

1975 SPECIAL SESSION SENATE JOURNAL

WEDNESDAY, February 15, 1978

The chief clerk makes the following entries under the above date.

The following bill failed to pass pursuant to **Assembly Joint Resolution 3, Special Session.**

Senate Bill 3, Special Session

The following joint resolution failed adoption pursuant to **Assembly Joint Resolution 3, Special Session.**

Senate Joint Resolution 1, Special Session

The following joint resolution failed concurrence pursuant to **Assembly Joint Resolution 3, Special Session.**

Assembly Joint Resolution 2, Special Session

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison, Wisconsin

February 14, 1978.

To the Honorable, the Senate:

The following bills, originating in the senate, have been approved, signed and deposited in the office of the Secretary of State:

| Senate Bill | Chapter No. | Date Approved |
|-----------------|-----------------|-------------------|
| 2(partial veto) | ----- 196 ----- | February 14, 1978 |

Sincerely,
MARTIN J. SCHREIBER
Governor

To the Honorable, the Senate:

I have approved Special Session Senate Bill 2 as Chapter 196, Laws of 1977, and deposited it in the office of the Secretary of State.

Special Session Senate Bill 2 is the culmination of months of effort on the part of many citizens, government officials and legislators committed to the reform of our state's civil service system.

It is a bill which strikes the proper balance between the need for efficient management and the need for a civil service system that is not subject to manipulation and political pressure. The Stevens-Offner Commission and the legislators who worked so diligently on this bill are deserving of our praise and gratitude.

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I have exercised the partial veto power in several instances. In most cases, the vetoes correct drafting errors or seek to alleviate short-term, unanticipated difficulties caused by certain of the bill's provisions. In general, the partial vetoes do not change, in any important aspect, the major provisions of the bill.

Section 40 of the bill provides a process for evaluating applicants for specific civil service positions. As written, it requires that a person from outside the civil service system be included in both oral examination boards and panels established to review written applications. A review of the legislative history of the bill indicates this may not have been the legislature's intent.

Requiring outside oral board members is both appropriate and desirable. To extend the requirements of non-civil service membership to those boards of examiners which are merely reviewing written applications would not make any significant improvement in the selection process. The effect of the partial veto is to limit the requirements of noncivil service participation to oral examinations only.

Section 51 of the bill clarifies the various types of positions in state service which shall be termed "limited term appointments." So-called LTE's do not receive state benefits such as health or life insurance. They are limited to 6 months or 1,044 hours of work per year.

The bill (Section 116) also statutorily creates "project" positions, i.e., those where a specific job is to be completed and where a probable date of termination is established. Persons so hired would be able to receive some benefits after six months. "Project" positions must have formal authorization by the legislature.

I fully support the intent of the legislature to curb the number of limited term employes in the state and to better control, through the budget process, those employes to be hired as "project" employes. I also support the legislature's intent to more equitably treat those employes hired for specific and time-limited projects by providing them with certain benefits now available to full-time employes.

However, I have vetoed a part of Section 51 in order to allow the continuation of "project LTE's" until the 1979-81 budget bill is presented to the legislature. That bill will eliminate project LTE's.

I have made these vetoes for two reasons:

1. Such positions were previously authorized by the legislature in the biennial budget and persons hired to fill those positions expected to work more than 6 months, although they understood they would not receive state benefits. Without the veto, these persons would have to be terminated--contrary to previous commitments

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made in the budget process--when they worked 1,044 hours after the bill becomes law.

2. The biennial budget process will permit agencies to identify "project" positions and will require them to justify those positions they want continued. If the legislature does not believe they are justified, funding for them can be eliminated.

This veto does not affect the ability of agencies to provide flexible time employment or to hire permanent part-time employes (working at least 600 hours per year) and to provide benefits to such individuals.

Section 76m of the bill concerns the relationship of the University of Wisconsin to the executive pay plan and the Joint Committee on Employment Relations. In the last few weeks, I have had several discussions with representatives of the University and the legislature concerning this particular section.

I am vetoing the section with the understanding that I will suggest for inclusion in the annual review bill a session law which does the following:

1. Directs the Regents to place the administrative employes in question into the salary groups enumerated in the executive pay plan by May 1, 1978.

2. Requires that position classifications now included in Section 20.923(5), which include persons whose salaries generally fall below the groups of the executive pay plan would not be included in the plan and their salaries would be handled through processes now in effect for academic staff.

3. Encourages the University and the Joint Committee on Employment Relations to continue the dialogue which has begun concerning the appropriate balance between the Regents' management prerogatives and the oversight responsibilities of the legislature.

The partial veto, when taken together with the proposed session law, has the effect of clarifying the intent of the legislature regarding the University and the executive pay plan. Moreover, it gives the Regents the management flexibility need to provide for the best possible administration of the university system.

I have also vetoed that part of Section 76m which deals with the role of the Joint Committee on Employment Relations as it relates to salary adjustments for persons holding positions subject to the executive pay plan. Specifically, it calls for JOCER approval of any increase or adjustment of salary for any incumbent in a position covered by the pay plan.

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The bill, as vetoed, would allow incumbents in the executive salary pay range who are given greatly expanded or greatly reduced responsibilities to have their salaries adjusted. If it is the intent of the legislature to prohibit department heads from increasing or decreasing salaries to reflect changes in responsibility, I believe that issue can be dealt with in the annual review bill. I will be working with the legislature over the next few weeks to reach an understanding on the best means of achieving legislative oversight of the pay plan provisions.

Parts of Section 101 and 121 of the bill intend that issues which are now appealed to the Personnel Board shall be heard by the newly-created Personnel Commission.

The bill as drafted, however, allows appeals to the Personnel Commission, not only of actions by the Administrator of the Division of Personnel, but of non-personnel issues delegated by the Secretary of the newly-created Department of Employment Relations.

Unless language in Sections 230.04 (1m) and 230.44 (1) (b) is vetoed, the scope of appeals to the Commission would be expanded to include collective bargaining, affirmative action, performance evaluations or other issues delegated by the new Secretary.

Since this expands the responsibilities of the Commission beyond what was intended, and because it would, in any event, discriminate between delegated and non-delegated actions of the Secretary, I have vetoed the language in question.

Section 101 of the bill requires the Secretary of the Department of Employment Relations to establish an employee work planning and performance evaluation program under s. 230.37 (1). The words "work planning and" have been deleted to correct an apparent drafting error and respect legislative intent.

Section 117 (m) of the bill deals with the rights of unclassified division administrators. As written, the bill would have denied certain protections, including bumping rights, to classified division administrators hired after the effective date of the law, but before February 1, 1979, the date at which all division administrators become unclassified. By deleting the words "on the effective date of the act (1977)", the rights of unclassified division administrators are protected during the period between the effective date of the law and February 1, 1979.

Section 124 (2) of the bill provides for the appointment of the first members of the Personnel Commission. Specifically, it requires that they be appointed by the Personnel Board. This is inconsistent with the language of Section 5 of the bill which provides that the Governor shall appoint the members of the Personnel Commission

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from lists provided by the Personnel Board. The effect of the veto is to reconcile the provisions of Section 124 (2) with those of Section 5.

Section 102 of the bill allows the Department of Administration to contract "for services" and the Department of Employment Relations (S.230.045) to contract for "personal services."

Since confusion could easily result as to what responsibilities each agency had, I have vetoed S.230.045.

In its place, I have included in the annual review bill an amendment to S.16.705, which leaves the purpose of S.230.045 intact. Under the annual review provision, there will continue to be contractual review, by the Department of Administration, of all service contracts. All personal service contracts, however, will have prior review and approval by the Department of Employment Relations to prevent agencies of the state from using such contracts to erode or avoid the state's personnel system.

Sincerely,

MARTIN J. SCHREIBER

Governor

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Relating to:

Senate Bill 2, Special Session, senate amendment 3 to assembly substitute amendment 1

On line 2, substitute "23 and 24" for "3 and 24".

Senate Bill 2, Special Session

In enrolling, the following correction was made:

In the treatment of s. 111.91 (3) of the statutes, the reference to "~~16.95-1~~" is substituted for "16.05" in the original bill, assembly substitute amendment 1 to special session senate bill 2, assembly substitute amendment 2 to special session senate bill 2, engrossed special session senate bill 2 and engrossed assembly substitute amendment 1 to special session senate bill 2.

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CHIEF CLERK'S REPORT

The chief clerk records:

Senate Bill 2, Special Session

**Correctly enrolled and presented to the Governor on February 7,
1978.**