

Chapter DHS 5

PERSONNEL ADMINISTRATION IN LOCAL HUMAN SERVICES AGENCIES

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Note: Chapter PW-PA 10 as it existed on July 31, 1981, was repealed and a new chapter HSS 5 was created effective August 1, 1981. Chapter HSS 5 was renumbered chapter HFS 5 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 6. and 7., Stats., Register, April, 1997, No. 496. Chapter HFS 5 was renumbered to chapter DHS 5 under s. 13.92 (4) (b) 1., Stats., and corrections made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635.

DHS 5.01 Purpose. The purpose of this chapter is to ensure fair and efficient personnel administration of local aging, mental health, alcohol and other drug abuse, developmental disabilities, public health, income maintenance and social services positions supported by federal funds which require that personnel standards on a merit basis be established and maintained. The department of health services, pursuant to ss. 46.016, 49.78 (4) and (7), 51.42 (7) (b), 51.437 (16) and 227.11 (2), Stats., shall ensure the continued receipt of those federal funds by providing direct merit personnel services to local employees or assigning that responsibility to local employers.

History: Cr. Register, July, 1981, No. 307, eff. 8-1-81; corrections made under s. 13.93 (2m) (b) 7., Stats., Register November 2004 No. 587; correction made under s. 13.92 (4) (b) 6., Stats., Register November 2008 No. 635.

DHS 5.02 Delegation of authority. (1) **OFFER AND ACCEPTANCE OF DELEGATION.** Determination by the department of health services that the local employer has a staff capability to administer this chapter shall lead to an offer by the department of health services of delegation, and acceptance of that offer shall make the local employer responsible for the administration of this chapter.

(2) **PERIODIC EVALUATION BY THE DEPARTMENT.** (a) The department of health services shall continue periodic evaluations of the performance of the local employer to ensure that this chapter is being administered fairly and efficiently.

(b) Any violations of merit principles discovered by the department of health services in its evaluation of the local employer's performance shall be reported to the employer for correction.

(c) Failure by the employer to correct violations identified by the department of health services may result in withdrawal of the delegation.

(3) **ADMINISTRATION BY THE DEPARTMENT.** The department of health services shall administer this chapter until such time as it determines that the local employer has a staff capability to administer the chapter and agrees to administer it, or following a determination that an employer has failed to correct violations identified and reported to the employer by the department of health services.

History: Cr. Register, July, 1981, No. 307, eff. 8-1-81; corrections made under s. 13.92 (4) (b) 6., Stats., Register November 2008 No. 635.

DHS 5.03 Recruitment, selection and appointment. Recruitment, selection and appointment of applicants for employment and advancement of employees shall be on the basis of their relative ability, knowledge and skills.

(1) **RECRUITMENT.** Recruiting efforts shall ensure that interested and qualified applicants from outside the employing agency are considered for employment.

(a) Emphasis shall be placed on recruiting efforts to attract minorities, women and members of other groups substantially

underrepresented in the work force to help ensure they are among the candidates from whom appointments are made.

(b) The recruiting program shall be designed to meet current and projected work force needs and shall be tailored to the number and type of positions to be filled and to labor market conditions.

(2) **SELECTION AND APPOINTMENT.** Selection procedures shall assess applicant attributes necessary for successful job performance, shall be based upon the duties and responsibilities of the job to be filled and shall provide for the appropriate ranking of applicants from the most qualified to the least qualified which shall constitute the employment list.

(a) Appointments shall be made from employment lists established on the basis of the relative ability, knowledge and skills of the applicants.

(b) The number of applicants to be considered for employment shall be determined prior to the initiation of any selection procedure.

(c) Job related minimum training and experience requirements shall be established for each job. The requirements shall be met by all candidates in order for them to be eligible for examination and appointment.

(d) Permanent appointments shall be contingent upon satisfactory performance by the employee during a fixed probationary period.

(e) Temporary appointments shall have a reasonable time limit. If the employment lists of eligible applicants are available, they normally shall be used for filling temporary positions. Temporary appointments may be made to provide for maintenance of essential services in an emergency situation.

(3) **CAREER ADVANCEMENT.** Only employees who successfully complete a fixed probationary period may be promoted to higher level jobs provided the agency ensures that all those considered eligible for promotion are qualified for the job.

History: Cr. Register, July, 1981, No. 307, eff. 8-1-81.

DHS 5.04 Classification and compensation plan. Equitable and adequate compensation shall be provided.

(1) **CLASSIFICATION PLAN.** The classification plan shall be maintained on a current basis. It shall include all job groupings with similar duties, responsibilities, training and experience requirements and other characteristics to which common job titles and compensation provisions may be applied. It shall be utilized for decision making on compensation, selection, employee development and other personnel program activities.

(2) **COMPENSATION PLAN.** The compensation plan shall assign pay rates or ranges to the different job groupings in the classification plan on a current basis and shall take into account the responsibility and difficulty of the work and the compensation needed to compete in the labor market.

History: Cr. Register, July, 1981, No. 307, eff. 8-1-81.

DHS 5.05 Training and employee development.

(1) **EMPLOYEE TRAINING.** Employees shall be trained as needed to assure high quality performance.

(2) **ORGANIZED TRAINING PROGRAMS.** Organized training programs shall be established as needed for the purpose of enhancing

the knowledge, proficiency, ability and skills of employees in order to keep them abreast of current developments in their occupational fields in order to assure high quality performance.

History: Cr. Register, July, 1981, No. 307, eff. 8-1-81.

DHS 5.06 Separation and performance evaluation.

Employees shall be retained on the basis of the adequacy of their performance.

(1) **EMPLOYEE EVALUATION.** Employees shall be evaluated periodically on a job related basis by their supervisors to ascertain the adequacy of their job performance in relation to agency performance standards.

(a) Performance evaluations determined through a joint review by supervisor and employee of job results achieved shall be the basis for personnel actions to recognize or to reward superior performance.

(b) Where performance deficiencies exist, a performance improvement plan shall be initiated by the supervisor and the employee.

(c) Procedures shall be established to provide for the transfer, demotion, or discharge of employees whose performance continues to be inadequate after reasonable efforts have been made to correct it.

(2) **LAYOFFS AND SEPARATIONS.** Employees who have completed a fixed probationary period shall not be subject to layoff except for reasons of curtailment of work or lack of funds.

(a) A layoff procedure to reduce the work force shall be developed based upon an evaluation of performance and length of service that shall ensure the retention of the most competent senior employees.

(b) Employees who have completed a fixed probationary period shall not be discharged except for good cause. Grounds for discharge include, but are not limited to, inefficiency, neglect of duty, official misconduct or malfeasance in office.

History: Cr. Register, July, 1981, No. 307, eff. 8-1-81.

DHS 5.07 Equal employment opportunity and appeals. Fair treatment of applicants and employees in all aspects of personnel administration shall be assured.

(1) **EQUAL EMPLOYMENT OPPORTUNITY.** Fair treatment and freedom from unlawful discrimination in personnel administra-

tion, as provided in subch. II of ch. 111, Stats., and relevant federal statutes including, but not limited to, the Equal Employment Opportunity Act of 1972 (42 USC 2000e-2000e-17), the Rehabilitation Act (29 USC 701-709), the Age Discrimination in Employment Act (29 USC 621-634) and the Equal Pay Act (29 USC 206), shall be assured to all persons.

(2) **AFFIRMATIVE ACTION.** An affirmative action plan shall be developed and implemented to increase the utilization of women, minorities and handicapped persons previously underutilized and underrepresented by the identification of goals and establishment of timetables formulated to correct substantial disparities. The plan shall include:

(a) Provision for the collection and maintenance of data on applicants and employees by race, sex, ethnic group and handicapped status to determine the impact of the selection process on the composition of the work force;

(b) Periodic evaluation of results to assess the effectiveness of the plan in achieving both long term and interim goals on a timely basis; and,

(c) Prohibitions against unlawful discrimination.

(3) **APPEALS.** In the event of demotion or separation, permanent employees shall be provided with the right to appeal through an impartial process that may be recommendatory or enforceable on the employer. Appeals of alleged discrimination of an applicant or employee shall also be provided through an impartial process that shall result in timely, enforceable decisions.

History: Cr. Register, July, 1981, No. 307, eff. 8-1-81.

DHS 5.08 Political activity. (1) **RESPONSIBILITY OF LOCAL GOVERNMENTS.** Local employers shall inform their employees of their political rights and of prohibited practices under the Hatch Act (5 USC 1501-1508).

(2) **POLICIES CONCERNING POLITICAL ACTIVITY.** (a) Policies on political activity shall be adopted and enforced to ensure that all employees have the right to express their views as citizens, to pursue their legitimate involvement in the political system and to vote.

(b) Policies on political activity shall ensure that employees not engage in or be subject to coercion for political purposes or seek candidacy for public office in a partisan election.

History: Cr. Register, July, 1981, No. 307, eff. 8-1-81.