

## Chapter ER-MRS 6

### RECRUITMENT AND EXAMINATION

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**Note:** Chapter Pers 6 was renumbered chapter ER-Pers 6, effective March 1, 1983. Chapter ER-Pers 6 was renumbered chapter ER-MRS 6 under s. 13.93 (2m) (b) 1., Stats., Register, October, 1994, No. 466.

**ER-MRS 6.01 Base of recruitment.** The director, in determining the most appropriate base of recruitment for classified civil service positions, shall consider such factors as: affirmative action; agency goals; staff development patterns; availability of qualified applicants in the service, agency or the employing unit, and effect on employee morale or turnover; designated promotional patterns in the classification series; availability of trained people in the labor market, including the number who have completed or are completing training for the type and level of positions; value of bringing new personnel with different backgrounds into the service; current pay; employee benefits and hiring practices for the types of positions; the interests of other agencies which may use the eligible lists; and efficiency in conducting recruitment programs and examinations.

**History:** Cr. Register, October, 1972, No. 202, eff. 11-1-72; am. Register, February, 1981, No. 302, eff. 3-1-81; am. Register, May, 1988, No. 389, eff. 6-1-88; correction made under s. 13.92 (4) (b) 6., Stats., Register September 2015 No. 717.

**ER-MRS 6.02 Recruitment information.** Recruitment information shall be directed to labor market sources which the director determines are most likely to provide qualified applicants and with due consideration given to affirmative action.

**History:** Cr. Register, October, 1972, No. 202, eff. 11-1-72; am. (2), Register, September, 1975, No. 237, eff. 10-1-75; r. (1) and (3), renum. (2) and am. Register, February, 1981, No. 302, eff. 3-1-81; am. Register, May, 1988, No. 389, eff. 6-1-88; correction made under s. 13.92 (4) (b) 6., Stats., Register September 2015 No. 717.

**ER-MRS 6.025 Employees on leave of absence or in layoff status.** An employee on leave of absence, in layoff status under s. ER-MRS 22.06 (3) or (4) or provisions of applicable labor agreements with certified bargaining units, or on seasonal layoff under s. ER-MRS 22.12 (1), shall be eligible to participate in the civil service selection process on the same basis as if the employee was not on a leave of absence or the layoff had not occurred.

**History:** Cr. Register, February, 1981, No. 302, eff. 3-1-81; am. Register, May, 1988, No. 389, eff. 6-1-88; corrections made under s. 13.93 (2m) (b) 7., Stats., Register, October, 1994, No. 466.

**ER-MRS 6.027 Employees on temporary interchange.** A classified employee who is on a temporary interchange under s. 230.047, Stats., is eligible to compete in promotional examinations during the interchange assignment on the same basis as if the interchange assignment had not occurred.

**History:** Cr. Register, February, 1983, No. 326, eff. 3-1-83; am. Register, May, 1988, No. 389, eff. 6-1-88.

**ER-MRS 6.03 Insufficient number of applicants.** In the event that a sufficient number of qualified applicants fail to apply for an examination or to qualify after the examination, the

director may reannounce the vacancy or extend the date for filing of applications, or, if necessary, cancel the examination.

**History:** Cr. Register, October, 1972, No. 202, eff. 11-1-72; am. Register, February, 1981, No. 302, eff. 3-1-81; correction made under s. 13.92 (4) (b) 6., Stats., Register September 2015 No. 717.

**ER-MRS 6.04 Employment register exception.** An existing appropriate register for a class shall be used to fill all vacancies in the class, except that the director may authorize new recruitment and examination leading to the establishment of a different register for some positions in the class when substantial differences in the duties of those positions and the qualifications required for successful performance distinguish them from other positions in the same class. The director may also establish separate registers on the basis of geographic location or when program emphasis or other recognized employment considerations could be expected to attract new applicants who may be better qualified for "placement on the new register" to be established. Separate registers for different positions in the same class may also be established under s. ER-MRS 11.02.

**History:** Cr. Register, October, 1972, No. 202, eff. 11-1-72; am. Register, February, 1981, No. 302, eff. 3-1-81; am. Register, February, 1983, No. 326, eff. 3-1-83; correction made under s. 13.93 (2m) (b) 7., Stats., Register, October, 1994, No. 466; correction made under s. 13.92 (4) (b) 6., Stats., Register September 2015 No. 717.

**ER-MRS 6.05 Examinations.** (1) The director shall establish criteria for evaluating applicant qualifications and shall require the same or equivalent examination for all applicants competing for eligibility on a register except as may be provided in ch. ER-MRS 27.

(2) Examinations may include any technique or techniques which the director deems appropriate to evaluate applicants.

(3) All examinations shall be:

(a) Based on information from job analysis, position analysis or other equivalent information documenting actual job tasks to be performed or skills and knowledges required to perform job tasks, or both;

(b) Developed in such a manner as to establish the relationship between skills and knowledges required for successful performance on the test and skills and knowledges required for successful performance on the job;

(c) Supported by data documenting that the skills and knowledges required for successful performance on the test are related to skills and knowledges which differentiate among levels of job performance if the examination results are to be used as a basis for ranking candidates;

(d) Sufficiently reliable to comply with appropriate standards for test validation; and

(e) Objectively rated or scored.

**History:** Cr. Register, October, 1972, No. 202, eff. 11-1-72; r. and recr. (1) and (3), am. (2), r. (4) and (5), Register, February, 1981, No. 302, eff. 3-1-81; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, October, 1994, No. 466; cor-

rections in (1), (2) made under s. 13.92 (4) (b) 6., Stats., Register September 2015 No. 717.

**ER-MRS 6.07 Examination results.** The director shall make available to each examinee the final results of his or her examinations through such methods as written notice, public posting or any other means deemed appropriate by the director.

**History:** Cr. Register, October, 1972, No. 202, eff. 11–1–72; am. Register, May, 1988, No. 389, eff. 6–1–88; correction made under s. 13.92 (4) (b) 6., Stats., Register September 2015.

**ER-MRS 6.08 Release of examination information.**

(1) The following examination information may be released to an examinee:

- (a) The composition of the examination;
- (b) The weight of, the total possible score of, and the examinee's score on, each separately scored component of the examination; and
- (c) Information as to whether veterans preference was included in his or her final grade.

(2) Except as provided in sub. (3), examination information which may not be released includes but is not limited to the following:

- (a) copies of examination booklets, rating guides and scoring keys;
- (b) copies of written comments of examination raters including oral board members;
- (c) tapes of oral examinations;
- (d) results of medical examinations except through the examinee's designated physician;
- (e) scores of candidates identified by name; and
- (f) answers to specific items on written examinations.

(3) For certified individuals, the director may release to the appointing authority the following examination information, but only after the employment interview questions have been finalized:

- (a) Narrative responses to open-ended examination questions such as essay or achievement history.
- (b) Tapes of oral examinations.
- (c) Resumes, letters of interest, and other narrative examination material provided by the certified candidates as long as the materials released do not contain scores, comments, ratings, or other evaluations.

**History:** Cr. Register, October, 1972, No. 202, eff. 11–1–72; am. (1) (a) and (b) and (2), Register, February, 1981, No. 302, eff. 3–1–81; r. (2), am. (1), Register, May, 1988, No. 389, eff. 6–1–88; am. (2) (intro.), cr. (3), Register, July, 2000, No. 535, eff. 8–1–00; correction in (3) made under s. 13.92 (4) (b) 6., Stats., Register September 2015 No. 717.

**ER-MRS 6.09 Anonymity of examinees and security for examinations.**

(1) The director shall delete the names of the examinees from written examination papers that will be scored by raters and instruct raters who nonetheless recognize the identity of examinees to disqualify themselves from rating any examinee whom they cannot objectively evaluate.

(2) The director shall provide appropriate security for all examination materials.

**History:** Cr. Register, October, 1972, No. 202, eff. 11–1–72; am. Register, February, 1981, No. 302, eff. 3–1–81; am. (1), Register, May, 1988, No. 389, eff. 6–1–88; correction in (1), (2) made under s. 13.92 (4) (b) 6., Stats., Register September 2015 No. 717.

**ER-MRS 6.095 Cancellation of register or certification.** 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), Stats.; or

(2) One or more applicants gained knowledge of the content of the examination 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 these rules.

**History:** Cr. Register, February, 1981, No. 302, eff. 3–1–81; am. (1), Register, February, 1983, No. 326, eff. 3–1–83; correction in (intro.) made under s. 13.92 (4) (b) 6., Stats., Register September 2015 No. 717.

**ER-MRS 6.10 Disqualification of applicants.**

In addition to provisions stated elsewhere in the law or rules, the director may refuse to examine or certify an applicant, or may remove an applicant from a certification:

(1) Who is found to lack any of the preliminary requirements established for the position;

(2) Who has participated in the scheduled selection process so recently that the results of a reexamination would provide an undue advantage;

(3) Who has been convicted of any felony, misdemeanor or other offense the circumstances of which substantially relate to the circumstances of the particular job or licensed activity. In considering such conviction records, the director shall take into account such factors as age at the time of the offense, rehabilitation, and seriousness and nature of the violation in relation to the duties and responsibilities of the position;

(4) Who has been dismissed from the state service for cause, and the action is requested by the appointing authority;

(5) Who has made a false statement of any material fact in any part of the selection process;

(6) Who directly or indirectly gives, receives, renders, or pays or promises to give, receive, render or pay any money, service or other valuable thing to or from any person for or on account of, or in connection with, appointment or proposed appointment;

(7) Who practices, or attempts to practice, any deception or fraud in his or her application, certification, examination, or in securing eligibility or appointment;

(8) Whose work record or employment references are unsatisfactory;

(9) Who refuses to furnish testimony as required in s. 230.44 (4), Stats.; or

(10) Who has in any manner gained access to special or secret information regarding the content of an examination.

**History:** Cr. Register, October, 1972, No. 202, eff. 11–1–72; am. (10), Register, September, 1975, No. 237, eff. 10–1–75; am. (intro.), (1) and (2), r. (3) and (4), renum. (5) to (11) to be (3) to (9) and am. (3), (4) and (6) to (9), cr. (10), Register, February, 1981, No. 302, eff. 3–1–81; am. (3), Register, February, 1983, No. 326, eff. 3–1–83; correction in (9) made under 13.93 (2m) (b) 7., Stats., Register, December, 1999, No. 528; corrections in (intro.), (3) made under s. 13.92 (4) (b) 6., Stats., Register September 2015 No. 717.

**ER-MRS 6.11 Notice and appeal provisions.**

See s. 230.17 (2), Stats., for provision of statement to applicants affected by action under s. ER-MRS 6.10.

**History:** Cr. Register, February, 1981, No. 302, eff. 3–1–81; renum. from ER-Pers 6.105, Register, May, 1988, No. 389, eff. 6–1–88.

**ER-MRS 6.12 Critical recruitment selection.**

(1) The director shall identify classifications or positions for which qualified applicants are in critically short supply, and shall designate these as critical recruitment classifications.

(2) Specialized recruitment, examination, and certification processes may be established to fill positions in these classes, provided that due notice is given so that all interested and qualified applicants may be considered.

**History:** Cr. Register, October, 1972, No. 202, eff. 11–1–72; am. (1), Register, February, 1981, No. 302, eff. 3–1–81; renum. from ER-Pers 6.11, Register, May, 1988, No. 389, eff. 6–1–88; correction in (1) made under s. 13.92 (4) (b) 6., Stats., Register September 2015 No. 717.

**ER-MRS 6.13 Cooperative programs.**

To enable appointing authorities and faculty of institutions of higher learning to cooperate in training the highest caliber students for government employment, the director may, after giving due consideration to the provisions of s. 230.19, Stats., establish appropriate criteria and controls for program development, recruitment, selec-

tion and employment of eligibles for cooperative training programs. Successful completion of an approved cooperative program shall be deemed to fulfill the requirement for competitive selection and appointment to any position for which the cooperative training agreement was established.

**History:** Cr. Register, October, 1972, No. 202, eff. 11-1-72; am. (2) (b) and cr. (2) (c) and (d), Register, September, 1975, No. 237, eff. 10-1-75; r. (1) to (4), renum. (5) and am., Register, February, 1981, No. 302, eff. 3-1-81; correction made under s. 13.92 (4) (b) 6., Stats., Register September 2015 No. 717.