



State of Wisconsin
2015 - 2016 LEGISLATURE

LRBs0253/1
CMH:kjf&amn

**SENATE SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 373**

January 20, 2016 – Offered by Senators C. LARSON, RINGHAND, WIRCH, HARRIS DODD,
VINEHOUT, MILLER, RISSER, SHILLING, LASSA and HANSEN.

1 **AN ACT** *to repeal* 15.103 (6m), 15.105 (6) and (6m), 15.107 (3), 111.81 (5), 230.03
2 (5) and 230.08 (2) (xr); *to renumber* 20.505 (1) (ic), 20.505 (1) (jc), 20.505 (1)
3 (kn) and 20.505 (1) (ks); *to renumber and amend* 20.505 (1) (kz); *to amend*
4 15.105 (title), 15.16 (1) (intro.), 16.415 (1), 19.45 (11) (a), 20.916 (8) (a), 20.923
5 (4) (intro.), 20.923 (4) (c) 3m. and (f) 1., 20.923 (8), 20.923 (9), 45.82 (2), 49.78
6 (5), 59.26 (8) (a), 73.09 (5), 111.86 (2), 227.10 (3) (e), 230.02, 230.03 (9e), 230.03
7 (10), 230.04 (1m), 230.04 (5), 230.04 (9) (f), 230.04 (18), 230.05 (2) (a) and (9),
8 230.14 (4), 230.16 (1) (a), 230.16 (1) (b), 230.16 (6), 230.315 (1) (c), 230.46, 230.48
9 (2), 301.16 (1o) (b) and 938.538 (6m) (b); and *to create* 15.105 (29), 16.004 (16),
10 20.545, 20.923 (4) (c) 3n. and 3o., 111.81 (14), 230.03 (10w), 230.04 (16), 230.08

1 (2) (e) 8j. and 230.08 (2) (ya) of the statutes; **relating to:** creating an Office of
2 Civil Service.

Analysis by the Legislative Reference Bureau

The 2015-17 biennial budget act, 2015 Wisconsin Act 55, restructured the Office of State Employment Relations (OSER) into a Division of Personnel Management in the Department of Administration (DOA) and restructured the Division of Merit Recruitment and Selection in OSER into a Bureau of Merit Recruitment and Selection in the Division of Personnel Management. This substitute amendment restructures the Division of Personnel Management into the Office of Civil Service and attaches it to DOA for administrative purposes, restructures the Bureau of Merit Recruitment and Selection as a division in the Office of Civil Service, and creates the Division of Labor Relations and the Division of Affirmative Action in the Office of Civil Service.

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

3 **SECTION 1.** 15.103 (6m) of the statutes, as created by 2015 Wisconsin Act 55,
4 is repealed.

5 **SECTION 2.** 15.105 (title) of the statutes, as affected by 2015 Wisconsin Act 55,
6 is amended to read:

7 **15.105 (title) Same; attached boards, commissions, bureaus, and**
8 **offices.**

9 **SECTION 3.** 15.105 (6) and (6m) of the statutes, as created by 2015 Wisconsin
10 Act 55, are repealed.

11 **SECTION 4.** 15.105 (29) of the statutes is created to read:

12 **15.105 (29) OFFICE OF CIVIL SERVICE.** (a) *Creation.* There is created an office
13 of civil service which is attached to the department of administration under s. 15.03
14 under the direction and supervision of a director. The director shall serve at the
15 pleasure of the governor.

1 (b) *Same; specified divisions.* 1. 'Division of merit recruitment and selection.'

2 There is created in the office of civil service a division of merit recruitment and
3 selection. The administrator of the division of merit recruitment and selection shall
4 be nominated by the governor, and with the advice and consent of the senate
5 appointed for a 5-year term, under the unclassified service from a register of at least
6 5 names certified to the governor by the director of the office of civil service. The
7 director of the office of civil service shall prepare and conduct an examination for the
8 position of administrator according to the requirements for classified positions under
9 subch. II of ch. 230. The administrator of the division may be renominated by the
10 governor, and with the advice and consent of the senate reappointed.

11 2. 'Division of labor relations.' There is created in the office of civil service a
12 division of labor relations. The administrator of the division of labor relations shall
13 be nominated by the governor, and with the advice and consent of the senate
14 appointed for a 5-year term, under the unclassified service from a register of at least
15 5 names certified to the governor by the director of the office of civil service. The
16 director of the office of civil service shall prepare and conduct an examination for the
17 position of administrator according to the requirements for classified positions under
18 subch. II of ch. 230. The administrator of the division may be renominated by the
19 governor, and with the advice and consent of the senate reappointed.

20 3. 'Division of affirmative action.' There is created in the office of civil service
21 a division of affirmative action. The administrator of the division of affirmative
22 action shall be nominated by the governor, and with the advice and consent of the
23 senate appointed for a 5-year term, under the unclassified service from a register of
24 at least 5 names certified to the governor by the director of the office of civil service.
25 The director of the office of civil service shall prepare and conduct an examination

1 for the position of administrator according to the requirements for classified
2 positions under subch. II of ch. 230. The administrator of the division may be
3 renominated by the governor, and with the advice and consent of the senate
4 reappointed.

5 **SECTION 5.** 15.107 (3) of the statutes, as created by 2015 Wisconsin Act 55, is
6 repealed.

7 **SECTION 6.** 15.16 (1) (intro.) of the statutes, as affected by 2015 Wisconsin Act
8 55, is amended to read:

9 15.16 (1) EMPLOYEE TRUST FUNDS BOARD. (intro.) The employee trust funds
10 board shall consist of the governor or the governor's designee on the group insurance
11 board, the ~~administrator of the division of personnel management in the department~~
12 ~~of administration~~ director of the office of civil service or the ~~administrator's~~ director's
13 designee and 11 persons appointed or elected for 4-year terms as follows:

14 **SECTION 7.** 16.004 (16) of the statutes is created to read:

15 16.004 (16) OFFICE OF CIVIL SERVICE ADMINISTRATOR POSITIONS. The secretary
16 shall assign 3 of the unclassified division administrator positions authorized for the
17 department to the office of civil service.

18 **SECTION 8.** 16.415 (1) of the statutes, as affected by 2015 Wisconsin Act 55, is
19 amended to read:

20 16.415 (1) Neither the secretary nor any other fiscal officer of this state may
21 draw, sign, or issue, or authorize the drawing, signing, or issuing of any warrant on
22 any disbursing officer of the state to pay any compensation to any person in the
23 classified service of the state unless an estimate, payroll, or account for such
24 compensation, containing the names of every person to be paid, bears the certificate
25 of the appointing authority that each person named in the estimate, payroll, or

1 account has been appointed, employed, or subject to any other personnel transaction
2 in accordance with, and that the pay for the person has been established in
3 accordance with, the law, compensation plan, or applicable collective bargaining
4 agreement, and applicable rules of the ~~administrator of the division of personnel~~
5 ~~management in the department~~ director of the office of civil service and the ~~director~~
6 ~~of the bureau~~ administrator of the division of of merit recruitment and selection in
7 the ~~department~~ office of civil service then in effect.

8 **SECTION 9.** 19.45 (11) (a) of the statutes, as affected by 2015 Wisconsin Act 55,
9 is amended to read:

10 19.45 (11) (a) ~~The director of the bureau~~ administrator of the division of merit
11 recruitment and selection in the ~~department of administration~~ office of civil service
12 shall, with the board's advice, promulgate rules to implement a code of ethics for
13 classified and unclassified state employees except state public officials subject to this
14 subchapter, personnel in the University of Wisconsin System, and officers and
15 employees of the judicial branch.

16 **SECTION 10.** 20.505 (1) (ic) of the statutes, as affected by 2015 Wisconsin Act
17 55, is renumbered 20.545 (1) (i).

18 **SECTION 11.** 20.505 (1) (jc) of the statutes, as affected by 2015 Wisconsin Act
19 55, is renumbered 20.545 (1) (jm).

20 **SECTION 12.** 20.505 (1) (kn) of the statutes, as affected by 2015 Wisconsin Act
21 55, is renumbered 20.545 (1) (ka).

22 **SECTION 13.** 20.505 (1) (ks) of the statutes, as affected by 2015 Wisconsin Act
23 55, is renumbered 20.545 (1) (km).

24 **SECTION 14.** 20.505 (1) (kz) of the statutes, as affected by 2015 Wisconsin Act
25 55, is renumbered 20.545 (1) (k) and amended to read:

1 20.545 (1) (k) *General program operations.* The amounts in the schedule to
2 administer state employment relations functions and the civil service system under
3 subch. V of ch. 111 and ch. 230, to pay awards under s. 230.48, and to defray the
4 expenses of the state employees suggestion board. All moneys received from state
5 agencies for materials and services provided by the ~~division of personnel~~
6 ~~management in the department of administration~~ office of civil service shall be
7 credited to this appropriation.

8 **SECTION 15.** 20.545 of the statutes is created to read:

9 **20.545 Office of civil service.** There is appropriated to the office of civil
10 service for the following programs:

11 (1) CIVIL SERVICE. (j) *Gifts and donations.* All moneys received from gifts,
12 grants, bequests, and devises, to carry out the purposes for which made and received.

13 (m) *Federal grants and contracts.* All moneys received from the federal
14 government to carry out the purposes for which made.

15 (pz) *Indirect cost reimbursements.* All moneys received from the federal
16 government as reimbursement of indirect costs of grants and contracts for the
17 purposes authorized in s. 16.54 (9) (b).

18 **SECTION 16.** 20.916 (8) (a) of the statutes, as affected by 2015 Wisconsin Act 55,
19 is amended to read:

20 20.916 (8) (a) ~~The administrator of the division of personnel management in~~
21 ~~the department of administration~~ director of the office of civil service shall
22 recommend to the joint committee on employment relations uniform travel schedule
23 amounts for travel by state officers and employees whose compensation is
24 established under s. 20.923 or 230.12. Such amounts shall include maximum
25 permitted amounts for meal and lodging costs, other allowable travel expenses under

1 sub. (9) (d), and portage tips, except as authorized under s. 16.53 (12) (c). In lieu
2 of the maximum permitted amounts for expenses under sub. (9) (b), (c), and (d), the
3 ~~administrator~~ director may recommend to the committee a per diem amount and
4 method of reimbursement for any or all expenses under sub. (9) (b), (c), and (d).

5 **SECTION 17.** 20.923 (4) (intro.) of the statutes, as affected by 2015 Wisconsin
6 Act 55, is amended to read:

7 20.923 (4) STATE AGENCY POSITIONS. (intro.) State agency heads, the ~~director~~
8 ~~of the bureau~~ administrator of the division of merit recruitment and selection in the
9 ~~department of administration~~ office of civil service and commission chairpersons and
10 members shall be identified and limited in number in accordance with the
11 standardized nomenclature contained in this subsection, and shall be assigned to the
12 executive salary groups listed in pars. (a) to (h). Except for positions specified in pars.
13 (c) 3m. and (g) 1e. and sub. (12), all unclassified division administrator positions
14 enumerated under s. 230.08 (2) (e) shall be assigned, when approved by the joint
15 committee on employment relations, by the ~~administrator of the division of~~
16 ~~personnel management in the department of administration~~ director of the office of
17 civil service to one of 10 executive salary groups. The joint committee on employment
18 relations, by majority vote of the full committee, may amend recommendations for
19 initial position assignments and changes in assignments to the executive salary
20 groups submitted by the ~~administrator of the division of personnel management in~~
21 ~~the department of administration~~ director of the office of civil service. All division
22 administrator assignments and amendments to assignments of administrator
23 positions approved by the committee shall become part of the compensation plan.
24 Whenever a new unclassified division administrator position is created, the
25 appointing authority may set the salary for the position until the joint committee on

1 employment relations approves assignment of the position to an executive salary
2 group. If the committee approves assignment of the position to an executive salary
3 group having a salary range minimum or maximum inconsistent with the salary
4 paid to the incumbent at the time of such approval, the incumbent's salary shall be
5 adjusted by the appointing authority to conform with the committee's action,
6 effective on the date of that action. Positions are assigned as follows:

7 **SECTION 18.** 20.923 (4) (c) 3m. and (f) 1. of the statutes, as affected by 2015
8 Wisconsin Act 55, are amended to read:

9 20.923 (4) (c) 3m. Administration, department of; ~~division of personnel~~
10 ~~management; bureau~~ office of civil service; division of merit recruitment and
11 selection: administrator.

12 (f) 1. Administration, department of; ~~division~~ office of personnel management:
13 ~~administrator~~ civil service; director.

14 **SECTION 19.** 20.923 (4) (c) 3n. and 3o. of the statutes are created to read:

15 20.923 (4) (c) 3n. Administration, department of; office of civil service; division
16 of labor relations: administrator.

17 3o. Administration, department of; office of civil service; division of affirmative
18 action: administrator.

19 **SECTION 20.** 20.923 (8) of the statutes, as affected by 2015 Wisconsin Acts 55
20 and 58, is amended to read:

21 20.923 (8) DEPUTIES. Salaries for deputies appointed pursuant to ss. 13.94 (3)
22 (b), 15.04 (2), 230.04 (16), and 551.601 (1) shall be set by the appointing authority.
23 The salary, other than the salary of the deputy secretary of the department of
24 employee trust funds, shall not exceed the maximum of the salary range one range
25 below the salary range of the executive salary group to which the department or

1 agency head is assigned. The associate director of the historical society shall be
2 treated as an unclassified deputy for pay purposes under this subsection. The salary
3 of the deputy director of the office of business development in the department of
4 administration is assigned to executive salary group 2.

5 **SECTION 21.** 20.923 (9) of the statutes, as affected by 2015 Wisconsin Acts 55
6 and 58, is amended to read:

7 20.923 (9) ASSISTANT DEPUTY SECRETARY AND EXECUTIVE ASSISTANTS. Salaries for
8 assistant deputy secretaries and executive assistants appointed under ss. 15.05 (3)
9 and 15.06 (4m) shall be set by the appointing authority. The salary for an assistant
10 deputy secretary or an executive assistant appointed under s. 15.05 (3) or 15.06 (4m),
11 other than the salary for the executive assistant to the director of the technical
12 college system and the assistant deputy secretary of the department of employee
13 trust funds, may not exceed the maximum of the salary range 2 ranges below the
14 salary range for the executive salary group to which the department or agency head
15 is assigned. The position of administrative assistant to the lieutenant governor shall
16 be treated as are executive assistants for pay purposes under this subsection. The
17 salary for the executive assistant appointed under s. 230.04 (16) shall be set by the
18 appointing authority. The salary for that position may not exceed the maximum of
19 the salary range 2 ranges below the salary range for the executive salary group to
20 which the appointing authority is assigned.

21 **SECTION 22.** 45.82 (2) of the statutes, as affected by 2015 Wisconsin Act 55, is
22 amended to read:

23 45.82 (2) The department of veterans affairs shall award a grant annually, on
24 a reimbursable basis as specified in this subsection, to a county that meets the
25 standards developed under this section if the county executive, administrator, or

1 administrative coordinator certifies to the department that it employs a county
2 veterans service officer who, if chosen after April 15, 2015, is chosen from a list of
3 candidates who have taken a civil service examination for the position of county
4 veterans service officer developed and administered by the bureau division of merit
5 recruitment and selection in the ~~department of administration~~ office of civil service,
6 or is appointed under a civil service competitive examination procedure under s.
7 59.52 (8) or ch. 63. The department of veterans affairs shall twice yearly reimburse
8 grant recipients for documented expenses under sub. (5), subject to the following
9 annual reimbursement limits: \$8,500 for a county with a population of less than
10 20,000, \$10,000 for a county with a population of 20,000 to 45,499, \$11,500 for a
11 county with a population of 45,500 to 74,999, and \$13,000 for a county with a
12 population of 75,000 or more. The department of veterans affairs shall use the most
13 recent Wisconsin official population estimates prepared by the demographic services
14 center when making grants under this subsection.

15 **SECTION 23.** 49.78 (5) of the statutes, as affected by 2015 Wisconsin Act 55, is
16 amended to read:

17 49.78 (5) PERSONNEL EXAMINATIONS. Statewide examinations to ascertain
18 qualifications of applicants in any county department administering aid to families
19 with dependent children shall be given by the ~~director of the bureau~~ administrator
20 of the division of merit recruitment and selection in the ~~department of~~
21 ~~administration~~ office of civil service. The ~~department of administration~~ office of civil
22 service shall be reimbursed for actual expenditures incurred in the performance of
23 its functions under this section from the appropriations available to the department
24 of children and families for administrative expenditures.

1 **SECTION 24.** 59.26 (8) (a) of the statutes, as affected by 2015 Wisconsin Act 55,
2 is amended to read:

3 59.26 (8) (a) In any county with a population of less than 500,000, the board,
4 by ordinance, may fix the number of deputy sheriffs to be appointed in that county
5 at not less than that number required by sub. (1) (a) and (b) and may set the salary
6 of those deputies. Subject to sub. (10), the board may provide by ordinance that
7 deputy sheriff positions be filled by appointment by the sheriff from a list of all
8 persons with the 3 highest scores for each position based on a competitive
9 examination. Such competitive examinations may be by a county civil service
10 commission or by the ~~bureau~~ division of merit recruitment and selection in the
11 ~~department of administration~~ office of civil service at the option of the board and it
12 shall so provide by ordinance. The ~~bureau~~ division of merit recruitment and selection
13 shall, upon request of the board, conduct such examination according to the methods
14 used in examinations for the state civil service and shall certify an eligible list of the
15 names of all persons with the 3 highest scores on that examination for each position
16 to the sheriff of that county who shall, subject to sub. (10), make an appointment from
17 that list to fill the position within 10 days after he or she receives the eligible list.
18 The county for which such examination is conducted shall pay the cost of that
19 examination. If a civil service commission is decided upon for the selection of deputy
20 sheriffs, then ss. 63.01 to 63.17 shall apply so far as consistent with this subsection,
21 except ss. 63.03, 63.04 and 63.15 and except the provision governing minimum
22 compensation of the commissioners. The ordinance or an amending ordinance may
23 provide for employee grievance procedures and disciplinary actions, for hours of
24 work, for tours of duty according to seniority and for other administrative
25 regulations. Any board provision consistent with this paragraph and existing on

1 July 25, 1951, is validated. If the sheriff fills a deputy sheriff position by promotion,
2 the sheriff shall, subject to sub. (10), make the appointment to the position from a
3 list of 3 deputy sheriffs who receive the highest scores in a competitive examination.
4 Such competitive examinations may be by a county civil service commission or by the
5 ~~bureau~~ division of merit recruitment and selection in the office of civil service at the
6 option of the board and it shall so provide by ordinance.

7 **SECTION 25.** 73.09 (5) of the statutes, as affected by 2015 Wisconsin Act 55, is
8 amended to read:

9 73.09 (5) EXAMINATIONS. As provided in subs. (1) and (2), the department of
10 revenue, assisted by the ~~bureau~~ division of merit recruitment and selection in the
11 ~~department of administration~~ office of civil service, shall prepare and administer
12 examinations for each level of certification. Persons applying for an examination
13 under this subsection shall submit a \$20 examination fee with their application.
14 Certification shall be granted to each person who passes the examination for that
15 level.

16 **SECTION 26.** 111.81 (5) of the statutes, as created by 2015 Wisconsin Act 55, is
17 repealed.

18 **SECTION 27.** 111.81 (14) of the statutes is created to read:

19 111.81 (14) "Office" means the office of civil service.

20 **SECTION 28.** 111.86 (2) of the statutes, as affected by 2015 Wisconsin Act 55,
21 is amended to read:

22 111.86 (2) The ~~division~~ office shall charge a state department or agency the
23 employer's share of the cost related to grievance arbitration under sub. (1) for any
24 arbitration that involves one or more employees of the state department or agency.
25 Each state department or agency so charged shall pay the amount that the division

1 charges from the appropriation account or accounts used to pay the salary of the
2 grievant. Funds received under this subsection shall be credited to the appropriation
3 account under s. ~~20.505 (1) (ks)~~ 20.545 (1) (km).

4 **SECTION 29.** 227.10 (3) (e) of the statutes, as affected by 2015 Wisconsin Act 55,
5 is amended to read:

6 227.10 (3) (e) Nothing in this subsection prohibits the ~~director~~ administrator
7 of the ~~bureau~~ division of merit recruitment and selection in the ~~department of~~
8 ~~administration~~ office of civil service from promulgating rules relating to expanded
9 certification under s. 230.25 (1n).

10 **SECTION 30.** 230.02 of the statutes, as affected by 2015 Wisconsin Act 55, is
11 amended to read:

12 **230.02 Liberal construction of statutes.** Statutes applicable to the ~~division~~
13 ~~and bureau~~ office shall be construed liberally in aid of the purposes declared in s.
14 230.01.

15 **SECTION 31.** 230.03 (5) of the statutes, as created by 2015 Wisconsin Act 55, is
16 repealed.

17 **SECTION 32.** 230.03 (9e) of the statutes, as affected by 2015 Wisconsin Act 55,
18 is amended to read:

19 230.03 (9e) "Director" means the director of the ~~bureau~~ office.

20 **SECTION 33.** 230.03 (10) of the statutes, as affected by 2015 Wisconsin Act 55,
21 is amended to read:

22 230.03 (10) "Division" means the division of ~~personnel management~~ merit
23 recruitment and selection in the ~~department of administration~~ office.

24 **SECTION 34.** 230.03 (10w) of the statutes is created to read:

25 230.03 (10w) "Office" means the office of civil service.

1 **SECTION 35.** 230.04 (1m) of the statutes, as affected by 2015 Wisconsin Act 55,
2 is amended to read:

3 230.04 **(1m)** The ~~administrator~~ director may delegate, in writing, any of his or
4 her functions set forth in this chapter to an appointing authority, within prescribed
5 standards if the ~~administrator~~ director finds that the agency has personnel
6 management capabilities to perform such functions effectively and has indicated its
7 approval and willingness to accept such responsibility by written agreement. If the
8 ~~administrator~~ director determines that any agency is not performing such delegated
9 function within prescribed standards, the ~~administrator~~ director shall forthwith
10 withdraw such delegated function. Subject to the approval of the joint committee on
11 finance, the ~~administrator~~ director may order transferred to the ~~division~~ office from
12 the agency to which delegation was made such agency staff and other resources as
13 necessary to perform such functions if increased staff was authorized to that agency
14 as a consequence of such delegation or if the ~~division~~ office reduced staff or shifted
15 staff to new responsibilities as a result of such delegation. Any delegatory action
16 taken under s. 230.09 (2) (a) or (d) or 230.13 (1) by an appointing authority may be
17 appealed to the commission under s. 230.44 (1) (b). The ~~administrator~~ director shall
18 be a party in such an appeal.

19 **SECTION 36.** 230.04 (5) of the statutes, as affected by 2015 Wisconsin Act 55,
20 is amended to read:

21 230.04 **(5)** The ~~administrator~~ director shall promulgate rules on all matters
22 relating to the administration of the ~~division~~ office and the performance of the duties
23 assigned to the ~~administrator~~ director, except on matters relating to those provisions
24 of subch. II for which responsibility is specifically charged to the ~~director~~
25 administrator.

1 **SECTION 37.** 230.04 (9) (f) of the statutes, as affected by 2015 Wisconsin Act 55,
2 is amended to read:

3 230.04 (9) (f) Establish an affirmative action subunit. The affirmative action
4 subunit shall advise and assist the director, the administrator, and agency heads on
5 establishing policies and programs to ensure appropriate affirmative action. The
6 subunit shall advise and assist the ~~administrator~~ director in monitoring such
7 programs and shall provide staff to the council on affirmative action.

8 **SECTION 38.** 230.04 (16) of the statutes is created to read:

9 230.04 (16) The director may appoint either a deputy director or an executive
10 assistant outside the classified service.

11 **SECTION 39.** 230.04 (18) of the statutes, as affected by 2015 Wisconsin Act 55,
12 is amended to read:

13 230.04 (18) The ~~administrator~~ director may provide any services and materials
14 to agencies and may charge the agencies for providing the services and materials.
15 The ~~administrator~~ director shall establish a methodology for determining the costs
16 of services and materials charged to state agencies under this subsection. All moneys
17 received from the charges shall be deposited in the appropriation account under s.
18 ~~20.505 (1) (kz)~~ 20.545 (1) (k).

19 **SECTION 40.** 230.05 (2) (a) and (9) of the statutes, as affected by 2015 Wisconsin
20 Act 55, are amended to read:

21 230.05 (2) (a) Except as provided under par. (b), the ~~director~~ administrator may
22 delegate, in writing, any of his or her functions set forth in this subchapter to an
23 appointing authority, within prescribed standards if the ~~director~~ administrator finds
24 that the agency has personnel management capabilities to perform such functions
25 effectively and has indicated its approval and willingness to accept such

1 responsibility by written agreement. If the ~~director~~ administrator determines that
2 any agency is not performing such delegated function within prescribed standards,
3 the ~~director~~ administrator shall withdraw such delegated function. The ~~director~~
4 administrator may order transfer to the ~~bureau~~ division from the agency to which
5 delegation was made such agency staff and other resources as necessary to perform
6 such functions if increased staff was authorized to that agency as a consequence of
7 such delegation or if the ~~bureau~~ division reduced staff or shifted staff to new
8 responsibilities as a result of such delegation subject to the approval of the joint
9 committee on finance. Any delegatory action taken under this subsection by any
10 appointing authority may be appealed to the commission under s. 230.44 (1) (a). The
11 ~~director~~ administrator shall be a party in such appeal.

12 (9) The ~~director~~ administrator may provide any services and materials to
13 agencies and may charge the agencies for providing the services and materials. All
14 moneys received from the charges shall be deposited in the appropriation account
15 under s. ~~20.505 (1) (kz)~~ 20.545 (1) (k).

16 **SECTION 41.** 230.08 (2) (e) 8j. of the statutes is created to read:

17 230.08 (2) (e) 8j. Office of civil service - 3.

18 **SECTION 42.** 230.08 (2) (xr) of the statutes, as created by 2015 Wisconsin Act
19 55, is repealed.

20 **SECTION 43.** 230.08 (2) (ya) of the statutes is created to read:

21 230.08 (2) (ya) The director, deputy director, and executive assistant to the
22 director of the office of civil service, and an employee in the office of civil service who
23 performs services relating to the coordination of state employee benefits.

24 **SECTION 44.** 230.14 (4) of the statutes, as affected by 2015 Wisconsin Act 55,
25 is amended to read:

1 230.14 (4) The ~~director~~ administrator may charge an agency a fee to announce
2 any vacancy to be filled in a classified or unclassified position in that agency. Funds
3 received under this subsection shall be credited to the appropriation account under
4 s. ~~20.505 (1) (kn)~~ 20.545 (1) (ka).

5 **SECTION 45.** 230.16 (1) (a) of the statutes, as affected by 2015 Wisconsin Act 55,
6 is amended to read:

7 230.16 (1) (a) The ~~director~~ administrator shall require persons applying for
8 admission to any examination under this subchapter or under the rules of the
9 ~~director~~ administrator to file an application with the ~~bureau~~ office a reasonable time
10 prior to the proposed examination.

11 **SECTION 46.** 230.16 (1) (b) of the statutes, as affected by 2015 Wisconsin Act 55,
12 is amended to read:

13 230.16 (1) (b) The ~~bureau~~ division shall furnish application forms without
14 charge to all persons requesting them.

15 **SECTION 47.** 230.16 (6) of the statutes, as affected by 2015 Wisconsin Act 55,
16 is amended to read:

17 230.16 (6) If any applicant is unable to complete the examination in the form
18 presented to the applicant due to a disability, the ~~bureau~~ division shall provide a
19 reader, an appropriate place to take the examination or other similar prerequisites
20 to ensure equality of opportunity in the examination.

21 **SECTION 48.** 230.315 (1) (c) of the statutes, as affected by 2015 Wisconsin Act
22 55, is amended to read:

23 230.315 (1) (c) The employee has received a military leave of absence under s.
24 230.32 (3) (a) or 230.35 (3), under a collective bargaining agreement under subch. V
25 of ch. 111, or under rules promulgated by the ~~division~~ office of civil service or is

1 eligible for reemployment with the state under s. 321.64 after completion of his or
2 her service in the U.S. armed forces.

3 **SECTION 49.** 230.46 of the statutes, as affected by 2015 Wisconsin Act 55, is
4 amended to read:

5 **230.46 Duties of ~~council on~~ division of affirmative action.** The ~~council~~
6 ~~on~~ division of affirmative action shall serve in a direct advisory capacity to the
7 ~~administrator~~ director and as part of that relationship shall evaluate the progress
8 of affirmative action programs throughout the civil service system, seek compliance
9 with state and federal regulations and recommend improvements in the state's
10 affirmative action efforts as an employer. In carrying out its responsibilities, the
11 council may recommend legislation, consult with agency personnel and other
12 interested persons, conduct hearings and take other appropriate action to promote
13 affirmative action. The council shall report at least once per year to the governor and
14 the legislature.

15 **SECTION 50.** 230.48 (2) of the statutes, as affected by 2015 Wisconsin Act 55,
16 is amended to read:

17 **230.48 (2) PERSONNEL, FACILITIES AND EQUIPMENT.** The ~~administrator~~ office shall
18 appoint, under the classified service, a secretary and such other employees as are
19 necessary to carry out the duties of the state employees suggestion board, and shall
20 provide such facilities and equipment as that board requires for the proper
21 performance of its work. The state employees suggestion board may request and
22 shall receive from any state department any assistance that it requires.

23 **SECTION 51.** 301.16 (1o) (b) of the statutes, as affected by 2015 Wisconsin Act
24 55, is amended to read:

1 301.16 **(1o)** (b) In the selection of classified service employees of the institution
2 specified in par. (a), the appointing authority shall, whenever possible, use the
3 expanded certification program under rules of the ~~director of the bureau~~
4 administrator of the division of merit recruitment and selection in the department
5 ~~of administration~~ office of civil service to ensure that employees of the institution
6 reflect the general population of either the county in which the institution is located
7 or the most populous county contiguous to the county in which the institution is
8 located, whichever population is greater. The ~~director~~ administrator of the bureau
9 division of merit recruitment and selection in the department of administration shall
10 provide guidelines for the administration of this selection procedure.

11 **SECTION 52.** 938.538 (6m) (b) of the statutes, as affected by 2015 Wisconsin Act
12 55, is amended to read:

13 938.538 **(6m)** (b) In the selection of classified service employees for a juvenile
14 correctional facility authorized under 1993 Wisconsin Act 377, section 9108 (1) (a),
15 the appointing authority shall make every effort to use the expanded certification
16 program under s. 230.25 (1n) or rules of the ~~director~~ administrator of the bureau
17 division of merit recruitment and selection in the ~~department of administration~~
18 office of civil service to ensure that the percentage of employees who are minority
19 group members approximates the percentage of the juveniles placed at that juvenile
20 correctional facility who are minority group members. The ~~director of the bureau~~
21 administrator of the division of merit recruitment and selection shall provide
22 guidelines for the administration of the selection procedure.

23 **SECTION 53. Nonstatutory provisions.**

24 (1) TERMINOLOGY CHANGES.

1 (a) Substitute “office of civil service” for “division of personnel management in
2 the department of administration” or for “division of personnel management in the
3 department”, whichever is appropriate, in sections 16.004 (7) (a), 20.916 (4) (a) and
4 (5) (a), 20.923 (18) (a), 40.06 (1) (dm), 70.99 (3) (a), 73.09 (2), 230.90 (2), 233.10 (3)
5 (c) 4. and (4), and 301.03 (5h) of the statutes, as affected by the acts of 2015.

6 (b) Substitute “director of the office of civil service” for “administrator of the
7 division of personnel management in the department of administration” or
8 “administrator of the division of personnel management in the department”,
9 whichever is appropriate, in sections 13.121 (4), 13.123 (1) (a) 1., 13.20 (2), 15.16 (1)
10 (intro.), 15.165 (2), 16.40 (18), 16.415 (3), 16.50 (3) (f), 20.901 (1) (b), 20.916 (2), (4m)
11 (b), and (9) (d) and (f) 1. and 3., 20.917 (1) (c) and (d), (2) (a), (3) (a) 1. and 2., (5) (b),
12 and (6), 20.923 (7) (intro.), 36.09 (1) (j), 40.05 (4) (ag) 1. and 2. and (ah) 1. and (4g)
13 (a) 4., 40.515 (1), 40.52 (3), 46.29 (3) (d), 227.47 (2), 321.64 (1) (c), and 978.12 (1) (c)
14 of the statutes, as affected by the acts of 2015.

15 (c) Substitute “office” for “division” in sections 111.815 (1), 111.89 (1), 111.92 (1)
16 (a) 1., 230.04 (12), 230.046 (10) (title) and (intro.), 230.147 (3), 230.16 (7m) (b) (intro.)
17 and (c), 230.21 (1m) (b), 230.25 (1p), 230.27 (2k), and 230.44 (1) (dm) of the statutes,
18 as affected by the acts of 2015.

19 (d) Substitute “director of the office” for “administrator of the division” in
20 sections 111.815 (2) and (3), 111.83 (3) (a), 111.91 (4), and 111.915 of the statutes, as
21 affected by the acts of 2015.

22 (e) Substitute “director” for “administrator” in sections 230.04 (title), (1), (2),
23 (3), (4), (8), (9) (intro.), (9m), (9r) (b) (intro.), (10) (a), (b), and (c), (11), (12), (13) (intro.),
24 (14), (15), and (17), 230.046 (5) (c), (7), (8), and (9), 230.047 (8), 230.06 (1) (f), (g), and
25 (L), 230.08 (4) (c) and (8), 230.09 (1) (intro.), (2) (a), (am), (b), (c), (d), and (g), and (3),

1 230.12 (1) (a) 3., (c) 2., and (d) and (3) (a), (ad), (b), (c), (e) 1. and 2., (4), (5) (c), (7m),
2 and (9), 230.15 (1m) (b) (intro.), 230.215 (3) (a) and (b) and (4), 230.22 (1) and (2),
3 230.24 (1), 230.32 (3), 230.33 (2), 230.34 (1) (c) and (4), 230.35 (1) (d), (1m) (f), (2), (2r)
4 (b), (3) (d) and (e) 2. e. and 5., and (5) (b), 230.37 (1), 230.43 (5), and 230.44 (1) (b) and
5 (4) (bm) of the statutes, as affected by the acts of 2015.

6 (f) Substitute “administrator” for “director” in sections 230.04 (3), 230.05 (title),
7 (1), (2) (b), (3), (4), (5), (6), (7), and (8), 230.08 (7), 230.09 (2) (g), 230.15 (1), (1m) (c),
8 (2), and (2m), 230.16 (1) (am), (2), (3), (5), (9), and (11), 230.17, 230.18, 230.19 (1) and
9 (2), 230.21 (1), (1m) (a) (intro.) and (b), (2), and (3), 230.213, 230.22 (3) and (4), 230.24
10 (1) and (1m), 230.25 (1), (1g), (1n) (a) (intro.) and (b), (2), (3) (b), (4), and (5), 230.26
11 (1), (1m), (2), and (5), 230.27 (1m) (b) and (2), 230.275 (1) (d), 230.28 (1) (a), (b), (bm)
12 (intro.), and (c), (3), and (4), 230.29, 230.30 (1), 230.31 (1) (b) and (2), 230.32 (4) and
13 (5), 230.34 (2) (b), (2m), and (3), 230.40 (6), and 230.44 (1) (a) and (dm) of the statutes,
14 as affected by the acts of 2015.

15 (2) ELIMINATION OF THE DIVISION OF PERSONNEL MANAGEMENT IN THE DEPARTMENT
16 OF ADMINISTRATION.

17 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
18 liabilities of the division of personnel management in the department of
19 administration become the assets and liabilities of the office of civil service.

20 (b) *Positions and employees.* On the effective date of this paragraph, all
21 positions and all incumbent employees in the classified service of the state civil
22 service holding those positions in the division of personnel management in the
23 department of administration are transferred to the office of civil service.

24 (c) *Employee status.* Employees transferred under paragraph (b) have all the
25 rights and the same status under chapter 230 of the statutes that they enjoyed

1 immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes,
2 no employee so transferred who has attained permanent status in class is required
3 to serve a probationary period.

4 (d) *Tangible personal property.* On the effective date of this paragraph, all
5 tangible personal property, including records, of the division of personnel
6 management in the department of administration is transferred to the office of civil
7 service.

8 (e) *Pending matters.* Any matter pending with the division of personnel
9 management in the department of administration on the effective date of this
10 paragraph is transferred to the office of civil service. All materials submitted to or
11 actions taken by the division of personnel management are considered as having
12 been submitted to or taken by the office of civil service.

13 (f) *Contracts.* All contracts entered into by the division of personnel
14 management in the department of administration in effect on the effective date of
15 this paragraph remain in effect and are transferred to the office of civil service. The
16 office of civil service shall carry out any obligations under those contracts unless
17 modified or rescinded by the office of civil service to the extent allowed under the
18 contract.

19 (g) *Rules and orders.* All rules promulgated by the division of personnel
20 management in the department of administration in effect on the effective date of
21 this paragraph remain in effect until their specified expiration dates or until
22 amended or repealed by the office of civil service. All orders issued by the division
23 of personnel management in effect on the effective date of this paragraph remain in

1 effect until their specified expiration dates or until modified or rescinded by the office
2 of civil service.

3 (END)