



2001 SENATE BILL 431

February 7, 2002 – Introduced by LAW REVISION COMMITTEE. Referred to Committee on Labor and Agriculture.

1 **AN ACT** *to repeal* 230.32 (6) and 230.337 (1); and *to renumber* 230.337 (2) of the
2 statutes; **relating to:** employment rights of certain employees in the state civil
3 service (suggested as remedial legislation by the department of employment
4 relations).

Analysis by the Legislative Reference Bureau

Under current law, if the position of any employee who served in a classified position in the department of health and family services on January 1, 1990, was transferred and was unclassified under 1989 Wisconsin Act 31, and if the incumbent to the position was not appointed to the unclassified position, or if the incumbent was appointed to the unclassified position and subsequently terminated for any reason except just cause, the incumbent has certain restoration rights and reinstatement privileges to a position in the department of corrections or the division of hearings and appeals in the department of administration. This bill eliminates this right granted to these employees.

Under current law, any person who was in the classified service of the state on June 5, 1953, who began employment with the federal government in civilian war emergency employment on or after January 1, 1942, and who was not at the time of such entry a state employee, and who on November 16, 1946, was transferred to the state civil service has his or her seniority rights determined as though he or she was in the classified service of the state during the period of employment with the federal government in civilian war emergency employment. This bill eliminates this right granted to these employees.

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For further information, see the NOTES provided by the law revision committee of the joint legislative council.

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 the 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.

1 **SECTION 1.** 230.32 (6) of the statutes is repealed.

NOTE: Under current law, a specific group of employees have their seniority rights determined as if they were in the classified service of the state during a period of employment with the federal government. To qualify, a person must have been in the classified service of the state on June 5, 1953; have begun employment with the federal government in civilian war emergency employment on or after January 1, 1942; not have been a state employee at the time of such entry; and have been transferred to the service of this state on November 16, 1946, pursuant to P.L. 79-549. According to the department of employee relations, no employees are currently in this category, nor will any employees ever become eligible in the future. SECTION 1 eliminates this right.

2 **SECTION 2.** 230.337 (1) of the statutes is repealed.

3 **SECTION 3.** 230.337 (2) of the statutes is renumbered 230.337.

NOTE: Section 230.337 (1) currently provides restoration rights and reinstatement privileges to a very specific group of employees. The employee must have served in a classified position in the department of health and family services on January 1, 1990; the employee's position must have been transferred and unclassified under 1989 Wisconsin Act 31; and the incumbent to the position must either not have been appointed to the unclassified position, or have been appointed to the position but then terminated for a reason other than just cause. According to the department of employee relations, no such unclassified position was ever created. SECTIONS 2 and 3 eliminate those employee rights.

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