

## Chapter ER-MRS 14

### PROMOTION

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**Note:** Chapter Pers 14 was renumbered chapter ER-Pers 14, effective March 1, 1983. Chapter ER-Pers 14 was renumbered chapter ER-MRS 14 under s. 13.93 (2m) (b) 1., Stats., Register, October, 1994, No. 466.

**ER-MRS 14.015 Policy.** Promotional appointments shall be made so as to contribute to a competent and balanced workforce.

**History:** Cr. Register, February, 1981, No. 302, eff. 3-1-81.

**ER-MRS 14.02 Exclusions. (1)** The appointment of an employee to a different position in a higher classification while the employee is serving a probationary period on an original or promotional appointment shall be considered a new original appointment or new promotional appointment, respectively.

**(2)** The appointment of a former employee who previously had permanent status in class to a position in a higher classification than the employee's former class, after a break in service not covered by leave of absence provisions of ch. ER 18 or a collective bargaining agreement, or the layoff provisions of ch. ER-MRS 22 or a collective bargaining agreement, shall be considered an original appointment.

**(3)** The permissive appointment of an employee to a different position in a higher class than the highest position currently held in which the employee has permanent status in class, when the employee has reinstatement eligibility to the higher class, is a reinstatement, except as provided in sub. (5).

**(4)** The appointment of an employee to a different position in a higher class than the highest position currently held in which the employee has permanent status in class, when the employee has restoration rights to the higher class, is a restoration.

**(5)** The permissive appointment of an employee to a different position in a higher class than the highest position currently held in which the employee has permanent status in class, when the employee has been certified from a register as eligible for appointment, may be considered a promotion when the position is in a class, class subtitle or progression series in which the employee has not previously attained permanent status in class. Such appointments are reinstatements when the employee is appointed on the basis of qualifying for the position other than as a result of being certified as eligible for appointment from a register.

**(6)** For provisions relating to the appointment of persons or employees to positions classified as trainee, see s. ER-MRS 6.12.

**History:** Cr. Register, October, 1972, No. 202, eff. 11-1-72; am. Register, February, 1981, No. 302, eff. 3-1-81; am. (2), renum. (3) to be (6) and am., cr. (3) to (5), Register, May, 1988, No. 389, eff. 6-1-88; correction in (2) and (6) made under s. 13.93 (2m) (b) 7., Stats., Register, October, 1994, No. 466; CR 04-138: am. (5) Register June 2005 No. 594, eff. 7-1-05.

**ER-MRS 14.03 Kinds of promotion; status and rights. (1) PROMOTION WITHIN THE SAME AGENCY.** In accordance with s. 230.28 (1), Stats., the promoted employee shall be required to serve a probationary period. At any time during this period the appointing authority may remove the employee from the position to which the employee was promoted without the right of appeal and shall restore the employee to the employee's former position or a similar position and former rate of pay, as determined under s. ER 29.03 (7) (a) or the compensation plan. Any other removal, suspension without pay, or discharge during the probationary period shall be subject to s. 230.44 (1) (c), Stats. If the position to which the employee has restoration rights has been abolished, the employee shall be given consideration for any other vacant position in the same or counterpart pay range for which the employee is determined to be qualified by the appointing authority to perform the work after being given the customary orientation provided for newly hired workers. If no such vacant position exists, the employee shall be treated as if he or she had been restored to the position held prior to promotion and the provisions for making layoffs under ch. ER-MRS 22 shall apply.

**Note:** For pay on promotion, new promotion and restoration, see s. ER 29.03 (4) (b), (4) (c) and (7) (a), respectively, or the compensation plan.

**(2) PROMOTION BETWEEN AGENCIES.** In accordance with s. 230.28 (1), Stats., the promoted employee shall be required to serve a probationary period. At any time during this period the appointing authority may dismiss the promoted employee from the service without the right of appeal. See s. 230.28 (3), Stats., for provisions relating to reinstatement eligibility of an employee so dismissed.

**History:** Cr. Register, October, 1972, No. 202, eff. 11-1-72; am. (1), Register, December, 1976, No. 252, eff. 1-1-77; am. Register, February, 1981, No. 302, eff. 3-1-81; am. (1), Register, May, 1988, No. 389, eff. 6-1-88; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, October, 1994, No. 466; CR 04-138: am. (1) Register June 2005 No. 594, eff. 7-1-05.

**ER-MRS 14.04 Pay on promotion.** See s. ER 29.03 (4) or the compensation plan.

**History:** Cr. Register, October, 1972, No. 202, eff. 11-1-72; am. Register, September, 1975, No. 237, eff. 10-1-75; r. and recr. Register, February, 1981, No. 302, eff. 3-1-81; correction made under s. 13.93 (2m) (b) 7., Stats., Register, October, 1994, No. 466; CR 04-138: am. Register June 2005 No. 594, eff. 7-1-05.

**ER-MRS 14.05 Pay on new promotion.** See s. ER 29.03 (4) or the compensation plan.

**History:** Cr. Register, September, 1975, No. 237, eff. 10-1-75; am. Register, December, 1976, No. 252, eff. 1-1-77; r. and recr. Register, February, 1981, No. 302, eff. 3-1-81; correction made under s. 13.93 (2m) (b) 7., Stats., Register, October, 1994, No. 466; CR 04-138: am. Register June 2005 No. 594, eff. 7-1-05.