

No. 886, A.]

[Published September 23, 1959.

CHAPTER 463

AN ACT to repeal 16.20 (4) ; to renumber 16.20 (3) ; to amend 16.05 (5), 16.105 (2) (bn), 16.13 (2), 16.22 (1), 16.24 (2) and 16.275 (4) ; to repeal and recreate 16.21; and to create 16.08 (2) (e), 16.105 (2) (dx), 16.20 (3), 16.22 (4), (5) and (6) and 16.275 (5) of the statutes, relating to the operation of the personnel program of the state.

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

SECTION 1. 16.05 (5) of the statutes is amended to read:

16.05 (5) Hear appeals from any action taken by the director in any matter arising under ss. 16.01 to 16.30, upon the application of any interested party. *No appeal shall be granted unless a notice of such*

appeal is received by the board not more than 10 days after the date of the action on which the appeal is made.

SECTION 2. 16.08 (2) (e) of the statutes is created to read:

16.08 (2) (e) All other officers and employes of the state whose positions are expressly excluded from the classified service by statute or whose positions cannot be placed under the classified service because of the restrictions placed on them by statute.

SECTION 3. 16.105 (2) (bn) of the statutes is amended to read:

16.105 (2) (bn) The director in like manner may establish separate pay schedules for *part time which is less than one-half time on a daily, weekly or monthly basis*, short-term, project, * * * 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.

SECTION 4. 16.105 (2) (dx) of the statutes is created to read:

16.105 (2) (dx) The basic salary of an employe promoted to fill a vacancy in a position in a higher salary range within the department, shall be increased to the minimum of the new salary range or to that point above the minimum which will give him a total salary increase equal to one step in the range to which he is promoted.

SECTION 5. 16.13 (2) of the statutes is amended to read:

16.13 (2) Whenever the director refuses to examine an applicant, or after an examination to certify an eligible, as provided in this section, then said director, if requested by the person so rejected *within 10 days of the date of receipt of such notice of rejection*, shall give to him a full and explicit statement of the exact cause of such refusal to examine or to certify, as the case may be. Appeal may be had from the decision of the director in accordance with * * * s. 16.05 (5) *provided notice of such appeal is received by the director not more than 10 days after the date of such statement.*

SECTION 6. 16.20 (3) of the statutes is renumbered 16.17 (4).

SECTION 7. 16.20 (3) of the statutes is created to read:

16.20 (3) Employment specified in s. 16.105 (2) (bn) shall be designated as a limited term. Employes in these positions are not considered career employes and do not qualify for tenure, vacation, paid holidays, sick leave, merit increases, the right to compete in promotional examinations or participation in group insurance programs.

SECTION 8. 16.20 (4) of the statutes is repealed.

SECTION 8a. 16.21 of the statutes is repealed and recreated to read:

16.21 TRAINING PROGRAMS. (1) DECLARATION OF POLICY. In order to promote efficiency and economy in the operation of the state government, to provide means for the development of maximum proficiency by employes thereof, to establish and maintain the highest standards of performance in the transaction of the state's business, and to install and utilize effectively the best modern practices and techniques which have been developed, tested and proved, it is necessary and desirable in the public interest that self-improvement be supplemented and extended by state-sponsored training programs. The objectives of

these programs shall be to develop skills, knowledge and abilities which will best qualify state employes for effective performance of their official duties, and to retain skilled and efficient state employes in order to continually improve the quality of public service. The bureau of personnel in co-operation with appointing authorities shall co-ordinate state-sponsored training programs.

(2) TRAINING PROGRAMS. The director of personnel, pursuant to sub. (3) and under rules to be established by the personnel board, may authorize appointing authorities to:

(a) Provide off-the-job specialized training courses during working hours to designated employes, without loss of pay.

(b) Provide specialized training to qualified persons through educational stipends in lieu of pay, but in no event shall a monthly stipend exceed the minimum salary of the position for which training is undertaken.

(c) Provide specialized training to designated persons through prescribed courses of instruction, including registration in institutes or short courses which are directly related to the performance of official duties. Pay the cost of required tuition or other necessary fees and expense in connection therewith.

(d) Conduct on-the-job courses of instruction deemed necessary for the efficient performance of departmental functions and to offer honorariums to qualified experts instructing in such courses.

(e) Conduct other training programs consistent with the standards set by this subsection.

(3) CONDITIONS PRECEDENT. Unless otherwise empowered by law, any department desiring to initiate a training program under sub. (2) shall certify to the director of personnel, that (a) unencumbered appropriated funds are available or emergency board funds have been so provided; (b) training costs estimated to exceed \$500, excluding the compensation of participants, have been included in the budget and approved by the legislature or approved by the emergency board, and such costs will be encumbered for training purposes on the records of the department of budget and accounts; (c) an agreement has been entered into by the trainee and the appointing officer relative to employment with the state, together with such other terms and conditions as may be necessary under the rules of the personnel board, and (d) the immediate and necessary work requirements of the department will not be jeopardized because of such training program.

(4) GIFTS, GRANTS, AIDS, ETC. Nothing in this section shall nullify the acceptance or the special conditions of training programs financed by gifts, grants, bequests and devises from individuals, partnerships, associations or corporations and all subventions from the United States, unless pursuant to s. 14.205 or 20.953, such financing has been refused by the state.

(5) ESTABLISH INTERNSHIPS. The director of personnel shall establish in the classified service in-service training internships designed to give rigorous training in public service administration for periods not to exceed 3 years under the direct supervision of experienced administrators.

(6) RULES FOR INTERNSHIPS. The director of personnel shall draft rules and regulations relating to salary increases, annual leaves, the probationary period, and means by which interns may be promoted to permanent employment in the state service.

(7) CO-OPERATE FOR SCHOLARSHIP LOANS. To stimulate the interest of qualified students of exceptional merit in government career service, the director of personnel shall co-operate with the university regents in providing opportunities for recipients of public service scholarship loans to secure employment under the internship plan.

(8) **ROSTER FOR SUPERSERVICE.** The director of personnel shall maintain a perpetual employment roster of men and women with special qualifications for public service administration obtained by selection from within the service upon the recommendation of appointing authorities, and from the student bodies of the educational institutions maintained by the state upon recommendation of their governing bodies, by selection from outside the service, including nonstate supported educational institutions.

SECTION 9. 16.22(1) of the statutes is amended to read:

16.22 (1) All original *permanent or seasonal* appointments and *appointments by promotion between departments* to the classified service shall be for a probationary period of 6 months, but dismissal may be made at any time during such period. Upon such dismissal, the appointing authority shall forthwith report to the director and to the employe removed his action and the reason therefor. No more than 3 employes shall be removed successively from the same position during their probationary periods without the approval of the director. The director may remove an employe during his probationary period if he finds after giving him notice and an opportunity to be heard, that such employe was appointed as a result of fraud or error.

SECTION 10. 16.22 (4), (5) and (6) of the statutes are created to read:

16.22 (4) An employe promoted to fill a vacancy within a department shall not be considered to be serving on an original appointment but shall serve a trial period of 6 months. At any time during this period, the appointing authority may restore him to his former position and salary without the right of appeal. Any other removal, suspension without pay, or discharge during the trial period shall be subject to s. 16.24 (1) (a).

(5) An employe reinstated to a department, other than the one from which he earned reinstatement rights, or an employe transferred from one department to another, shall be required by the appointing authority to serve a trial period of 6 months. If during the trial period his services are found to be unsatisfactory, he may be separated without the right of appeal, at the discretion of the appointing authority.

(6) An employe whose position is classified as a trainee shall be on a trial period for the duration of the training program and may be separated during that period without the right of appeal, at the discretion of the appointing authority. Upon qualifying for the objective classification, he shall serve a probationary period as specified in sub. (1).

SECTION 11. 16.24 (2) of the statutes is amended to read:

16.24 (2) Provisional employes as defined in * * * s. 16.20 (1), emergency employes as defined in * * * s. 16.20 (2), and * * * *limited term* employes as defined in * * * s. 16.20 (3) may be dismissed or laid off at any time at the discretion of the appointing officer. Seasonal employes provided for in s. 16.23 (3) may be dismissed or laid off at any time during the first 6 months of service, and, if such service extends beyond 6 months, they may be laid off at the expiration of the seasonal period, at the discretion of the appointing officer. In case of a reduction in force because of a stoppage or lack of work or funds or because of material changes in duties or organization, permanent employes shall be laid off in accordance with rules established by the bureau. The seniority and service ratings of employes shall be considered, in such manner as the rules shall provide, in determining the order of layoffs and reinstatements. The appointing officer shall confer with the director

relative to a proposed layoff a reasonable time before the effective date thereof in order to assure compliance with the rules. Persons so laid off shall be placed on the appropriate reinstatement list. Resignations from the classified service shall be regulated by the rules of the bureau.

SECTION 12. 16.275 (4) of the statutes is amended to read:

16.275 (4) Officials and employes of the state *who have permanent status or are seasonal employes who have worked at least 6 continuous months in prior seasonal employment and* who are duly enrolled members of the national guard, the state guard, the officers' reserve corps, the enlisted reserve corps, the naval reserve, the marine corps reserve, or any other reserve component of the military or naval forces of the United States or the state of Wisconsin now or hereafter organized or constituted under federal law, are entitled to leaves of absence without loss of time in the service of the state, to enable them to attend military and naval schools, field camps of instruction and naval exercises which have been duly ordered held but not to exceed 15 days, excluding Sundays and holidays enumerated in s. 14.59 (1), in the calendar year in which so ordered and held. There shall be no deduction from or interruption in the pay from the state for the time spent in such attendance, irrespective of whether or not they receive separate pay for and identified with the attendance. The leave granted by this section is in addition to all other leaves granted or authorized by any other provision of law and the time of the leave granted under this section shall not be deemed a part of any leave granted or authorized by any other provision of law. For the purpose of determining seniority, pay or salary advancement the status of the employe shall be considered as though not interrupted by such attendance.

SECTION 13. 16.275 (5) of the statutes is created to read:

16.275 (5) Officials and employes of the state summoned for grand or petit jury service are entitled to leaves of absence without loss of time for the time of absence required pursuant to the summons and thereafter. There shall be no deduction from nor interruption of the pay from the state because of such absence.

Approved September 14, 1959.
