

**2001 DRAFTING REQUEST**

**Bill**

Received: **10/28/2000**

Received By: **champra**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Currier**

This file may be shown to any legislator: **NO**

Drafter: **champra**

May Contact:

Alt. Drafters:

Subject: **Employ Pub - civil service**

Extra Copies:

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**Pre Topic:**

DOA:.....Currier -

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**Topic:**

Delegation of certain civil service management duties to state agencies

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**Instructions:**

See Attached.

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	champra 10/28/2000	jdye 10/30/2000	martykr 10/30/2000		gretskl 10/30/2000		

FE Sent For:

<END>

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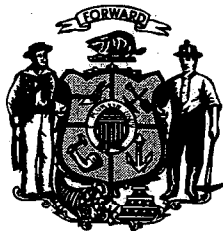
<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1?	champra	11/30 JLD	11/30 JLD	PK 10/30	PK 10/30		

FE Sent For:

<END>

TOMMY G. THOMPSON  
GOVERNOR

GEORGE LIGHTBOURN  
SECRETARY



Division of Executive Budget and Finance  
Post Office Box 7864  
Madison, WI 53707-7864  
Voice (608) 266-1736  
Fax (608) 267-0372  
TTY (608) 267-9629

**Date:** October 24, 2000  
**To:** Steve Miller, LRB  
**From:** Dawn Currier, DOA  
266-8777  
**Subject:** Department of Employment Relations Statutory Language

I'm forwarding stat language changes that the Department of Employment Relations (DER) included with its budget submission.

- 817 — 1. Increase Flexibility in Civil Service Recruiting. This is a package of six interrelated proposals designed to provide more flexibility in focusing the state's recruitment efforts: (1) eliminate the 6-month waiting period for paying employer share of health insurance premium costs; (2) institutionalize innovative recruitment and evaluation methods; (3) unilaterally delegate management of day-to-day personnel business to state agencies in order to concentrate DER efforts on policy guidance; (4) permit recruiting of LTEs who are residents of other states and nations; (5) Enhance career advancement opportunities within state government, and (6) convert DER's reports to on-demand provision of tailored information and delete obsolete reporting requirements. 823 825 826 827
- 818 — 2. Training to non-state employees. Permits DER to offer training courses to non-state governmental and private sector individuals and to collect fees from them for their participation in those programs.
- 819 — 3. Creation of related services appropriation. Create a PR-S continuing appropriation that will allow DER to deposit fees it collects from non-state entities for the provision of services or products. 823
- 820 — 4. Delete Program 2 in state statutes. Delete s. 20.512(2) Affirmative Action Council.

For your reference, I am including the documentation provided by the agency to aid in the preparation of these statutory language changes. Please contact me, if you have any additional questions or concerns. Thanks.

Break #1  
into individual  
components

99-308515  
has this  
provision

827

# STATUTORY LANGUAGE PROPOSAL

## Department of Employment Relations 2001-03 BIENNIAL BUDGET

### LIST OF STATUTORY LANGUAGE REQUESTED

- ◆ Civil Service Flexibility
- ◆ Training Services to Non-state employees
- ◆ Creation of Related Services Appropriation
- ◆ Repeal s. 20.512 (2)

#### Contact:

Elizabeth Reinwald  
Legislative Liaison  
Department of Employment Relations  
608-266-5316

TITLE: INCREASED FLEXIBILITY IN CIVIL SERVICE RECRUITING

#### ISSUE:

Employment in Wisconsin is at an all-time high. The downside of this good economic news is keen competition among employers for the most qualified candidates to fill crucial positions. Demographic forecasts show that attracting skilled workers to Wisconsin jobs will be increasingly challenging for the next 20 years and beyond. Wisconsin state government needs to become once again the employer of choice for the best and brightest talents in crucial roles in order to render the highest quality service to the public. The challenge is to attract the best staff with cost effective measures .

#### DESCRIPTION OF LEGISLATION:

DER has developed a package of six interrelated proposals to provide greater flexibility in focusing the state's recruitment efforts:

- Eliminate the 6-month waiting period for paying the employer share of health insurance premiums
- Pilot innovative recruitment and evaluation methods
- Enhance career advancement opportunities within state government
- Permit recruiting of Limited Term Employees and project employees who are

TITLE: INCREASED CERTIFICATION FLEXIBILITY (PAGE 2)

residents of other states or nations

- Delegate management of day-to-day personnel business to state agencies in order to concentrate DER efforts on policy guidance
- Convert DER's reports to on-demand provision of tailored information. Delete obsolete reports.

WHY THE LEGISLATION IS NEEDED:

- Agencies report that the six-month delay before the state contributes the employer share of health insurance premiums is a tremendous barrier to the successful hiring of job applicants. By law, eligibility for health insurance coverage for a new employee must begin on the first of the month following the hire date, but employer contributions currently do not begin until the seventh month of employment. Wisconsin government service is losing the most desirable candidates to the private sector and to other public employers that provide employer contributions from the start of employment. Today, vacancy and turnover rates in some branches of the service are creating unacceptable levels of stress for remaining staff and "burnout" is being reported. Positions crucial to health and safety are experiencing unacceptably high levels of turnover and vacancy.
- As a result of the extremely tight labor market across the nation, innovative methods are being employed to attract and retain quality employees in both the public and private sectors. The National Association of State Personnel Executives, International Personnel Management Association and the Council of State Governments are some of the organizations highlighting innovative techniques. If Wisconsin State Government cannot continue to innovate in this new marketplace of human resources, the state will lose opportunities to attract some of the best and most skilled candidates for public service jobs. Candidates who can have their pick of employers will be attracted by assessment and competition methods more focused and targeted to the needs of today's recruiting environment.
- Retention of current, talented and experienced employees is a priority goal in the tight labor environment. In addition to improved compensation and benefits, DER believes that providing first opportunities for internal advancement to state staff will improve retention and make the state a more attractive employer.
- There is critical need to expand the workforce available to state agencies, particularly those with operations and/or institutions along the state's borders. Currently, about 80,000 Wisconsin residents commute to jobs in contiguous states while only about 18,000 non-state residents commute into Wisconsin. Currently, Limited Term Employees, those hired for six months or less, must be state residents. Permanent employees do not have to be state residents. Continued prohibition of non-resident LTEs deprives Wisconsin of a source of potential permanent residents and employees, puts state agencies at great disadvantage in

TITLE: INCREASED CERTIFICATION FLEXIBILITY (PAGE 3)

filling vacancies, and deprives state government of an important trained workforce pool. Additionally, since limited-term employment often is a route into permanent state employment for minorities and women, not acting will prevent state government from using career development as a retention enhancement.

- Day-to-day personnel transactions are most properly managed by each individual state agency closest to the workforce issues. DER wishes to increase delegation of agency personnel actions to each agency and focus on policy development, training and coordination.
- DER currently expends resources in compiling, printing and distributing reports that are no longer relevant to current needs or which could be better focused to current needs. Valuable efforts by the Division of Affirmative Action are diverted from proactive recruiting and assistance to agency affirmative action staffs into time consuming after the fact report production. Technological advances in data compilation and real-time reporting are not realized because the time required to assemble data into a formal published report ensures that reporting is always out of date in our rapidly changing employment environment. DER needs to focus efforts on immediately providing spot data from which policy decisions can flow.

PAST LEGISLATION:

This proposal has not been introduced as a package in previous sessions, although repeal of the six-month waiting period for employer health insurance premiums has been discussed in previous sessions. In the last session, the law was amended to allow immediate employer payment of premiums for University of Wisconsin faculty and academic staff.

ANTICIPATED FISCAL IMPACT:

Only the change to eliminate the six-month waiting period for employer share of health insurance premiums has a fiscal impact. The estimated fiscal impact of this change is:

	2002	2003	Total
GPR	\$ 5,325,300	\$ 5,325,300	\$ 10,650,600
Other Funds	6,269,000	6,269,000	12,538,000
Total	11,594,300	11,594,300	23,188,600

This estimate is based on projections for fiscal year 2001 assuming 3,300 new hires each year.

TITLE: INCREASED CERTIFICATION FLEXIBILITY (PAGE 5)

230.26 (5) of the statutes is amended to read:

230.26 (5) If the administrator determines that an agency is not in compliance with the requirements of, or rules related to, sub. (1), ~~(1m)~~ or (2) regarding a particular employee, the administrator shall direct the appointing authority to terminate the employee.

230.27 (1m) of the statutes is repealed.

✓ Delegate management of day-to-day personnel business to state agencies in order to concentrate DER efforts on policy guidance

230.04 (1m) of the statutes is amended to read:

230.04 (1m) The secretary may delegate, in writing, any of his or her functions set forth in this chapter to an appointing authority, within prescribed standards if the secretary finds that the agency has personnel management capabilities to perform such functions effectively ~~and has indicated its approval and willingness to accept such responsibility by written agreement.~~ If the secretary determines that any agency is not performing such delegated function within prescribed standards, the secretary shall forthwith withdraw such delegated function. Subject to the approval of the joint committee on finance, the secretary may order transferred to the department from the agency to which delegation was made such agency staff and other resources as necessary to perform such functions if increased staff was authorized to that agency as a consequence of such delegation or if the department reduced staff or shifted staff to new responsibilities as a result of such delegation. Any delegatory action taken under s. 230.09 (2) (a) or (d) or 230.13 (1) by an appointing authority may be appealed to the personnel commission under s. 230.44 (1) (b). The secretary shall be a party in such an appeal.

230.05 (2) (a) of the statutes is amended to read:

230.05 (2) (a) Except as provided under par. (b), the administrator may delegate, in writing, any of his or her functions set forth in this subchapter to an appointing authority, within prescribed standards if the administrator finds that the agency has personnel management capabilities to perform such functions effectively ~~and has indicated its approval and willingness to accept such responsibility by written agreement.~~ If the administrator determines that any agency is not performing such delegated function within prescribed standards, the administrator shall withdraw such delegated function. The

TITLE: INCREASED CERTIFICATION FLEXIBILITY (PAGE 6)

administrator may order transfer to the division from the agency to which delegation was made such agency staff and other resources as necessary to perform such functions if increased staff was authorized to that agency as a consequence of such delegation or if the division reduced staff or shifted staff to new responsibilities as a result of such delegation subject to the approval of the joint committee on finance. Any delegatory action taken under this subsection by any appointing authority may be appealed to the personnel commission under s. 230.44 (1) (a). The administrator shall be a party in such appeal.

Pilot innovative recruitment and evaluation methods

230.15 (1) of the statutes is amended to read:

230.15 (1) Appointments to, and promotions in, the classified service shall be made only according to merit and fitness, which shall be ascertained so far as practicable by competitive examination. The administrator may waive competitive examination for appointments made under subs. (1m), (1r) and (2) and shall waive competitive examination for appointments made under sub. (2m).

230.15 (1r) of the statutes is created to read:

230.15 (1r) If a vacancy occurs in a position that is to be filled according to the terms of a pilot program under s. 230.23 and the terms of the pilot program provide that the competition requirements for filling the position may be waived, the administrator may waive the competition requirements for filling the position.

230.19 (4) of the statutes is created to read:

230.19 (4) If a vacancy occurs in a position that is to be filled according to the terms of a pilot program under s. 230.23, the terms of the pilot program shall supersede any inconsistent requirements established under this section.

230.23 of the statutes is created to read:

230.23 Merit recruitment and selection pilot programs. (1) The administrator may establish any number of pilot programs affecting one or more agencies for appointments to, and promotions in, the classified service if all of the following conditions are met:

(a) The administrator clearly specifies the purpose of the pilot program and the evaluation criteria and evaluation methodology





State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-0824/1

RAC:.....  
jld

SOON

DOA:.....Currier - Delegation of certain civil service management duties to state agencies

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

don't gen

1 AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

STATE GOVERNMENT ✓

STATE EMPLOYMENT ✓

(secretary)

(administrator)

Under current law, the secretary of employment relations may delegate any of his or her functions to an agency if the secretary finds that the agency has the personnel management capabilities to perform such functions effectively and has indicated its approval and willingness to accept such responsibility by written agreement. Similarly, under current law, the administrator of the division of merit recruitment and selection in DER may delegate any of his or her functions to an agency if the administrator finds that the agency has the personnel management capabilities to perform such functions effectively and has indicated its approval and willingness to accept such responsibility by written agreement.

This bill permits the delegation of these functions if the secretary of employment relations and the administrator find that the agency has the personnel management capabilities to perform such functions effectively but does not require that the agency has indicated its approval and willingness to accept such responsibility by written agreement.

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

1           **SECTION 1.** 230.04 (1m) <sup>X</sup> of the statutes is amended to read:

2           230.04 (1m) The secretary may delegate, in writing, any of his or her functions  
3 set forth in this chapter to an appointing authority, within prescribed standards if  
4 the secretary finds that the agency has personnel management capabilities to  
5 perform such functions effectively <sup>✓</sup> and ~~has indicated its approval and willingness to~~  
6 ~~accept such responsibility by written agreement.~~ If the secretary determines that  
7 any agency is not performing such delegated function within prescribed standards,  
8 the secretary shall forthwith withdraw such delegated function. Subject to the  
9 approval of the joint committee on finance, the secretary may order transferred to  
10 the department from the agency to which delegation was made such agency staff and  
11 other resources as necessary to perform such functions if increased staff was  
12 authorized to that agency as a consequence of such delegation or if the department  
13 reduced staff or shifted staff to new responsibilities as a result of such delegation.  
14 Any delegatory action taken under s. 230.09 (2) (a) or (d) or 230.13 (1) by an  
15 appointing authority may be appealed to the personnel commission under s. 230.44  
16 (1) (b). The secretary shall be a party in such an appeal.

History: 1977 c. 196 ss. 48, 63, 101, 130 (11); 1977 c. 418, 447; 1981 c. 20; 1983 a. 27, 409; 1987 a. 27, 32, 140, 403; 1989 a. 31, 124; 1991 a. 101, 269, 288, 315; 1995 a. 289; 1997 a. 27; 1999 a. 87.

17           **SECTION 2.** 230.05 (2) (a) <sup>X</sup> of the statutes is amended to read:

18           230.05 (2) (a) Except as provided under par. (b), the administrator may  
19 delegate, in writing, any of his or her functions set forth in this subchapter to an  
20 appointing authority, within prescribed standards if the administrator finds that the  
21 agency has personnel management capabilities to perform such functions effectively  
22 <sup>✓</sup> and ~~has indicated its approval and willingness to accept such responsibility by~~  
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6 subject to the approval of the joint committee on finance. Any delegatory action  
7 taken under this subsection by any appointing authority may be appealed to the  
8 personnel commission under s. 230.44 (1) (a). The administrator shall be a party in  
9 such appeal.

10 **History:** 1971 c. 125, 270; 1977 c. 196 ss. 26, 105, 130 (5); 1977 c. 273; 1981 c. 20; 1983 a. 27; 1989 a. 31; 1997 a. 216, 237.

(END)



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-0824/1

RAC:jld:km

DOA:.....Currier – Delegation of certain civil service management duties to  
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FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

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Under current law, the secretary of employment relations (secretary) may delegate any of his or her functions to an agency if the secretary finds that the agency has the personnel management capabilities to perform such functions effectively and has indicated its approval and willingness to accept such responsibility by written agreement. Similarly, under current law, the administrator of the division of merit recruitment and selection (administrator) in DER may delegate any of his or her functions to an agency if the administrator finds that the agency has the personnel management capabilities to perform such functions effectively and has indicated its approval and willingness to accept such responsibility by written agreement.

This bill permits the delegation of these functions if the secretary and the administrator find that the agency has the personnel management capabilities to perform such functions effectively but does not require that the agency has indicated its approval and willingness to accept such responsibility by written agreement.

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7 personnel commission under s. 230.44 (1) (a). The administrator shall be a party in  
8 such appeal.

9

(END)