



# JOINT COMMITTEE FOR THE REVIEW OF ADMINISTRATIVE RULES

COMMITTEE CO-CHAIRS: SENATOR STEVE NASS AND REPRESENTATIVE JOAN BALLWEG

Emergency Rule 2007

## Report to the Legislature Emergency Rule 2007 The Joint Committee for Review of Administrative Rules Produced pursuant to 227.26 (2) (g), Stats.

Emergency Rule 2007, promulgated by the Wisconsin Department of Administration-Division of Personnel Management (DOA), modifies current rules regarding limited term employees and creates rules regarding the coronavirus pandemic and leave used during that event.

### Description of Problem

At the request of Representative Joan Ballweg, the Joint Committee for Review of Administrative Rules (JCRAR) held a public hearing on Emergency Rule 2007, relating to limited term employment and absence provisions, on June 25, 2020.

### Arguments In Favor of Suspension

- *LTEs are not generally granted paid leave under any other circumstance, so allowing such would be contradictory to law.*
- *Generally, LTEs have a maximum hours they may be employed with the state as an LTE, and this would eat into that hours requirement, taking away from allowable productivity of that employee's possible tenure with the state.*

### Arguments Against Suspension

- *Allows LTEs to stay home with pay so they don't have to go to work with COVID or go without pay while on leave.*

### Action by Joint Committee for Review of Administrative Rules

On June 25, 2020, the Joint Committee for Review of Administrative Rules held an executive session on Emergency Rule 2007. The committee passed the following motion on a 6-4 vote, temporarily suspending the rule (YES: Nass, Ballweg, Stroebel, Craig, Neylon, Quinn; NO: Larson, Wirch, Hebl, Subeck):

*Moved, that the Joint Committee for Review of Administrative Rules, pursuant to s. 227.26 (2) (d), Stats., suspend sections 1. and 2. of Emergency Rule 2007, relating to limited term employment and absence provisions (Department of Administration – Division of Personnel Management), on the grounds that those parts of the emergency rule, relating to administrative leave for limited term employees, are arbitrary and capricious.*

On June 25, 2020, the Joint Committee for Review of Administrative Rules voted 6-4 (YES: Nass, Ballweg, Stroebel, Craig, Neylon, Quinn; NO: Larson, Wirch, Hebl, Subeck) to introduce LRB 6302 and LRB 6316, which support the partial suspension of Emergency Rule 2007 by the joint committee. Pursuant to 227.26 (2) (j), the bills were not introduced during the 2019-20 legislative session, and need to be introduced in the next regular session of the legislature.

On January 21, 2021, the Joint Committee for Review of Administrative Rules voted 6-4 (YES: Nass, Neylon, Stroebel, Bradley, August, Spiros; NO: Roys, Larson, Hebl, Subeck) to introduce LRB 1167 and LRB 1168, which support the partial suspension of Emergency Rule 2007 by the joint committee. The bills were introduced as Senate Bill 37 and Assembly Bill 9 in the 2021-22 legislative session.

Passage of one of these bills in support of the JCRAR objection would permanently remove DOA's ability to promulgate Emergency Rule 2007.