

**2001 DRAFTING REQUEST**

**Bill**

Received: 10/28/2000

Received By: **champra**

Wanted: As time permits

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Currier**

This file may be shown to any legislator: **NO**

Drafter: **champra**

May Contact:

Alt. Drafters:

Subject: **Employ Pub - civil service**

Extra Copies:

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**Pre Topic:**

DOA:.....Currier -

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**Topic:**

Merit recruitment and selection pilot programs

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**Instructions:**

See Attached.

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	champra 10/28/2000	hhagen 11/01/2000	martykr 11/01/2000	_____	lrb_docadmin 11/01/2000		

FE Sent For:

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1/?	champra	<i>10/31/00</i>	<i>LM/1</i>	<i>QJ</i>			

FE Sent For:

<END>

TOMMY G. THOMPSON,  
GOVERNOR

GEORGE LIGHTBOURN  
SECRETARY



Division of Executive Budget and Finance  
Post Office Box 7864  
Madison, WI 53707-7864  
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**Date:** October 24, 2000  
**To:** Steve Miller, LRB  
**From:** Dawn Currier, DOA  
266-8777  
**Subject:** Department of Employment Relations Statutory Language

I'm forwarding stat language changes that the Department of Employment Relations (DER) included with its budget submission.

1. Increase Flexibility in Civil Service Recruiting. This is a package of six interrelated proposals designed to provide more flexibility in focusing the state's recruitment efforts: (1) eliminate the 6-month waiting period for paying employer share of health insurance premium costs; (2) institutionalize innovative recruitment and evaluation methods; (3) unilaterally delegate management of day-to-day personnel business to state agencies in order to concentrate DER efforts on policy guidance; (4) permit recruiting of LTEs who are residents of other states and nations; (5) Enhance career advancement opportunities within state government, and (6) convert DER's reports to on-demand provision of tailored information and delete obsolete reporting requirements.
2. Training to non-state employees. Permits DER to offer training courses to non-state governmental and private sector individuals and to collect fees from them for their participation in those programs.
3. Creation of related services appropriation. Create a PR-S continuing appropriation that will allow DER to deposit fees it collects from non-state entities for the provision of services or products.
4. Delete Program 2 in state statutes. Delete s. 20.512(2) Affirmative Action Council.

For your reference, I am including the documentation provided by the agency to aid in the preparation of these statutory language changes. Please contact me, if you have any additional questions or concerns. Thanks.

Break #1  
into individual  
components

99-3085/5  
has this  
provision

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# STATUTORY LANGUAGE PROPOSAL

## Department of Employment Relations 2001-03 BIENNIAL BUDGET

### LIST OF STATUTORY LANGUAGE REQUESTED

- ◆ Civil Service Flexibility
- ◆ Training Services to Non-state employees
- ◆ Creation of Related Services Appropriation
- ◆ Repeal s. 20.512 (2)

#### Contact:

Elizabeth Reinwald  
Legislative Liaison  
Department of Employment Relations  
608-266-5316

TITLE: INCREASED FLEXIBILITY IN CIVIL SERVICE RECRUITING

#### ISSUE:

Employment in Wisconsin is at an all-time high. The downside of this good economic news is keen competition among employers for the most qualified candidates to fill crucial positions. Demographic forecasts show that attracting skilled workers to Wisconsin jobs will be increasingly challenging for the next 20 years and beyond. Wisconsin state government needs to become once again the employer of choice for the best and brightest talents in crucial roles in order to render the highest quality service to the public. The challenge is to attract the best staff with cost effective measures .

#### DESCRIPTION OF LEGISLATION:

DER has developed a package of six interrelated proposals to provide greater flexibility in focusing the state's recruitment efforts:

- Eliminate the 6-month waiting period for paying the employer share of health insurance premiums
- Pilot innovative recruitment and evaluation methods
- Enhance career advancement opportunities within state government
- Permit recruiting of Limited Term Employees and project employees who are

**TITLE: INCREASED CERTIFICATION FLEXIBILITY (PAGE 2)**

residents of other states or nations

- Delegate management of day-to-day personnel business to state agencies in order to concentrate DER efforts on policy guidance
- Convert DER's reports to on-demand provision of tailored information. Delete obsolete reports.

**WHY THE LEGISLATION IS NEEDED:**

- Agencies report that the six-month delay before the state contributes the employer share of health insurance premiums is a tremendous barrier to the successful hiring of job applicants. By law, eligibility for health insurance coverage for a new employee must begin on the first of the month following the hire date, but employer contributions currently do not begin until the seventh month of employment. Wisconsin government service is losing the most desirable candidates to the private sector and to other public employers that provide employer contributions from the start of employment. Today, vacancy and turnover rates in some branches of the service are creating unacceptable levels of stress for remaining staff and "burnout" is being reported. Positions crucial to health and safety are experiencing unacceptably high levels of turnover and vacancy.
- As a result of the extremely tight labor market across the nation, innovative methods are being employed to attract and retain quality employees in both the public and private sectors. The National Association of State Personnel Executives, International Personnel Management Association and the Council of State Governments are some of the organizations highlighting innovative techniques. If Wisconsin State Government cannot continue to innovate in this new marketplace of human resources, the state will lose opportunities to attract some of the best and most skilled candidates for public service jobs. Candidates who can have their pick of employers will be attracted by assessment and competition methods more focused and targeted to the needs of today's recruiting environment.
- Retention of current, talented and experienced employees is a priority goal in the tight labor environment. In addition to improved compensation and benefits, DER believes that providing first opportunities for internal advancement to state staff will improve retention and make the state a more attractive employer.
- There is critical need to expand the workforce available to state agencies, particularly those with operations and/or institutions along the state's borders. Currently, about 80,000 Wisconsin residents commute to jobs in contiguous states while only about 18,000 non-state residents commute into Wisconsin. Currently, Limited Term Employees, those hired for six months or less, must be state residents. Permanent employees do not have to be state residents. Continued prohibition of non-resident LTEs deprives Wisconsin of a source of potential permanent residents and employees, puts state agencies at great disadvantage in

TITLE: INCREASED CERTIFICATION FLEXIBILITY (PAGE 3)

filling vacancies, and deprives state government of an important trained workforce pool. Additionally, since limited-term employment often is a route into permanent state employment for minorities and women, not acting will prevent state government from using career development as a retention enhancement.

- Day-to-day personnel transactions are most properly managed by each individual state agency closest to the workforce issues. DER wishes to increase delegation of agency personnel actions to each agency and focus on policy development, training and coordination.
- DER currently expends resources in compiling, printing and distributing reports that are no longer relevant to current needs or which could be better focused to current needs. Valuable efforts by the Division of Affirmative Action are diverted from proactive recruiting and assistance to agency affirmative action staffs into time consuming after the fact report production. Technological advances in data compilation and real-time reporting are not realized because the time required to assemble data into a formal published report ensures that reporting is always out of date in our rapidly changing employment environment. DER needs to focus efforts on immediately providing spot data from which policy decisions can flow.

PAST LEGISLATION:

This proposal has not been introduced as a package in previous sessions, although repeal of the six-month waiting period for employer health insurance premiums has been discussed in previous sessions. In the last session, the law was amended to allow immediate employer payment of premiums for University of Wisconsin faculty and academic staff.

ANTICIPATED FISCAL IMPACT:

Only the change to eliminate the six-month waiting period for employer share of health insurance premiums has a fiscal impact. The estimated fiscal impact of this change is:

	2002	2003	Total
GPR	\$ 5,325,300	\$ 5,325,300	\$ 10,650,600
Other Funds	6,269,000	6,269,000	12,538,000
Total	11,594,300	11,594,300	23,188,600

This estimate is based on projections for fiscal year 2001 assuming 3,300 new hires each year.

TITLE: INCREASED CERTIFICATION FLEXIBILITY (PAGE 6)

administrator may order transfer to the division from the agency to which delegation was made such agency staff and other resources as necessary to perform such functions if increased staff was authorized to that agency as a consequence of such delegation or if the division reduced staff or shifted staff to new responsibilities as a result of such delegation subject to the approval of the joint committee on finance. Any delegatory action taken under this subsection by any appointing authority may be appealed to the personnel commission under s. 230.44 (1) (a). The administrator shall be a party in such appeal.

Pilot innovative recruitment and evaluation methods

230.15 (1) of the statutes is amended to read:

230.15 (1) Appointments to, and promotions in, the classified service shall be made only according to merit and fitness, which shall be ascertained so far as practicable by competitive examination. The administrator may waive competitive examination for appointments made under subs. (1m), (1r) and (2) and shall waive competitive examination for appointments made under sub. (2m).

230.15 (1r) of the statutes is created to read:

230.15 (1r) If a vacancy occurs in a position that is to be filled according to the terms of a pilot program under s. 230.23 and the terms of the pilot program provide that the competition requirements for filling the position may be waived, the administrator may waive the competition requirements for filling the position.

230.19 (4) of the statutes is created to read:

230.19 (4) If a vacancy occurs in a position that is to be filled according to the terms of a pilot program under s. 230.23, the terms of the pilot program shall supersede any inconsistent requirements established under this section.

230.23 of the statutes is created to read:

230.23 Merit recruitment and selection pilot programs. (1) The administrator may establish any number of pilot programs affecting one or more agencies for appointments to, and promotions in, the classified service if all of the following conditions are met:

(a) The administrator clearly specifies the purpose of the pilot program and the evaluation criteria and evaluation methodology

TITLE: INCREASED CERTIFICATION FLEXIBILITY (PAGE 7)

that he or she will use to evaluate the pilot program.

(b) Appointments and promotions to positions under the pilot program are made according to the applicant's merit and fitness for the position.

(c) The pilot program is not in effect for a period exceeding one year.

(d) The secretary approves the pilot program.

(e) The administrator submits a report describing the terms of the pilot program to the governor and to each house of the legislature for distribution to the legislature under s. 13.172 (2) no later than 30 days before the commencement of the pilot program.

(2) No later than 60 days after completion of a pilot program, the administrator shall submit a report evaluating the pilot program to the governor and to each house of the legislature for distribution to the legislature under s. 13.172 (2).

230.25 (5m) of the statutes is created to read:

230.25 (5m) Unless otherwise provided in the terms of a pilot program under s. 230.23, this section shall not apply to any vacancy in a position that is to be filled according to the terms of a pilot program under s. 230.23.

230.26 (2) of the statutes is amended to read:

230.26 (2) If there are urgent reasons for filling a vacancy in any position in the classified service and the administrator is unable to certify to the appointing authority, upon requisition by the latter, a list of persons eligible for appointment from an appropriate employment register, the appointing authority may nominate a person to the administrator for noncompetitive examination. If the nominee is certified by the administrator as qualified, the nominee may be appointed provisionally to fill the vacancy until an appointment can be made from a register established after announcement of competition for the position, except that no provisional appointment may be continued for more than 45 working days after the date of certification from the register. Successive appointments may not be made under this subsection. This subsection does not apply to a person appointed to a vacant position in the classified service under s. 230.275 or to a vacant position in the classified service that is to be filled according to the terms of a pilot program under s. 230.23.

TITLE: INCREASED CERTIFICATION FLEXIBILITY (PAGE 8)

✓ 230.28 (7) of the statutes is created to read:

230.28 (7) Unless otherwise provided in the terms of a pilot program under s. 230.23, this section shall not apply to any appointment to a vacancy in a position that is to be filled according to the terms of a pilot program under s. 230.23.

✓ Enhance career advancement opportunities within state government

230.19 (2) of the statutes is amended to read:

230.19 (2) If, in the judgment of the administrator, the group of applicants best able to meet the requirements for vacancies in positions in the classified service are available within the classified service, the vacancies shall be filled by competition limited to persons in the classified service who are not employed under s. 230.26 or 230.27 and persons with the right of restoration resulting from layoff under s. 230.34 (2), unless it is necessary to go outside the classified service to be consistent with an approved affirmative action plan or program. The administrator may also limit competition for promotion to the employees of an agency or an employing unit within an agency ~~if the resulting group of applicants would fairly represent the proportion of members of racial and ethnic, gender or handicap groups in the relevant labor pool for the state, unless it is necessary to go outside the classified service to be consistent with an approved affirmative action plan or program.~~

Convert DER's reports to on-demand provision of tailored information. Delete obsolete reporting requirements.

13.48 (2) (j) of the statutes is repealed.

230.04 (9) (e) of the statutes is amended to read:

230.04 (9) (e) Annually Biennially, beginning in 2000, prepare and submit to the governor and the legislature a summary of existing agency affirmative action program accomplishments, including the information obtained from agencies under sub. (10) (b), future goals and recommended actions.

230.04 (9) (em) of the statutes is amended to read:

230.04 (9) (em) Annually Biennially, beginning in 2000, prepare and submit to the governor and the legislature a summary of the progress being made to provide employment opportunities in civil service for veterans under this chapter, including the information obtained from agencies under sub. (10) (c).

230.04 (9m) of the statutes is repealed.



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-0825/1

RAC:.....

hand  
+ cjs

SOON

DOA:.....Currier - Merit recruitment and selection pilot programs

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

Do not get

1 AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

STATE GOVERNMENT

STATE EMPLOYMENT

Under current law, appointments and promotions to positions in the classified service must be made according to merit and fitness, which is generally demonstrated by competitive examination. When vacancies occur in positions in the classified service, the administrator of the division of merit recruitment and selection in DER must certify names that may be considered for appointment to the position. This bill authorizes the administrator, with the approval of the secretary of employment relations, to establish pilot programs for the recruitment of individuals to fill vacant positions in the classified service. Under the bill, the pilot programs, which may not be in effect for more than one year, are exempt from all recruitment and certification requirements under current law, except that appointments and promotions to positions must be made according to the applicant's merit and fitness for the position.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

2 SECTION 1. 230.15 (1) of the statutes is amended to read:

1           230.15 (1) Appointments to, and promotions in, the classified service shall be  
 2 made only according to merit and fitness, which shall be ascertained so far as  
 3 practicable by competitive examination. The administrator may waive competitive  
 4 examination for appointments made under subs. (1m), (1r), and (2) and shall waive  
 5 competitive examination for appointments made under sub. (2m).

6 History: 1971 c. 270 ss. 23, 46; Stats. 1971 s. 16.11; 1973 c. 90; 1977 c. 196 ss. 39, 131; Stats. 1977 s. 230.15; 1981 c. 140; 1983 a. 27; 1989 a. 31; 1993 a. 12; 1997 a. 307.

6           **SECTION 2.** 230.15 (1r) of the statutes is created to read:

7           230.15 (1r) If a vacancy occurs in a position that is to be filled according to the  
 8 terms of a pilot program under s. 230.23 and the terms of the pilot program provide  
 9 that the competition requirements for filling the position may be waived, the  
 10 administrator may waive the competition requirements for filling the position.

11           **SECTION 3.** 230.19 (4) of the statutes is created to read:

12           230.19 (4) If a vacancy occurs in a position that is to be filled according to the  
 13 terms of a pilot program under s. 230.23, the terms of the pilot program shall  
 14 supersede any inconsistent requirements established under this section.

15           **SECTION 4.** 230.23 of the statutes is created to read:

16           **230.23 Merit recruitment and selection pilot programs.** (1) The  
 17 administrator may establish any number of pilot programs affecting one or more  
 18 agencies for appointments to, and promotions in, the classified service if all of the  
 19 following conditions are met:

20           (a) The administrator clearly specifies the purpose of the pilot program and the  
 21 evaluation criteria and evaluation methodology that he or she will use to evaluate  
 22 the pilot program.

23           (b) Appointments and promotions to positions under the pilot program are  
 24 made according to the applicant's merit and fitness for the position.

1 (c) The pilot program is not in effect for a period exceeding one year.

2 (d) The secretary approves the pilot program.

3 (e) The administrator submits a report describing the terms of the pilot  
4 program to the governor and to each house of the legislature for distribution to the  
5 legislature under s. 13.172 (2) no later than 30 days before the commencement of the  
6 pilot program.

7 (2) No later than 60 days after completion of a pilot program, the administrator  
8 shall submit a report evaluating the pilot program to the governor and to each house  
9 of the legislature for distribution to the legislature under s. 13.172 (2).

10 SECTION 5. 230.25 (5m) of the statutes is created to read:

11 230.25 (5m) Unless otherwise provided in the terms of a pilot program under  
12 s. 230.23, this section shall not apply to any vacancy in a position that is to be filled  
13 according to the terms of a pilot program under s. 230.23.

14 SECTION 6. 230.26 (2) of the statutes is amended to read:

15 230.26 (2) If there are urgent reasons for filling a vacancy in any position in  
16 the classified service and the administrator is unable to certify to the appointing  
17 authority, upon requisition by the latter, a list of persons eligible for appointment  
18 from an appropriate employment register, the appointing authority may nominate  
19 a person to the administrator for noncompetitive examination. If the nominee is  
20 certified by the administrator as qualified, the nominee may be appointed  
21 provisionally to fill the vacancy until an appointment can be made from a register  
22 established after announcement of competition for the position, except that no  
23 provisional appointment may be continued for more than 45 working days after the  
24 date of certification from the register. Successive appointments may not be made  
25 under this subsection. This subsection does not apply to a person appointed to a

1 vacant position in the classified service under s. 230.275 or to a vacant position in the  
2 classified service that is to be filled according to the terms of a pilot program under  
3 s. 230.23.

History: 1971 c. 270 ss. 54, 55; Stats. 1971 s. 16.21; 1975 ~~s. 147~~ s. 54; 1977 c. 196 s. 51; Stats. 1977 s. 230.26; 1979 c. 97; 1979 c. 221 ss. 732, 909; 1981 c. 20, 26; 1983 a. 27 ss. 1613, 1614, 2202 (15); 1985 a. 332; 1997 a. 39, 307.

4 **SECTION 7. 230.28 (7) of the statutes is created to read:**

5 230.28 (7) Unless otherwise provided in the terms of a pilot program under s.  
6 230.23, this section shall not apply to any appointment to a vacancy in a position that  
7 is to be filled according to the terms of a pilot program under s. 230.23.

8 (END)



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-0825/1  
RAC:hmh&cjs:km

DOA:.....Currier – Merit recruitment and selection pilot programs  
FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

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*Analysis by the Legislative Reference Bureau*

**STATE GOVERNMENT**

**STATE EMPLOYMENT**

Under current law, appointments and promotions to positions in the classified service must be made according to merit and fitness, which is generally demonstrated by competitive examination. When vacancies occur in positions in the classified service, the administrator of the division of merit recruitment and selection in DER must certify names that may be considered for appointment to the position. This bill authorizes the administrator, with the approval of the secretary of employment relations, to establish pilot programs for the recruitment of individuals to fill vacant positions in the classified service. Under the bill, the pilot programs, which may not be in effect for more than one year, are exempt from all recruitment and certification requirements under current law, except that appointments and promotions to positions must be made according to the applicant's merit and fitness for the position.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

2 SECTION 1. 230.15 (1) of the statutes is amended to read:

**SECTION 1**

1           230.15 (1) Appointments to, and promotions in, the classified service shall be  
2 made only according to merit and fitness, which shall be ascertained so far as  
3 practicable by competitive examination. The administrator may waive competitive  
4 examination for appointments made under subs. (1m), (1r), and (2) and shall waive  
5 competitive examination for appointments made under sub. (2m).

6           **SECTION 2.** 230.15 (1r) of the statutes is created to read:

7           230.15 (1r) If a vacancy occurs in a position that is to be filled according to the  
8 terms of a pilot program under s. 230.23 and the terms of the pilot program provide  
9 that the competition requirements for filling the position may be waived, the  
10 administrator may waive the competition requirements for filling the position.

11           **SECTION 3.** 230.19 (4) of the statutes is created to read:

12           230.19 (4) If a vacancy occurs in a position that is to be filled according to the  
13 terms of a pilot program under s. 230.23, the terms of the pilot program shall  
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15           **SECTION 4.** 230.23 of the statutes is created to read:

16           **230.23 Merit recruitment and selection pilot programs.** (1) The  
17 administrator may establish any number of pilot programs affecting one or more  
18 agencies for appointments to, and promotions in, the classified service if all of the  
19 following conditions are met:

20           (a) The administrator clearly specifies the purpose of the pilot program and the  
21 evaluation criteria and evaluation methodology that he or she will use to evaluate  
22 the pilot program.

23           (b) Appointments and promotions to positions under the pilot program are  
24 made according to the applicant's merit and fitness for the position.

25           (c) The pilot program is not in effect for a period exceeding one year.

1 (d) The secretary approves the pilot program.

2 (e) The administrator submits a report describing the terms of the pilot  
3 program to the governor and to each house of the legislature for distribution to the  
4 legislature under s. 13.172 (2) no later than 30 days before the commencement of the  
5 pilot program.

6 (2) No later than 60 days after completion of a pilot program, the administrator  
7 shall submit a report evaluating the pilot program to the governor and to each house  
8 of the legislature for distribution to the legislature under s. 13.172 (2).

9 **SECTION 5.** 230.25 (5m) of the statutes is created to read:

10 230.25 (5m) Unless otherwise provided in the terms of a pilot program under  
11 s. 230.23, this section shall not apply to any vacancy in a position that is to be filled  
12 according to the terms of a pilot program under s. 230.23.

13 **SECTION 6.** 230.26 (2) of the statutes is amended to read:

14 230.26 (2) If there are urgent reasons for filling a vacancy in any position in  
15 the classified service and the administrator is unable to certify to the appointing  
16 authority, upon requisition by the latter, a list of persons eligible for appointment  
17 from an appropriate employment register, the appointing authority may nominate  
18 a person to the administrator for noncompetitive examination. If the nominee is  
19 certified by the administrator as qualified, the nominee may be appointed  
20 provisionally to fill the vacancy until an appointment can be made from a register  
21 established after announcement of competition for the position, except that no  
22 provisional appointment may be continued for more than 45 working days after the  
23 date of certification from the register. Successive appointments may not be made  
24 under this subsection. This subsection does not apply to a person appointed to a  
25 vacant position in the classified service under s. 230.275 or to a vacant position in the

1 classified service that is to be filled according to the terms of a pilot program under  
2 s. 230.23.

3 **SECTION 7.** 230.28 (7) of the statutes is created to read:

4 230.28 (7) Unless otherwise provided in the terms of a pilot program under s.  
5 230.23, this section shall not apply to any appointment to a vacancy in a position that  
6 is to be filled according to the terms of a pilot program under s. 230.23.

7 (END)