

## 2011 DRAFTING REQUEST

### Bill

Received: **06/03/2011**

Received By: **pgrant**

Wanted: **As time permits**

Companion to LRB:

For: **Legislative Reference Bureau**

By/Representing: **Myself**

May Contact:

Drafter: **pgrant**

Subject: **Higher Education - UW System**

Addl. Drafters:

Extra Copies: **RAC  
MDK**

Submit via email: **YES**

Requester's email: **emily.pope@legis.wisconsin.gov**

Carbon copy (CC:) to:

---

### Pre Topic:

No specific pre topic given

---

### Topic:

UW personnel systems

---

### Instructions:

See attached

---

### 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>
/?	pgrant 06/03/2011	kfollett 06/03/2011		_____			
/P1	pgrant 06/04/2011	csicilia 06/05/2011	mduchek 06/03/2011	_____	lparisi 06/03/2011		
/P2	pgrant 06/05/2011	nmatzke 06/05/2011	mduchek 06/05/2011	_____	ggodwin 06/05/2011		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P3			mduchek _____ 06/05/2011 _____		ggodwin _____ 06/05/2011 _____		

FE Sent For:

<END>

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/?	pgrant 06/03/2011	kfollett 06/03/2011		_____			
/P1	pgrant 06/04/2011	csicilia 06/05/2011	mduchek 06/03/2011	_____	lparisi 06/03/2011		
/P2		<i>1/P3 nwn 6/5</i>	mduchek 06/05/2011	_____	ggodwin 06/05/2011		

FE Sent For:

**<END>**

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May Contact:

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Subject: **Higher Education - UW System**

Addl. Drafters:

Extra Copies: **RAC  
MDK**

Submit via email: **NO**

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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pgrant 06/03/2011	kfollett 06/03/2011		_____			
/P1			mduchek 06/03/2011	_____	lparisi 06/03/2011		

FE Sent For:

*P2 cjs 6/5  
11*

<END>

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By/Representing: **Myself**

May Contact:

Drafter: **pgrant**

Subject: **Higher Education - UW System**

Addl. Drafters:

Extra Copies: **RAC  
MDK**

Submit via email: **NO**

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No specific pre topic given

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**Topic:**

UW personnel systems

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**Instructions:**

See attached

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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pgrant						

FE Sent For:

<END>

**Grant, Peter**

---

**From:** Pope, Emily  
**Sent:** Thursday, June 02, 2011 4:25 PM  
**To:** Grant, Peter  
**Subject:** RE: Hold the phone

36.09 (1)(j), (k)  
^

Peter:

I think (i) and (k) should be repealed effective July 1, 2013. For the 2011-13 biennium, s. 36.09(1)(j) would have to be modified to reference the supplemental pay plans for both classified and unclassified employees. Under the current version of the motion, these supplemental pay plans would be approved by JCOER. For the 2013-15 biennium, the paragraph would have to be modified to drop the reference to "classified staff" and s. 20.923 (4g) and (5). (I'm not sure if s. 20.923(6)(m) would also be deleted.) Under the current version of the motion, OSER and JCOER would continue to approve compensation plans for UW System employees (i.e. paragraph 8 of the motion has been deleted). Here's what remains for personnel system and supplemental pay plans:

*Supplemental Pay Plans:* During the 2011-13 biennium, the Board of Regents could provide supplemental pay plans for UW System classified and unclassified employees, excluding UW-Madison employees, and UW-Madison could provide supplemental pay plans for UW-Madison classified and unclassified employees. These supplemental pay plans would be in addition to compensation plans approved for such employees by the Joint Committee on Employee Relations (JCOER). The UW-Madison supplemental pay plan would require approval by the Regents and both the UW-Madison supplemental pay plan and the UW System supplemental pay plan would require approval by JCOER. These supplemental pay plans would be funded with resources available to the Board of Regents and UW-Madison including the GPR block grant, tuition, gifts and grants, and other resources. The Board of Regents would not receive pay plan supplements or request full funding of increases in salary and fringe benefit costs through the biennial budget process for costs related to these supplemental pay plans.

*Personnel Systems:* Authorize the Board of Regents to establish a personnel system for all UW employees excluding UW-Madison employees and authorize UW-Madison to establish a personnel system for UW-Madison employees. Require UW-Madison to create its personnel system in consultation with the Board of Regents. Specify that these personnel systems would include a civil service system and a grievance process. The UW-Madison personnel system would require approval by the Regents and both the UW-Madison personnel system and the UW System personnel system would require approval by JCOER. Beginning July 1, 2013, exempt UW System from all Chapter 230 provisions and transfer all UW employees from the state personnel system to the new personnel systems.

Emily Eleanor Pope, Fiscal Analyst  
Wisconsin Legislative Fiscal Bureau  
One East Main St., Suite 301

Telephone: (608) 266-3847  
Fax: (608) 267-6873  
Email: Emily.Pope@legis.state.wi.us

---

**From:** Grant, Peter  
**Sent:** Thursday, June 02, 2011 2:34 PM  
**To:** Pope, Emily  
**Subject:** RE: Hold the phone

Emily, take a look at 36.09 (1) (j). How does this paragraph square with the board (and the chancellor) establishing their

**Grant, Peter**

---

**From:** Champagne, Rick  
**Sent:** Thursday, June 02, 2011 3:41 PM  
**To:** Grant, Peter; Hanaman, Cathlene  
**Subject:** FW: UW employees transferred to the new personnel system

---

**From:** Pope, Emily  
**Sent:** Thursday, June 02, 2011 3:39 PM  
**To:** Champagne, Rick  
**Subject:** RE: UW employees transferred to the new personnel system

Phew! Yes, it was a policy decision to keep JCOER approval and full legislative action. I did hear back regarding s. 20.923 (4g) and (5). These paragraphs would be deleted. Under another section, supplemental pay plans would be approved by JCOER and the idea is that the Legislature would have oversight of executive salaries that way. Here are the new paragraphs on personnel system and supplemental pay plans. Pay plans for future biennia (which was #8 of the old document) have been pulled.

RAC

1. *Supplemental Pay Plans:* During the 2011-13 biennium, the Board of Regents could provide supplemental pay plans for UW System classified and unclassified employees, excluding UW-Madison employees, and UW-Madison could provide supplemental pay plans for UW-Madison classified and unclassified employees. These supplemental pay plans would be in addition to compensation plans approved for such employees by the Joint Committee on Employee Relations (JCOER). The UW-Madison supplemental pay plan would require approval by the Regents and both the UW-Madison supplemental pay plan and the UW System supplemental pay plan would require approval by JCOER. These supplemental pay plans would be funded with resources available to the Board of Regents and UW-Madison including the GPR block grant, tuition, gifts and grants, and other resources. The Board of Regents would not receive pay plan supplements or request full funding of increases in salary and fringe benefit costs through the biennial budget process for costs related to these supplemental pay plans.

2/6

2. *Personnel Systems:* Authorize the Board of Regents to establish a personnel system for all UW employees excluding UW-Madison employees and authorize UW-Madison to establish a personnel system for UW-Madison employees. Require UW-Madison to create its personnel system in consultation with the Board of Regents. Specify that these personnel systems would include a civil service system and a grievance process. The UW-Madison personnel system would require approval by the Regents and both the UW-Madison personnel system and the UW System personnel system would require approval by JCOER. Beginning July 1, 2013, exempt UW System from all Chapter 230 provisions and transfer all UW employees from the state personnel system to the new personnel systems.

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Email: Emily.Pope@legis.state.wi.us

# BILL

Date (time) needed

TODAY

LRB - 2193, P1

PG: gf

Use the appropriate components and routines developed for bills.

AN ACT . . . [generate catalog] *to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . .* of the statutes; **relating to:** University of Wisconsin System . . . . .  
personnel . . . . .  
 . . . . .

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

### Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

For the main heading, execute: . . . . . **create** → **anal:** → **title:** → **head**

For the subheading, execute: . . . . . **create** → **anal:** → **title:** → **sub**

For the sub-subheading, execute: . . . . . **create** → **anal:** → **title:** → **sub-sub**

For the analysis text, in the component bar:

For the text paragraph, execute: . . . . . **create** → **anal:** → **text**

anal: prelim →

no analysis - prelim draft

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

SECTION #.

SEC.

CR.

36.115

(B)

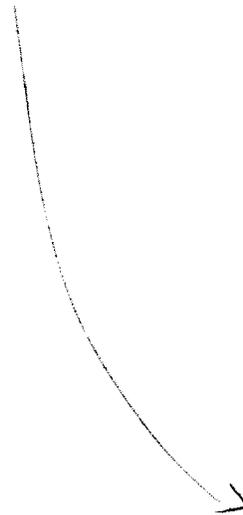
36.115

Personnel systems

classified service employees.

(1) In this section,

"chanellw" means the chancellor of the  
University of Wisconsin - Madison.



ASSEMBLY BILL 40

SECTION 1087

1 activities. The students have the right to organize themselves in a manner they  
2 determine and to select their representatives to participate in university  
3 governance.

4 **37.11 Powers and duties of the board. (1)** GENERALLY. The board shall have  
5 all the powers necessary or convenient to carry out the purposes and provisions of  
6 this chapter. In addition to all other powers granted the board under this chapter,  
7 the board may specifically:

8 (a) Adopt, amend, and repeal any bylaws, policies, and procedures for the  
9 regulation of its affairs and the conduct of its business.

10 (b) Have a seal and alter the seal at pleasure.

11 (c) Maintain an office.

12 (d) Accept gifts, grants, loans, or other contributions from private or public  
13 sources.

14 (e) Establish the university's annual budget and monitor the fiscal  
15 management of the university.

16 (f) Execute contracts and other instruments required for the operation of the  
17 university.

18 ~~(1) PERSONNEL SYSTEM.~~ The board shall develop ~~and implement~~ a personnel  
19 system, effective July 1, 2012, that is separate and distinct from the ~~system created~~ <sup>personnel</sup>

20 under ch. 230. ~~The board shall develop and implement the system with the active~~ <sup>personnel</sup>  
21 participation of the faculty and academic staff as provided in s. 37.03(3) and 14.

22 developing the personnel system, the board shall provide for the transfer of classified  
23 civil service employees to the ~~university~~ personnel system as necessary upon the  
24 effective date of its implementation.

*for all system employees other than employees assigned to the University of Wisconsin - Madison*

(3) In consultation with the board,  
(3) ~~the chancellor of the University of~~  
~~Wisconsin-Madison~~ shall develop ~~and implement~~  
a personnel system, that is separate and  
distinct from the personnel system ~~established~~ under  
ch. 230<sup>v</sup> for all system employees assigned to  
the University, of Wisconsin - Madison.

~~The~~  
chancellor shall develop the personnel system  
with the active participation of the faculty and  
academic staff at the University of Wisconsin -  
Madison.

~~In developing the personnel system, the~~  
chancellor shall provide for the transfer of  
classified civil service employees to the personnel  
system as necessary upon the effective date of  
its implementation.

(3)

(4) The personnel systems developed under  
subs. (2) and (3) shall include a grievance  
procedure that addresses employee terminations  
and provisions that address  
employee discipline, and workplace safety. (C)

The grievance procedure shall also include all  
of the following elements:

~~(5) The personnel systems developed under  
subs. (2) and (3) shall be implemented  
on July 1, 2013.~~

1 ~~1. A grievance procedure that addresses employee terminations.~~

2 ~~2. Employee discipline.~~

3 ~~3. Workplace safety.~~

4 ~~(d) If a local governmental unit creates a grievance procedure under this~~  
5 ~~subsection, the procedure shall contain at least all of the following elements:~~

6 ~~(a) **B** A written document specifying the process that a grievant and an employer~~  
7 ~~must follow.~~

8 ~~(b) **Z** A hearing before an impartial hearing officer.~~

9 ~~(c) **Z** An appeal process in which the highest level of appeal is the governing body~~  
10 ~~of the local governmental unit.~~ *board*

11 ~~(e) If an employee of a local governmental unit is covered by a civil service~~  
12 ~~system on the effective date of this paragraph .... [LRB inserts date], and if that~~  
13 ~~system contains provisions that address the provisions specified in par. (c), the~~  
14 ~~provisions that apply to the employee under his or her existing civil service system~~  
15 ~~continue to apply to that employee.~~

16 **SECTION 1721p.** 66.0518 of the statutes is created to read:

17 **66.0518 Defined benefit pension plans.** A local governmental unit, as  
18 defined in s. 66.0131 (1) (a), may not establish a defined benefit pension plan for its  
19 employees unless the plan requires the employees to pay half of all actuarially  
20 required contributions for funding benefits under the plan and prohibits the local  
21 governmental unit from paying on behalf of an employee any of the employee's share  
22 of the actuarially required contributions.”.

23 **77.** Page 743, line 10: after that line insert:

⑬

(5)(a) The personnel systems developed under subs. (2) and (3) shall be implemented on July 1, 2013.

(b) The board may not implement the personnel system developed under subs. (2) unless it has been approved by the Joint Committee on Employment Relations.

(c) The chancellor may not implement the personnel system developed under subs. (3) unless it has been approved by the board and the Joint Committee on Employment Relations.

(B)

(6)

Employees holding positions in the classified service of the University of Wisconsin on ~~July 1~~ June 30, 2013, who have achieved permanent status in class ~~before~~ <sup>on</sup> that date, shall retain, while serving in the positions ~~at the University of Wisconsin~~ <sup>in the system,</sup> those protections afforded employees in the classified service under ss. 230.34 (1) (a) and 230.44 (1) (c) relating to demotion, suspension, discharge, layoff, or reduction in base pay. Such employees shall also have reinstatement privileges to the classified service as provided under s. 230.31 (1). ~~Those~~ <sup>System</sup> employees holding positions in the classified service on ~~July 1~~ <sup>June 30,</sup> 2013, who have not achieved permanent status in class ~~in any position at the University of Wisconsin~~ <sup>in any position</sup> on that date are eligible to receive the protections, privileges, and rights preserved under this subsection if they successfully complete service equivalent to the probationary period required in the classified service for the position which they hold on that date.

All system employees <sup>holding positions</sup> ~~who are~~ in the classified or unclassified service of the civil service system under ch. 230 on June 30, 2013, shall be included in the personnel systems developed under subs. (2) and (3). <sup>System</sup>

out of order sort

{

SEC. R.P. 36.09 (i) (i)  
 SEC R.P. 36.09 (i) (k)

~~End~~

7

Section #. 36.15 (2) of the statutes is amended to read:

36.15 (2) APPOINTMENTS. Appointments under this section shall be made by the board, or by an appropriate official authorized by the board, under policies and procedures established by the board and subject to s. 36.09 (1) (i) <sup>✓</sup> The policies for indefinite appointments shall provide for a probationary period, permanent status and such other conditions of appointment as the board establishes.

**History:** 1973 c. 335 and Supp; 1985 a. 332; 1989 a. 31.

7

Section #. 36.58 (5) of the statutes is amended to read:

X 36.58 (5) TREATMENT OF CERTAIN EMPLOYEES. Notwithstanding ss. ~~36.09 (1) (i)~~<sup>✓</sup>, 36.13 and 36.15, when a position at the veterinary diagnostic laboratory is held by a person who held a position in the classified service at the animal health laboratories at the department of agriculture, trade and consumer protection on May 12, 2000, the position may not be designated as a position outside of the classified service without the consent of the person.

**History:** 1999 a. 107.

2005

Nonstat File Sequence: **FFF**

LRB \_\_\_\_\_ / \_\_\_\_\_

**EFFECTIVE DATE**

1. In the component bar: For the action phrase, execute: ... **create** → **action:** → \*NS: → **effdate**  
For the text, execute: ..... **create** → **text:** → \*NS: → **effdateA**
2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed.

**SECTION #** \_\_\_\_ . **Effective date.**

( #1 ) ( ) ..... This act takes effect on .....

1. In the component bar: For the action phrase, execute: .. **create** → **action:** → \*NS: → **effdateE**  
For the text, execute: ..... **create** → **text:** → \*NS: → **effdate**
2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed.

**SECTION #** \_\_\_\_ . **Effective dates;** .....

..... This act takes effect on the day after publication, except as follows:

( #1 ) ( ) ..... The treatment of sections ..... of the statutes takes effect on .....

1. In the component bar: For the budget action phrase, execute:.. **create** → **action:** → \*NS: → **94XX**  
For the text, execute: ..... **create** → **text:** → \*NS: → **effdate**
2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the **9400** department code.

**SECTION 94** 5 2 . **Effective dates;** University of .....

Wisconsin System ..... (2)  
( #1 ) ( ) ..... POSITIONS (CS) ..... The treatment of sections ..... 36.09 (1)(i) and (k) ..... 36.15 ..... and 36.58 (5) ✓  
of the statutes takes effect on ..... July 1, 2013 .....

(End)

O-Note  
↓

LRB-2193/P/dn  
PG: kjf

DN Date

which ~~is~~ cross-references  
s. 36.09(1)(k),

Section 20.923(5) is repealed in  
the repeal of

LRB-2174. Q: should 20.923(5) be

delayed until July 1, 2013?

PG

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2193/P1dn  
PG:kjf:md

June 3, 2011

Section 20.923 (5), which cross-references s. 36.09 (1) (k), is repealed in LRB-2174.  
Q: Should the repeal of s. 20.923 (5) be delayed until July 1, 2013?

Peter R. Grant  
Managing Attorney  
Phone: (608) 267-3362  
E-mail: [peter.grant@legis.wisconsin.gov](mailto:peter.grant@legis.wisconsin.gov)



Sunday  
1 pm



P2  
#cjs

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

and telecommunications services

1 AN ACT *to repeal* 36.09 (1) (i) and 36.09 (1) (k); *to amend* 36.15 (2) and 36.58 (5);  
2 and *to create* 36.115 of the statutes; **relating to:** University of Wisconsin  
3 System personnel.

***Analysis by the Legislative Reference Bureau***

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

↓  
1-4 →

4 SECTION 1. 36.09 (1) (i) of the statutes is repealed.

5 SECTION 2. 36.09 (1) (k) of the statutes is repealed.

1-5 →

6 SECTION 3. 36.115 of the statutes is created to read:

7 **36.115 Personnel systems; classified service employees. (1)** In this  
8 section, "chancellor" means the chancellor of the University of Wisconsin-Madison.

1           (2) The board shall develop a personnel system that is separate and distinct  
2 from the personnel system under ch. 230 for all system employees other than  
3 employees assigned to the University of Wisconsin–Madison. *except system*

4           (3) In consultation with the board, the chancellor shall develop a personnel  
5 system that is separate and distinct from the personnel system under ch. 230 for all  
6 system employees assigned to the University of Wisconsin–Madison.

7           (4) The personnel systems developed under subs. (2) and (3) shall include a  
8 *civil service system* grievance procedure that addresses employee terminations, and provisions that  
9 address employee discipline and workplace safety. The grievance procedure shall  
10 include all of the following elements:

11           (a) A written document specifying the process that a grievant and an employer  
12 must follow.

13           (b) A hearing before an impartial hearing officer.

14           (c) An appeal process in which the highest level of appeal is the board.

15           (5) (a) The personnel systems developed under subs. (2) and (3) shall be  
16 implemented on July 1, 2013.

17           (b) The board may not implement the personnel system developed under sub.  
18 (2) unless it has been approved by the joint committee on employment relations.

19           (c) The chancellor may not implement the personnel system developed under  
20 sub. (3) unless it has been approved by the board and the joint committee on  
21 employment relations.

22           (6) All system employees holding positions in the classified or unclassified  
23 service of the civil service system under ch. 230 on June 30, 2013, shall be included  
24 in the personnel systems developed under subs. (2) and (3). System employees  
25 holding positions in the classified service on June 30, 2013, who have achieved

1-4

Section #. 16.71 (1m) of the statutes is amended to read:

16.71 (1m) The department shall not delegate to any executive branch agency, other than the board of regents of the University of Wisconsin System, the authority to enter into any contract for materials, supplies, equipment, or contractual services relating to information technology or telecommunications prior to review and approval of the contract by the department. No executive branch agency, other than the board of regents of the University of Wisconsin System, may enter into any such contract without review and approval of the contract by the department. Any executive branch agency that enters into a contract relating to information technology under this section shall comply with the requirements of s. 16.973 (13). Any delegation to the board of regents of the University of Wisconsin System is subject to the limitations prescribed in s. ~~36.11 (49)~~ 36.585 ✓

**History:** 1977 c. 418; 1983 a. 333; 1985 a. 29, 300; 1987 a. 119; 1989 a. 31; 1991 a. 39, 269; 1995 a. 27; 1997 a. 27; 1999 a. 105; 2001 a. 16; 2003 a. 33; 2005 a. 25, 142, 431; 2007 a. 20.

1-5:1



⑦

SEC. #. RP;

36.11 (49) (title)

36.11 (49) (title)



1-5:2

x

Section #. 36.11 (49) of the statutes is ~~is~~ renumbered 36.585 (2) and amended to read:

36.585 (2)

~~36.11 (49) TELECOMMUNICATIONS SERVICES~~ The board may use telecommunications services, including data and voice over Internet services, procured by the board only for the purpose of carrying out its mission. The board shall not offer, resell, or provide telecommunications services, including data and voice over Internet services, directly or indirectly that are available from a private telecommunications carrier to the general public or to any other public or private entity.

**History:** 1973 c. 335; 1975 c. 39, 41, 224, 400; 1977 c. 29, 418; 1979 c. 32 s. 92 (8); 1979 c. 221; 1981 c. 20; 1983 a. 27, 366; 1983 a. 435 s. 7; 1983 a. 484; 1985 a. 62, 120; 1985 a. 332 ss. 47, 49, 50; 1985 a. 332 s. 251 (1); 1987 a. 27, 287; 1989 a. 31, 56, 121, 177, 359; 1991 a. 39, 203, 250, 269, 285, 315; 1993 a. 16, 213, 227, 399; 1995 a. 27 ss. 1757 to 1762y, 9130 (4); 1995 a. 201, 404, 448; 1997 a. 3, 27, 128, 237; 1999 a. 9, 29; 1999 a. 150 ss. 7, 351; 2001 a. 16, 22; 2003 a. 33, 69, 149, 282; 2005 a. 25, 253, 324, 470; 2007 a. 20, 85, 125; 2009 a. 28, 59, 302.

In this subsection, "telecommunications services" includes data and voice over Internet protocol services, Internet protocol services, broadband access and transport information technology services, Internet access services, and unlit fiber.

1-5:3 ✓

^

9

SEC. #. CR; 36.11 (SB)

9

36.11 (SB) <sup>(B)</sup> TRAVEL POLICIES. <sup>(CS)</sup> Effective

July 1, 2013, the board shall establish Travel travel policies for system employees and a schedule for the reimbursement of system employees for travel expenses.

3-23-1

LA

9

SEC. # CR. 36.585

B

9

36.585 Telecommunications and information technology services.

no 9

B

(1) In this section, telecommunications services

services includes data and voice over Internet protocol services, Internet protocol services, broadband access and transport information technology services, Internet access services and unlit fiber.

3-23:2 is and that

④ (B) (3) The board may not <sup>do</sup> and shall ensure that no institution or college campus ~~is~~ <sup>the</sup> extension is <sup>not</sup>

~~is~~ a member, shareholder or partner in or with any business organization or other person that offers, resells or provides telecommunications services or information technology services to ~~members of~~ the general public or to any public or private entity other than the system, an institution, a college campus, or the extension.

④ (B) (4) The board may not <sup>do</sup> and shall <sup>does</sup> ensure that no institution or college campus ~~is~~ <sup>and that</sup> the extension <sup>not do</sup> does any of the following:

④ (a) Receives ~~fund~~ <sup>monetary</sup> award from the National Telecommunications and

3-23:3

Information Administration ~~and~~ in the  
 federal department of commerce for the  
Building Community Capacity through  
Broadband Project.

(9) (b) Disburses, spends, loans, grants, or  
 in any other way distributes or commits to  
 distribute any funds received with respect  
 to or budgeted or allocated for the Building  
Community Capacity through Broadband  
Project identified under par. (a).

3-23:4

(A)

(B)  
1. (5) Beginning July 1, 2012,  
the board shall ensure that

Wisconsin's Research and Education Network, a  
nonprofit association of public and private  
organizations that provides <sup>Internet</sup> access and other network  
services to member organizations, ~~and~~ known as WiscNet,  
is not incorporated as a department or office  
in the system ~~as a~~  
~~department or office~~ within the University of  
~~Wisconsin - Madison~~ Division of Information  
Technology.

3-23:5

Nonstat File Sequence: **AAA**

LRB \_\_\_\_\_ / \_\_\_\_\_  
\_\_\_\_\_ : \_\_\_\_\_ : \_\_\_\_\_

**NONSTAT SESSLAW**

1. In the component bar:

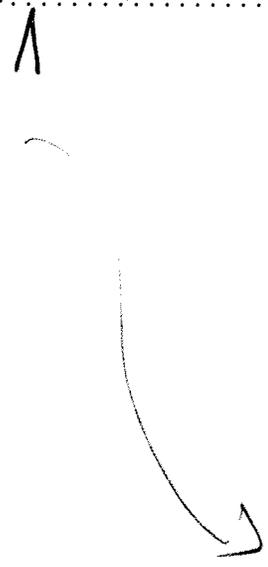
- For the action phrase, execute: ..... **create** → **action:** → \*NS: → **nonstat**
- For the budget action phrase, execute: ..... **create** → **action:** → \*NS: → **91XX**
- For a subsection, execute: ..... **create** → **text:** → \*NS: → **sub**
- For a paragraph, execute: ..... **create** → **text:** → \*NS: → **par**
- For a subdivision, execute: ..... **create** → **text:** → \*NS: → **subd**
- For a subdivision paragraph, execute: ..... **create** → **text:** → \*NS: → **subpar**

2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the **9100** department code.

**SECTION #**      **[91 5 2]**. Nonstatutory provisions; ...

University of Wisconsin System.....

(#1) ~~100~~ TELECOMMUNICATIONS SERVICES ②.....



3-23:6

~~(6.b) BUILDING COMMUNITY CAPACITY THROUGH~~

no 9

~~BROADBAND PROJECT~~ The Board of Regents of the University of Wisconsin System shall ensure that ~~reduce~~ the amount it expends on telecommunication<sup>S</sup> services, as defined in section 36.585 (1) of the statutes, as created by this act, during the 2011-13 fiscal biennium is reduced by ~~the~~ <sup>an</sup> amount equal to the total value of funds, goods, and services that have been or will be distributed or committed to be distributed by or on behalf of the board or any institution or college campus or the extension to any participant, contractor, or supplier.

3-23:7

related to the Building Community  
Capacity Through Broadband Project.

1 permanent status in class on that date, shall retain, while serving in the positions  
2 in the system, those protections afforded employees in the classified service under  
3 ss. 230.34 (1) (a) and 230.44 (1) (c) relating to demotion, suspension, discharge, layoff,  
4 or reduction in base pay. Such employees shall also have reinstatement privileges  
5 to the classified service as provided under s. 230.31 (1). System employees holding  
6 positions in the classified service on June 30, 2013, who have not achieved  
7 permanent status in class on that date are eligible to receive the protections,  
8 privileges, and rights preserved under this subsection if they successfully complete  
9 service equivalent to the probationary period required in the classified service for the  
10 position<sup>s</sup> which they hold on that date.

11 SECTION 4. 36.15 (2) of the statutes is amended to read:

12 36.15 (2) APPOINTMENTS. Appointments under this section shall be made by the  
13 board, or by an appropriate official authorized by the board, under policies and  
14 procedures established by the board and subject to s. 36.09 (1) (i). The policies for  
15 indefinite appointments shall provide for a probationary period, permanent status  
16 and such other conditions of appointment as the board establishes.

17 SECTION 5. 36.58 (5) of the statutes is amended to read:

18 36.58 (5) TREATMENT OF CERTAIN EMPLOYEES. Notwithstanding ss. ~~36.09 (1) (i)~~,  
19 36.13 and 36.15, when a position at the veterinary diagnostic laboratory is held by  
20 a person who held a position in the classified service at the animal health  
21 laboratories at the department of agriculture, trade and consumer protection on May  
22 12, 2000, the position may not be designated as a position outside of the classified  
23 service without the consent of the person.

24 SECTION 9452. Effective dates; University of Wisconsin System.

3-23 →





3:33 pm



P3

trwn

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1 *Regen.*  
AN ACT *to repeal* 36.09 (1) (i), 36.09 (1) (k) and 36.11 (49) (title); *to renumber*  
2 *and amend* 36.11 (49); *to amend* 16.71 (1m), 36.15 (2) and 36.58 (5); and *to*  
3 *create* 36.11 (56), 36.115 and 36.585 of the statutes; **relating to:** University of  
4 Wisconsin System personnel and telecommunications services.

---

***Analysis by the Legislative Reference Bureau***

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

---

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

5 **SECTION 1.** 16.71 (1m) of the statutes is amended to read:  
6 16.71 (1m) The department shall not delegate to any executive branch agency,  
7 other than the board of regents of the University of Wisconsin System, the authority  
8 to enter into any contract for materials, supplies, equipment, or contractual services  
9 relating to information technology or telecommunications prior to review and

1 approval of the contract by the department. No executive branch agency, other than  
2 the board of regents of the University of Wisconsin System, may enter into any such  
3 contract without review and approval of the contract by the department. Any  
4 executive branch agency that enters into a contract relating to information  
5 technology under this section shall comply with the requirements of s. 16.973 (13).  
6 Any delegation to the board of regents of the University of Wisconsin System is  
7 subject to the limitations prescribed in s. ~~36.11 (49)~~ 36.585.

8 **SECTION 2.** 36.09 (1) (i) of the statutes is repealed.

9 **SECTION 3.** 36.09 (1) (k) of the statutes is repealed.

10 **SECTION 4.** 36.11 (49) (title) of the statutes is repealed.

11 **SECTION 5.** 36.11 (49) of the statutes is renumbered 36.585 (2) and amended  
12 to read:

13 **36.585 (2)** The board may use telecommunications services, ~~including data and~~  
14 ~~voice over Internet services~~, procured by the board only for the purpose of carrying  
15 out its mission. The board shall not offer, resell, or provide telecommunications  
16 services, ~~including data and voice over Internet services~~ directly or indirectly, that  
17 are available from a private telecommunications carrier to the general public or to  
18 any other public or private entity.

19 **SECTION 6.** 36.11 (56) of the statutes is created to read:

20 **36.11 (56)** TRAVEL POLICIES. Effective July 1, 2013, the board shall establish  
21 travel policies for system employees and a schedule for the reimbursement of system  
22 employees for travel expenses.

23 **SECTION 7.** 36.115 of the statutes is created to read:

24 **36.115 Personnel systems; classified service employees. (1)** In this  
25 section, “chancellor” means the chancellor of the University of Wisconsin–Madison.

1           **(2)** The board shall develop a personnel system that is separate and distinct  
2 from the personnel system under ch. 230 for all system employees except system  
3 employees assigned to the University of Wisconsin–Madison.

4           **(3)** In consultation with the board, the chancellor shall develop a personnel  
5 system that is separate and distinct from the personnel system under ch. 230 for all  
6 system employees assigned to the University of Wisconsin–Madison.

7           **(4)** The personnel systems developed under subs. (2) and (3) shall include a civil  
8 service system, a grievance procedure that addresses employee terminations, and  
9 provisions that address employee discipline and workplace safety. The grievance  
10 procedure shall include all of the following elements:

11           (a) A written document specifying the process that a grievant and an employer  
12 must follow.

13           (b) A hearing before an impartial hearing officer.

14           (c) An appeal process in which the highest level of appeal is the board.

15           **(5)** (a) The personnel systems developed under subs. (2) and (3) shall be  
16 implemented on July 1, 2013.

17           (b) The board may not implement the personnel system developed under sub.  
18 (2) unless it has been approved by the joint committee on employment relations.

19           (c) The chancellor may not implement the personnel system developed under  
20 sub. (3) unless it has been approved by the board and the joint committee on  
21 employment relations.

22           **(6)** All system employees holding positions in the classified or unclassified  
23 service of the civil service system under ch. 230 on June 30, 2013, shall be included  
24 in the personnel systems developed under subs. (2) and (3). System employees  
25 holding positions in the classified service on June 30, 2013, who have achieved

1 permanent status in class on that date, shall retain, while serving in the positions  
2 in the system, those protections afforded employees in the classified service under  
3 ss. 230.34 (1) (a) and 230.44 (1) (c) relating to demotion, suspension, discharge, layoff,  
4 or reduction in base pay. Such employees shall also have reinstatement privileges  
5 to the classified service as provided under s. 230.31 (1). System employees holding  
6 positions in the classified service on June 30, 2013, who have not achieved  
7 permanent status in class on that date are eligible to receive the protections,  
8 privileges, and rights preserved under this subsection if they successfully complete  
9 service equivalent to the probationary period required in the classified service for the  
10 positions which they hold on that date.

11 **SECTION 8.** 36.15 (2) of the statutes is amended to read:

12 36.15 (2) APPOINTMENTS. Appointments under this section shall be made by the  
13 board, or by an appropriate official authorized by the board, under policies and  
14 procedures established by the board ~~and subject to s. 36.09 (1) (i)~~. The policies for  
15 indefinite appointments shall provide for a probationary period, permanent status  
16 and such other conditions of appointment as the board establishes.

17 **SECTION 9.** 36.58 (5) of the statutes is amended to read:

18 36.58 (5) TREATMENT OF CERTAIN EMPLOYEES. Notwithstanding ss. ~~36.09 (1) (i)~~,  
19 36.13 and 36.15, when a position at the veterinary diagnostic laboratory is held by  
20 a person who held a position in the classified service at the animal health  
21 laboratories at the department of agriculture, trade and consumer protection on May  
22 12, 2000, the position may not be designated as a position outside of the classified  
23 service without the consent of the person.

24 **SECTION 10.** 36.585 of the statutes is created to read:

1           **36.585 Telecommunications and information technology services. (1)**

2           In this section, "telecommunications services" includes data and voice over Internet  
3           protocol services, Internet protocol services, broadband access and transport,  
4           information technology services, Internet access services, and unlit fiber.

5           **(3)** The board may not be, and shall ensure that no institution or college campus  
6           is and that the extension is not, a member, shareholder, or partner in or with any  
7           business organization or other person that offers, resells, or provides  
8           telecommunications services ~~or information technology services~~ to the general public  
9           or to any public or private entity other than the system, an institution, a college  
10          campus, or the extension.

11          **(4)** The board may not do, and shall ensure that no institution or college  
12          campus does and that the extension does not do, any of the following:

13          (a) Receives any monetary award from the National Telecommunications and  
14          Information Administration in the federal department of commerce for the Building  
15          Community Capacity through Broadband Project. ✓

16          (b) Disburses, spends, loans, grants, or in any other way distributes or commits  
17          to distribute any <sup>comm stay</sup> funds received with respect to or budgeted or allocated for the  
18          Building Community Capacity through Broadband Project identified under par. (a).

19          **(5)** Beginning July 1, 2012, the board shall ensure that Wisconsin's Research  
20          and Education Network, a nonprofit association of public and private organizations  
21          that provides Internet access and other network services to member organizations,  
22          known as WiscNet, is not incorporated as a department or office in the system.

23           **SECTION 9152. Nonstatutory provisions; University of Wisconsin**  
24           **System.**

**SECTION 9152**

1 (1) TELECOMMUNICATIONS SERVICES. The Board of Regents of the University of  
 2 Wisconsin System shall ensure that the amount it expends on telecommunications  
 3 services, as defined in section 36.585 (1) of the statutes, as created by this act, during  
 4 the 2011-13 fiscal biennium is reduced by an amount equal to the total value of  
 5 funds, goods, and services that have been or will be distributed or committed to be  
 6 distributed by or on behalf of the board or any institution or college campus or the  
 7 extension to any participant, contractor, or supplier related to the Building  
 8 Community Capacity through Broadband Project. *identified in section 36.585(4)(a)*

**SECTION 9452. Effective dates; University of Wisconsin System.** *of the statutes, as created by this act ✓*

10 (1) POSITIONS. The treatment of sections 36.09 (1) (i) and (k), 36.15 (2), and 36.58  
 11 (5) of the statutes takes effect on July 1, 2013.

(END)



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-2193/P3  
PG:kjf/cjs/nwn:md

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1     **AN ACT** *to repeal* 36.09 (1) (i), 36.09 (1) (k) and 36.11 (49) (title); *to renumber*  
2             *and amend* 36.11 (49); *to amend* 16.71 (1m), 36.15 (2) and 36.58 (5); and *to*  
3             *create* 36.11 (56), 36.115 and 36.585 of the statutes; **relating to:** University of  
4             Wisconsin System personnel and telecommunications services.

---

***Analysis by the Legislative Reference Bureau***

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

---

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

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6             16.71 (**1m**) The department shall not delegate to any executive branch agency,  
7             other than the board of regents of the University of Wisconsin System, the authority  
8             to enter into any contract for materials, supplies, equipment, or contractual services  
9             relating to information technology or telecommunications prior to review and

1 approval of the contract by the department. No executive branch agency, other than  
2 the board of regents of the University of Wisconsin System, may enter into any such  
3 contract without review and approval of the contract by the department. Any  
4 executive branch agency that enters into a contract relating to information  
5 technology under this section shall comply with the requirements of s. 16.973 (13).  
6 Any delegation to the board of regents of the University of Wisconsin System is  
7 subject to the limitations prescribed in s. ~~36.11 (49)~~ 36.585.

8 **SECTION 2.** 36.09 (1) (i) of the statutes is repealed.

9 **SECTION 3.** 36.09 (1) (k) of the statutes is repealed.

10 **SECTION 4.** 36.11 (49) (title) of the statutes is repealed.

11 **SECTION 5.** 36.11 (49) of the statutes is renumbered 36.585 (2) and amended  
12 to read:

13 **36.585 (2)** The board may use telecommunications services, ~~including data and~~  
14 ~~voice over Internet services~~, procured by the board only for the purpose of carrying  
15 out its mission. The board shall not offer, resell, or provide telecommunications  
16 services, ~~including data and voice over Internet services~~ directly or indirectly, that  
17 are available from a private telecommunications carrier to the general public or to  
18 any other public or private entity.

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20 **36.11 (56) TRAVEL POLICIES.** Effective July 1, 2013, the board shall establish  
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4           **(3)** In consultation with the board, the chancellor shall develop a personnel  
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6 system employees assigned to the University of Wisconsin-Madison.

7           **(4)** The personnel systems developed under subs. (2) and (3) shall include a civil  
8 service system, a grievance procedure that addresses employee terminations, and  
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14           (c) An appeal process in which the highest level of appeal is the board.

15           **(5)** (a) The personnel systems developed under subs. (2) and (3) shall be  
16 implemented on July 1, 2013.

17           (b) The board may not implement the personnel system developed under sub.  
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19           (c) The chancellor may not implement the personnel system developed under  
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21 employment relations.

22           **(6)** All system employees holding positions in the classified or unclassified  
23 service of the civil service system under ch. 230 on June 30, 2013, shall be included  
24 in the personnel systems developed under subs. (2) and (3). System employees  
25 holding positions in the classified service on June 30, 2013, who have achieved

**SECTION 7**

1 permanent status in class on that date, shall retain, while serving in the positions  
2 in the system, those protections afforded employees in the classified service under  
3 ss. 230.34 (1) (a) and 230.44 (1) (c) relating to demotion, suspension, discharge, layoff,  
4 or reduction in base pay. Such employees shall also have reinstatement privileges  
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12 36.15 (2) APPOINTMENTS. Appointments under this section shall be made by the  
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14 procedures established by the board and subject to s. ~~36.09 (1) (i)~~. The policies for  
15 indefinite appointments shall provide for a probationary period, permanent status  
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18 36.58 (5) TREATMENT OF CERTAIN EMPLOYEES. Notwithstanding ss. ~~36.09 (1) (i)~~,  
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21 laboratories at the department of agriculture, trade and consumer protection on May  
22 12, 2000, the position may not be designated as a position outside of the classified  
23 service without the consent of the person.

24 **SECTION 10.** 36.585 of the statutes is created to read:

**36.585 Telecommunications and information technology services. (1)**

In this section, "telecommunications services" includes data and voice over Internet protocol services, Internet protocol services, broadband access and transport, information technology services, Internet access services, and unlit fiber.

(3) The board may not be, and shall ensure that no institution or college campus is and that the extension is not, a member, shareholder, or partner in or with any business organization or other person that offers, resells, or provides telecommunications services to the general public or to any public or private entity other than the system, an institution, a college campus, or the extension.

(4) The board may not do, and shall ensure that no institution or college campus does and that the extension does not do, any of the following:

(a) Receive any monetary award from the National Telecommunications and Information Administration in the federal department of commerce for the Building Community Capacity Through Broadband Project.

(b) Disburse, spend, loan, grant, or in any other way distribute or commit to distribute any funds received with respect to or budgeted or allocated for the Building Community Capacity Through Broadband Project identified under par. (a).

(5) Beginning July 1, 2012, the board shall ensure that Wisconsin's Research and Education Network, a nonprofit association of public and private organizations that provides Internet access and other network services to member organizations, known as WiscNet, is not incorporated as a department or office in the system.

**SECTION 9152. Nonstatutory provisions; University of Wisconsin System.**

(1) TELECOMMUNICATIONS SERVICES. The Board of Regents of the University of Wisconsin System shall ensure that the amount it expends on telecommunications

1 services, as defined in section 36.585 (1) of the statutes, as created by this act, during  
2 the 2011-13 fiscal biennium is reduced by an amount equal to the total value of  
3 funds, goods, and services that have been or will be distributed or committed to be  
4 distributed by or on behalf of the board or any institution or college campus or the  
5 extension to any participant, contractor, or supplier related to the Building  
6 Community Capacity Through Broadband Project, identified in section 36.585 (4) (a)  
7 of the statutes, as created by this act.

8 **SECTION 9452. Effective dates; University of Wisconsin System.**

9 (1) POSITIONS. The treatment of sections 36.09 (1) (i) and (k), 36.15 (2), and 36.58  
10 (5) of the statutes takes effect on July 1, 2013.

11 (END)