated January 21, 1994, is now obsolete.

In August 2005, the chapter was updated to remove references to Policy Bulletin MRS-199, dated June 24, 1999, on related registers. The bulletin was made obsolete as a result of the updates made to Chapter 204—Examination Scoring and Register Establishment of the *Wisconsin Human Resources Handbook Chapter*.

The chapter was changed again in February 2007 to give updated directions for locating the underutilization tables for determination of whether there is underutilization for minorities or women.

In September 2012 the definition of banding and the sections on establishing bands to certify candidates and the Entry Professional Program were removed from the chapter because those certification practices are no longer in use. The sections were renumbered. The third paragraph in section 212.130 was modified. Passage of 2011 Act 211 changed the conditions for noncompetitive appointment of 30% disabled veterans as is covered in section 212.080. References to "wartime veteran" were corrected to read "veteran with a service-connected disability." Bulletin MRS-192 on flexible certification (October 22, 1998) and Bulletin MRS-207, which was a notification of ER-MRS rule changes, (November 1, 2000) are obsolete.

In August 2018, Chapter 212 was updated pursuant to changes introduced by 2015 Wisconsin Act 55 and by 2015 Wisconsin Act 150, as well as changes to Administrative Code ER-MRS. 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. Major modifications included removing information regarding promotional certifications, updating the definition of veteran, removing reference to veterans preference and replacing with expanded certification based on veterans status, adding explanation of the removal process for administrative removals, removing delegation for agencies to approve the use of related registers outside of the same classification or series, updating the term of registrant eligibility, remove section on career executive certification, and to delete references to random rank.

Attachment #1

**SAMPLE APPLICANT CERTIFICATION LETTER**

[Date]

[Name]  
[Address]

Dear [Name]:

Your name has been referred to me for consideration for a permanent [**job title**] position. This position is located in the [**department, division, bureau or office**] at [**address**]. Enclosed is a copy of the Position Description that provides more detail on the job duties and responsibilities of this position.

The person hired for this position will work [#] of hours per week, Monday through Friday. The minimum starting rate of pay will be (*amount*) per hour, plus excellent benefits. A [**# of months**]-month probationary period is required. Pay upon appointment such as a promotion, transfer, reinstatement or demotion will be determined according to the rules that apply to the specific transaction.

I expect to schedule interviews the week of [**date**]. Our agency provides reasonable accommodations for qualified disabled individuals who are applicants for employment. Please advise me at the time you set up your interview if you desire special accommodations for this interview.

Please contact me before 4:00 PM on [**date**], if you are interested in being considered for this position or if you have further questions. If I do not hear from you by this time, I will assume you are not interested in this position. I can be reached at [**telephone number**], E-mail [**e-mail address**], or FAX [**number**].

Sincerely,

[Name]  
[Title]

Enclosure

Attachment #2

SAMPLE NON-SELECT LETTER

[Date]

[Name]  
[Address]

Dear [Name]:

Thank you for your interest in the [job title] position located in the [department], [division], [bureau or office] at [address]. It was a difficult decision, since we had a number of qualified applicants. However, an offer of employment has been accepted by another candidate.

I appreciate the time and effort you took in interviewing for this position and for considering the [department] as a potential employer. I wish you the best of luck in your future endeavors.

Sincerely,

[Name]  
[Title]

Attachment #3

**SAMPLE APPOINTMENT LETTER**

[Date]

[Name]  
[Address]

Dear [Name]:

This letter confirms your appointment to the position of [classification/pay range], in [division], [department]. The effective date of your appointment is [date].

Your starting salary will be [amount] per hour. You will be required to serve a [# of months]-month probationary period. Your position is considered [exempt or non-exempt] under the Federal Fair Labor Standards Act (FLSA).

Several payroll and benefits documents must be completed on your first day of employment. Your appointment to this position is contingent on your ability to provide documentation required of all new employees as outlined on the attached Form I-9, Employment Eligibility Form. Please bring the required documentation with you when you report for work. I will make arrangements for you to meet with our Department's Payroll and Benefits Specialist, to complete the documents after you start.

If you have any questions please contact me at [telephone number] or E-mail [e-mail address]. I am pleased that you have accepted employment with our Department.

Sincerely,

[Name]  
[Title]

**SAMPLE FAILED TO SHOW REMOVAL LETTER**

[Date]

[Name]

[Address]

Dear [Name]:

In accordance with subsection ER-MRS 11.04(1)(h), Wisconsin Administrative Code, Rules of the Director, we are removing your name from the certification and the register of eligible candidates created from the [date – month/year] administration of the initial assessment for [title].

Subsection ER-MRS 11.04(1)(h), Wisconsin Administrative Code, allows for the removal of an applicant from an employment register "When a person does not appear for a mutually agreed upon scheduled interview and does not provide a valid reason for such failure to appear within one work day of the interview date." Specifically, you agreed to interview at [time] on [date] at the [department], [division], [bureau or office]. You failed to appear for the interview and did not provide a valid reason for this failure within one workday.

As provided in s. 230.17(2), Wis. Stats., this is "the full and explicit statement of the exact cause" of your removal. You may appeal this removal decision to the Wisconsin Employment Relations Commission (WERC) within 30 days after the effective date of the action, or within 30 days after being notified of the action, whichever is later, under s. 230.17(2) and s. 230.44(1)(a) and (3), Wis. Stat. See the WERC website at <http://werc.wi.gov>.

This action does not prevent you from competing for other vacancies in state service.

If you have any questions regarding this action, please contact me at [telephone number] or e-mail [address].

Sincerely,

[Name]

[Title]

Attachment #5

**SAMPLE REQUEST TO REMOVE A REGISTRANT FROM A CERTIFICATION LIST**

DATE:

TO: **[Name of BMRS Human Resources Consultant]**  
BMRS Human Resources Consultant

FROM: **Name of Agency Human Resources Representative**  
**[Agency Name]**

SUBJECT: Request for Removal from Certification # **[number]**

I request that the Bureau of Merit Recruitment and Selection (BMRS) remove **[candidate's name]** from the certification list for the **[classification title]** position (Certification # \_\_\_\_\_), pursuant to s. ER-MRS 6.10(3), Wis. Adm. Code.

We conducted an arrest and conviction record check on all applicants for this position. During the check on **[name]**, we discovered that **[he/she]** had been convicted of two counts of retail theft in February 2001 and one count of forgery in March 2001. Attached is the arrest and conviction record.

This position is responsible for receiving significant amounts of cash on a daily basis. (See the attached position description.) The department believes that the convictions for retail theft and forgery are substantially related to the circumstances of this position and that removal for cause from the above-noted certification is justified according to the administrative rules.

Please contact me at **[telephone number]** with any questions regarding this request.

Attachments