

2001 ASSEMBLY BILL 646

November 27, 2001 – Introduced by Representatives POCAN, BOYLE, BLACK, BOCK, J. LEHMAN, TURNER, BERCEAU, WILLIAMS, MILLER, PLOUFF, BIES and RYBA, cosponsored by Senators WIRCH, RISSER, BURKE and PLACHE. Referred to Committee on Labor and Workforce Development.

1 **AN ACT** *to renumber and amend* 230.26 (4); *to amend* 230.19 (2), 230.35 (1)
2 (a) (intro.), 230.35 (1m) (a) 4., 230.35 (4) (c) and 230.35 (4) (d) (intro.); and *to*
3 *create* 230.26 (4) (b) of the statutes; **relating to:** fringe benefits for certain
4 limited term appointments in the state civil service system.

Analysis by the Legislative Reference Bureau

Under current law, appointing authorities are able to make limited term appointments in the state civil service system. A limited term appointment is an appointment for less than 1,044 hours per year or is a provisional appointment. Individuals appointed to limited term appointments do not qualify for tenure, vacation, paid holidays, sick leave, performance awards, or the right to compete in promotional examinations. This bill provides that any individual appointed to a limited term appointment, who prior to that appointment had worked for the state for at least six months in the two-year period immediately preceding his or her appointment, shall be considered a permanent employee for the purposes of qualifying for tenure, vacation, paid holidays, sick leave, performance awards, and the right to compete in promotional examinations.

For further information see the **state** 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:

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1 **SECTION 1.** 230.19 (2) of the statutes is amended to read:

2 230.19 **(2)** If, in the judgment of the administrator, the group of applicants best
3 able to meet the requirements for vacancies in positions in the classified service are
4 available within the classified service, the vacancies shall be filled by competition
5 limited to persons in the classified service who are not employed under s. 230.26,
6 other than persons who qualify for the right to compete in promotional examinations
7 under s. 230.26 (4) (b), or s. 230.27 and persons with the right of restoration resulting
8 from layoff under s. 230.34 (2), unless it is necessary to go outside the classified
9 service to be consistent with an approved affirmative action plan or program. The
10 administrator may also limit competition for promotion to the employees of an
11 agency or an employing unit within an agency if the resulting group of applicants
12 would fairly represent the proportion of members of racial and ethnic, gender or
13 disabled groups in the relevant labor pool for the state.

14 **SECTION 2.** 230.26 (4) of the statutes is renumbered 230.26 (4) (a) and amended
15 to read:

16 230.26 **(4)** (a) ~~Fringe~~ Except as provided in par. (b), fringe benefits specifically
17 authorized by statutes, with the exception of worker's compensation, unemployment
18 insurance, group insurance, retirement and social security coverage, shall be denied
19 employees hired under this section. ~~Such~~ Except as provided in par. (b), such
20 employees may not be considered permanent employees and do not qualify for
21 tenure, vacation, paid holidays, sick leave, performance awards or the right to
22 compete in promotional examinations.

23 **SECTION 3.** 230.26 (4) (b) of the statutes is created to read:

24 230.26 **(4)** (b) Any person appointed to a limited term appointment, who prior
25 to that appointment had worked for the state for at least six months in the 2-year

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1 period immediately preceding his or her appointment, shall be considered a
2 permanent employee for the purposes of qualifying for tenure, vacation, paid
3 holidays, sick leave, performance awards, and the right to compete in promotional
4 examinations.

5 **SECTION 4.** 230.35 (1) (a) (intro.) of the statutes is amended to read:

6 230.35 **(1)** (a) (intro.) Except as provided in subs. (1m) and (1r), appointing
7 authorities shall grant to each person in their employ, except limited-term
8 employees who do not qualify for vacation under s. 230.26 (4) (b), based on
9 accumulated continuous state service, annual leave of absence without loss of pay
10 at the rate of:

11 **SECTION 5.** 230.35 (1m) (a) 4. of the statutes is amended to read:

12 230.35 **(1m)** (a) 4. A position designated as an attorney position in which the
13 employee is employed and acts as an attorney, unless the attorney position is a
14 limited term appointment under s. 230.26 and the person in the position does not
15 qualify for vacation under s. 230.26 (4) (b).

16 **SECTION 6.** 230.35 (4) (c) of the statutes is amended to read:

17 230.35 **(4)** (c) All employees except limited term employees who do not qualify
18 for paid holidays under s. 230.26 (4) (b) shall receive 9 paid holidays annually in
19 addition to any other authorized paid leave, the time to be at the discretion of the
20 appointing authorities.

21 **SECTION 7.** 230.35 (4) (d) (intro.) of the statutes is amended to read:

22 230.35 **(4)** (d) (intro.) In addition to the holidays granted under par. (c), all
23 employees except limited term employees who do not qualify for paid holidays under
24 s. 230.26 (4) (b) shall earn 3.5 paid personal holidays each calendar year. Eligibility
25 to take the personal holidays during the year earned is subject to the following:

