

## Chapter ER-MRS 34

### PROJECT APPOINTMENT

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**Note:** Chapter Pers 34 was renumbered to be chapter ER-Pers 34, effective March 1, 1983. Chapter ER-Pers 34 was renumbered chapter ER-MRS 34 under s. 13.93 (2m) (b) 1., Stats., Register, October, 1994, No. 466.

#### ER-MRS 34.01 Duration of project appointment.

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 to the same project position shall also not exceed 4 years from the date of the first appointment. 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.

**History:** Cr. Register, February, 1981, No. 302, eff. 3-1-81; r. (1), renum. (2), Register, May, 1988, No. 389, eff. 6-1-88.

**ER-MRS 34.02 Exclusions.** The provisions of this chapter do not apply to the permanent appointment of a person to a project position. "Permanent appointment" means the appointment of a person to a classified position in which permanent status can be attained.

**History:** Cr. Register, February, 1981, No. 302, eff. 3-1-81; am. Register, May, 1988, No. 389, eff. 6-1-88.

**ER-MRS 34.03 Use of project appointments.** (1) A project position may be filled on a project appointment basis only if approved by the director. In evaluating requests to make project appointments, the director shall consider:

- (a) The duration of the proposed project appointment.
- (b) The availability of qualified candidates already on a register for the classification or related classifications.
- (c) The availability of qualified potential applicants in the state labor market.
- (d) The similarity of work to be performed by the project position to regular functions of the employing agency.
- (e) The economic and time limitations associated with initiating and completing the project.
- (f) Such other factors as deemed appropriate by the director.

(2) An appointing authority may not involuntarily appoint an employee in a permanent, seasonal or sessional position to a project position on a project appointment basis.

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

**ER-MRS 34.07 Status and rights.** Employees serving a project appointment shall:

(1) Be ineligible to attain permanent status in class as a result of the project appointment.

(2) Be ineligible to transfer, promote or demote into a permanent, seasonal or sessional position.

**Note:** See s. 230.27 (2) Stats.

**History:** Cr. Register, February, 1981, No. 302, eff. 3-1-81; reprinted to correct error, Register, April, 1981, No. 304; renum. (1) and (2) to be ER 34.07(1) and (2), renum. (3) and (4) to be (1) and (2), Register, May, 1988, No. 389, eff. 6-1-88.

**ER-MRS 34.08 Termination.** (1) Employees on a project appointment may be terminated at any time.

(3) Employees so terminated do not have layoff or restoration rights to any permanent, seasonal or sessional position unless those rights were previously earned in a permanent, seasonal, or sessional position and are being applied within three years of the date of separation from that position or prior to the expiration of an approved leave of absence.

(4) Employees so terminated do not have reinstatement eligibility to any permanent, seasonal or sessional position unless the eligibility was previously earned in a permanent, seasonal, or sessional position and is being applied within five years of the date of separation from that position if separated prior to July 1, 2016, or within 3 years of layoff on or after July 1, 2016.

**History:** Cr. Register, February, 1981, No. 302, eff. 3-1-81; am. (1) to (4), Register, December, 1999, No. 528, eff. 1-1-00; CR 04-138: r. (2), am. (3) and (4) Register June 2005 No. 594, eff. 7-1-05; CR 18-006: am. (3), (4) Register July 2018 No. 751, eff. 8-1-18.

**ER-MRS 34.09 Procedures and records.** In order to safeguard the public interest, recruitment and selection procedures for project appointments shall be approved by the director, and the appointing authority shall maintain records of the procedures followed in making project appointments.

**History:** Cr. Register, February, 1981, No. 302, eff. 3-1-81; r. (1), renum. (2) and 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 34.10 Violations.** If the director finds that an agency has failed to comply with project appointment standards established under this chapter, the director may remove the incumbents of positions for which appointment standards were not followed. Employees subject to removal under this section shall be given notice and an opportunity to be heard. The director may also withdraw all delegated authority for making project appointments from the agency until such time as, in the judgment of the director, the agency takes appropriate measures to ensure that future project appointments will be in compliance with established standards.

**History:** Cr. Register, May, 1988, No. 389, eff. 6-1-88; correction made under s. 13.92 (4) (b) 6., Stats., Register September 2015 No. 717.