

Wisconsin Human Resources Handbook

Chapter 228

Project Appointments

Sec. 228.010	Introduction	Sec. 228.070	Delegation of Project Appt.
Sec. 228.020	Statutory and Rule Authority	Sec. 228.080	Letter of Appointment
Sec. 228.030	Definitions	Sec. 228.090	Pay and Benefit Provisions
Sec. 228.040	Guidelines for Determining Project or Permanent Appt.	Sec. 228.100	Administrative Information
Sec. 228.050	Procedures	Attachment #1	Project Appointment Acknowledgement
Sec. 228.060	Required DMRS Approvals		

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. Our goals are 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 [DMRS] administrator 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 [DMRS] administrator.” 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 [DMRS] administrator, 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 administrator finds that an agency failed to comply with project appointment standards . . . the administrator may remove the incumbents of positions for which appointment standards were not followed.” (See ER-MRS 34.10, Wis. Adm. Code.)
9. The administrator may delegate, in writing, any of his or her functions set forth in Ch. 230, subchapter II, Wis. Stats. The administrator 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.
14. “[A]n appointing authority is prohibited from appointing a person who is not a resident of this state to a project position The administrator 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. **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.
2. **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.
3. **Project employment:** Employment as a result of a project appointment to a project position. s. ER-MRS 1.02(26), Wis. Adm. Code.

4. **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.
5. **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.

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.

1. A project position may be filled with a permanent or project appointment. Agencies should make this appointment determination on a case-by-case basis and must consider and document all of the following seven factors when deciding whether a permanent or project appointment is appropriate. Agencies must also maintain the documentation of each determination conducted according to the records retention tables for documents associated with the *Certification Request/Report* (OSER-MRS-34; located on the OSER web site at <http://oser.state.wi.us/docview.asp?docid=1125>).
 - a. How long is the proposed appointment? The duration of the proposed project position should be 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 should be considered when the proposed project position is for more than 24 months.
 - b. Is the project position likely to be funded beyond the project’s initial expected ending date? If **yes**, then a **permanent appointment** is likely to be appropriate.
 - c. Is this project likely to continue as an on-going, regular or permanent function of the agency or employing unit? If **yes**, then a **permanent appointment** is likely to be 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? If **yes**, then a **project appointment** is likely to be 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** is likely to be appropriate.
 - f. Is there enough agency or employing unit turnover in the occupational area of the project position so that the appointee could be easily absorbed into the work force when the project is completed or terminated? When answering this question, agency personnel should consider the probability or likelihood of layoff. If **yes**, then a **permanent appointment** is likely to be appropriate.
 - g. Are there any other factors that the agency considered in making its decision?
2. As noted in 1. a. above, the duration of the proposed project position (i.e., less than or equal to 24 months or greater than 24 months) is the starting point for evaluating whether to fill the position on a permanent or project appointment basis. Agencies should analyze all factors when making the final determination.

Sec. 228.050 Procedures

1. Agencies must obtain the appropriate position authority from the Department of Administration.
2. Agencies must complete the Position Description (OSER-DMRS-11; located on the OSER web site at <http://oser.state.wi.us/docview.asp?docid=1222>), or equivalent, and the *Certification Request/Report* (OSER-MRS-34; located on the OSER web site at <http://oser.state.wi.us/docview.asp?docid=1125>), 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(1) in this handbook chapter, the agency must then determine whether to fill the project position on a permanent or project appointment basis.
4. If the agency decides that a project appointment is appropriate, it must evaluate the position requirements to identify job-related qualifications.
5. When practicable, agencies should use a competitive examination to fill project positions on a project appointment basis. At a minimum, agencies are required to develop job related criteria on which to evaluate applicants. A record of these job related criteria must be kept with other recruitment records. Project positions must be announced online in WiscJobs for a minimum of three days. When creating the announcement in WiscJobs, the announcement type of "Limited Term/Project Employment" must be selected, along with the appropriate area of competition. When developing a recruitment strategy, agencies should consider these sources of qualified personnel:
 - a. Qualified potential applicants in the state labor market.
 - b. Qualified candidates already on an appropriate employment register for the kind and type of employment.

Note: Agencies do not have to select in rank order from existing registers.

- c. Referrals from agency Affirmative Action Officers or Recruiting Specialists in the Office of State Employment Relations.
- d. Persons who are in layoff status from the employing agency or from other state agencies.
- e. Persons who are permanent employees and are granted a leave of absence to accept a project position.
- f. Persons collecting unemployment compensation benefits from the employing agency.
- g. Persons who respond to a public announcement in print and/or electronic media, such as WiscJobs, Wisconsin Job Service JobNet, and individual agency web sites.
- h. Other appropriate sources.

Note: A project position may not exist for more than four years.

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).

Sec. 228.060 Required DMRS Approvals

1. If an agency does not have project appointment delegation under section 228.070 of this handbook chapter, then DMRS 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 DMRS with:
 - a. The *Certification Request/Report* (OSER-MRS-34) 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 (if applicable). (This form is located on the OSER web site at <http://oser.state.wi.us/docview.asp?docid=1237>.)
3. After DMRS approves the decision to use a project appointment, an agency must provide DMRS with recruitment and selection procedures and criteria the agency will use to identify qualified candidates. In general, DMRS 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 these DMRS approvals. Therefore, it may be advisable for the agency to obtain approval to make a project appointment before developing a recruitment and selection strategy.
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(1) of this handbook chapter and submit this documentation with the extension request to DMRS for action. Project appointments may not exceed four years in total.

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 administrator may remove a person on a project appointment if the appointment does not comply with project appointment standards. DMRS 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 that an employee on a project appointment, while in the position, 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.

- b. A statement 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 wants to be considered for the job, he or she must participate in the civil service selection process; there is no guarantee of permanent appointment.
 - 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 also wish to include a statement 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.

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 administrator may waive the residency requirement.

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 Personnel Manual, Chapter 732, "Transfer of Continuous Service and Accumulated Leave Credits Upon Movement Within State Service," contains specific provisions for project appointees. Please consult the Bureau of Compensation, Division of Compensation and Labor 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.

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 Administrator of the Division of Merit Recruitment and Selection (DMRS) 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