BILL HISTORY FOR SENATE BILL 163 (LRB –0905)

An Act to amend 15.177 (1) (a), 230.01 (2), 230.03 (2) (b), 230.04 (10) (b), 230.08 (7), 230.16 (6), 230.17 (2), 230.18, 230.19 (2), 230.25 (1n) (a) 3. and 230.25 (1n) (b) of the statutes; relating to: changing certain terminology in laws affecting the state civil service system (suggested as remedial legislation by the department of employment relations).

1999

05–18. S. Introduced by **Law Revision Committee.**

05–18. S. Read first time and referred to committee on Labor 148

06–25. S. Public hearing held.

08–19. S. Executive action taken.

08–26. S. Report introduction and adoption of Senate amendment 1 recommended by committee on Labor, Ayes 5, Noes 0 **(LRB a0540)** 245

08–26. S. Report passage as amended recommended by committee on Labor, Ayes 5, Noes 0 245

08–26. S. Available for scheduling.

11–02. S. Read a second time 316

11–02. S. Senate amendment 1 **adopted** 316

11–02. S. Ordered to a third reading 316

11–02. S. Rules suspended 316

11–02. S. Read a third time and **passed** 316

11–02. S. Ordered immediately messaged 317

11–04. A. Received from Senate 514

11–04. A. Read first time and referred to committee on Labor and Employment 515

2000

02–16. A. Public hearing held.

02–16. A. Executive action taken.

02–22. A. Report concurrence recommended by committee on Labor and Employment, Ayes 10, Noes 0 675

02–22. A. Referred to committee on Rules 675

03–02. A. Placed on calendar 3–8–2000 by committee on Rules.

03–08. A. Read a second time 719

03–08. A. Ordered to a third reading 719

03–08. A. Rules suspended 719

03–08. A. Read a third time and **concurred in** 719

03–08. A. Ordered immediately messaged 719

03–09. S. Received from Assembly concurred in.

1999
ENROLLED BILL

99en SB-163

ADOPTED DOCUMENTS:

☒ Orig ☐ Engr ___ SubAmdt ___ 99-0905 1

Amendments to above (if none, write "NONE"): SA1

Corrections – show date (if none, write "NONE"): none

Topic Terminology in laws affecting the state civil service system

3/9/2000 Pete / By / [illegible]

Date **Enrolling Drafter**

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[rev: 6/5/98 1999enroll(fm)]

1999 SENATE BILL 163

May 18, 1999 – Introduced by LAW REVISION COMMITTEE. Referred to Committee on Labor.

1 AN ACT *to amend* 15.177 (1) (a), 230.01 (2), 230.03 (2) (b), 230.04 (10) (b), 230.08
2 (7), 230.16 (6), 230.17 (2), 230.18, 230.19 (2), 230.25 (1n) (a) 3. and 230.25 (1n)
3 (b) of the statutes; **relating to:** changing certain terminology in laws affecting
4 the state civil service system (suggested as remedial legislation by the
5 department of employment relations).

Analysis by the Legislative Reference Bureau

Currently, in laws affecting the state civil service, a person with a disability is referred to as having a "handicap" or as being "handicapped". This bill substitutes the word "disability" or the word "disabled" for the word "handicap" or the word "handicapped".

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. 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.** 15.177 (1) (a) of the statutes is amended to read:

2 15.177 **(1)** (a) There is created in the department of employment relations a
3 council on affirmative action consisting of 15 members appointed for 3–year terms.
4 A majority of the members shall be public members and a majority of the members
5 shall be minority persons, women and persons with a ~~handicap~~ disability appointed
6 with consideration to the appropriate representation of each group.

7 **SECTION 2.** 230.01 (2) of the statutes is amended to read:

8 230.01 **(2)** It is the policy of the state and the responsibility of the secretary and
9 the administrator to maintain a system of personnel management which fills
10 positions in the classified service through methods which apply the merit principle,
11 with adequate civil service safeguards. It is the policy of this state to provide for
12 equal employment opportunity by ensuring that all personnel actions including hire,
13 tenure or term, and condition or privilege of employment be based on the ability to
14 perform the duties and responsibilities assigned to the particular position without
15 regard to age, race, creed or religion, color, ~~handicap~~ disability, sex, national origin,
16 ancestry, sexual orientation or political affiliation. It is the policy of this state to take
17 affirmative action which is not in conflict with other provisions of this chapter. It is
18 the policy of the state to ensure its employes opportunities for satisfying careers and
19 fair treatment based on the value of each employe's services. It is the policy of this
20 state to encourage disclosure of information under subch. III and to ensure that any
21 employe employed by a governmental unit is protected from retaliatory action for
22 disclosing information under subch. III. It is the policy of this state to correct pay
23 inequities based on gender or race in the state civil service system.

disabled SA 1

SECTION 3. 230.03 (2) (b) of the statutes is amended to read:

230.03 **(2)** (b) Eliminating a substantial disparity between the proportion of members of racial and ethnic, gender or ~~handicap~~ disabled groups either in job groups within the classified civil service, or in similar functional groups in the unclassified service, and the proportion of members of racial and ethnic, gender or ~~handicap~~ groups in the relevant labor pool.

SECTION 4. 230.04 (10) (b) of the statutes is amended to read:

230.04 **(10)** (b) The secretary shall request from each agency and each agency shall furnish to the secretary relevant racial, ethnic, gender and ~~handicap~~ disability information on every new employe hired by the agency including limited term, project, seasonal and sessional employes. The secretary shall maintain the data to permit a periodic review of the agency's affirmative action plan accomplishments.

SECTION 5. 230.08 (7) of the statutes is amended to read:

230.08 **(7)** EXCEPTIONAL EMPLOYMENT SITUATIONS. The administrator shall provide, by rule, for exceptional methods and kinds of employment to meet the needs of the service during periods of disaster or national emergency, and for other exceptional employment situations such as to employ the mentally ~~handicapped~~ disabled, the physically ~~handicapped~~ and the disadvantaged.

SECTION 6. 230.16 (6) of the statutes is amended to read:

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

SECTION 7. 230.17 (2) of the statutes is amended to read:

disabled SA 1

230.17 **(2)** If the administrator refuses to examine an applicant, or after an examination to certify an eligible, as provided in this section, the administrator, if requested by the applicant so rejected within 10 days of the date of receipt of the notice of rejection, shall give the applicant a full and explicit statement of the exact cause of such refusal to examine or to certify. Applicants may appeal to the commission the decision of the administrator to refuse to examine or certify under s. 230.44 (1) (a). Upon request of an applicant or an eligible for a civil service position who has a ~~handicap~~ disability, the department of health and family services shall obtain from the administrator a detailed description of all duties entailed by such position and shall determine and report its findings to the administrator, as to the ability of the applicant, or eligible, to perform the duties of such position. Such findings shall be conclusive as to the qualifications of any applicant, or eligible, so examined. A notice of rejection shall notify an applicant or eligible of his or her rights under this subsection.

SECTION 8. 230.18 of the statutes is amended to read:

230.18 Discrimination prohibited. No question in any form of application or in any examination may be so framed as to elicit information concerning the partisan political or religious opinions or affiliations of any applicant nor may any inquiry be made concerning such opinions or affiliations and all disclosures thereof shall be discountenanced except that the administrator may evaluate the competence and impartiality of applicants for positions such as clinical chaplain in a state institutional program. No discriminations may be exercised in the recruitment, application, examination or hiring process against or in favor of any person because of the person's political or religious opinions or affiliations or because

of age, sex, ~~handicap~~ disability, race, color, sexual orientation, national origin or ancestry except as otherwise provided.

SECTION 9. 230.19 (2) of the statutes is amended to read:

230.19 **(2)** If, in the judgment of the administrator, the group of applicants best able to meet the requirements for vacancies in positions in the classified service are available within the classified service, the vacancies shall be filled by competition limited to persons in the classified service who are not employed under s. 230.26 or 230.27 and persons with the right of restoration resulting from layoff under s. 230.34 (2), unless it is necessary to go outside the classified service to be consistent with an approved affirmative action plan or program. The administrator may also limit competition for promotion to the employes of an agency or an employing unit within an agency if the resulting group of applicants would fairly represent the proportion of members of racial and ethnic, gender or ~~handicap~~ disabled groups in the relevant labor pool for the state.

SECTION 10. 230.25 (1n) (a) 3. of the statutes is amended to read:

230.25 **(1n)** (a) 3. Certifying up to 3 names of persons with a ~~handicap~~ disability.

SECTION 11. 230.25 (1n) (b) of the statutes is amended to read:

230.25 **(1n)** (b) The administrator may certify names under par. (a) 1. or 2. only if an agency requests expanded certification in order to comply with an approved affirmative action plan or program. The administrator may certify names under par. (a) 3. only if an agency requests expanded certification in order to hire persons with a ~~handicap~~ disability.

NOTE: Currently, in ch. 230, stats., relating to employment relations, the term "handicap" and variants of that term are frequently used in referring to persons with disabilities. However, in 1997 Wisconsin Act 112, remedial legislation requested by the

department of workforce development, several references in ch. 230 were changed from "handicap" to "disability", where there was a cross–reference to definitions used in ch. 230 by the department of workforce development under the Fair Employment Law in ch. 111, stats. This draft changes the remaining uses of the term "handicap" and variants of that term in ch. 230 to the term "disability" and variants of that term, for the purposes of consistency within ch. 230, stats.

1 **(END)**

SENATE AMENDMENT 1,

TO 1999 SENATE BILL 163

August 26, 1999 – Offered by COMMITTEE ON LABOR.

At the locations indicated, amend the bill as follows:

1. Page 3, line 6: delete "handicap" and substitute "~~handicap~~ disabled".

2. Page 3, line 18: delete "handicapped" and substitute "~~handicapped~~ disabled".

(END)