

1987 Assembly Bill 284

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1987 Wisconsin Act 140

AN ACT to amend 230.215 (2), 230.37 (1) and 230.45 (1) (c); and to create 230.04 (13) of the statutes, relating to flexible-time schedules, employe performance evaluations and authority to establish a state employe grievance procedure (suggested as remedial legislation by the department of employment relations).

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the department of employment relations, and introduced by the law revision committee under s. 13.83 (1) (c) 4, stats. After careful consideration of the various provisions of this bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

SECTION 1. 230.04 (13) of the statutes is created to read:

230.04 (13) The secretary shall establish, by rule, the scope and minimum requirements of a state employe grievance procedure relating to conditions of employment.

NOTE: This bill relocates the authority for the secretary of employment relations to specify the scope of a grievance procedure. This authority, while assigned to the secretary, is currently in s. 230.45, stats.

SECTION 2. 230.215 (2) of the statutes is amended to read:

230.215 (2) FLEXIBLE-TIME EMPLOYMENT SCHEDULING. In this subsection "flexible-time schedule" means

a work schedule which includes required days or hours during which an employe subject to the work schedule must be present for work and designated hours during which the employe, with the approval of his or her supervisor, may elect a time of arrival to and departure from work. Every agency shall develop a plan for the establishment of employe flexible-time ~~schedule experiments~~ schedules. The plan shall attempt to maximize efficiency of agency operations, the level of services to the public, energy conservation and employe productivity and shall consider traffic congestion, transit facilities and other relevant factors.

NOTE: Flexible-time schedules were initiated on a pilot basis in 1976. These schedules are now considered an integral part of an agency's personnel management program and are no longer "experiments".

SECTION 3. 230.37 (1) of the statutes is amended to read:

230.37 (1) In cooperation with appointing authorities the secretary shall establish a ~~uniform~~ an employe performance evaluation program to provide a continuing record of employe development and, when applicable, to serve as a basis for ~~decision-making on~~

~~employe pay increases and decreases, potential for promotion, order of layoff and for other~~ pertinent personnel actions. Similar evaluations shall be conducted during the probationary period but may not infringe upon the authority of the appointing authority to retain or dismiss employes during the probationary period.

NOTE: The primary purposes of the employe performance evaluation programs are to communicate performance standards to employes, to provide observations on performance and to identify training and development needed to improve the quality and quantity of job performance and, thereby, increase or maintain expected levels of productivity.

Therefore, the performance evaluation program cannot be "uniform" since it must be adaptable to different agency work and employe circumstances. Further, the use of specific, objective and measurable performance standards, which are directly related to specific job assignments, preclude "uniform" evaluations unless the same work is being evaluated.

Although this bill deletes the requirement of uniformity, the performance evaluation system does require state agencies to comply with specific criteria to ensure consistency in evaluation methodology.

This bill also deletes specific purposes to which the ratings are applied: pay increases or decreases, potential for promotion and basis for layoff. While the performance evaluation system results may be used for these purposes, the essential purpose of performance evaluation is to ensure satisfactory performance of assigned duties.

SECTION 4. 230.45 (1) (c) of the statutes is amended to read:

230.45 (1) (c) Serve as final step arbiter in a the state employe grievance procedure ~~relating to conditions of employment, subject to rules of the secretary providing the minimum requirements and scope of such grievance procedure~~ established under s. 230.04 (13).

NOTE: See the NOTE to s. 230.04 (13), stats., in this bill.