

No. 714, A.]

[Published August 24, 1957.

**CHAPTER 582**

AN ACT to repeal 16.09 (1), (2) (intro. par.) and (3) and 16.16; to renumber 16.09 (2) (a) and (b); to amend 16.055, 16.11 (1) and (2), 16.17 (3), 16.20 (2) and 16.24 (1) (a); and to create 16.105 (2) (bn) and (bx) of the statutes, relating to the improvement of the procedures in the application of the civil service laws of the state.

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

SECTION 1. 16.055 of the statutes is amended to read:

16.055 The bureau of personnel shall, when requested by the proper authorities, render service in accordance with \* \* \* this chapter to counties, cities and villages \* \* \*, and shall charge the cost of such service to the city, village or county for which it is performed.

SECTION 2. 16.09 (1), (2) (intro. par.) and (3) of the statutes are repealed.

SECTION 3. 16.09 (2) (a) and (b) of the statutes are renumbered 16.08 (2) (g) and (h), respectively.

SECTION 4. 16.105 (2) (bn) and (bx) of the statutes are created to read:

16.105 (2) (bn) The director in like manner may establish separate pay schedules for short-term, project, part-time and student employments. The director may pursuant to s. 16.05 (1) establish special rules for recruiting and examination in such employments. Fringe benefits specifically authorized by statutes, with the exception of workmen's compensation, unemployment compensation, retirement and social security coverage, shall be denied these employments.

(bx) The director of personnel, with the approval of the joint committee on finance, may establish a separate salary schedule for teachers reflecting length of service and professional training and otherwise having the same general provisions prevalent in schedules used in the public school system. The amount of individual salary adjustments and the frequency of adjustments shall be provided for in the teachers salary schedule. The total amount to be budgeted and used for salary increases, however, shall be limited to an amount consistent with par. (e).

SECTION 5. 16.11 (1) and (2) of the statutes are amended to read:

16.11 (1) All examinations for positions in the classified service shall be of such character as to determine the qualifications, fitness and ability of the persons examined to perform the duties of the class for which the register is being established. The examinations may be written, oral, physical, \* \* \* *evaluation of training and experience*, demonstration of skill, or any combination of such types. The examinations may take into consideration such factors, including education, experience, aptitude, capacity, skill, knowledge, character, physical fitness and other qualifications, as in the judgment of the director, enter into the determination of the relative fitness of the applicants. A person failing in the written portion of any such examination shall not be permitted to participate or continue with any other remaining portion of such examination. No question shall be so framed as to elicit information concerning the political or religious opinions or affiliation of an applicant. Every precaution shall be taken to prevent any unauthorized person from gaining any knowledge of the nature and content of the tests that is not available to every applicant. The director shall utilize appropriate scientific techniques and procedures in rating the results of examinations and determining the relative ratings of the competitors. If 2 or more competitors have like averages in the total examination, the order in which their names shall appear on the register shall be determined by that component part of the several parts of the total test as in the judgment of the director has been determined as most significant in relation to the job for which the examination is given.

(2) The competitive examinations shall be free and open to all applicants who are citizens of the United States and who have been residents of this state for one year prior to their application and who have fulfilled the preliminary requirements stated in s. 16.12, and shall be held at such times and places as, in the judgment of the director, most nearly meet the convenience of applicants and needs of the service. The director may open competitive examinations for technical and professional services only to residents of other states who are citizens of the United States and who have fulfilled the preliminary requirements stated in s. 16.12. Upon certification of the \* \* \* *appointing authority of any state department*

to the director of personnel that a critical need for \* \* \* *professional employes* exists \* \* \*, the director of personnel may open examinations to \* \* \* *qualified professional persons* without regard to residence or citizenship.

SECTION 6. 16.16 of the statutes is repealed.

SECTION 7. 16.17 (3) of the statutes is amended to read:

16.17 (3) Appointments shall be made from the eligible list most nearly appropriate, and a new and separate list shall be created for a stated position only when there is no appropriate list existing from which appointments may be made. The director with the advice and approval of the board shall have authority to establish separate eligible lists in various localities, provided that the director \* \* \* *has* given proper publicity to the intent of the bureau to establish such lists. For legislative positions, \* \* \* *the bureau shall certify the names of all who make a passing grade to the appointing authorities. Insofar as possible appointments to legislative positions shall be made according to senatorial districts and the order in which names appear on the eligible list.* No person shall be appointed or employed under any title not appropriate to the duties performed, and no person shall be transferred to, or assigned to perform the duties of, any position subject to a competitive examination, unless he has previously passed an open competition examination equivalent to that required for such position.

SECTION 8. 16.20 (2) of the statutes is amended to read:

16.20 (2) In case of an emergency an appointment may be made without regard to the rules of this section, but in no case to continue longer than \* \* \* 20 days, and in no case shall successive emergency appointments be made.

SECTION 9. 16.24 (1) (a) of the statutes is amended to read:

16.24 (1) (a) No permanent subordinate or employe in the \* \* \* *classified service* who \* \* \* *has* been appointed under \* \* \* ss. 16.01 to 16.30 or the rules made pursuant thereto shall be removed, suspended without pay, discharged, or reduced in pay or position except for just cause, which shall not be religious or political. No suspension without pay shall be effective for more than 30 days. In all such cases the appointing officer shall, at the time of such action, furnish to the subordinate in writing his reasons for the same. The reasons for such action shall be filed in writing with the director \* \* \* *within 5 days of* the effective date thereof. Within 10 days after the effective date of such action of the appointing officer, the employe may appeal to the board and within 30 days after the date of appeal, the board shall hold a public hearing thereon.

SECTION 10. Wherever the words "the competitive division of" appear in section 16.105 (1m), (2) (c), 16.22 (1), 20.931 and 20.932 (2) strike through; wherever the words "competitive division" appear in ss. 16.17 (Title) and (1), 16.18 (Title) and (1), 16.19 (Title), (1) and (3), 16.20 (Title), (intro. par.), (1) and (3), and 16.24 (1) (a) substitute the words "classified service"; and wherever the words "exempt division" appear in ss. 16.16 and 16.19 (3) substitute the words "unclassified service". The revisor is authorized and directed to show the changes in publishing the statutes.

Approved August 9, 1957.