

1999 ASSEMBLY BILL 320

May 6, 1999 - Introduced by Representatives SERATTI, MUSSER, RYBA and F. LASEE.
Referred to Committee on Labor and Employment.

1 **AN ACT to amend** 59.26 (8) (a) of the statutes; **relating to:** test score certification
2 of applicants for a deputy sheriff position.

Analysis by the Legislative Reference Bureau

Under current law, in any county with a population of less than 500,000 (Milwaukee County is currently the only county with a population greater than 500,000), the county board may require that deputy sheriff positions be filled by appointment by the sheriff from a list of all persons with the three highest scores for each position based on a competitive examination. Currently, a sheriff is required to fill a vacant position within ten days after the sheriff receives the list. The examination may be given by a county civil service commission or by the division of merit recruitment and selection in the department of employment relations (DER). If the examination is given by DER, the department must certify to the sheriff a list of eligible names of all persons with the three highest scores on the examination for each position.

Under this bill, if a competitive examination is given by a county civil service commission or by DER, the list of names from which the sheriff selects appointees, other than appointees who are promoted, shall contain all persons who receive a score of at least 70% for each position to be filled. The bill also deletes the requirement that a sheriff fill a vacant position within ten days after the sheriff receives the list.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 59.26 (8) (a) of the statutes is amended to read:

2 59.26 **(8)** (a) In any county with a population of less than 500,000, the board,
3 by ordinance, may fix the number of deputy sheriffs to be appointed in that county
4 at not less than that number required by sub. (1) (a) and (b) and may set the salary
5 of those deputies. The board may provide by ordinance that deputy sheriff positions
6 be filled by appointment by the sheriff from a list of all persons ~~with the 3 highest~~
7 scores who receive a score of at least 70% for each position based on a competitive
8 examination of persons residing in this state for at least one full year prior to the date
9 of such examination. Such competitive examinations may be by a county civil service
10 commission or by the division of merit recruitment and selection in the department
11 of employment relations at the option of the board and it shall so provide by
12 ordinance. The division of merit recruitment and selection in the department of
13 employment relations shall, upon request of the board, conduct such examination
14 according to the methods used in examinations for the state civil service and shall
15 certify an eligible list of the names of all persons ~~with the 3 highest scores on that~~
16 examination who receive a score of at least 70% for each position to the sheriff of that
17 county who shall make an appointment from that list to fill the position ~~within 10~~
18 days after he or she receives the eligible list. The county for which such examination
19 is conducted shall pay the cost of that examination. If a civil service commission is
20 decided upon for the selection of deputy sheriffs, then ss. 63.01 to 63.17 shall apply
21 so far as consistent with this subsection, except ss. 63.03, 63.04 and 63.15 and except

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1 the provision governing minimum compensation of the commissioners. The
2 ordinance or an amending ordinance may provide for employe grievance procedures
3 and disciplinary actions, for hours of work, for tours of duty according to seniority
4 and for other administrative regulations. Any board provision consistent with this
5 paragraph and existing on July 25, 1951, is validated. If the sheriff fills a deputy
6 sheriff position by promotion, the sheriff shall make the appointment to the position
7 from a list of 3 deputy sheriffs who receive the highest scores in a competitive
8 examination. Such competitive examinations may be by a county civil service
9 commission or by the division of merit recruitment and selection in the department
10 of employment relations at the option of the board and it shall so provide by
11 ordinance.

SECTION 2. Initial applicability.

12 (1) This act first applies to examinations that are given on the effective date
13 of this subsection.
14

15 (END)