



Milwaukee County Civil Service Commission

DATE: November 28, 2023
TO: Department Heads
FROM: Debbie Rios, Secretary to the Milwaukee County Civil Service Commission
SUBJECT: Guidelines for Requests on Out-of-State Waivers and Position Transfers

REQUESTS TO RECRUIT OUTSIDE THE STATE OF WISCONSIN

Completing a Request:

Wisconsin State Statutes require all applicants applying for classified positions to reside in the state of Wisconsin at the time of application per [63.08\(1\)](#). Residency requirements are waived for positions which require a license in the healthcare field (this also includes veterinary license or Doctor of Veterinary Medicine), applicant for a deputy sheriff position under s. [59.26\(8\)\(a\)](#), and positions for which the Civil Service Commission has previously granted a permanent waiver. Submit waivers to recruit for classified positions outside of the state of Wisconsin to the Secretary of the Civil Service Commission (currently held by the Department of Human Resources, Employment Manager). Please review these approved guidelines for more details.

The request (using email or interoffice mail) shall consist of:

1. A memo describing the rationale for the request.
 - a. Past or current recruitment information:
 - i. Number of viable applicants.
 - ii. Time frame of recruitment efforts.
 - iii. Recruitment sources (for example: job boards, etc.).
 - iv. Specific information on request (continuous recruitment or one-time only). If the CSC approves your request, it shall do so for a maximum time limit of up to 2 years but not longer than 2 years. Once the maximum time limit on the request has expired, the department head must request approval again from the CSC. Note that the CSC determines the exact maximum time limits on approvals and may not automatically approve every request for the maximum time limit of up to 2 years.
 - v. Salary range and salary market data (if available).
 - vi. Analysis of turnover of position in the last 2 years (total number of authorized positions, total number of vacancies, and total number of resignations).
 - vii. Amount of vacancies.
2. A current Job Evaluation Questionnaire (JEQ) or job description.

Approved recruitment waivers are granted as a one-time only exception, unless otherwise approved by the Civil Service Commission. A hired candidate will be required to become a state of Wisconsin resident within 6 months of employment and throughout their employment.

Deadline:

The deadline for the request is 3 weeks prior to the next regularly scheduled meeting. Department heads receive a reminder email from the Personnel Review Board Administrative Assistant asking for agenda items (3-4 weeks) prior to each Civil Service Commission meeting.

Civil Service Commission Meetings:

- Meetings are scheduled on a monthly basis (or as needed) and viewable on the commission [website](#).
- Department head or designee is required to attend the meeting.

Position Control Updates:

If the Civil Service Commission approves a request, the Secretary will provide information to Compensation to ensure the proper updating of position control.

Questions:

Contact the Secretary of the Civil Service Commission.

REQUESTS TO TRANSFER A CIVIL SERVICE POSITION FROM THE CLASSIFIED SERVICE TO THE UNCLASSIFIED SERVICE

Completing a Request:

To move a new classified or recently vacated position to the unclassified service, the department head or designee is required to complete a request to the Secretary of the Civil Service Commission (currently held by the Department of Human Resources, Employment Manager). Please review these approved guidelines for more details.

The request (using email or interoffice mail) shall consist of:

1. A memo describing the rationale for the position move.
2. A current position description or Job Evaluation Questionnaire (JEQ).
3. An organizational chart showing the relationship of the position to the highest position level and other unclassified positions.

Deadline:

The deadline for requests is 3 weeks prior to the next regularly scheduled Civil Service Commission meeting. Department heads receive a reminder email from the Personnel Review Board Administrative Assistant asking for agenda items (3-4 weeks) prior to each Civil Service Commission meeting.

Civil Service Commission Meetings:

- Meetings are scheduled on a monthly basis (or as needed) and viewable on the commission [website](#).
- Department head or designee is required to attend the meeting.

Position Control Updates:

If the Civil Service Commission approves a request, the Secretary will provide information to Compensation to ensure the proper updating of position control.

Questions:

Contact the Secretary of the Civil Service Commission.

Background Information About Requests to Transfer a Civil Service Position from the Classified Service to the Unclassified Service:

All newly created positions are established in the classified service (unless noted in Chapter [63.03\(2\)](#) of the Wisconsin State Statutes).

From time to time, managers submit requests to the Civil Service Commission to consider moving an open position from the classified service to the unclassified service. This document outlines the circumstances under which the Civil Service Commission may deem this type of change as appropriate, and outlines the criteria the Commission may consider when determining a position's Civil Service classification.

All positions in Milwaukee County are either in the classified or unclassified service. A classified position is subject to Milwaukee County Civil Service rules and laws, including practices for the competitive hiring process and the requirements for terminating employees. Unless otherwise designated, Wisconsin statutes require that a position should be held in the classified service. Wis. Stats. [§63.03](#) provides for two types of unclassified positions:

- Positions that are specifically enumerated under Wis. Stats. [§63.03\(2\)](#), such as the Deputy County Clerk or staff for the County Executive (<https://docs.legis.wisconsin.gov/statutes/statutes/63/1/03/2>); and,
- Positions specifically transferred to unclassified status through the discretionary power granted the Civil Service Commission under Wis. Stats. [§63.03\(3\)](#).

Under Wis. Stats. [§63.03\(3\)](#), if the Civil Service Commission “deems such action to be necessary to secure the best service for the county, the commission may...transfer any position of department head, deputy department head, associate department head or immediate assistant department head from the classified service to the unclassified service if the position is in pay range 30 or above.”

The criteria expressed in the previous paragraph uses outdated titles and terms but demonstrates that a position must be at an executive level, both in terms of organizational hierarchy and pay, to be considered for transfer to unclassified status.

The Civil Service Commission believes in filling positions through a merit-based civil service process unless sound rationale exists for exempting them from that process. Requests to transfer a position to the unclassified service from appointing authorities shall clearly specify and include the following information:

- The reason(s) for the request. Include information on the position's responsibilities, accountabilities, and level of strategic engagement within the department.
- A current Job Evaluation Questionnaire (JEQ) for the position.
- A listing of all other unclassified positions and corresponding pay ranges within the department.

- A departmental organizational chart depicting the level of the position and where it fits in the organizational structure.

The request must be submitted by the department head to the Secretary of the Civil Service Commission for inclusion on the agenda of the next Civil Service Commission meeting. The department head should plan to attend the meeting and present the item to the Commission.

The Civil Service Commission reviews requests to move positions from classified to unclassified status on a case-by-case basis. In addition to the criteria above, the conditions under which the Commission considers transferring positions and examples of positions that have been transferred under each category are summarized below.

The position:

- Requires confidentiality, sensitivity and commitment to the strategic position of an elected or public official; Example: Housing Administrator
- Is significantly involved in providing policy advice to a public official; Example: Budget Director
- Requires confidentiality related to the need to represent and act as a spokesperson for a public official; Example: Public Information Manager
- Reports directly to an elected official and personal loyalty or political compatibility are necessary; Example: Administrator Sheriff's Office
- The position or its funding is of a limited or uncertain duration; Example: Legal Research Interns

These examples are not meant to be all inclusive. They are provided as a general frame of reference for appointing authorities to consider when deciding to make a request to transfer a position to unclassified service. Considerations for the transfer of a position may go beyond the scope of what has been identified above. The Civil Service Commission reserves the right to determine if the rationale for a request is consistent with the applicable statutory provisions.

Once the Civil Service Commission approves the transfer of a position to unclassified status, the next appointee to the unclassified position is considered an at-will employee while serving in the position and serves at the pleasure of the appointing authority.

If there is an incumbent in a position at the time the position is transferred to unclassified status, the incumbent is not affected and is not considered "at will." The incumbent continues as a civil service appointee for the duration of service in the position.

CC: Human Resources Business Partners