



## 2009 ASSEMBLY BILL 560

November 10, 2009 - Introduced by LAW REVISION COMMITTEE. Referred to  
Committee on Labor.

1 **AN ACT** *to repeal* 230.45 (1) (e); and *to amend* 230.44 (3), 230.44 (4) (b), 230.45  
2 (1) (h) and 230.45 (3) of the statutes; **relating to:** remedial statutory changes  
3 affecting the Wisconsin Employment Relations Commission (suggested as  
4 remedial legislation by the Wisconsin Employment Relations Commission).

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### *Analysis by the Legislative Reference Bureau*

This bill is explained in the NOTES provided by the Law Revision Committee of  
the Joint Legislative Council.

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***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 Wisconsin Employment Relations Commission and introduced  
by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful  
consideration of the various provisions of the bill, the Law Revision Committee has  
determined that this bill makes minor nonsubstantive changes in the statutes, and that  
these changes are desirable as a matter of public policy.

5 **SECTION 1.** 230.44 (3) of the statutes is amended to read:  
6 230.44 (3) TIME LIMITS. Any appeal filed under this section may not be heard  
7 unless the appeal is filed within 30 days after the effective date of the action, or

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1 within 30 days after the appellant is notified of the action, whichever is later, ~~except~~  
2 ~~that if the appeal alleges discrimination under subch. II of ch. 111, the time limit for~~  
3 ~~that part of the appeal alleging such discrimination shall be 300 days after the~~  
4 ~~alleged discrimination occurred.~~

NOTE: Eliminates language relating to the filing period for fair employment act complaints. These complaints are processed by the Equal Rights Division (in the Department of Workforce Development) under s. 230.45 (1e) (a), stats., and not under this subsection, which deals with time for appeals to the Wisconsin Employment Relations Commission (WERC). The placement of this unrelated provision in s. 230.44 (3), stats., is unnecessary and confusing.

5 **SECTION 2.** 230.44 (4) (b) of the statutes is amended to read:

6 230.44 (4) (b) An employee shall attend a hearing under this subsection and  
7 testify when requested to do so by the commission. Any person not under the civil  
8 service who appears before the commission by order shall receive for his or her  
9 attendance the fees and mileage provided for witnesses in civil actions in courts of  
10 record under ch. 885, which shall be audited and paid by the state in the same  
11 manner as other expenses are audited and paid, upon the presentation of properly  
12 verified vouchers approved by the commission and charged to the proper  
13 appropriation for the commission. No witness subpoenaed at the insistence of a  
14 party other than the commission is entitled to compensation from the state for  
15 attendance or travel, unless the commission certifies that his or her testimony was  
16 relevant and material to the matter investigated.

NOTE: The authority of WERC under s. 230.45 (1), stats., does not include conducting investigations; the Equal Rights Division conducts investigations under s. 230.45 (1e), stats. Therefore, reference to the matter “investigated” is deleted.

17 **SECTION 3.** 230.45 (1) (e) of the statutes is repealed.

NOTE: Repeals an obsolete provision regarding WERC’s authority to hear county merit system appeals. The referenced rules are Aid to Families with Dependent Children (AFDC) rules that have been repealed.

18 **SECTION 4.** 230.45 (1) (h) of the statutes is amended to read:

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1           230.45 (1) (h) Keep minutes of its own proceedings and other official actions.  
2 All such records shall, subject to reasonable rules, be open to public inspection.  
3 Records of the director or the administrator which are confidential shall be kept  
4 confidential by the ~~division of equal rights or the~~ commission.

NOTE: Removes reference to the Division of Equal Rights. The duties of the Division of Equal Rights in this regard are stated in s. 230.45 (1e) (c), stats.

5           **SECTION 5.** 230.45 (3) of the statutes is amended to read:

6           230.45 (3) The commission shall promulgate rules establishing a schedule of  
7 filing fees to be paid by any person who files an appeal under sub. (1) (c) ~~or (e)~~ or s.  
8 230.44 (1) (a) or (b) with the commission on or after the effective date of the rules  
9 promulgated under this subsection. Fees paid under this subsection shall be credited  
10 to the appropriation account under s. 20.425 (1) (i).

NOTE: Makes a cross-reference change to reflect the repeal of par. (e) of s. 230.45 (1), stats., by SECTION 3 of the bill.

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(END)