

(Section 1797m—74) 1. No license, permit or franchise shall be granted to any person, copartnership or corporation to own, operate, manage or control any plant or equipment for the production, transmission, delivery or furnishing of heat, light, water or power in any municipality, where there is in operation under an indeterminate permit, as provided in this act, a public utility engaged in similar service, and no telephone exchange for furnishing local service to subscribers within any village or city shall be installed in such village or city by any public utility, other than those already furnishing such telephone service therein, where there is in operation in such village or city a public utility engaged in similar service, without first securing from the commission a declaration after a public hearing of all parties interested, that public convenience and necessity require such second public utility. *This subsection shall not prevent or impose any condition upon the extension of any telephone line from any town into or through any city or village for the purpose of connecting with any telephone exchange in such city or village or connecting with any other telephone line or system. Any public utility operating any telephone exchange in any city or village shall, on demand, extend its lines to the limits of such city or village for the purposes mentioned and subject to the conditions and requirements prescribed in sections 1797m—4 and 1797m—50.*

(Am. 1911, ch. 664, s. 118.)

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved July 3, 1911.

No. 363, S.]

[Published July 6, 1911.

CHAPTER 547.

AN ACT to amend sections 3, 4, 6, 8, and 12 of chapter 313 of the laws of 1895, as amended by chapter 218 of the laws of 1897, to regulate the civil service of cities, and providing for an expert class.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 3 of chapter 313 of the laws of 1895 is amended to read: Section 3. The rules mentioned in section 2 of this act may be made from time to time:

1st. For open, competitive, and other examinations by which to test applicants for office or for employment as to their practical fitness to discharge the duties of the positions which they desire to fill, which examinations shall be public and free to all

* * * *persons with proper limitations as to citizenship, residence, age, health, sex, habits, and moral character. All rules so made shall be subject to the approval of the mayor of the city, and they may with like approval be from time to time altered or rescinded by said commissioners. The said commissioners shall supervise the administration of the rules so established.*

2nd. For the filling of vacancies in offices and places of employment in accordance with the results of such examinations, and for the selection of persons for public employment in accordance with such results, or otherwise as may seem most desirable to carry out the provisions of this act.

3rd. For the promotions in office or positions on the basis of ascertained merit and seniority in service, and examinations as may seem desirable.

4th. For a period of probation before an appointment or employment is made permanent.

All rules made as provided in this act and all changes therein shall forthwith be printed for distribution by said board.

Section 3a. The examinations held under this act shall consist of any reasonable and impartial method of ascertaining the fitness or relative merit and fitness of candidates.

SECTION 2. Section 4 of chapter 313 of the laws of 1895 is amended to read: Section 4. From and after the adoption of such rules, all appointments to subordinate offices, positions, and employments in the several departments of the service of such city, which are subject to such rules, shall be made by the respective heads of such departments under and in conformity with the provisions of such rules, and such heads of departments shall respectively have power to remove or discharge at pleasure any person holding any subordinate office, position, or employment in their respective departments, *for cause which shall not be religious or political and shall be set forth in detail in writing and be filed within ten days with the secretary of the city service commission. But any such discharged subordinate shall be given an opportunity to make answer and his answer, when made in writing, shall be filed with the secretary of the commission.*

SECTION 3. Section 6 of chapter 313 of the laws of 1895 is amended to read: Section 6. Officers who are elected by the people, or who by the statutes are required to be elected by the city council, inspectors and clerks of election, members of any board of education, the superintendents and teachers of schools, heads of any principal departments of the city, all members of the law, fire, and police departments, officers and clerks * * * *entrusted with the handling of money for which their superior officer is required to give bond, one private secretary of the*

mayor and any other officers, clerks, or employees in the service of the city whose positions, in the judgments of the said city service commissioners cannot, for the time being be subjected, with advantage to the public service, to the general rules prepared under this act, shall not be affected as to their election, selection, or appointment, by such rules made by said commissioners. *When any position to be filled involves fiduciary responsibility other than the handling of money, the appointing officer may require the appointee to furnish him a bond or other security for the faithful performance of his duty, the amount to be fixed by the appointing officer with the approval of the mayor, and shall notify the city service commission of the amount and conditions thereof and other details thereof, provided, however, that any surety company, the bonds of which are accepted by the judge of any court of record in this state, shall be sufficient security on any such bond, and that the premium on such bond, within the limits fixed by law, shall be paid out of the city treasury.*

SECTION 4. Section 8 of chapter 313 of the laws of 1895 as amended by section 2 of chapter 218 of the laws of 1897, is amended to read: Section 8. The said board shall appoint a chief examiner, whose duty it shall be, under its direction, to superintend any examinations held in such city under this act, and who shall perform such other duties as the board shall prescribe. Such chief examiner shall be ex-officio secretary of the board, and under the direction of such board he, as such secretary, shall keep and record minutes of its proceedings, preserve all reports made to it, keep a record of all examinations held under its direction, and perform such other duties as the board may from time to time prescribe. * * * *The salary of such chief examiner may be fixed by the board of city service commissioners, to be approved by the common council, provided that such salary shall not be less than fifteen hundred dollars per annum, which shall be paid monthly by the city treasurer on the certificate of the president of said board, countersigned by the city comptroller. He shall be subject to removal at any time by said board. The said board may also incur such expenses for clerk hire, printing, stationery, and other incidental matters as it shall deem necessary; provided, however, that the total amount of all expenditures by it incurred during any year, including the compensation of the chief examiner, clerks, and other employees, shall not exceed the amount of the special fund herein provided and known as the "city civil service fund."*

SECTION 5. Section 12 of chapter 313 of the laws of 1895, as amended by section 5 of chapter 218, of the laws of 1897, is amended to read: Section 12. Immediate notice in writing

shall be given by the appointing power to said board of city service commissioners of all appointments, premanent or temporary, made pursuant to this act and the rules made and established under the same, in those branches or departments of the civil service of such city which are subject to this act and the rules of said board, and of all transfers, promotions, resignations, other changes or vacancies from any cause in such branches or departments of the city service, and of the date thereof, and a record of the same shall be kept by said board. When any office or place of employment, subject to such rule, is created or abolished, or the compensation attached thereto is altered, the officer or board making such change shall immediately report the same in writing to said board of commissioners. *Notice shall be given in writing by the appointing officer to the city service commission of the existence of any vacancy or vacancies in any office or employment in the competitive class under the provisions of this act, and within ten days after the receipt of such notice the commission shall certify from the list of eligibles appropriate for the group in which the position to be filled is classified the three names and addresses of the candidates standing highest thereon which have not been certified three times to the department or office in which the vacancy exists. Whenever eligibles are certified, they must always be those candidates who have been graded the highest in the examination held in pursuance with this act and the rules made in accordance therewith. In every case, after a name has been certified three times, it may be dropped from the list by the commission, but certifications for temporary appointments shall not be counted as one of such certifications. The head of any department or office may, with the approval of the commissioners, make temporary appointments to remain in force not exceeding thirty days, or until regular appointment under the provisions of this act can be made. It shall be the duty of the appointing officer to appoint on probation, with sole reference to merit and fitness, one of the said candidates whose name shall have been certified in the above manner set forth to fill such vacancy unless objection shall be made to one or more of the persons certified, for any of the reasons stated on the rules; provided, however, that the provisions of this section may be altered by the commission when the office or employment comes within those where, by the rules, competitive examinations are not required. The commission shall make rules for the procedure in such cases.*

SECTION 6. 1. There is hereby created a new division of the classified service to be known as the special expert class. Except where such positions shall be classified, exempt, or non-competi-

tive, the board of city service commissioners shall place in this class all positions of a technical, scientific, or professional character, together with all positions where the qualifications are peculiar to the service in any department of the city government, and may in addition thereto temporarily classify as of the special expert class positions where the service is new and experimental in character.

2. The provisions of the city civil service act now governing selections, appointments, promotions, reinstatements, removals, and transfers shall apply to the special expert class, except as may be otherwise provided in this section.

3. For the filling of positions in the special expert class the appointing officer shall be free to suggest names of persons for consideration in examination together with all other applicants and all other persons whose names have been suggested to the board of city service commissioners, and the board shall inquire into the fitness of persons so nominated and may notify such persons and any other suitable person to participate in the examination.

4. Previous to an examination to fill a position in the special expert class, the board of city service commissioners may provide in its published announcement that the resulting eligible list shall expire as soon as an appointment has been made therefrom, providing the appointing officer so desires. When an appointing officer makes objection in writing to names of persons in the special expert class, certified from an eligible list, not especially appropriated for the position or group of positions in question, such certification shall be invalid.

5. The appointing officer shall in all cases be consulted as to qualifications and requirements, examination standards, and procedure for filling positions in the special expert class.

6. In filling positions in the special expert class the board of city service commissioners shall select a board of one or more experts to conduct the examination when requested in writing to do so by an appointing officer.

7. Whenever the board of city service commissioners or the officer having the power of appointment shall deem it advisable in the interests of the service, no qualifications as to residence or citizenship shall be imposed in the examination for a position in the special expert class. Any restrictions contained in any law, or in any charter of any city of the first class inconsistent with this provision shall not be applicable in such case.

SECTION 7. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved July 3, 1911.

No. 1042, A.]

[Published July 6, 1911.

CHAPTER 548.

AN ACT to create section 1728—1 of the statutes, relating to hours of labor for women.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is added to the statutes a new section to read: Section 1728—1. 1. No female shall be employed or be permitted to work in any manufacturing, mechanical or mercantile establishment, laundry or restaurant, or confectionery store, or telegraph or telephone office or exchange, or by any express or transportation company, in this state, more than ten hours during any one day, or more than fifty-five hours in any one week. The hours may be so arranged as to permit the employment of females at any time, but they shall not work more than ten hours during the twenty-four hours of any one day, nor more than fifty-five hours during one week. If, however, any part of a female's daily employment is performed between the hours of eight o'clock p. m. and six o'clock a. m. of the following day, all the employment shall be considered night work, and no such female so employed at night work shall be employed or permitted to work thereat more than eight hours in any twenty-four hours, nor more than forty-eight hours during one week. If any such female is employed not more than one night in the week (after eight o'clock as herein provided), then such female may be permitted to work fifty-five hours in any such week. Provided, that at least one hour for dinner be allowed each female during her working period, but no part of such hour shall be considered as a part of the permitted period of daily employment.

2. Every employer shall post in a conspicuous place in every room, where such females are employed, a printed notice stating the hours of commencing and stopping such work, the time allowed for dinner or other meals, and the maximum number of hours any female employe is permitted to work in any one day.

3. The employment of any female in any such place or establishment, as defined in subsection 1, of this section, at any time other than those of the posted hours of labor, as hereinbefore provided for, shall be prima facie evidence of a violation of this act.

4. Any person violating any provision of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof,