

1997-98 SESSION
COMMITTEE HEARING
RECORDS

Committee Name:

Joint Committee on
Finance (JC-Fi)

Sample:

Record of Comm. Proceedings ... RCP

- 05hrAC-EdR_RCP_pt01a
- 05hrAC-EdR_RCP_pt01b
- 05hrAC-EdR_RCP_pt02

➤ Appointments ... Appt

➤ **

➤ Clearinghouse Rules ... CRule

➤ **

➤ Committee Hearings ... CH

➤ **

➤ Committee Reports ... CR

➤ **

➤ Executive Sessions ... ES

➤ **

➤ Hearing Records ... HR

➤ **

➤ Miscellaneous ... Misc

➤ 97hrJC-Fi_Misc_pt58_LFB

➤ Record of Comm. Proceedings ... RCP

➤ **

Employment Relations

(LFB Budget Summary Document: Page 217)

LFB Summary Items for Which Issue Papers Have Been Prepared

<u>Item #</u>	<u>Title</u>
2,3	Minor Policy and Technical Changes (Paper #370)
4	Additional Collective Bargaining Position (Paper #371)
5,8	Training Position Funding Conversion and Associated Expenditure Authority (Paper #372)
-	Excess Division Administrator Appointment Authority (Paper #373)

To: Joint Committee on Finance
From: Bob Lang, Director
Legislative Fiscal Bureau

ISSUE**Minor Policy and Technical Changes (Employment Relations)****A. BASE LEVEL FUNDING AND POSITION REDUCTIONS**

[LFB Summary: Page 217, #2]

Governor

Make the following annual reductions to the agency's base level budget: (1) delete \$107,400 GPR of base level salary and fringe benefits funding and eliminate 2.0 GPR positions (1.0 management information manager and 1.0 equal opportunity specialist); (2) delete \$1,100 GPR of LTE salary (\$1,000 GPR) and fringe benefits (\$100 GPR) funding; and (3) reduce the agency's supplies and services base budget by \$500 GPR.

Modification to Bill

~~Restore the \$1,000 GPR~~ annually deleted from the agency's LTE salary line and instead delete an additional \$1,000 GPR annually from the agency's fringe benefits line.

Explanation: A total of \$15,600 GPR annually should have been removed from the agency's fringe benefits line in conjunction with the recommended deletion of the salary amounts for the management information manager position. When this adjustment was actually made, only \$14,600 GPR annually was deleted from the fringe benefits line and an additional \$1,000 GPR annually was erroneously deleted from the LTE salary line. The modification restores the deleted LTE salary funding and deletes the required \$15,600 GPR annually from the fringe benefits line.

B. INFORMATION TECHNOLOGY FUNDING

[LFB Summary: Page 218, #3]

Governor

Provide additional funding for the following agency information technology (IT) activities:

IT Migration Costs: \$25,000 GPR annually for general hardware and software upgrades to continue the agency's move toward full compliance with statewide IT infrastructure standards established by DOA. The funding would be base-building.

DOA Mainframe User Charges: \$12,000 GPR annually for increased user charges associated with the migration of agency systems to DOA's Division of Information Technology Services mainframe. The funding would be base-building.

Software Licensing Fees: \$5,200 GPR in 1997-98 and \$7,000 GPR in 1998-99 as one-time funding for increased software licensing fees for the agency's Unisys mainframe.

Continue base level funding of \$69,500 GPR annually in unallotted reserve for master lease payments and other IT expenses associated with the Department's new local area network.

Modification to Bill

Provide \$12,000 GPR annually for increased DOA mainframe user charges as one-time rather than base funding. In addition, transfer to one-time financing the \$69,500 GPR annually of base level funding currently budgeted to unallotted reserve for the agency's IT master lease payments and other IT expenses.

Explanation: During the 1997-99 biennium, DER will continue to migrate applications from its own in-house mainframe computer system to those supported by DOA's mainframe. This usage shift is expected to result in increased expenditures during the transition period when considerable parallel testing and increased data storage will be required. Some offsetting maintenance cost reductions are also anticipated following this conversion.

Base level funding of \$69,500 GPR annually appropriated to unallotted reserve is currently being use primarily to make master lease payments of \$57,238 GPR towards the purchase of a new local area network for the agency. The last payment on the master lease is scheduled for August 1, 1999.

The additional software licensing fees provided in the budget bill (along with base level funding of \$20,000 GPR annually which is continuing as "one-time" financing) for

the Department's Unisys mainframe will no longer be needed after the end of the 1997-99 biennium.

The modification shifts all IT funding associated with the increased DOA user charges during the transition period and the base level unallotted reserve amounts for the agency's IT master lease payments to one-time financing. These one-time costs, along with all of the one-time amounts being earmarked for software licensing fees, would therefore, not continue as on-going funding for the purpose of developing DER's cost to continue budget for the 1999-2001 biennium. The agency would be required to identify and rejustify its additional IT usage, leasing and licensure costs at that time.

Prepared by: Tony Mason

MO# AH A & B
MODIFICATION

JENSEN	<u>Y</u>	N	A
<u>Z</u> OURADA	<u>Y</u>	N	A
HARSDORF	<u>Y</u>	N	A
ALBERS	<u>Y</u>	N	A
GARD	<u>Y</u>	N	A
KAUFERT	<u>Y</u>	N	A
LINTON	<u>Y</u>	N	A
COGGS	<u>Y</u>	N	A
BURKE	<u>Y</u>	N	A
DECKER	<u>Y</u>	N	A
GEORGE	<u>Y</u>	N	A
JAUCH	<u>Y</u>	N	A
WINEKE	<u>Y</u>	N	A
SHIBILSKI	<u>Y</u>	N	A
COWLES	<u>Y</u>	N	A
PANZER	<u>Y</u>	N	A

AYE 16 NO 0 ABS

To: Joint Committee on Finance
From: Bob Lang, Director
Legislative Fiscal Bureau

ISSUE

Additional Collective Bargaining Position (Employment Relations)

[LFB Summary: Page 218, #4]

CURRENT LAW

Staff of the Division of Collective Bargaining in the Department of Employment Relations (DER) represent the state as employer in labor negotiations with its state employe collective bargaining units and in grievance arbitrations arising out of the enforcement provisions of state employe collective bargaining contracts. Division staff also provide employment relations training several times a year to state agency managers. The Division has base level funding of \$731,800 GPR annually and is authorized 11.0 GPR positions (9.0 labor relations specialist positions and 2.0 support staff positions).

GOVERNOR

Provide \$33,900 GPR in 1998-99 and authorize 1.0 GPR labor relations specialist position.

DISCUSSION POINTS

1. The principal justification advanced by DER in support of its request for a new labor relations specialist position in 1998-99 is that its Division of Collective Bargaining has experienced workload increases in recent years without any adjustment in the total number of authorized labor relations staff (9.0 FTE positions). DER argues that these workload increases

are sufficient to justify the additional position and are primarily attributable to the following factors:

- the overall number of state employe bargaining units has increased from 12 in 1985 to 19 (effective with the 1997-99 contract period);
- the number of grievance arbitrations arising from the operation of state employe contract provisions has also increased;
- the length of the bargaining process has expanded and has become more complex, with bargaining now including such matters as the assignment of classifications to pay ranges; and
- the need and demand for employment relations training has grown.

2. The position description developed for the proposed labor relations specialist indicates that the position would be assigned a variety of specific duties, in accordance with the following estimated overall time commitment priorities: (a) representation of management in grievance arbitrations (55% time commitment); (b) collective bargaining negotiations (20% time commitment); (c) contract implementation and administration (15% time commitment); (d) training activities (5% time commitment); and (e) special projects and assignments (5% time commitment).

3. As previously noted, Division staff represent the state and its agencies in state employe contract grievances which have been appealed to arbitration. A major assigned responsibility of the proposed new position (55% in terms of projected overall time commitment) would be associated with the development and preparation of the state's position in grievance arbitrations. Therefore, it is appropriate to review available case management statistics for these arbitration proceedings in order to assess the degree to which current staff appears to be able to handle the existing caseload. The total number of grievance arbitration appeals processed during the last three each fiscal years is summarized below:

**Grievance Arbitration Appeals Activity
(1994-95 through 1996-97)**

<u>Fiscal Year</u>	<u>Appeals Received</u>	<u>Appeals Closed^a</u>	<u>Appeals Pending</u>
1994-95	954	758	1,784
1995-96	914	1,249	1,449
1996-97 ^b	611	840	1,220

^aIncludes appeals decided, settled, withdrawn or remanded

^bThrough March 31, 1997

4. During the past two years, the number of appeals pending has dropped from a high in 1994-95 of 1,784 to the current level (through March 31, 1997) of 1,220, a decrease of 31.6%. Further, now that the UW Hospitals and Clinics has been converted to an Authority (effective July 1, 1996) and is no longer a state agency, an important source of grievance appeals (approximately 250 to 300 appeals annually) has been eliminated and should further favorably affect appeals backlog figures once the remaining hold-over appeals are decided.

5. In addition, the existence of a large arbitration appeals backlog may not necessarily be attributable solely to the assumption that DER has too few labor relations specialist staff to assist with the appeals. Since the 1988-89 fiscal year, the Division has consistently had at least 1,000 grievance arbitration appeals pending annually. Arguably, the following factors not related to overall staffing levels in the Division have been at least as significant in determining how quickly pending appeals may be processed: (a) it is often difficult to coordinate scheduling for the state, the grievant, the grievant's agency and the arbitrator for a common hearing date; (b) some cases are appealed but will never in fact be pursued any further by the grievant, yet these cases may continue to be classified as pending matters (nonetheless, some 272 cases were actually withdrawn in 1994-95, 845 cases were withdrawn in 1995-96 and 480 cases have been withdrawn so far during the current fiscal year); and (c) budgetary considerations (particularly prior to 1995-96 when the arbitration appeals function was entirely GPR-funded) have occasionally limited the Division's ability to hire the necessary arbitrators and court reporters. [This program is now entirely PR funded, and the budget bill proposes an additional \$10,000 PR annually to support an increased number of arbitrations.]

6. Another third of the time of the new position is expected to include collective bargaining contract negotiations (20% time commitment) and contract implementation and administration activities (15% time commitment). Currently, for bargaining 1997-99 contracts, Division staff are assigned almost exclusively to one of three major negotiating teams, each of which is responsible for negotiating with five or six bargaining units. (There are also two small specialized teams for two of the bargaining units.) Each team is staffed with a chief negotiator and the other assigned team members provide back-up support. In addition, management representatives from several state agencies typically will also serve on the management bargaining team.

7. DER has argued that it is particularly important to provide additional staffing to the state's negotiating teams, especially given the fact that there are now a total of 19 collective bargaining unit contracts which must be negotiated each biennium.

8. However, DER will meet this negotiation workload for the 1997-99 contract cycle with its existing complement of labor relations staff. This is because the recommended new position would not actually be authorized until July 1, 1998. Further, for the past twelve months, DER has been carrying a vacant senior level labor relations specialist position in the Division. If the Division is able to enter into the current contract negotiation cycle with a continuing labor

relations specialist position vacancy, it is open to question whether there is justification for yet an additional position based solely on workload considerations.

9. Finally, a minor portion of the proposed new position's responsibilities (5% time commitment) would be assigned to assist with the design and implementation of training programs. Currently, the Division provides advanced labor-management training to agency managers and supervisors during one-week periods, five times a year. While the proposed new position would likely become involved in these training activities and provide back-up support as a minor part of its assigned duties, it has not been indicated that by providing the position, any additional training sessions would actually result.

10. Since trends in grievance arbitration caseload management do not suggest the need for additional staffing in that area because DER has unused base level staffing capacity in the Division which is available for contract negotiations (as well as for grievance arbitrations), the Committee could delete the requested position and associated funding.

ALTERNATIVES

1. Approve the Governor's recommendation.
2. Maintain current law.

<u>Alternative 2</u>	<u>GPR</u>
1997-99 FUNDING (Change to Bill)	- \$33,900
1998-99 POSITIONS (Change to Bill)	- 1.00

Prepared by: Tony Mason

MO# <u>Alt #2</u>				BURKE	<input checked="" type="checkbox"/>	N	A
				DECKER	<input checked="" type="checkbox"/>	N	A
				GEORGE	<input checked="" type="checkbox"/>	N	A
JENSEN	<input checked="" type="checkbox"/>	N	A	JAUCH	<input checked="" type="checkbox"/>	N	A
OURADA	<input checked="" type="checkbox"/>	N	A	WINEKE	<input checked="" type="checkbox"/>	N	A
HARSDORF	<input checked="" type="checkbox"/>	N	A	SHIBILSKI	<input checked="" type="checkbox"/>	N	A
ALBERS	<input checked="" type="checkbox"/>	N	A	COWLES	<input checked="" type="checkbox"/>	N	A
GARD	<input checked="" type="checkbox"/>	N	A	PANZER	<input checked="" type="checkbox"/>	N	A
KAUFERT	<input checked="" type="checkbox"/>	N	A				
LINTON	<input checked="" type="checkbox"/>	N	A	AYE <u>15</u>	NO	<u>1</u>	ABS
COGGS	<input checked="" type="checkbox"/>	N	A				

To: Joint Committee on Finance

From: Bob Lang, Director
Legislative Fiscal Bureau

ISSUE

Training Position Funding Conversion and Associated Expenditure Authority (DER)

[LFB Summary: Page 218, #5 and Page 219, #8]

CURRENT LAW

The employe development and training services appropriation under the Department of Employment Relations (DER) contains base level expenditure authority of \$386,300 PR annually. This appropriation currently funds 4.25 PR authorized positions (3.25 training officers and 1.0 program assistant).

GOVERNOR

Shift from PR to GPR in 1998-99, 50% of the funding and position authority (\$22,000 and 0.5 FTE position) for the 1.0 FTE training officer position associated with DER's public employe training function. Delete \$15,800 PR annually of excess supplies and services and permanent property expenditure authority for public employe development and training activities.

DISCUSSION POINTS

1. The employe development and training services appropriation currently supports two principal employe development and assistance functions in DER:

- The Office of Employe Development and Training, which formulates, coordinates and offers training programs for state and other governmental employes, including supervisory

training and advanced labor management training, coordination of state-sponsored training programs and monitoring of state agency training programs; and

- The state employment options program which provides training to AFDC recipients in order to help them obtain state civil service employment.

2. Revenues to support these activities derive from:

- Fees charged to state and other governmental agencies whose employees participate in employe development and training programs; and

- Reimbursement received from the Department of Workforce Development for costs associated with the state employment options program.

3. As part of the 1995-97 biennial budget, the 1.0 FTE training officer position associated with the agency's governmental employe training function was converted from a 50% GPR/50% PR funding split to the current 100% PR funding allocation as a budget efficiency measure designed to reduce GPR spending. The Governor's current recommendation would restore the position to the former split funding. All of the other positions currently associated with the employe development and training services appropriation would continue to be entirely PR-funded.

4. The Department has advanced two primary reasons for the requested return of the training officer position to split GPR/PR funding:

- Projected revenues and expenditures for the governmental employe training function for the 1997-99 biennium indicated that total program expenditures would exceed estimated total training revenues collected in each of the two fiscal years. Further, at the end of the 1998-99 fiscal year, the program account would have an actual negative balance due to exhausting the account's carry-over balances from previous years. However, this projected ending deficit of \$16,700 would be erased if \$22,000 in PR expenditures for the half of the training officer position were switched to GPR funding.

- The addition of some GPR funding for the position would also reduce pressure on the training officer to generate revenue for the program by ensuring the direct offering to agencies of training courses by DER either directly or through the use of contract vendors. The agency argues that this would free-up a portion of the incumbent's time to perform other administrative and oversight functions related to employe training activities.

5. Revenues for the training function have been declining in recent years from \$195,950 in 1993-94, to \$169,721 in 1994-95 and to \$129,856 in 1995-96. Estimated revenues for 1996-97 are currently projected at a slightly increased level of \$133,800. The Department believes that the decline in training revenues is attributable to the following factors:

- State agencies are setting aside reduced amounts in their budgets for employe training;
- There has been a reduced rate of hiring new employes and a slower turnover at the supervisory level with the results that there has been less demand for the new employe and basic supervisory training courses that DER offers directly; and
- Alternative training opportunities are available to state agencies. Many of the larger agencies secure their staff training needs by working directly with vendors, rather than using DER services to provide vendor contractor courses, with the result that DER collects no revenues for those course offerings.

6. As a result of these factors, participation in the Department's training courses has fallen. Of the 152 scheduled training course offerings during 1995-96, 63 courses (41.4%) had to be canceled because of insufficient enrollments. An additional 33 courses had fewer than 10 enrollees each. In some cases, enrollments in courses taught by outside vendors were not high enough to cover total costs. At least six courses lost from as little as \$24 to as much as \$1,314 each. One of these, a course which was not even offered due to insufficient enrollments, still had to make a required vendor payment of \$1,000.

7. Using updated revenue and expenditure projections provided by DER for the current fiscal year, an analysis indicates that, based on the Governor's recommendation, the employe training and development appropriation will be in a negative program position of -\$32,300 PR in 1997-98 and -\$37,200 PR in 1998-99. This deficit situation is now projected to occur, even with the proposed conversion of 0.5 FTE of the training officer position from PR to GPR funding.

8. However, included in the program's authorized expenditure authority under the bill is \$38,900 PR annually of salary and fringe benefits funding associated with 1.25 PR long-term vacant positions (1.0 PR program assistant position, vacant for over one year and 0.25 PR training officer position, vacant for more than three years). During the period of the program assistant vacancy, the training function has been provided clerical support through the agency's Division of Administrative Services. Also included under the bill is \$5,000 PR annually for permanent property. The proposed budget from DER for the appropriation did not indicate any expenditures for permanent property during the next biennium.

9. The Committee could delete: (a) the 1.25 PR long-term vacant positions and \$38,900 PR annually in associated salary and fringe benefits expenditure authority; (b) \$5,000 PR annually of permanent property funding; and (c) the conversion 0.5 FTE training officer from PR to GPR funding in 1998-99. With the removal of expenditure authority for the deleted positions, total PR funding could be continued for the remaining training officer position and the appropriation would still have a projected positive program position of \$12,000 PR in 1997-98 and \$29,900 PR in 1998-99. This action would also allow the deletion of \$22,900 GPR in 1998-99 that was recommended by the Governor.

10. Finally, the Committee may wish to note that the Governor's Commission on the Reform of the State Human Resource System has made a number of recommendations in its final report relating to state employe training. Among its recommendations on this area were the following:

- DER should provide centralized coordination of statewide employe training but should minimize its role in the direct provision of training.

- A state agency training council should be established by DER to explore the consolidation of training functions; and

- DER and the proposed training council should explore the development of training programs to provide core basic skills to supervisors, managers and executives. While DER should coordinate the provision of these training programs, the actual training should be provided by other agencies and organizations.

11. The Department indicates that it has not completed a review of these and other recommendations of the Commission to determine what, if any, changes should be incorporated into its current training functions. Accordingly, the Committee may wish to include session law language directing DER to submit a report to the Governor and the Legislature, prior to the submittal of its 1999-2001 biennial budget request (September 1, 1998), analyzing: (a) whether DER should continue any role in the direct provision of training courses; (b) what DER's role should be in employe training and whether its current statutory requirements in this area should be modified; (c) whether continued staffing should be provided in DER for training activities; and (d) how any such functions might be made reliably self-supporting. These recommendations could then provide further guidance to the Governor, Committee and the Legislature as a part of legislative review of the 1999-2001 biennial budget for DER.

ALTERNATIVES TO BILL

1. Approve the Governor's recommendation.

2. Increase 1997-98 PR funding and position authority by \$22,000 and 0.5 FTE training officer position and decrease GPR funding by an equivalent amount to retain the position entirely on PR funding. In addition, delete \$38,900 PR annually of salary and fringe benefits funding and \$5,000 PR annually of permanent property funding and 1.25 PR long-term vacant positions.

<u>Alternative 2</u>	<u>GPR</u>	<u>PR</u>	<u>TOTAL</u>
1997-99 FUNDING (Change to Bill)	- \$22,000	- \$65,800	- \$87,800
1998-99 POSITIONS (Change to Bill)	- 0.5	- 0.75	- 1.25

3. Include session language requiring the Department of Employment Relations to submit to the Governor and the Legislature by September 1, 1998, a report analyzing: (a) whether DER should continue any role in the direct provision of training courses; (b) what DER's role should be in employe training and whether its current statutory requirements in this area should be modified; (c) whether continued staffing should be provided in DER for training activities; and (d) how any such functions might be made reliably self-supporting.

Prepared by: Tony Mason

MO# Alt # 2

JENSEN	<input checked="" type="checkbox"/>	N	A
OURADA	<input checked="" type="checkbox"/>	N	A
HARSDORF	<input checked="" type="checkbox"/>	N	A
ALBERS	<input checked="" type="checkbox"/>	N	A
GARD	<input checked="" type="checkbox"/>	N	A
KAUFERT	<input checked="" type="checkbox"/>	N	A
LINTON	<input checked="" type="checkbox"/>	N	A
COGGS	<input checked="" type="checkbox"/>	N	A

BURKE	<input checked="" type="checkbox"/>	N	A
DECKER	<input checked="" type="checkbox"/>	N	A
GEORGE	<input checked="" type="checkbox"/>	N	A
JAUCH	<input checked="" type="checkbox"/>	N	A
WINEKE	<input checked="" type="checkbox"/>	N	A
SHIBILSKI	<input checked="" type="checkbox"/>	N	A
COWLES	<input checked="" type="checkbox"/>	N	A
PANZER	<input checked="" type="checkbox"/>	N	A

AYE 16 NO 0 ABS

EMPLOYMENT RELATIONS

Paper #372 -- Substitute to Alternative #3

Motion:

Move to include session law language requesting the Joint Legislative Audit Committee to direct the Legislative Audit Bureau to conduct a financial and performance evaluation audit of DER regarding: (a) whether DER should continue to have any role in the direct provision of training courses; (b) what DER's role should be in employe training and whether its current statutory requirements in this area should be modified; (c) whether continued staffing should be provided in DER for training activities; and (d) how any such functions might be made reliably self-supporting. Request that the audit report be submitted by September 1, 1998.

Note:

This motion would provide that the Legislative Audit Bureau review and prepare a report on the questions raised in Alternative 3 of Paper #372 rather than having a report on these questions be prepared by DER.

MO# 1605

JENSEN	<input checked="" type="checkbox"/>	N	A
ZOURADA	<input checked="" type="checkbox"/>	N	A
HARSDORF	<input checked="" type="checkbox"/>	N	A
ALBERS	<input checked="" type="checkbox"/>	N	A
GARD	<input checked="" type="checkbox"/>	N	A
KAUFERT	<input checked="" type="checkbox"/>	N	A
LINTON	<input checked="" type="checkbox"/>	N	A
COGGS	<input checked="" type="checkbox"/>	N	A
BURKE	<input checked="" type="checkbox"/>	N	A
DECKER	<input checked="" type="checkbox"/>	N	A
GEORGE	<input checked="" type="checkbox"/>	N	A
JAUCH	<input checked="" type="checkbox"/>	N	A
WINEKE	<input checked="" type="checkbox"/>	N	A
SHIBILSKI	<input checked="" type="checkbox"/>	N	A
COWLES	<input checked="" type="checkbox"/>	N	A
PANZER	<input checked="" type="checkbox"/>	N	A

Motion #605

AYE 16 NO 0 ABS _____

To: Joint Committee on Finance
From: Bob Lang, Director
Legislative Fiscal Bureau

ISSUE

Excess Division Administrator Appointment Authority (Employment Relations)

CURRENT LAW

Subject to position authorization by the Legislature and the availability of funding, the Secretary of the Department of Employment Relations (DER) has authority under s. 230.08(2)(e)4. of the statutes to appoint four unclassified division administrators.

GOVERNOR

No provision.

DISCUSSION POINTS

1. The Department currently has position authority and associated funding for unclassified division administrator positions in the following three Divisions: Merit Recruitment and Selection; Affirmative Action; and Classification and Compensation.
2. A fourth division administrator position for the Division of Collective Bargaining has been vacant since May 17, 1991, when the administrator became the agency Deputy Secretary. Since that time, the Division has been supervised by a classified assistant administrator position.
3. Under provisions of the 1995-97 biennial budget act: (a) base level salary and fringe benefits funding for this vacant administrator position was reallocated to fund the purchase

and installation of a local area network (LAN) system for the agency; and (b) the associated position authority for the vacant administrator position was deleted.

4. As a result, the Department now lacks position and funding authority for this fourth unclassified division administrator position. Accordingly, the Committee may wish to reduce from four to three the total number of unclassified division administrators the Secretary of DER is authorized to appoint.

5. If such action were taken by the Committee and DER subsequently wished to restore an unclassified division administrator position for the Division of Collective Bargaining, it would have the following options:

- Seek statutory authority to appoint an additional unclassified division administrator position along with the necessary position authorization and any required funding; or

- Consider possible reorganization within the agency. Currently, the three other unclassified administrators in the agency supervise 26.5, 18.5 and 5.0 FTE employees respectively.

ALTERNATIVES TO BILL

1. *Am* Modify s. 230.08(2)(e)4. of the statutes to reduce from four to three the number of unclassified division administrators the Secretary of DER would be authorized to appoint.

2. Maintain current law.

Prepared by: Tony Mason

MO# ALT # 1

JENSEN	Y	N	A
OURADA	Y	N	A
HARSDORF	Y	N	A
ALBERS	Y	N	A
GARD	Y	N	A
KAUFERT	Y	N	A
LINTON	Y	N	A
COGGS	Y	N	A

*No vote on 1-2
rec'd b/c Gov
did not make a
recommendation*

BURKE	Y	N	A
DECKER	Y	N	A
GEORGE	Y	N	A
JAUCH	Y	N	A
WINEKE	Y	N	A
SHIBILSKI	Y	N	A
COWLES	Y	N	A
PANZER	Y	N	A

AYE 7 NO 9 ABS _____

EMPLOYMENT RELATIONS

Oversight of Certain State Employee Disciplinary Investigations

Motion:

Move to include statutory language to:

(1) Require the Administrator of the Division of Merit Recruitment and Selection (DMRS) in the Department of Employment Relations to establish, by rule, procedures that each state agency must follow in investigating any alleged violation of the code of ethics currently established by the Administrator under s. 19.45(11)(a) of the statutes and applicable to classified and unclassified state employees other than those employees subject to the jurisdiction of the Ethics Board, unclassified employees in the University of Wisconsin System and officers and employees of the judicial branch of state government.

(2) Require the Administrator to specify, by rule, appropriate discipline for a violation of the DMRS code of ethics, except that such discipline may not include a fine, forfeiture or term of imprisonment. Stipulate that if an employee is alleged by his or her appointing authority to have violated that code of ethics, the Administrator, at his or her own initiative or at the request of the appropriate appointing authority, may suspend with pay the employee pending investigation of the alleged violation of the DMRS code of ethics.

(3) Provide that any employee who is determined to have violated a provision of the DMRS code of ethics may be disciplined by the employee's appointing authority or the Administrator as specified in the rules which the Administrator would be required to promulgate.

(4) Stipulate that if an appointing authority is investigating an alleged violation of the DMRS code of ethics and the Administrator determines that the appointing authority is not following procedures established by the new rules, the Administrator may assume control of the investigation. Require that any information contained in records obtained or prepared by the appointing authority or the Administrator in connection with an investigation of an alleged violation of the DMRS code of ethics could not be disclosed to the public, unless the alleged violation is referred to a district attorney or the Attorney General and the information is used by these individuals in the course of a civil or criminal action arising out of a violation of the DMRS code of ethics.

(5) Require the Administrator to disclose, upon request, the outcome of any such investigation, including any discipline imposed on the employee.

EMPLOYMENT RELATIONS

LFB Summary Items for Which No Issue Papers Have Been Prepared

<u>Item #</u>	<u>Title</u>
1	Standard Budget Adjustments
6	Test Center Proctor Salary Costs
7	Arbitration Cost Increases

LFB Summary Items for Introduction as Separate Legislation

<u>Item #</u>	<u>Title</u>
9	Increased Hiring, Promotional and Salary Setting Flexibility for Certain University of Wisconsin System Employees
10	Supplemental Compensation for Employees on Interchange Agreements
11	Access to Certain Employment Records

*2 motions held
Jensen
Albers*