



D-Nalt
State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-0576/1

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SEN

DOA:.....Caucutt - Department of Employment Relations merger into the Department of Administration

FOR 2003-05 BUDGET - NOT READY FOR INTRODUCTION

*SA ✓
new ✓
x-ref ✓*

INSERTS

Do Not GEN

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

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT ✓

STATE EMPLOYMENT ✓

This bill eliminates DER and transfers its powers and duties to DOA. Currently, DER is charged with administering the state civil service system, establishing and maintaining the state's classification system, crafting the compensation plan for most nonrepresented state employees for submission to the Joint Committee on Employment Relations, establishing procedures for recruitment, selection, appointment, and promotion for classified positions in the state civil service, developing and maintaining the career executive service, and administering the hazardous employment program. ~~Upon enactment, this bill will transfer these functions to DOA.~~ The bill also authorizes an additional unclassified division administrator position in DOA.

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:

1 **SECTION 1.** 13.121 (4) of the statutes is amended to read:

2 **13.121 (4) INSURANCE.** For the purpose of premium determinations under s.
3 40.05 (4) and (5) each member of the legislature shall accrue sick leave at a rate
4 equivalent to a percentage of time worked recommended for such positions by the
5 secretary of ~~employment relations~~ administration and approved by the joint
6 committee on employment relations in the same manner as compensation for such
7 positions is determined under s. 20.923. This percentage of time worked shall be
8 applied to the sick leave accrual rate established under s. 230.35 (2). The approved
9 percentage shall be incorporated into the compensation plan under s. 230.12 (1).

History: 1973 c. 51, 243; 1977 c. 196 s. 131; 1981 c. 96 s. 67; 1983 a. 27 ss. 8, 9, 2202 (33); 1991 a. 316.

10 **SECTION 2.** 13.123 (1) (a) 1. of the statutes is amended to read:

11 **13.123 (1) (a) 1.** Any member of the legislature who has signified, by affidavit
12 filed with the department of administration, the necessity of establishing a
13 temporary residence at the state capital for the period of any regular or special
14 legislative session shall be entitled to an allowance for expenses incurred for food and
15 lodging for each day that he or she is in Madison on legislative business, but not
16 including any Saturday or Sunday unless the legislator is in actual attendance on
17 such day at a session of the legislature or a meeting of a standing committee of which
18 the legislator is a member. The amount of the allowance for each biennial session
19 shall be 90% of the per diem rate for travel for federal government business within
20 the city of Madison, as established by the federal general services administration.
21 For the purpose of determining the amount of the allowance, the secretary of
22 ~~employment relations~~ administration shall certify to the chief clerk of each house the
23 federal per diem rate in effect on December 1, or the first business day thereafter if
24 December 1 is not a business day, in each even-numbered year. Each legislator shall

1 file an affidavit with the chief clerk of his or her house certifying the specific dollar
2 amount within the authorized allowance the member wishes to receive. Such
3 affidavit, when filed, shall remain in effect for the biennial session.

History: 1971 c. 13; 1973 c. 1; 1975 c. 39, 199; 1977 c. 115, 277, 325; 1979 c. 34 s. 2100; 1983 a. 27 ss. 10, 2202 (33); 1991 a. 316; 1993 a. 52; 1995 a. 27, 225; 1997 a. 27; 1999 a. 182; 2001 a. 16.

4 **SECTION 3.** 13.20 (2) of the statutes is amended to read:

5 13.20 (2) PAY RANGES; DURATION OF EMPLOYMENT. All legislative employees shall
6 be paid in accordance with the compensation and classification plan for employees
7 in the classified civil service within ranges approved by the joint committee on
8 legislative organization. The secretary of ~~employment relations~~ administration[✓]
9 shall make recommendations concerning a compensation and classification schedule
10 for legislative employees if requested to do so by the joint committee on legislative
11 organization or by the committee on organization of either house. If the joint
12 committee does not approve pay ranges for legislative employees, the committee on
13 organization of either house may approve pay ranges for its employees.
14 Appointments shall be made for the legislative session, unless earlier terminated by
15 the appointing officer.

History: 1977 c. 29; 1977 c. 196 ss. 130 (10), 131; 1977 c. 273; 1979 c. 34; 2001 a. 19.

16 **SECTION 4.** 13.48 (2) (j) of the statutes is amended to read:

17 13.48 (2) (j) No later than the first day of the 7th month after the effective date
18 of each biennial budget act, the secretary of ~~employment relations~~ administration[✓]
19 shall report to the building commission, in writing, regarding the desirability of
20 including plans for day care facility space in the plans for any construction or major
21 remodeling project, enumerated in the state building program in the biennial budget
22 act, for any state office building. Based upon the report of the secretary of
23 ~~employment relations~~ administration[✓], the building commission may direct that

1 plans for day care facility space be included in the plans for that construction or
2 major remodeling project.

History: 1971 c. 125; 1973 c. 90; 1973 c. 243 s. 82; 1973 c. 335 s. 13; 1975 c. 39, 40, 198, 199; 1977 c. 26; 1977 c. 29 ss. 7, 8r, 1654 (8) (c); 1977 c. 325; 1977 c. 418 ss. 5, 5m, 924 (18) (c); 1979 c. 34, 221, 350; 1981 c. 341; 1983 a. 27 ss. 11 to 12n, 2202 (5); 1983 a. 36 ss. 18 to 20, 96 (3); 1983 a. 207; 1985 a. 29, 120; 1987 a. 27, 186, 395, 399; 1989 a. 31, 366; 1991 a. 39, 269, 315; 1993 a. 16, 288, 414; 1995 a. 27, 216, 225, 227; 1997 a. 5, 27, 35, 237; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 16, 103.

3 **SECTION 5.** 13.51 (2) (b) of the statutes is amended to read:

4 13.51 (2) (b) The secretary of ~~employment relations~~ administration or the
5 secretary's designee.

History: 1973 c. 167; 1975 c. 249; 1979 c. 221; 1981 c. 96; 1987 a. 186; 1991 a. 116.

6 **SECTION 6.** 15.16 (1) (intro.) of the statutes is amended to read:

7 15.16 (1) EMPLOYEE TRUST FUNDS BOARD. (intro.) The employee trust funds
8 board shall consist of the governor or the governor's designee on the group insurance
9 board, the secretary of ~~employment relations~~ administration or the secretary's
10 designee and 11 persons appointed or elected for 4-year terms as follows:

History: 1979 c. 221; 1981 c. 96; 1991 a. 116; 1999 a. 181.

11 **SECTION 7.** 15.165 (2) of the statutes is amended to read:

12 15.165 (2) GROUP INSURANCE BOARD. There is created in the department of
13 employee trust funds a group insurance board. The board shall consist of the
14 governor, the attorney general, the secretary of administration, ~~the secretary of~~
15 ~~employment relations~~ and the commissioner of insurance or their designees, and 5
16 persons appointed for 2-year terms, of whom one shall be an insured participant in
17 the Wisconsin retirement system who is not a teacher, one shall be an insured
18 participant in the Wisconsin retirement system who is a teacher, one shall be an
19 insured participant in the Wisconsin retirement system who is a retired employee,
20 and one shall be an insured employee of a local unit of government.

History: 1973 c. 151, 329; 1977 c. 29, 418; 1979 c. 221; 1981 c. 96; 1983 a. 192 s. 303 (7); 1983 a. 290; 1985 a. 230; 1987 a. 403; 1989 a. 31; 1993 a. 399; 1999 a. 9; 2001 a. 103.

21 **SECTION 8.** 15.17 of the statutes is repealed.

22 **SECTION 9.** 15.173 of the statutes is repealed.

23 **SECTION 10.** 15.175 (title) of the statutes is repealed.

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1 SECTION 11. 15.175 (1) of the statutes is renumbered 15.105 (25m) and
2 amended to read:

3 15.105 (25m) STATE EMPLOYEES SUGGESTION BOARD. There is created in the
4 department of ~~employment relations~~ administration a state employees suggestion
5 board consisting of 3 persons, at least one of whom shall be a state officer or employee,
6 appointed for 4-year terms.

7 History: 1989 a. 31 ss. 59, 78.

7 SECTION 12. 15.177 (title) of the statutes is repealed.

8 SECTION 13. 15.177 (1) of the statutes is renumbered 15.105 (16m) and 15.105
9 (16m) (a), as renumbered, is amended to read:

10 15.105 (16m) COUNCIL ON AFFIRMATIVE ACTION (a) There is created in the
11 department of ~~employment relations~~ administration a council on affirmative action
12 consisting of 15 members appointed for 3-year terms. A majority of the members
13 shall be public members and a majority of the members shall be minority persons,
14 women and persons with a disability appointed with consideration to the appropriate
15 representation of each group.

16 History: 1977 c. 196, 418; 1983 a. 27; 1999 a. 87.

16 SECTION 14. 16.004 (7) (a) of the statutes is amended to read:

17 16.004 (7) (a) The secretary shall establish and maintain a personnel
18 management information system which shall be used to furnish the governor, and
19 the legislature and ~~and the department of employment relations~~ with current
20 information pertaining to authorized positions, payroll and related items for all civil
21 service employees, except employees of the office of the governor, the courts and
22 judicial branch agencies, and the legislature and legislative service agencies. It is
23 the intent of the legislature that the University of Wisconsin System provide position
24 and other information to the department and the legislature, which includes

1 appropriate data on each position, facilitates accountability for each authorized
2 position and traces each position over time. Nothing in this paragraph may be
3 interpreted as limiting the authority of the board of regents of the University of
4 Wisconsin System to allocate and reallocate positions by funding source within the
5 legally authorized levels.

History: 1971 c. 270; 1973 c. 333; 1975 c. 39 s. 732 (1); 1975 c. 224; 1977 c. 196 ss. 21, 130 (3); 1977 c. 272; 1979 c. 34, 221, 357; 1981 c. 20 ss. 3v, 55d, 55m; 1983 a. 27 ss. 58, 2202 (49) (a); 1983 a. 524; 1985 a. 29; 1985 a. 332 s. 251 (3); 1987 a. 27; 1989 a. 335; 1991 a. 39, 316; 1993 a. 496; 1995 a. 27; 1999 a. 9; 2001 a. 16.

6 **SECTION 15. 16.40 (18) of the statutes is amended to read:**

7 **16.40 (18) REQUIRE AGENCIES TO PROVIDE COPIES.** Require each state agency, at
8 the time that the agency submits a request to the department for an increased
9 appropriation to be provided in an executive budget bill which is necessitated by the
10 compensation plan under s. 230.12 or a collective bargaining agreement approved
11 under s. 111.92, to provide a copy of the request to ~~the secretary of employment~~
12 ~~relations and the joint committee on employment relations.~~

History: 1971 c. 125; 1977 c. 196 s. 130 (3); 1977 c. 272; 1979 c. 1, 34, 221; 1981 c. 20, 27, 317; 1981 c. 390 s. 252; 1983 a. 27, 368, 524; 1985 a. 29; 1987 a. 4, 27; 1989 a. 31, 359; 1991 a. 39; 1993 a. 16; 1999 a. 9, 24, 185; 2001 a. 16, 109.

13 **SECTION 16. 16.415 (1) of the statutes is amended to read:**

14 **16.415 (1)** Neither the secretary nor any other fiscal officer of this state may
15 draw, sign, or issue, or authorize the drawing, signing, or issuing of any warrant on
16 the treasurer or other disbursing officer of the state to pay any compensation to any
17 person in the classified service of the state unless an estimate, payroll, or account for
18 such compensation, containing the names of every person to be paid, bears the
19 certificate of the appointing authority that each person named in the estimate,
20 payroll or account has been appointed, employed, or subject to any other personnel
21 transaction in accordance with, and that the pay for the person has been established
22 in accordance with, the law, compensation plan, or applicable collective bargaining
23 agreement, and applicable rules of the ~~secretary of employment relations and the~~

1 ~~administrator of the division of merit recruitment and selection in the department~~
2 ~~of employment relations~~ department then in effect.

3 History: 1971 c. 270 ss. 67, 68; 1973 c. 12; 1977 c. 196 ss. 63, 65, 130 (5), 131; 1977 c. 272 s. 98; 1977 c. 273; 1983 a. 27; 1985 a. 332 s. 251 (1); 1989 a. 31.

3 **SECTION 17. 16.415 (3) of the statutes is amended to read:**

4 16.415 (3) Any sums paid contrary to this section may be recovered from any
5 appointing authority making such appointments in contravention of law or of the
6 rules promulgated pursuant thereto, or from any appointing authority signing or
7 countersigning or authorizing the signing or countersigning of any warrant for the
8 payment of the same, or from the sureties on the official bond of any such appointing
9 authority, in an action in the circuit court for any county within the state, maintained
10 by the secretary of ~~employment relations~~ administration, or by a citizen resident
11 therein, who is assessed for, and liable to pay, or within one year before the
12 commencement of the action has paid, a state, city or county tax within this state.
13 All moneys recovered in any action brought under this section when collected, shall
14 be paid into the state treasury except that if a citizen taxpayer is plaintiff in any such
15 action he or she shall be entitled to receive for personal use the taxable cost of such
16 action and 5% of the amount recovered as attorney fees.

17 History: 1971 c. 270 ss. 67, 68; 1973 c. 12; 1977 c. 196 ss. 63, 65, 130 (5), 131; 1977 c. 272 s. 98; 1977 c. 273; 1983 a. 27; 1985 a. 332 s. 251 (1); 1989 a. 31.

17 **SECTION 18. 16.50 (3) of the statutes is amended to read:**

18 16.50 (3) LIMITATION ON INCREASE OF FORCE AND SALARIES. No department, except
19 the legislature or the courts, may increase the pay of any employee, expend money
20 or incur any obligation except in accordance with the estimate that is submitted to
21 the secretary as provided in sub. (1) and approved by the secretary or the governor.
22 No change in the number of full-time equivalent positions authorized through the
23 biennial budget process or other legislative act may be made without the approval
24 of the joint committee on finance, except for position changes made by the governor

1 under s. 16.505 (1) (c) or (2), by the University of Wisconsin Hospitals and Clinics
2 Board under s. 16.505 (2n) or by the board of regents of the University of Wisconsin
3 System under s. 16.505 (2m) or (2p). The secretary may withhold, in total or in part,
4 the funding for any position, as defined in s. 230.03 (11), as well as the funding for
5 part-time or limited term employees until such time as the secretary determines
6 that the filling of the position or the expending of funds is consistent with s. 16.505
7 and with the intent of the legislature as established by law or in budget
8 determinations, or the intent of the joint committee on finance in creating or
9 abolishing positions under s. 13.10, the intent of the governor in creating or
10 abolishing positions under s. 16.505 (1) (c) or (2) or the intent of the board of regents
11 of the University of Wisconsin System in creating or abolishing positions under s.
12 16.505 (2m) or (2p). Until the release of funding occurs, recruitment or certification
13 for the position may not be undertaken. The secretary shall submit a quarterly
14 report to the joint committee on finance of any position changes made by the governor
15 under s. 16.505 (1) (c). No pay increase may be approved unless it is at the rate or
16 within the pay ranges prescribed in the compensation plan or as provided in a
17 collective bargaining agreement under subch. V of ch. 111. ~~At the request of the~~
18 ~~secretary of employment relations, the~~ The secretary ~~of administration~~ [↓] may
19 authorize the temporary creation of pool or surplus positions under any source of
20 funds if the ~~secretary of employment relations~~ determines that temporary positions
21 are necessary to maintain adequate staffing levels for high turnover classifications,
22 in anticipation of attrition, to fill positions for which recruitment is difficult. Surplus

1 or pool positions authorized by the secretary shall be reported quarterly to the joint
2 committee on finance in conjunction with the report required under s. 16.54 (8).

History: 1971 c. 270; 1973 c. 333; 1975 c. 39; 1977 c. 29, 196, 418; 1979 c. 32, 34; 1981 c. 20, 27, 30, 314; 1983 a. 27 ss. 70, 71a, 2202 (42); 1985 a. 332 s. 251 (6); 1987 a. 4, 27; 1989 a. 31, 336; 1991 a. 316; 1993 a. 16; 1995 a. 27; 1997 a. 27; 1999 a. 9; 2001 a. 16.

3 **SECTION 19.** 16.705 (3) (intro.) of the statutes is amended to read:

4 16.705 (3) (intro.) ~~Contracts for contractual services shall be submitted by the~~
5 ~~department for the review and approval of the~~ The secretary of employment relations
6 ~~prior to award, under conditions established by rule of the department. The~~
7 ~~secretary of employment relations, shall review such contracts~~ for contractual
8 services in order to ensure that agencies:

History: 1977 c. 196 s. 31; Stats. 1977 s. 16.705; 1981 c. 20; 1983 a. 27; 1985 a. 29 s. 3200 (1); 1985 a. 332 s. 251 (1); 1987 a. 186; 1989 a. 125; 1999 a. 105.

9 **SECTION 20.** 19.45 (11) (a) of the statutes is amended to read:

10 19.45 (11) (a) ~~The administrator of the division of merit recruitment and~~
11 ~~selection in the department of employment relations~~ secretary of administration
12 shall, with the board's advice, promulgate rules to implement a code of ethics for
13 classified and unclassified state employees except state public officials subject to this
14 subchapter, unclassified personnel in the University of Wisconsin System and
15 officers and employees of the judicial branch.

History: 1973 c. 90; Stats. 1973 s. 11.05; 1973 c. 334 ss. 33, 57; Stats. 1973 s. 19.45; 1977 c. 29; 1977 c. 196 s. 130 (2); 1977 c. 223, 277; 1977 c. 418 s. 923 (14); 1977 c. 419, 447; 1979 c. 120; 1983 a. 27 ss. 112, 2200 (15); 1983 a. 166 ss. 7, 16; 1985 a. 332 s. 251 (1); 1987 a. 365; 1989 a. 31, 338; 1991 a. 39, 316; 1995 a. 27; 1997 a. 27; 2001 a. 109.

16 **SECTION 21.** 20.512 (intro.) of the statutes is repealed.

17 **SECTION 22.** 20.512 (1) (title) of the statutes is repealed.

18 **SECTION 23.** ~~20.512 (1) (a) of the statutes is renumbered 20.505 (1) (ac).~~

19 **SECTION 24.** 20.512 (1) (i) of the statutes is renumbered 20.505 (1) (ic).

20 **SECTION 25.** 20.512 (1) (j) of the statutes is repealed.

21 **SECTION 26.** 20.512 (1) (jm) of the statutes is renumbered 20.505 (1) (jc).

22 **SECTION 27.** 20.512 (1) (k) of the statutes is renumbered 20.505 (1) (kd).

23 **SECTION 28.** 20.512 (1) (ka) of the statutes is renumbered 20.505 (1) (ke).

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1 SECTION 29. 20.512 (1) (km) of the statutes is renumbered 20.505 (1) (kL).

2 SECTION 30. 20.512 (1) (m) of the statutes is repealed.

3 SECTION 31. 20.512 (1) (pz) of the statutes is renumbered 20.505 (1) (pz). (px)

4 SECTION 32. 20.512 (2) (title) of the statutes is repealed.

~~SECTION 33. 20.512 (2) (a) of the statutes is renumbered 20.505 (1) (ar).~~

5 SECTION 34. 20.512 (2) (j) of the statutes is repealed.

7 SECTION 35. 20.512 (2) (m) of the statutes is repealed.

8 SECTION 36. 20.901 (1) (b) of the statutes is amended to read:

9 20.901 (1) (b) Notwithstanding ss. 230.047 and 230.29, in the case of an
10 emergency which is the result of natural or human causes, state agencies may
11 cooperate to maintain required state services through the temporary interchange of
12 employees. The interchange of employees may be of 2 types: where an appointing
13 authority declares an emergency in writing to the governor; or where the governor
14 or his or her designee declares an emergency. If an appointing authority declares an
15 emergency, the interchange of employees is voluntary on the part of those employees
16 designated by the sending state agency as available for interchange. If the governor
17 or his or her designee declares an emergency, the governor may require a temporary
18 interchange of employees. An emergency which is declared by an appointing
19 authority may not exceed 72 hours unless an extension is approved by the governor
20 or his or her designee. An employee who is assigned temporary interchange duties
21 may be required to perform work which is not normally performed by the employee
22 or described in his or her position classification. An interchange employee shall be
23 paid at the rate of pay for the employee's permanent job unless otherwise authorized
24 by the secretary of ~~employment relations~~ administration. State agencies receiving
25 employees on interchanges shall keep appropriate records and reimburse the

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1 sending state agencies for authorized salaries and expenses. The secretary of
2 ~~employment relations administration~~ may institute temporary pay administration
3 policies as required to facilitate the handling of such declared emergencies.

4 History: 1973 c. 90; 1977 c. 418; 1983 a. 27; 1993 a. 399.

4 SECTION 37. 20.916 (2) of the statutes is amended to read:

5 20.916 (2) REIMBURSEMENT OF JOB APPLICANTS. Subject to rules of the secretary
6 of the department of employment relations administration, reimbursement may be
7 made to applicants for all or part of actual and necessary travel expenses incurred
8 in connection with oral examination and employment interviews.

History: 1971 c. 261, 270; 1973 c. 51; 1973 c. 90 s. 560 (3); 1973 c. 333; 1975 c. 39; 1975 c. 189 ss. 16, 99 (1), (2); 1975 c. 224, 421, 422; 1977 c. 418 ss. 192m to 195, 924 (18) (b); 1979 c. 221, 328, 355; 1981 c. 317; 1983 a. 27, 140, 495; 1985 a. 34; 1989 a. 31, 107; 1989 a. 125 ss. 2 to 8, 14; 1991 a. 39, 316; 1993 a. 12, 246; 1995 a. 27 ss. 1187, 9126 (19); 1995 a. 37; 2001 a. 16, 103.

9 SECTION 38. 20.916 (4) (a) of the statutes is amended to read:

10 20.916 (4) (a) If any state agency determines that the duties of any employee
11 require the use of an automobile, it may authorize such employee to use a personal
12 automobile in the employee's work for the state, and reimburse the employee for such
13 at a rate which is set biennially by the department of ~~employment relations~~
14 administration under sub. (8) subject to the approval of the joint committee on
15 employment relations.

History: 1971 c. 261, 270; 1973 c. 51; 1973 c. 90 s. 560 (3); 1973 c. 333; 1975 c. 39; 1975 c. 189 ss. 16, 99 (1), (2); 1975 c. 224, 421, 422; 1977 c. 418 ss. 192m to 195, 924 (18) (b); 1979 c. 221, 328, 355; 1981 c. 317; 1983 a. 27, 140, 495; 1985 a. 34; 1989 a. 31, 107; 1989 a. 125 ss. 2 to 8, 14; 1991 a. 39, 316; 1993 a. 12, 246; 1995 a. 27 ss. 1187, 9126 (19); 1995 a. 37; 2001 a. 16, 103.

16 SECTION 39. 20.916 (4m) (b) of the statutes is amended to read:

17 20.916 (4m) (b) Except as otherwise provided in this paragraph, if any state
18 agency determines that an employee's duties require the use of a motor vehicle, and
19 use of a personal motor vehicle is authorized by the agency under similar
20 circumstances, the agency shall authorize the employee to use a personal motorcycle
21 for the employee's duties and shall reimburse the employee for the use of the
22 motorcycle at rates determined biennially by the secretary of ~~employment relations~~
23 administration under sub. (8), subject to the approval of the joint committee on

1 employment relations. No state agency may authorize an employee to use or
2 reimburse an employee for the use of a personal motorcycle under this paragraph if
3 more than one individual is transported on the motorcycle. All allowances for the use
4 of a motorcycle shall be paid upon approval and certification of the amounts payable
5 by the head of the state agency for which the employee performs duties to the
6 department of administration.

History: 1971 c. 261, 270; 1973 c. 51; 1973 c. 90 s. 560 (3); 1973 c. 333; 1975 c. 39; 1975 c. 189 ss. 16, 99 (1), (2); 1975 c. 224, 421, 422; 1977 c. 418 ss. 192m to 195, 924 (18) (b); 1979 c. 221, 328, 355; 1981 c. 317; 1983 a. 27, 140, 495; 1985 a. 34; 1989 a. 31, 107; 1989 a. 125 ss. 2 to 8, 14; 1991 a. 39, 316; 1993 a. 12, 246; 1995 a. 27 ss. 1187, 9126 (19); 1995 a. 37; 2001 a. 16, 103.

7 **SECTION 40.** 20.916 (5) (a) of the statutes is amended to read:

8 20.916 (5) (a) Whenever any state agency determines that the duties of any
9 member or employee require the use of an airplane, it may authorize him or her to
10 charter such airplane with or without a pilot; and it may authorize any member or
11 employee to use his or her personal airplane and reimburse him or her for such use
12 at a rate set biennially by the department of ~~employment relations~~ administration
13 under sub. (8), subject to the approval of the joint committee on employment
14 relations. Such reimbursement shall be made upon the certification of the amount
15 by the head of the state agency to the department of administration.

History: 1971 c. 261, 270; 1973 c. 51; 1973 c. 90 s. 560 (3); 1973 c. 333; 1975 c. 39; 1975 c. 189 ss. 16, 99 (1), (2); 1975 c. 224, 421, 422; 1977 c. 418 ss. 192m to 195, 924 (18) (b); 1979 c. 221, 328, 355; 1981 c. 317; 1983 a. 27, 140, 495; 1985 a. 34; 1989 a. 31, 107; 1989 a. 125 ss. 2 to 8, 14; 1991 a. 39, 316; 1993 a. 12, 246; 1995 a. 27 ss. 1187, 9126 (19); 1995 a. 37; 2001 a. 16, 103.

16 **SECTION 41.** 20.916 (8) (a) of the statutes is amended to read:

17 20.916 (8) (a) The secretary of ~~employment relations~~ administration shall
18 recommend to the joint committee on employment relations uniform travel schedule
19 amounts for travel by state officers and employees whose compensation is
20 established under s. 20.923 or 230.12. Such amounts shall include maximum
21 permitted amounts for meal and lodging costs, special allowance expenses under
22 sub. (9) (d), and portage tips, except as authorized under s. 16.53 (12) (c). In lieu
23 of the maximum permitted amounts for expenses under sub. (9) (b), (c), and (d), the

1 secretary may recommend to the committee a per diem amount and method of
2 reimbursement for any or all expenses under sub. (9) (b), (c), and (d).

History: 1971 c. 261, 270; 1973 c. 51; 1973 c. 90 s. 560 (3); 1973 c. 333; 1975 c. 39; 1975 c. 189 ss. 16, 99 (1), (2); 1975 c. 224, 421, 422; 1977 c. 418 ss. 192m to 195, 924 (18) (b); 1979 c. 221, 328, 355; 1981 c. 317; 1983 a. 27, 140, 495; 1985 a. 34; 1989 a. 31, 107; 1989 a. 125 ss. 2 to 8, 14; 1991 a. 39, 316; 1993 a. 12, 246; 1995 a. 27 ss. 1187, 9126 (19); 1995 a. 37; 2001 a. 16, 103.

3 **SECTION 42.** 20.916 (9) (f) 1. of the statutes is amended to read:

4 20.916 (9) (f) 1. Scheduled air travel. Reimbursement for air travel shall be
5 limited to the lowest appropriate airfare, as determined by the secretary of
6 employment relations administration. An employee may be reimbursed for air travel
7 at a rate other than the lowest appropriate airfare only if the employee submits a
8 written explanation of the reasonableness of the expense.

History: 1971 c. 261, 270; 1973 c. 51; 1973 c. 90 s. 560 (3); 1973 c. 333; 1975 c. 39; 1975 c. 189 ss. 16, 99 (1), (2); 1975 c. 224, 421, 422; 1977 c. 418 ss. 192m to 195, 924 (18) (b); 1979 c. 221, 328, 355; 1981 c. 317; 1983 a. 27, 140, 495; 1985 a. 34; 1989 a. 31, 107; 1989 a. 125 ss. 2 to 8, 14; 1991 a. 39, 316; 1993 a. 12, 246; 1995 a. 27 ss. 1187, 9126 (19); 1995 a. 37; 2001 a. 16, 103.

9 **SECTION 43.** 20.917 (1) (c) of the statutes is amended to read:

10 20.917 (1) (c) Reimbursement for moving expenses may be granted to a person
11 reporting to his or her first place of employment or reporting upon reemployment
12 after leaving the civil service, if reimbursement is recommended by the appointing
13 authority and approved in writing by the secretary of employment relations
14 administration prior to the time when the move is made. ✓

History: 1971 c. 125; 1975 c. 39; 1977 c. 29 s. 1654 (9) (f); 1977 c. 418; 1979 c. 32; 1981 c. 20, 140; 1981 c. 347 ss. 7, 8, 80 (2) and (4); 1981 c. 391; 1983 a. 27 ss. 581 to 586, 2200 (15); 1983 a. 30, 192; 1985 a. 34; 1987 a. 32; 1989 a. 31; 1993 a. 12, 16, 246.

15 **SECTION 44.** 20.917 (2) (a) of the statutes is amended to read:

16 20.917 (2) (a) The secretary of employment relations administration shall
17 recommend a maximum dollar amount which may be permitted for reimbursement
18 of any employee moving costs under sub. (1) (a) to (c), subject to the limitations
19 prescribed in par. (b). This amount shall be submitted for the approval of the joint
20 committee on employment relations in the manner provided in s. 20.916 (8), and
21 upon approval shall become a part of the compensation plan under s. 230.12 (1).

History: 1971 c. 125; 1975 c. 39; 1977 c. 29 s. 1654 (9) (f); 1977 c. 418; 1979 c. 32; 1981 c. 20, 140; 1981 c. 347 ss. 7, 8, 80 (2) and (4); 1981 c. 391; 1983 a. 27 ss. 581 to 586, 2200 (15); 1983 a. 30, 192; 1985 a. 34; 1987 a. 32; 1989 a. 31; 1993 a. 12, 16, 246.

22 **SECTION 45.** 20.917 (3) (a) 1. of the statutes is amended to read:

1 20.917 (3) (a) 1. Lodging allowances shall be in accordance with the schedule
2 established by the secretary of ~~employment relations~~ administration, but may not
3 exceed the rate established under s. 13.123 (1) (a) 1.

History: 1971 c. 125; 1975 c. 39; 1977 c. 29 s. 1654 (9) (f); 1977 c. 418; 1979 c. 32; 1981 c. 20, 140; 1981 c. 347 ss. 7, 8, 80 (2) and (4); 1981 c. 391; 1983 a. 27 ss. 581 to 586, 2200 (15); 1983 a. 30, 192; 1985 a. 34; 1987 a. 32; 1989 a. 31; 1993 a. 12, 16, 246.

4 **SECTION 46.** 20.917 (3) (a) 2. of the statutes is amended to read:

5 20.917 (3) (a) 2. Lodging allowance payments are subject to prior approval in
6 writing by the secretary of ~~employment relations~~ administration.

History: 1971 c. 125; 1975 c. 39; 1977 c. 29 s. 1654 (9) (f); 1977 c. 418; 1979 c. 32; 1981 c. 20, 140; 1981 c. 347 ss. 7, 8, 80 (2) and (4); 1981 c. 391; 1983 a. 27 ss. 581 to 586, 2200 (15); 1983 a. 30, 192; 1985 a. 34; 1987 a. 32; 1989 a. 31; 1993 a. 12, 16, 246.

7 **SECTION 47.** 20.917 (5) (b) of the statutes is amended to read:

8 20.917 (5) (b) Payments under this subsection are in addition to any payments
9 made under sub. (1). Payments under this subsection may be made only with the
10 prior written approval of the secretary of ~~employment relations~~ administration.

History: 1971 c. 125; 1975 c. 39; 1977 c. 29 s. 1654 (9) (f); 1977 c. 418; 1979 c. 32; 1981 c. 20, 140; 1981 c. 347 ss. 7, 8, 80 (2) and (4); 1981 c. 391; 1983 a. 27 ss. 581 to 586, 2200 (15); 1983 a. 30, 192; 1985 a. 34; 1987 a. 32; 1989 a. 31; 1993 a. 12, 16, 246.

11 **SECTION 48.** 20.917 (6) of the statutes is amended to read:

12 20.917 (6) The secretary of ~~employment relations~~ administration may, in
13 writing, delegate to an appointing authority the authority to approve
14 reimbursement for moving expenses under sub. (1) (c), a temporary lodging
15 allowance under sub. (3) (a) 2. or expenses under sub. (5) (b).

History: 1971 c. 125; 1975 c. 39; 1977 c. 29 s. 1654 (9) (f); 1977 c. 418; 1979 c. 32; 1981 c. 20, 140; 1981 c. 347 ss. 7, 8, 80 (2) and (4); 1981 c. 391; 1983 a. 27 ss. 581 to 586, 2200 (15); 1983 a. 30, 192; 1985 a. 34; 1987 a. 32; 1989 a. 31; 1993 a. 12, 16, 246.

16 **SECTION 49.** 20.923 (4) (intro.) of the statutes is amended to read:

17 20.923 (4) STATE AGENCY POSITIONS. (intro.) State agency heads, the
18 ~~administrator of the division of merit recruitment and selection in the department~~
19 ~~of employment relations and commission chairpersons,~~ and members shall be
20 identified and limited in number in accordance with the standardized nomenclature
21 contained in this subsection, and shall be assigned to the executive salary groups
22 listed in pars. (a) to (i). Except for positions specified in ~~par. (e) 3m.~~ and sub. (12),

1 all unclassified division administrator positions enumerated under s. 230.08 (2) (e)
2 shall be assigned, when approved by the joint committee on employment relations,
3 by the secretary of ~~employment relations~~ administration to one of 10 executive salary
4 groups. The joint committee on employment relations, by majority vote of the full
5 committee, may amend recommendations for initial position assignments and
6 changes in assignments to the executive salary groups submitted by the secretary
7 of ~~employment relations~~ administration. All division administrator assignments
8 and amendments to assignments of administrator positions approved by the
9 committee shall become part of the compensation plan. Whenever a new unclassified
10 division administrator position is created, the appointing authority may set the
11 salary for the position until the joint committee on employment relations approves
12 assignment of the position to an executive salary group. If the committee approves
13 assignment of the position to an executive salary group having a salary range
14 minimum or maximum inconsistent with the salary paid to the incumbent at the
15 time of such approval, the incumbent's salary shall be adjusted by the appointing
16 authority to conform with the committee's action, effective on the date of that action.
17 Positions are assigned as follows:

History: 1971 c. 18, 125, 164; 1971 c. 270 ss. 98, 104; 1971 c. 307, 321; 1973 c. 90, 156, 243, 333; 1975 c. 28; 1975 c. 39 ss. 236c to 247, 735 (5); 1975 Ex. Order No. 24; 1975 c. 189, 199, 224, 422; 1977 c. 29 ss. 399g to 406d, 1649, 1650m, 1654 (8) (e), 1656 (43); 1977 c. 44; 1977 c. 187 ss. 29, 30, 31, 135; 1977 c. 196 ss. 74 to 76m, 131; 1977 c. 203, 272, 277, 418, 447, 449; Sup. Ct. Order, 88 Wis. 2d xiii (1979); 1979 c. 32 s. 92 (1); 1979 c. 34, 89, 189; 1979 c. 221 ss. 201m to 218, 2202 (13); 1979 c. 361; 1981 c. 20 ss. 587 to 592g, 2202 (33) (b), (c), (56) (a); 1981 c. 96 ss. 16, 67; 1981 c. 121, 127, 347, 353; 1981 c. 390 s. 252; 1983 a. 27, 46, 121, 192, 371, 378; 1985 a. 18, 23; 1985 a. 29 ss. 603 to 607, 3202 (22) (a); 1985 a. 34, 332; 1987 a. 6, 27, 82, 119, 306, 340, 354, 399, 403; 1989 a. 31, 56, 107, 208, 219, 336; 1991 a. 39, 269; 1993 a. 12, 16, 75, 123, 144, 184, 294, 349, 399, 490; 1995 a. 27 ss. 1193 to 1217m, 9130 (4), 9216 (19); 1995 a. 37, 216, 225; 1997 a. 2, 3, 27, 29, 41, 194, 237; 1999 a. 9, 42, 102, 186; 2001 a. 16, 19, 29, 109.

18 **SECTION 50.** 20.923 (4) (c) 3m. of the statutes is repealed.

19 **SECTION 51.** 20.923 (4) (g) 1m. of the statutes is repealed.

20 **SECTION 52.** 20.923 (4g) (intro.) of the statutes is amended to read:

21 **20.923 (4g) UNIVERSITY OF WISCONSIN SYSTEM SENIOR EXECUTIVE POSITIONS.**
22 (intro.) A compensation plan consisting of 9 university senior executive salary
23 groups is established for certain administrative positions at the University of

1 Wisconsin System. The salary ranges and adjustments to the salary ranges for the
2 university senior executive salary groups 1 and 2 shall be contained in the
3 recommendations of the secretary of ~~employment relations~~ administration under s.
4 230.12 (3) (e). The salary ranges and adjustments to the salary ranges for university
5 senior executive salary groups 3 to 9 shall be determined by the board of regents of
6 the University of Wisconsin System based on an analysis of salaries paid for similar
7 positions at comparable universities in other states. The board of regents shall set
8 the salaries for these positions within the ranges to which the positions are assigned
9 to reflect the hierarchical structure of the system, to recognize merit, to permit
10 orderly salary progression and to recognize competitive factors. The salary of any
11 incumbent in the positions identified in pars. (ae) to (f) may not exceed the maximum
12 of the salary range for the group to which the position is assigned. The positions are
13 assigned as follows:

History: 1971 c. 18, 125, 164; 1971 c. 270 ss. 98, 104; 1971 c. 307, 321; 1973 c. 90, 156, 243, 333; 1975 c. 28; 1975 c. 39 ss. 236c to 247, 735 (5); 1975 Ex. Order No. 24; 1975 c. 189, 199, 224, 422; 1977 c. 29 ss. 399g to 406d, 1649, 1650m, 1654 (8) (e), 1656 (43); 1977 c. 44; 1977 c. 187 ss. 29, 30, 31, 135; 1977 c. 196 ss. 74 to 76m, 131; 1977 c. 203, 272, 277, 418, 447, 449; Sup. Ct. Order, 88 Wis. 2d xiii (1979); 1979 c. 32 s. 92 (1); 1979 c. 34, 89, 189; 1979 c. 221 ss. 201m to 218, 2202 (13); 1979 c. 361; 1981 c., 20 ss. 587 to 592g, 2202 (33) (b), (c), (56) (a); 1981 c. 96 ss. 16, 67; 1981 c. 121, 127, 347, 353; 1981 c. 390 s. 252; 1983 a. 27, 46, 121, 192, 371, 378; 1985 a. 18, 23; 1985 a. 29 ss. 603 to 607, 3202 (22) (a); 1985 a. 34, 332; 1987 a. 6, 27, 82, 119, 306, 340, 354, 399, 403; 1989 a. 31, 56, 107, 208, 219, 336; 1991 a. 39, 269; 1993 a. 12, 16, 75, 123, 144, 184, 294, 349, 399, 490; 1995 a. 27 ss. 1193 to 1217m, 9130 (4), 9216 (19); 1995 a. 37, 216, 225; 1997 a. 2, 3, 27, 29, 41, 194, 237; 1999 a. 9, 42, 102, 186; 2001 a. 16, 19, 29, 109.

14 **SECTION 53.** 20.923 (7) (intro.) of the statutes is amended to read:

15 **20.923 (7) WISCONSIN TECHNICAL COLLEGE SYSTEM SENIOR EXECUTIVE POSITIONS.**
16 (intro.) The salary range for the director and the executive assistant of the Wisconsin
17 Technical College System shall be contained in the recommendations of the secretary
18 of ~~employment relations~~ administration under s. 230.12 (3) (e). The board of the
19 Wisconsin Technical College System shall set the salaries for these positions within
20 the range to which the positions are assigned to recognize merit, to permit orderly
21 salary progression, and to recognize competitive factors. The salary of any
22 incumbent in the positions identified in pars. (a) and (b) may not exceed the

1 maximum of the salary range for the group to which the position is assigned. The
2 positions are assigned as follows:

History: 1971 c. 18, 125, 164; 1971 c. 270 ss. 98, 104; 1971 c. 307, 321; 1973 c. 90, 156, 243, 333; 1975 c. 28; 1975 c. 39 ss. 236c to 247, 735 (5); 1975 Ex. Order No. 24; 1975 c. 189, 199, 224, 422; 1977 c. 29 ss. 399g to 406d, 1649, 1650m, 1654 (8) (e), 1656 (43); 1977 c. 44; 1977 c. 187 ss. 29, 30, 31, 135; 1977 c. 196 ss. 74 to 76m, 131; 1977 c. 203, 272, 277, 418, 447, 449; Sup. Ct. Order, 88 Wis. 2d xiii (1979); 1979 c. 32 s. 92 (1); 1979 c. 34, 89, 189; 1979 c. 221 ss. 201m to 218, 2202 (13); 1979 c. 361; 1981 c. 20 ss. 587 to 592g, 2202 (33) (b), (c), (56) (a); 1981 c. 96 ss. 16, 67; 1981 c. 121, 127, 347, 353; 1981 c. 390 s. 252; 1983 a. 27, 46, 121, 192, 371, 378; 1985 a. 18, 23; 1985 a. 29 ss. 603 to 607, 3202 (22) (a); 1985 a. 34, 332; 1987 a. 6, 27, 82, 119, 306, 340, 354, 399, 403; 1989 a. 31, 56, 107, 208, 219, 336; 1991 a. 39, 269; 1993 a. 12, 16, 75, 123, 144, 184, 294, 349, 399, 490; 1995 a. 27 ss. 1193 to 1217m, 9130 (4), 9216 (19); 1995 a. 37, 216, 225; 1997 a. 2, 3, 27, 29, 41, 194, 237; 1999 a. 9, 42, 102, 186; 2001 a. 16, 19, 29, 109.

3 **SECTION 54.** 36.09 (1) (i) of the statutes is amended to read:

4 36.09 (1) (i) Upon recommendation of the president and the administrator of
5 ~~the division of merit recruitment and selection in the department of employment~~
6 ~~relations~~ secretary of administration, the board and the secretary of ~~employment~~
7 ~~relations~~ administration shall jointly adopt general policies governing the
8 designation of positions to be exempt from the classified service as academic staff as
9 defined in s. 36.15 (1) (a) and (b). No position in the classified service may be
10 designated as an academic staff position under the general policies unless the
11 secretary of ~~employment relations~~ administration approves the designation.

History: 1973 c. 335; 1975 c. 39, 224; 1977 c. 196 ss. 130 (1), (2), 131; 1977 c. 418; 1979 c. 34 s. 2102 (29) (a); 1981 c. 20 s. 2202 (1) (a); 1983 a. 27 s. 2200 (15); 1983 a. 366; 1985 a. 29, 42, 45, 332; 1987 a. 4, 27, 340; 1989 a. 31, 336, 359; 1991 a. 39; 1997 a. 27, 35, 237, 307; 1999 a. 42; 2001 a. 16, 104.

12 **SECTION 55.** 36.09 (1) (j) of the statutes is amended to read:

13 36.09 (1) (j) Except where such matters are a subject of bargaining with a
14 certified representative of a collective bargaining unit under s. 111.91, the board
15 shall establish salaries for persons not in the classified staff prior to July 1 of each
16 year for the next fiscal year, and shall designate the effective dates for payment of
17 the new salaries. In the first year of the biennium, payments of the salaries
18 established for the preceding year shall be continued until the biennial budget bill
19 is enacted. If the budget is enacted after July 1, payments shall be made following
20 enactment of the budget to satisfy the obligations incurred on the effective dates, as
21 designated by the board, for the new salaries, subject only to the appropriation of
22 funds by the legislature and s. 20.928 (3). This paragraph does not limit the

1 authority of the board to establish salaries for new appointments. The board may
2 not increase the salaries of employees specified in ss. 20.923 (5) and (6) (m) and
3 230.08 (2) (d) under this paragraph unless the salary increase conforms to the
4 proposal as approved under s. 230.12 (3) (e) or the board authorizes the salary
5 increase to correct salary inequities under par. (h), to fund job reclassifications or
6 promotions, or to recognize competitive factors. The board may not increase the
7 salary of any position identified in s. 20.923 (4g) under this paragraph unless the
8 salary increase conforms to the proposal as approved under s. 230.12 (3) (e) or the
9 board authorizes the salary increase to correct a salary inequity or to recognize
10 competitive factors. The board may not increase the salary of any position identified
11 in s. 20.923 (4g) (ae) and (am) to correct a salary inequity that results from the
12 appointment of a person to a position identified in s. 20.923 (4g) (ae) and (am) unless
13 the increase is approved by the department of ~~employment relations~~ administration.
14 The granting of salary increases to recognize competitive factors does not obligate
15 inclusion of the annualized amount of the increases in the appropriations under s.
16 20.285 (1) for subsequent fiscal bienniums. No later than October 1 of each year, the
17 board shall report to the joint committee on finance and the ~~departments~~ department
18 of administration and ~~employment relations~~ concerning the amounts of any salary
19 increases granted to recognize competitive factors, and the institutions at which they
20 are granted, for the 12-month period ending on the preceding June 30.

History: 1973 c. 335; 1975 c. 39, 224; 1977 c. 196 ss. 130 (1), (2), 131; 1977 c. 418; 1979 c. 34 s. 2102 (29) (a); 1981 c. 20 s. 2202 (1) (a); 1983 a. 27 s. 2200 (15); 1983 a. 366; 1985 a. 29, 42, 45, 332; 1987 a. 4, 27, 340; 1989 a. 31, 336, 359; 1991 a. 39; 1997 a. 27, 35, 237, 307; 1999 a. 42; 2001 a. 16, 104.

21 **SECTION 56.** 36.27 (1) (am) 2. of the statutes is amended to read:

22 36.27 (1) (am) 2. The approved recommendations of the secretary of
23 ~~employment relations~~ administration for compensation and fringe benefits for
24 classified staff, for unclassified employees specified in s. 230.12 (1) (a) 1. b., and for

1 unclassified employees specified in s. 230.12 (3) (e). If these recommendations have
2 not been approved by the joint committee on employment relations by the time the
3 board sets academic fees, the board may raise academic fees for resident
4 undergraduate students by an amount sufficient to fund the recommendations of the
5 secretary of ~~employment relations~~ administration for compensation and fringe
6 benefits for classified staff and for unclassified employees specified in s. 230.12 (1)
7 (a) 1. b. and the board's recommendations for unclassified employees specified in s.
8 230.12 (3) (e). If the secretary of ~~employment relations~~ administration has not made
9 recommendations by the time the board sets academic fees, the board may raise
10 academic fees for resident undergraduate students by an amount sufficient to fund
11 the board's estimate of compensation and fringe benefits for classified staff and for
12 unclassified employees specified in s. 230.12 (1) (a) 1. b. and the board's
13 recommendations for unclassified employees specified in s. 230.12 (3) (e). If the
14 board sets academic fees based upon the board's estimate and the board's
15 unapproved recommendations, and the recommendations of the board and the
16 secretary of ~~employment relations~~ administration as finally approved by the joint
17 committee on employment relations call for a lower rate of compensation and fringe
18 benefits than the board's estimate and unapproved recommendations, the board
19 shall lower academic student fees for resident undergraduate students for the next
20 academic year by an amount equal to the difference between the academic fees
21 charged and an amount sufficient to fund the approved recommendations. If the
22 board sets academic fees based upon the board's estimate and unapproved
23 recommendations, and the recommendations of the board and the secretary of
24 ~~employment relations~~ administration as finally approved by the joint committee on
25 employment relations call for a higher rate of compensation and fringe benefits than

1 the board's estimate and unapproved recommendations, the board may raise
2 academic student fees for resident undergraduate students for the next academic
3 year by an amount equal to the difference between the academic fees charged and
4 an amount sufficient to fund the approved recommendations.

History: 1973 c. 333 ss. 68g, 68k, 201f (2); 1973 c. 335; 1975 c. 39, 199; 1977 c. 29; 1981 c. 20; 1983 a. 407; 1985 a. 51, 192; 1987 a. 399; 1989 a. 31 ss. 709p to 710, 2908; 1989 a. 67, 181, 359; 1991 a. 39, 168, 169; 1993 a. 16; 1995 a. 27, 228; 1997 a. 27, 163, 237; 1999 a. 9, 130, 154, 186; 2001 a. 16, 38.

5 **SECTION 57. 40.05 (1) (b) of the statutes is amended to read:**

6 40.05 (1) (b) In lieu of employee payment, the employer may pay all or part of
7 the contributions required by par. (a), but all the payments shall be available for
8 benefit purposes to the same extent as required contributions deducted from
9 earnings of the participating employees. Action to assume employee contributions
10 as provided under this paragraph shall be taken at the time and in the form
11 determined by the governing body of the participating employer. The state shall pay
12 under this paragraph for employees who are covered by a collective bargaining
13 agreement under subch. V of ch. 111 and for employees whose fringe benefits are
14 determined under s. 230.12 an amount equal to 4% of the earnings paid by the state
15 unless otherwise provided in a collective bargaining agreement under subch. V of ch.
16 111 or unless otherwise determined under s. 230.12. The University of Wisconsin
17 Hospitals and Clinics Authority shall pay under this paragraph for employees who
18 are covered by a collective bargaining agreement under subch. I of ch. 111 and for
19 employees whose fringe benefits are determined under s. 233.10 an amount equal to
20 4% of the earnings paid by the authority unless otherwise provided in a collective
21 bargaining agreement under subch. I of ch. 111 or unless otherwise determined
22 under s. 233.10. The state shall pay under this paragraph for employees who are not
23 covered by a collective bargaining agreement under subch. V of ch. 111 and for
24 employees whose fringe benefits are not determined under s. 230.12 an amount equal

1 to 4% of the earnings paid by the state unless a different amount is recommended by
2 the secretary of ~~employment relations~~ administration and approved by the joint
3 committee on employment relations in the manner provided for approval of changes
4 in the compensation plan under s. 230.12 (3). The University of Wisconsin Hospitals
5 and Clinics Authority shall pay under this paragraph for its employees who are not
6 covered by a collective bargaining agreement under subch. I of ch. 111 an amount
7 equal to 4% of the earnings paid by the authority unless a different amount is
8 established by the board of directors of the authority under s. 233.10.

History: 1981 c. 96, 274, 278, 386; 1983 a. 9 s. 6; 1983 a. 27, 30; 1983 a. 46 ss. 2 to 4, 7; 1983 a. 140; 1983 a. 141 ss. 7 to 12, 20; 1983 a. 290, 504, 538; 1985 a. 29, 119, 135, 225; 1987 a. 27, 83, 107, 309, 356, 363; 1987 a. 403 s. 256; 1989 a. 13, 14, 31, 119, 122, 166, 182, 189, 230, 336, 355, 359; 1991 a. 32, 39, 107, 113, 141, 152, 189, 269; 1995 a. 27, 81, 88, 89, 240, 302; 1997 a. 35, 58, 149; 1999 a. 9, 11, 13, 104; 2001 a. 16.

9 **SECTION 58.** 40.05 (4) (ar) of the statutes is amended to read:

10 40.05 (4) (ar) The employer shall pay under par. (a) for employees who are not
11 covered by a collective bargaining agreement under subch. I or V of ch. 111 and for
12 employees whose health insurance premium contribution rates are not determined
13 under s. 230.12 or 233.10 an amount equal to the amount specified in par. (ag) unless
14 a different amount is recommended by the secretary of ~~employment relations~~
15 administration and approved by the joint committee on employment relations in the
16 manner provided for approval of changes in the compensation plan under s. 230.12
17 (3).

History: 1981 c. 96, 274, 278, 386; 1983 a. 9 s. 6; 1983 a. 27, 30; 1983 a. 46 ss. 2 to 4, 7; 1983 a. 140; 1983 a. 141 ss. 7 to 12, 20; 1983 a. 290, 504, 538; 1985 a. 29, 119, 135, 225; 1987 a. 27, 83, 107, 309, 356, 363; 1987 a. 403 s. 256; 1989 a. 13, 14, 31, 119, 122, 166, 182, 189, 230, 336, 355, 359; 1991 a. 32, 39, 107, 113, 141, 152, 189, 269; 1995 a. 27, 81, 88, 89, 240, 302; 1997 a. 35, 58, 149; 1999 a. 9, 11, 13, 104; 2001 a. 16.

18 **SECTION 59.** 40.05 (4g) (a) 4. of the statutes is amended to read:

19 40.05 (4g) (a) 4. Has received a military leave of absence under s. 230.32 (3) (a)
20 or 230.35 (3), under a collective bargaining agreement under subch. V of ch. 111 or
21 under rules promulgated by the secretary of ~~employment relations~~ administration

1 or is eligible for reemployment with the state under s. 45.50 after completion of his
2 or her service in the U.S. armed forces.

History: 1981 c. 96, 274, 278, 386; 1983 a. 9 s. 6; 1983 a. 27, 30; 1983 a. 46 ss. 2 to 4, 7; 1983 a. 140; 1983 a. 141 ss. 7 to 12, 20; 1983 a. 290, 504, 538; 1985 a. 29, 119, 135, 225; 1987 a. 27, 83, 107, 309, 356, 363; 1987 a. 403 s. 256; 1989 a. 13, 14, 31, 119, 122, 166, 182, 189, 230, 336, 355, 359; 1991 a. 32, 39, 107, 113, 141, 152, 189, 269; 1995 a. 27, 81, 88, 89, 240, 302; 1997 a. 35, 58, 149; 1999 a. 9, 11, 13, 104; 2001 a. 16.

3 **SECTION 60.** 40.06 (1) (dm) of the statutes is amended to read:

4 40.06 (1) (dm) Each determination by a department head regarding the
5 classification of a state employee as a protective occupation participant shall be
6 reviewed by the department of ~~employment relations~~ administration. A state
7 employee's name may not be certified to the fund as a protective occupation
8 participant under par. (d) until the department of ~~employment relations~~
9 administration approves the determination.

History: 1981 c. 96, 386; 1983 a. 290, 368; 1987 a. 309; 1989 a. 13, 31, 166, 218; 1991 a. 152, 315; 1995 a. 27; 1999 a. 83.

10 **SECTION 61.** 45.43 (7) (b) of the statutes is amended to read:

11 45.43 (7) (b) The department shall award a grant annually to a county that
12 meets the standards developed under this subsection and employs a county veterans'
13 service officer who, if chosen after August 9, 1989, is chosen from a list of candidates
14 who have taken a civil service examination for the position of county veterans' service
15 officer developed and administered by the ~~division of merit recruitment and selection~~
16 ~~in the~~ department of ~~employment relations~~ administration, or is appointed under a
17 civil service competitive examination procedure under ch. 63 or s. 59.52 (8). The
18 grant shall be \$8,500 for a county with a population of less than 20,000, \$10,000 for
19 a county with a population of 20,000 to 45,499, \$11,500 for a county with a population
20 of 45,500 to 74,999, and \$13,000 for a county with a population of 75,000 or more.
21 The department shall use the most recent Wisconsin official population estimates

1 prepared by the demographic services center when making grants under this
2 paragraph.

History: 1973 c. 90; 1977 c. 196 s. 130 (2); 1983 a. 27 ss. 947, 2200 (15); 1983 a. 430; 1985 a. 29; 1987 a. 399; 1989 a. 31, 56; 1991 a. 2, 39, 269; 1993 a. 16, 254; 1995 a. 201, 255; 1997 a. 27; 2001 a. 16, 103, 109.

3 **SECTION 62.** 46.29 (3) (d) of the statutes is amended to read:

4 46.29 (3) (d) The secretary of employment relations administration.

History: 1989 a. 202; 1991 a. 39; 1993 a. 256, 399; 1995 a. 27 ss. 9116 (5), 9130 (4), 9145 (1); 1995 a. 131; 1997 a. 3, 27; 1999 a. 9; 2001 a. 16.

5 **SECTION 63.** 49.33 (5) of the statutes is amended to read:

6 49.33 (5) PERSONNEL EXAMINATIONS. Statewide examinations to ascertain
7 qualifications of applicants in any county department administering aid to families
8 with dependent children shall be given by the ~~administrator of the division of merit~~
9 ~~recruitment and selection in the~~ department of ~~employment relations~~
10 administration. The department of ~~employment relations~~ administration shall be
11 reimbursed for actual expenditures incurred in the performance of its functions
12 under this section from the appropriations available to the department of health and
13 family services for administrative expenditures.

History: 1995 a. 27 ss. 2041 to 2049, 2933 to 2936, 3084 to 3087, 3130; 1995 a. 289, 417; 1997 a. 27; 2001 a. 16.

14 **SECTION 64.** 59.26 (8) (a) of the statutes is amended to read:

15 59.26 (8) (a) In any county with a population of less than 500,000, the board,
16 by ordinance, may fix the number of deputy sheriffs to be appointed in that county
17 at not less than that number required by sub. (1) (a) and (b) and may set the salary
18 of those deputies. The board may provide by ordinance that deputy sheriff positions
19 be filled by appointment by the sheriff from a list of all persons with the 3 highest
20 scores for each position based on a competitive examination. Such competitive
21 examinations may be by a county civil service commission or by ~~the division of merit~~
22 ~~recruitment and selection in the~~ department of ~~employment relations~~
23 administration at the option of the board and it shall so provide by ordinance. The

1 ~~division of merit recruitment and selection in the~~ department of employment
2 ~~relations~~ administration shall, upon request of the board, conduct such examination
3 according to the methods used in examinations for the state civil service and shall
4 certify an eligible list of the names of all persons with the 3 highest scores on that
5 examination for each position to the sheriff of that county who shall make an
6 appointment from that list to fill the position within 10 days after he or she receives
7 the eligible list. The county for which such examination is conducted shall pay the
8 cost of that examination. If a civil service commission is decided upon for the
9 selection of deputy sheriffs, then ss. 63.01 to 63.17 shall apply so far as consistent
10 with this subsection, except ss. 63.03, 63.04 and 63.15 and except the provision
11 governing minimum compensation of the commissioners. The ordinance or an
12 amending ordinance may provide for employee grievance procedures and
13 disciplinary actions, for hours of work, for tours of duty according to seniority and for
14 other administrative regulations. Any board provision consistent with this
15 paragraph and existing on July 25, 1951, is validated. If the sheriff fills a deputy
16 sheriff position by promotion, the sheriff shall make the appointment to the position
17 from a list of 3 deputy sheriffs who receive the highest scores in a competitive
18 examination. Such competitive examinations may be by a county civil service
19 commission or by the ~~division of merit recruitment and selection in the department~~
20 ~~of employment relations~~ administration at the option of the board and it shall so
21 provide by ordinance.

History: 1975 c. 198; 1977 c. 26; 1983 a. 27; 1983 a. 192 ss. 125, 303 (1); 1989 a. 221; 1991 a. 39, 316; 1993 a. 53; 1995 a. 201 s. 273; Stats. 1995 s. 59.26; 1995 a. 225
ss. 154, 155; 2001 a. 9, 107.

22 **SECTION 65.** 70.99 (3) (a) of the statutes is amended to read:

23 70.99 (3) (a) The state department of ~~employment relations~~ administration
24 shall recommend a reasonable salary range for the county assessor for each county

1 based upon pay for comparable work or qualifications in that county. If, by
2 contractual agreement under s. 66.0301, 2 or more counties join to employ one county
3 assessor with the approval of the secretary of revenue, the department of
4 ~~employment relations~~ administration shall recommend a reasonable salary range
5 for the county assessor under the agreement. The department of revenue shall assist
6 the county in establishing the budget for the county assessor's offices, including the
7 number of personnel and their qualifications, based on the anticipated workload.

History: 1971 c. 40 s. 93; 1973 c. 90; 1975 c. 427; 1977 c. 29 ss. 1646 (3), 1647 (15); 1977 c. 196 s. 130 (10); 1977 c. 273; 1979 c. 34 s. 2102 (58) (a); 1979 c. 177, 221;
1981 c. 20; 1983 a. 27 s. 2200 (15); 1983 a. 192 s. 303 (2); 1987 a. 27; 1989 a. 31; 1991 a. 316; 1993 a. 16; 1995 a. 27; 1997 a. 253; 1999 a. 150 s. 672; 2001 a. 107.

8 **SECTION 66.** 73.09 (2) of the statutes is amended to read:

9 **73.09 (2) DEPARTMENT OF REVENUE ASSESSMENT PERSONNEL.** The requirements
10 established for local assessment personnel under sub. (1) shall also apply to
11 department of revenue assessment personnel commencing on January 1, 1981. The
12 department of ~~employment relations~~ administration with the assistance of the
13 department of revenue shall determine the position classifications for which
14 certification shall apply within the department of revenue. The first level of
15 certification shall be obtained within 100 days of the employee's appointment. The
16 department of revenue in consultation with the department of ~~employment relations~~
17 administration shall establish requirements for obtaining higher levels of assessor
18 certification.

History: 1979 c. 221; 1981 c. 20 s. 1039; 1983 a. 27 ss. 1264v, 2200 (15); 1985 a. 120; 1991 a. 39, 316; 1997 a. 237.

19 **SECTION 67.** 73.09 (5) of the statutes is amended to read:

20 **73.09 (5) EXAMINATIONS.** As provided in subs. (1) and (2), the department of
21 revenue, assisted by the ~~division of merit recruitment and selection in the~~
22 department of ~~employment relations~~ administration, shall prepare and administer
23 examinations for each level of certification. Persons applying for an examination
24 under this subsection shall submit a \$20 examination fee with their application.

1 Certification shall be granted to each person who passes the examination for that
2 level.

3 History: 1979 c. 221; 1981 c. 20 s. 1039; 1983 a. 27 ss. 1264v, 2200 (15); 1985 a. 120; 1991 a. 39, 316; 1997 a. 237.

SECTION 68. 111.81 (5) of the statutes is amended to read:

4 111.81 (5) "Department" means the department of employment relations
5 administration.

6 History: 1971 c. 270; 1975 c. 238; 1977 c. 196; 1981 c. 112; 1983 a. 160, 189, 538; 1985 a. 29, 42; 1989 a. 31; 1993 a. 492; 1995 a. 27, 324; 1997 a. 35; 2001 a. 16.

SECTION 69. 111.815 (3) of the statutes is repealed. ✓

7 **SECTION 70.** 111.86 (2) of the statutes is amended to read:

8 111.86 (2) The department shall charge a state department or agency the
9 employer's share of the cost related to grievance arbitration under sub. (1) for any
10 arbitration that involves one or more employees of the state department or agency.
11 Each state department or agency so charged shall pay the amount that the
12 department charges from the appropriation account or accounts used to pay the
13 salary of the grievant. Funds received under this subsection shall be credited to the
14 appropriation account under s. ~~20.512 (1) (km)~~ 20.505 (1) (kL).

15 History: 1971 c. 270; 1979 c. 32 s. 92 (15); 1985 a. 42; 1995 a. 27.

SECTION 71. 146.59 (3) (b) of the statutes is amended to read:

16 146.59 (3) (b) Any authorization under par. (a) shall comply with all applicable
17 provisions of subch. V of ch. 111 and ch. 230, any delegation of authority by the
18 department of ~~employment relations~~ administration to the board, and any collective
19 bargaining agreement with respect to employees of the board.

20 History: 1995 a. 27, 216.

SECTION 72. 227.10 (3) (e) of the statutes is amended to read:

21 227.10 (3) (e) Nothing in this subsection prohibits the administrator of the
22 ~~division of merit recruitment and selection in the department of employment~~

1 ~~relations~~ secretary of administration from promulgating rules relating to expanded
2 certification under s. 230.25 (1n).

3 History: 1985 a. 182; 1987 a. 399.

3 **SECTION 73.** 227.47 (2) of the statutes is amended to read:

4 227.47 (2) Except as otherwise provided in this subsection, a proposed or final
5 decision of the personnel commission, hearing examiner or arbitrator concerning an
6 appeal of the decision of the secretary of ~~employment relations~~ administration made
7 under s. 230.09 (2) (a) or (d) shall not be accompanied by findings of fact or
8 conclusions of law. If within 30 days after the commission issues a decision in such
9 an appeal either party files a petition for judicial review of the decision under s.
10 227.53 and files a written notice with the commission that the party has filed such
11 a petition, the commission shall issue written findings of fact and conclusions of law
12 within 90 days after receipt of the notice. The court shall stay the proceedings
13 pending receipt of the findings and conclusions.

14 History: 1975 c. 414 s. 15; 1977 c. 418; 1979 c. 208; 1985 a. 182 ss. 33r, 57; Stats. 1985 s. 227.47; 1993 a. 16, 491.

14 **SECTION 74.** 230.01 (2) of the statutes is amended to read:

15 230.01 (2) It is the policy of the state and the responsibility of the secretary and
16 ~~the administrator~~ to maintain a system of personnel management which fills
17 positions in the classified service through methods which apply the merit principle,
18 with adequate civil service safeguards. It is the policy of this state to provide for
19 equal employment opportunity by ensuring that all personnel actions including hire,
20 tenure or term, and condition or privilege of employment be based on the ability to
21 perform the duties and responsibilities assigned to the particular position without
22 regard to age, race, creed or religion, color, disability, sex, national origin, ancestry,
23 sexual orientation or political affiliation. It is the policy of this state to take
24 affirmative action which is not in conflict with other provisions of this chapter. It is

1 the policy of the state to ensure its employees opportunities for satisfying careers and
2 fair treatment based on the value of each employee’s services. It is the policy of this
3 state to encourage disclosure of information under subch. III and to ensure that any
4 employee employed by a governmental unit is protected from retaliatory action for
5 disclosing information under subch. III. It is the policy of this state to correct pay
6 inequities based on gender or race in the state civil service system.

History: 1977 c. 196; 1981 c. 112; 1983 a. 409; 1985 a. 29, 1987 a. 32; 1999 a. 87.

7 **SECTION 75.** 230.03 (1) of the statutes is repealed.

8 **SECTION 76.** 230.03 (9) of the statutes is amended to read:

9 230.03 (9) “Department” means the department of ~~employment relations~~
10 administration.

History: 1971 c. 270; 1973 c. 333; 1977 c. 196 ss. 24, 100; 1977 c. 418; 1981 c. 20, 26; 1983 a. 27 ss. 1604, 2200 (15); 1983 a. 409, 453, 538; 1987 a. 32; 1989 a. 31; 1991 a. 101, 147; 1993 a. 16, 254; 1995 a. 27, 255; 1997 a. 27; 1999 a. 65, 87; 2001 a. 16, 103.

11 **SECTION 77.** 230.03 (10) of the statutes is repealed.

12 **SECTION 78.** 230.04 (1) of the statutes is amended to read:

13 230.04 (1) The secretary is charged with the effective administration of this
14 chapter. All powers and duties, necessary to that end, ~~which are not exclusively~~
15 ~~vested by statute in the commission, the administrator or appointing authorities,~~ are
16 reserved to the secretary.

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 79.** 230.04 (3) of the statutes is amended to read:

18 230.04 (3) The secretary may issue enforceable orders on all matters relating
19 to the administration, enforcement and effect of this chapter and the rules prescribed
20 thereunder ~~except on matters relating to the provisions of subch. III or to those~~
21 ~~provisions of subch. II for which responsibility is specifically charged to the~~
22 ~~administrator.~~

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.

23 **SECTION 80.** 230.04 (5) of the statutes is amended to read:

1 230.04 (5) The secretary shall promulgate rules on all matters relating to the
2 administration of the department and the performance of the duties assigned to the
3 secretary, ~~except on matters relating to those provisions of subch. II for which~~
4 ~~responsibility is specifically charged to the administrator.~~

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.

5 **SECTION 81.** 230.04 (7) of the statutes is amended to read:

6 230.04 (7) The secretary shall appoint, under the classified service, the staff
7 necessary for performing the duties of the department, ~~including the staff of the~~
8 ~~division.~~

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.

9 **SECTION 82.** 230.04 (9) (f) of the statutes is amended to read:

10 230.04 (9) (f) Establish an affirmative action subunit reporting directly to the
11 secretary. The affirmative action subunit shall advise and assist the secretary, ~~the~~
12 ~~administrator~~ and agency heads on establishing policies and programs to ensure
13 appropriate affirmative action. The subunit shall advise and assist the secretary in
14 monitoring such programs and shall provide staff to the affirmative action council.

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.

15 **SECTION 83.** 230.05 of the statutes is amended to read:

16 **230.05 Powers and duties of the ~~administrator~~ secretary.** (1) All powers
17 necessary for the effective administration of the duties specified for the
18 ~~administrator~~ secretary under this subchapter are reserved to the ~~administrator~~
19 secretary.

20 (2) (a) Except as provided under par. (b), the ~~administrator~~ secretary may
21 delegate, in writing, any of his or her functions set forth in this subchapter to an
22 appointing authority, within prescribed standards if the ~~administrator~~ secretary
23 finds that the agency has personnel management capabilities to perform such

1 functions effectively and has indicated its approval and willingness to accept such
 2 responsibility by written agreement. If the ~~administrator~~ secretary determines that
 3 any agency is not performing such delegated function within prescribed standards,
 4 the ~~administrator~~ secretary shall withdraw such delegated function. The
 5 ~~administrator~~ secretary may order transfer to the ~~division~~ department from the
 6 agency to which delegation was made such agency staff and other resources as
 7 necessary to perform such functions if increased staff was authorized to that agency
 8 as a consequence of such delegation or if the ~~division~~ department reduced staff or
 9 shifted staff to new responsibilities as a result of such delegation subject to the
 10 approval of the joint committee on finance. Any delegatory action taken under this
 11 subsection by any appointing authority may be appealed to the personnel
 12 commission under s. 230.44 (1) (a) ~~(a)~~ (b). The ~~administrator~~ secretary shall be a party
 13 in such appeal.

14 (b) The ~~administrator~~ secretary is prohibited from delegating any of his or her
 15 final responsibility for the monitoring and oversight of the merit recruitment and
 16 selection program under this subchapter.

17 (3) The ~~administrator~~ secretary may utilize the services of technical or
 18 specialized personnel to assist in implementing and maintaining a sound merit
 19 recruitment and selection program. These services may be obtained from persons
 20 within or without state service.

21 (4) The ~~administrator~~ secretary may issue enforceable orders on all matters
 22 relating to the administration, enforcement and effect of the provisions of this
 23 subchapter for which responsibility is specifically charged to the ~~administrator~~ secretary and
 24 the rules prescribed thereunder. Any action brought against the appointing
 25 authority for failure to comply with the order of the ~~administrator~~ secretary shall be

1 brought and served within 60 days after the date on which the administrator's
2 secretary's order was issued. Such orders may be appealed to the commission under
3 s. 230.44 (1) ~~(a)~~ (b).

4 (5) The ~~administrator~~ secretary shall promulgate rules for the effective
5 operation of the provisions of this subchapter for which responsibility is specifically
6 charged to the ~~administrator~~ secretary . Notice of the contents of such rules and any
7 modifications thereof shall be given to appointing authorities affected thereby, and
8 such rules and modifications shall also be printed for public distribution.

9 (6) The ~~administrator~~ secretary may seek the prior advice and counsel of
10 agency heads in the formulation of policies and procedures concerning the duties
11 specified for the ~~administrator~~ secretary under this subchapter.

12 (7) The ~~administrator~~ secretary shall use techniques and procedures designed
13 to certify eligible applicants to any vacant permanent position within 45 days after
14 the filing of an appropriate request by an appointing authority.

15 (8) The ~~administrator~~ secretary may provide any personnel services to
16 nonstate governmental units and may charge the nonstate governmental units for
17 providing the services.

18 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.

SECTION 84. 230.06 (1) (d) of the statutes is amended to read:

19 230.06 (1) (d) Report promptly to the secretary ~~or the administrator~~ any
20 information the secretary ~~or the administrator~~ requires in connection with any
21 delegated personnel function and with each appointment, promotion, demotion,
22 suspension or separation from the service or other change in employee status.

23 History: 1971 c. 270; 1973 c. 333; 1977 c. 196 ss. 28, 106, 130 (5); 1981 c. 20; 1983 a. 27 ss. 1605g, 2200 (15); 1987 a. 32; 1991 a. 288, 315.

SECTION 85. 230.06 (1) (e) of the statutes is amended to read:

1 230.06 (1) (e) When requested by the secretary ~~or the administrator~~, provide
2 reports on employee work performance and any other records or information the
3 secretary ~~or administrator~~ requires to carry out this subchapter.

History: 1971 c. 270; 1973 c. 333; 1977 c. 196 ss. 28, 106, 130 (5); 1981 c. 20; 1983 a. 27 ss. 1605g, 2200 (15); 1987 a. 32; 1991 a. 288, 315.

4 **SECTION 86.** 230.06 (3) of the statutes is amended to read:

5 230.06 (3) All reports and records submitted under sub. (1) shall be prepared
6 and presented at such times and in such manner as the secretary ~~or administrator~~
7 prescribes.

History: 1971 c. 270; 1973 c. 333; 1977 c. 196 ss. 28, 106, 130 (5); 1981 c. 20; 1983 a. 27 ss. 1605g, 2200 (15); 1987 a. 32; 1991 a. 288, 315.

8 **SECTION 87.** 230.08 (2) (e) 1. of the statutes is amended to read:

9 230.08 (2) (e) 1. Administration — ~~10~~ 11. ✓

History: 1971 c. 40, 270; 1973 c. 333, 335; 1977 c. 29, 187; 1977 c. 196 ss. 34, 108, 130 (5); 1977 c. 272, 418, 449; Stats. 1977 s. 230.08; 1979 c. 34, 189, 221, 356, 361; 1981 c. 20, 347, 374; 1983 a. 27 ss. 1605o to 1609am, 2200 (15); 1983 a. 189 s. 329 (27); 1983 a. 371, 378; 1985 a. 29; 1987 a. 27, 119, 204, 354, 399, 403; 1989 a. 31, 107, 119, 122, 169, 208, 219, 336; 1991 a. 39, 250, 269; 1993 a. 16, 349, 399; 1995 a. 27 ss. 6245 to 6277m, 9126 (19), 9130 (4); 1995 a. 216; 1997 a. 3, 27, 179, 194, 237; 1999 a. 9, 42, 87, 186; 2001 a. 16, 19, 109.

10 **SECTION 88.** 230.08 (2) (e) 4. of the statutes is repealed. ✓

11 **SECTION 89.** 230.08 (2) (xe) of the statutes is amended to read:

12 230.08 (2) (xe) The director of Indian gaming in the department of
13 ~~administration~~, and the attorney in the department of ~~administration~~, appointed
14 under s. 569.015 (2).

History: 1971 c. 40, 270; 1973 c. 333, 335; 1977 c. 29, 187; 1977 c. 196 ss. 34, 108, 130 (5); 1977 c. 272, 418, 449; Stats. 1977 s. 230.08; 1979 c. 34, 189, 221, 356, 361; 1981 c. 20, 347, 374; 1983 a. 27 ss. 1605o to 1609am, 2200 (15); 1983 a. 189 s. 329 (27); 1983 a. 371, 378; 1985 a. 29; 1987 a. 27, 119, 204, 354, 399, 403; 1989 a. 31, 107, 119, 122, 169, 208, 219, 336; 1991 a. 39, 250, 269; 1993 a. 16, 349, 399; 1995 a. 27 ss. 6245 to 6277m, 9126 (19), 9130 (4); 1995 a. 216; 1997 a. 3, 27, 179, 194, 237; 1999 a. 9, 42, 87, 186; 2001 a. 16, 19, 109.

15 **SECTION 90.** 230.08 (2) (y) of the statutes is amended to read:

16 230.08 (2) (y) The director and staff assistant of the federal-state relations
17 office of the department of ~~administration~~.

History: 1971 c. 40, 270; 1973 c. 333, 335; 1977 c. 29, 187; 1977 c. 196 ss. 34, 108, 130 (5); 1977 c. 272, 418, 449; Stats. 1977 s. 230.08; 1979 c. 34, 189, 221, 356, 361; 1981 c. 20, 347, 374; 1983 a. 27 ss. 1605o to 1609am, 2200 (15); 1983 a. 189 s. 329 (27); 1983 a. 371, 378; 1985 a. 29; 1987 a. 27, 119, 204, 354, 399, 403; 1989 a. 31, 107, 119, 122, 169, 208, 219, 336; 1991 a. 39, 250, 269; 1993 a. 16, 349, 399; 1995 a. 27 ss. 6245 to 6277m, 9126 (19), 9130 (4); 1995 a. 216; 1997 a. 3, 27, 179, 194, 237; 1999 a. 9, 42, 87, 186; 2001 a. 16, 19, 109.

18 **SECTION 91.** 230.08 (4) (c) of the statutes is amended to read:

19 230.08 (4) (c) Any proposal of a board, department or commission, as defined
20 in par. (a) and s. 15.01 (5), or of the historical society, for a change in the number of
21 positions enumerated in sub. (2) (e), before being submitted to the legislature, shall

1 first be submitted by the board, department or commission or by the historical society
2 for a separate review by the ~~department of administration and by the~~ secretary. The
3 ~~department of administration's~~ secretary's review shall include information on the
4 appropriateness of the proposed change with regard to a board's, department's,
5 commission's or society's current or proposed internal organizational structure
6 under s. 15.02 (4). ~~The secretary's review and~~ shall include information on whether
7 the existing classified or existing or proposed unclassified division administrator
8 position involved is or would be assigned to pay range 1-18 or above in schedule 1,
9 or a comparable level, of the compensation plan under s. 230.12. The results of these
10 ~~reviews this review~~ shall be provided by the ~~department of administration and~~ by the
11 secretary to the joint committee on finance and the joint committee on employment
12 relations at the same time that the board's, department's, commission's or society's
13 proposal is presented to either committee.

History: 1971 c. 40, 270; 1973 c. 333, 335; 1977 c. 29, 187; 1977 c. 196 ss. 34, 108, 130 (5); 1977 c. 272, 418, 449; Stats. 1977 s. 230.08; 1979 c. 34, 189, 221, 356, 361; 1981 c. 20, 347, 374; 1983 a. 27 ss. 1605o to 1609am, 2200 (15); 1983 a. 189 s. 329 (27); 1983 a. 371, 378; 1985 a. 29; 1987 a. 27, 119, 204, 354, 399, 403; 1989 a. 31, 107, 119, 122, 169, 208, 219, 336; 1991 a. 39, 250, 269; 1993 a. 16, 349, 399; 1995 a. 27 ss. 6245 to 6277m, 9126 (19), 9130 (4); 1995 a. 216; 1997 a. 3, 27, 179, 194, 237; 1999 a. 9, 42, 87, 186; 2001 a. 16, 19, 109.

14 **SECTION 92.** 230.08 (7) of the statutes is amended to read:

15 **230.08 (7) EXCEPTIONAL EMPLOYMENT SITUATIONS.** The ~~administrator~~ secretary
16 shall provide, by rule, for exceptional methods and kinds of employment to meet the
17 needs of the service during periods of disaster or national emergency, and for other
18 exceptional employment situations such as to employ the mentally disabled, the
19 physically disabled and the disadvantaged.

History: 1971 c. 40, 270; 1973 c. 333, 335; 1977 c. 29, 187; 1977 c. 196 ss. 34, 108, 130 (5); 1977 c. 272, 418, 449; Stats. 1977 s. 230.08; 1979 c. 34, 189, 221, 356, 361; 1981 c. 20, 347, 374; 1983 a. 27 ss. 1605o to 1609am, 2200 (15); 1983 a. 189 s. 329 (27); 1983 a. 371, 378; 1985 a. 29; 1987 a. 27, 119, 204, 354, 399, 403; 1989 a. 31, 107, 119, 122, 169, 208, 219, 336; 1991 a. 39, 250, 269; 1993 a. 16, 349, 399; 1995 a. 27 ss. 6245 to 6277m, 9126 (19), 9130 (4); 1995 a. 216; 1997 a. 3, 27, 179, 194, 237; 1999 a. 9, 42, 87, 186; 2001 a. 16, 19, 109.

20 **SECTION 93.** 230.09 (2) (g) of the statutes is amended to read:

21 **230.09 (2) (g)** When filling a new or vacant position, if the secretary determines
22 that the classification for a position is different than that provided for by the

1 legislature as established by law or in budget determinations, or as authorized by the
2 joint committee on finance under s. 13.10, or as specified by the governor creating
3 positions under s. 16.505 (1) (c) or (2), the University of Wisconsin Hospitals and
4 Clinics Board creating positions under s. 16.505 (2n) or the board of regents of the
5 University of Wisconsin System creating positions under s. 16.505 (2m), or is
6 different than that of the previous incumbent, the secretary shall ~~notify the~~
7 ~~administrator and the secretary of administration. The administrator shall~~
8 ~~withhold action on the selection and certification process for filling the position. The~~
9 ~~secretary of administration shall~~ review the position to determine that sufficient
10 funds exist for the position and that the duties and responsibilities of the proposed
11 position reflect the intent of the legislature as established by law or in budget
12 determinations, the intent of the joint committee on finance acting under s. 13.10,
13 the intent of the governor creating positions under s. 16.505 (1) (c) or (2), the
14 University of Wisconsin Hospitals and Clinics Board creating positions under s.
15 16.505 (2n) or the intent of the board of regents of the University of Wisconsin System
16 creating positions under s. 16.505 (2m). ~~The administrator may not proceed with the~~
17 ~~selection and certification process~~ for the position may not begin until the secretary
18 ~~of administration~~ has authorized the position to be filled.

History: 1971 c. 270 ss. 16, 26; 1977 c. 196 ss. 32, 109, 130 (5); 1977 c. 272, 273, 418; 1981 c. 20; 1983 a. 27 ss. 1609b to 1610, 2200 (15); 1985 a. 29, 120; 1987 a. 27,
403; 1989 a. 39; 1991 a. 315; 1995 a. 27.

19 **SECTION 94.** 230.12 (7m) of the statutes is amended to read:

20 **230.12 (7m) PAY ADJUSTMENT FILING REQUIREMENTS.** Except as provided in the
21 rules of the secretary and in the compensation plan, pay increases shall be made only
22 on the dates prescribed under sub. (8). Appointing authorities shall at such times
23 each year as specified by the secretary file with the ~~secretary and with the~~

1 department of ~~administration~~ a list of employees showing their then existing pay
2 rates and their proposed new pay rates.

History: 1971 c. 55, 125, 215; 1971 c. 270 ss. 20, 27, 28, 30 to 32; 1971 c. 336; Stats. 1971 s. 16.086; 1973 c. 12, 51, 90; 1975 c. 28, 39, 199, 224; 1977 c. 29, 44; 1977 c. 196 ss. 36, 130 (3), (5), (11), 131; 1977 c. 272, 418, 449; Stats. 1977 s. 230.12; 1979 c. 221; 1981 c. 20 s. 2202 (33) (b); 1981 c. 153; 1983 a. 27 ss. 1611am to 1612am, 2200 (15); 1983 a. 140; 1985 a. 29, 34, 42, 119, 332; 1987 a. 33, 83, 340, 399, 403; 1989 a. 39, 56, 117, 119, 124, 153, 336, 359; 1991 a. 269; 1995 a. 37, 88; 1997 a. 14, 237; 1999 a. 42, 102; 2001 a. 16, 29, 35.

3 **SECTION 95.** 230.13 (1) (intro.) of the statutes is amended to read:

4 230.13 (1) (intro.) Except as provided in sub. (3) and s. 103.13, the secretary
5 and the administrator may keep records of the following personnel matters closed to
6 the public:

History: 1971 c. 270; 1977 c. 196 s. 37; Stats. 1977 s. 230.13; 1979 c. 339; 1989 a. 31; 1991 a. 269, 317; 1997 a. 191.

7 **SECTION 96.** 230.13 (2) of the statutes is amended to read:

8 230.13 (2) Unless the name of an applicant is certified under s. 230.25, the
9 secretary and the administrator shall keep records of the identity of an applicant for
10 a position closed to the public, except as provided in sub. (3).

History: 1971 c. 270; 1977 c. 196 s. 37; Stats. 1977 s. 230.13; 1979 c. 339; 1989 a. 31; 1991 a. 269, 317; 1997 a. 191.

11 **SECTION 97.** 230.13 (3) of the statutes is amended to read:

12 230.13 (3) The secretary and the administrator shall provide to the department
13 of workforce development or a county child support agency under s. 59.53 (5)
14 information requested under s. 49.22 (2m) that would otherwise be closed to the
15 public under this section. Information provided under this subsection may only
16 include an individual's name and address, an individual's employer and financial
17 information related to an individual.

History: 1971 c. 270; 1977 c. 196 s. 37; Stats. 1977 s. 230.13; 1979 c. 339; 1989 a. 31; 1991 a. 269, 317; 1997 a. 191.

18 **SECTION 98.** 230.14 (4) of the statutes is amended to read:

19 230.14 (4) The ~~administrator~~ secretary may charge an agency a fee to announce
20 any vacancy to be filled in a classified or unclassified position in that agency. Funds
21 received under this subsection shall be credited to the appropriation account under
22 s. ~~20.512(1)(ka)~~ 20.505(1)(ke).

History: 1977 c. 196; 1981 c. 26; 1987 a. 32; 1991 a. 132; 1995 a. 27; 1997 a. 307.

1 **SECTION 99.** 230.147 (3) of the statutes is amended to read:

2 230.147 (3) Notwithstanding subs. (1) and (2), the state fair park board shall
3 make every reasonable effort to employ in permanent full-time equivalent positions
4 persons who, at the time determined under sub. (4), receive aid under s. 49.19 or
5 benefits under s. 49.147 (3) to (5). The state fair park board shall consult with the
6 department of employment relations to assure that its efforts under this subsection
7 comply with ch. 230.

History: 1985 a. 285; 1987 a. 27; 1989 a. 31; 1995 a. 27 ss. 6281, 6282, 9130 (4); 1995 a. 289; 1997 a. 3.

8 **SECTION 100.** 230.15 (1) of the statutes is amended to read:

9 230.15 (1) Subject to the restriction under s. 230.143, appointments to, and
10 promotions in, the classified service shall be made only according to merit and
11 fitness, which shall be ascertained so far as practicable by competitive examination.
12 The ~~administrator~~ secretary may waive competitive examination for appointments
13 made under subs. (1m) and (2) and shall waive competitive examination for
14 appointments made under sub. (2m).

History: 1971 c. 270 ss. 23, 46; Stats. 1971 s. 16.11; 1973 c. 90; 1977 c. 196 ss. 39, 131; Stats. 1977 s. 230.15; 1981 c. 140; 1983 a. 27; 1989 a. 31; 1993 a. 12; 1997 a. 307; 2001 a. 16.

15 **SECTION 101.** 230.15 (1m) (c) of the statutes is amended to read:

16 230.15 (1m) (c) 1. Whenever a position is included in the classified service
17 under par. (a), the ~~administrator~~ secretary may waive the requirement for
18 competitive examination under sub. (1) with respect to the position and certify the
19 incumbent employee for appointment to the position in accordance with subd. 2.

20 2. The ~~administrator~~ secretary may certify an incumbent employee as eligible
21 for appointment under subd. 1. if the ~~administrator~~ secretary determines on the
22 basis of sound personnel management practices that the incumbent is qualified for
23 the position included in the classified service.

1 3. If an employee is appointed after being certified under subd. 2., the
2 ~~administrator~~ secretary shall determine the employee's probationary status under
3 s. 230.28, except that the employee shall receive credit toward his or her
4 probationary period for the time that the employee had been employed in the position
5 immediately prior to appointment.

History: 1971 c. 270 ss. 23, 46; Stats. 1971 s. 16.11; 1973 c. 90; 1977 c. 196 ss. 39, 131; Stats. 1977 s. 230.15; 1981 c. 140; 1983 a. 27; 1989 a. 31; 1993 a. 12; 1997 a. 307;
2001 a. 16.

6 **SECTION 102.** 230.15 (2) of the statutes is amended to read:

7 230.15 (2) If a vacancy occurs in a position in the classified service when
8 peculiar and exceptional qualifications of a scientific, professional, or educational
9 character are required, and if presented with satisfactory evidence that for specified
10 reasons competition in such special cases is impracticable, and that the position can
11 best be filled by the selection of some designated person of high and recognized
12 attainments in such qualities, the ~~administrator~~ secretary may waive competition
13 requirements unless the vacancy is to be filled by promotion.

History: 1971 c. 270 ss. 23, 46; Stats. 1971 s. 16.11; 1973 c. 90; 1977 c. 196 ss. 39, 131; Stats. 1977 s. 230.15; 1981 c. 140; 1983 a. 27; 1989 a. 31; 1993 a. 12; 1997 a. 307;
2001 a. 16.

14 **SECTION 103.** 230.15 (2m) of the statutes is amended to read:

15 230.15 (2m) If a vacancy occurs in a position in the classified service and the
16 ~~administrator~~ secretary is notified by an appointing authority that the position is to
17 be filled by a disabled veteran under s. 230.275, the ~~administrator~~ secretary shall
18 waive all competition requirements for filling the position.

History: 1971 c. 270 ss. 23, 46; Stats. 1971 s. 16.11; 1973 c. 90; 1977 c. 196 ss. 39, 131; Stats. 1977 s. 230.15; 1981 c. 140; 1983 a. 27; 1989 a. 31; 1993 a. 12; 1997 a. 307;
2001 a. 16.

19 **SECTION 104.** 230.16 (1) (a) of the statutes is amended to read:

20 230.16 (1) (a) The ~~administrator~~ secretary shall require persons applying for
21 admission to any examination under this subchapter or under the rules of the

1 administrator department to file an application with the ~~division~~ department a
2 reasonable time prior to the proposed examination.

History: 1971 c. 270 ss. 12, 24, 35 to 37; Stats. 1971 s. 16.12; 1977 c. 196 ss. 40, 111, 130 (5), (6); 1977 c. 272; Stats. 1977 s. 230.16; 1981 c. 26, 140; 1983 a. 148 s. 10; 1983 a. 430, 538; 1987 a. 399; 1989 a. 31; 1991 a. 2, 101; 1997 a. 27, 307; 1999 a. 87, 102.

3 **SECTION 105.** 230.16 (1) (am) of the statutes is amended to read:

4 230.16 (1) (am) The administrator secretary may require in connection with
5 the application such supplementary work history, educational transcripts,
6 statements of physicians or others having knowledge of the applicant, as needed for
7 qualification evaluations.

History: 1971 c. 270 ss. 12, 24, 35 to 37; Stats. 1971 s. 16.12; 1977 c. 196 ss. 40, 111, 130 (5), (6); 1977 c. 272; Stats. 1977 s. 230.16; 1981 c. 26, 140; 1983 a. 148 s. 10; 1983 a. 430, 538; 1987 a. 399; 1989 a. 31; 1991 a. 2, 101; 1997 a. 27, 307; 1999 a. 87, 102.

8 **SECTION 106.** 230.16 (1) (b) of the statutes is amended to read:

9 230.16 (1) (b) The ~~division~~ department shall furnish application forms without
10 charge to all persons requesting them.

History: 1971 c. 270 ss. 12, 24, 35 to 37; Stats. 1971 s. 16.12; 1977 c. 196 ss. 40, 111, 130 (5), (6); 1977 c. 272; Stats. 1977 s. 230.16; 1981 c. 26, 140; 1983 a. 148 s. 10; 1983 a. 430, 538; 1987 a. 399; 1989 a. 31; 1991 a. 2, 101; 1997 a. 27, 307; 1999 a. 87, 102.

11 **SECTION 107.** 230.16 (2) of the statutes is amended to read:

12 230.16 (2) Competitive examinations shall be free and open to all applicants
13 who have fulfilled the preliminary requirements stated in the examination
14 announcement. To assure that all applicants have a fair opportunity to compete,
15 examinations shall be held at such times and places as, in the judgment of the
16 administrator secretary, most nearly meet the convenience of applicants and needs
17 of the service.

History: 1971 c. 270 ss. 12, 24, 35 to 37; Stats. 1971 s. 16.12; 1977 c. 196 ss. 40, 111, 130 (5), (6); 1977 c. 272; Stats. 1977 s. 230.16; 1981 c. 26, 140; 1983 a. 148 s. 10; 1983 a. 430, 538; 1987 a. 399; 1989 a. 31; 1991 a. 2, 101; 1997 a. 27, 307; 1999 a. 87, 102.

18 **SECTION 108.** 230.16 (3) of the statutes is amended to read:

19 230.16 (3) The administrator secretary may appoint boards of examiners of at
20 least 2 persons for the purpose of conducting oral examinations as a part of the
21 examination procedure for certain positions. All board members shall be
22 well-qualified and impartial. All questions asked and answers made in any

1 examination of applicants shall be recorded and made a part of the records of the
2 applicants.

History: 1971 c. 270 ss. 12, 24, 35 to 37; Stats. 1971 s. 16.12; 1977 c. 196 ss. 40, 111, 130 (5), (6); 1977 c. 272; Stats. 1977 s. 230.16; 1981 c. 26, 140; 1983 a. 148 s. 10; 1983 a. 430, 538; 1987 a. 399; 1989 a. 31; 1991 a. 2, 101; 1997 a. 27, 307; 1999 a. 87, 102.

3 **SECTION 109.** 230.16 (4) of the statutes is amended to read:

4 230.16 (4) All examinations, including minimum training and experience
5 requirements, for positions in the classified service shall be job-related in
6 compliance with appropriate validation standards and shall be subject to the
7 approval of the ~~administrator~~ secretary. All relevant experience, whether paid or
8 unpaid, shall satisfy experience requirements.

History: 1971 c. 270 ss. 12, 24, 35 to 37; Stats. 1971 s. 16.12; 1977 c. 196 ss. 40, 111, 130 (5), (6); 1977 c. 272; Stats. 1977 s. 230.16; 1981 c. 26, 140; 1983 a. 148 s. 10; 1983 a. 430, 538; 1987 a. 399; 1989 a. 31; 1991 a. 2, 101; 1997 a. 27, 307; 1999 a. 87, 102.

9 **SECTION 110.** 230.16 (5) of the statutes is amended to read:

10 230.16 (5) In the interest of sound personnel management, consideration of
11 applicants and service to agencies, the ~~administrator~~ secretary may set a standard
12 for proceeding to subsequent steps in an examination, provided that all applicants
13 are fairly treated and due notice has been given. The standard may be at or above
14 the passing point set by the ~~administrator~~ secretary for any portion of the
15 examination. The ~~administrator~~ secretary shall utilize appropriate scientific
16 techniques and procedures in administering the selection process, in rating the
17 results of examinations and in determining the relative ratings of the competitors.

History: 1971 c. 270 ss. 12, 24, 35 to 37; Stats. 1971 s. 16.12; 1977 c. 196 ss. 40, 111, 130 (5), (6); 1977 c. 272; Stats. 1977 s. 230.16; 1981 c. 26, 140; 1983 a. 148 s. 10; 1983 a. 430, 538; 1987 a. 399; 1989 a. 31; 1991 a. 2, 101; 1997 a. 27, 307; 1999 a. 87, 102.

18 **SECTION 111.** 230.16 (6) of the statutes is amended to read:

19 230.16 (6) If any applicant is unable to complete the examination in the form
20 presented to the applicant due to a disability, the ~~division~~ department shall provide
21 a reader, an appropriate place to take the examination or other similar prerequisites
22 to ensure equality of opportunity in the examination.

History: 1971 c. 270 ss. 12, 24, 35 to 37; Stats. 1971 s. 16.12; 1977 c. 196 ss. 40, 111, 130 (5), (6); 1977 c. 272; Stats. 1977 s. 230.16; 1981 c. 26, 140; 1983 a. 148 s. 10; 1983 a. 430, 538; 1987 a. 399; 1989 a. 31; 1991 a. 2, 101; 1997 a. 27, 307; 1999 a. 87, 102.

1 **SECTION 112.** 230.16 (9) of the statutes is amended to read:

2 **230.16 (9)** The officials in control of state, municipal and county buildings,
3 upon requisition by the ~~administrator~~ secretary, shall furnish without charge
4 adequate rooms and building services for the administration of examinations.

History: 1971 c. 270 ss. 12, 24, 35 to 37; Stats. 1971 s. 16.12; 1977 c. 196 ss. 40, 111, 130 (5), (6); 1977 c. 272; Stats. 1977 s. 230.16; 1981 c. 26, 140; 1983 a. 148 s. 10; 1983 a. 430, 538; 1987 a. 399; 1989 a. 31; 1991 a. 2, 101; 1997 a. 27, 307; 1999 a. 87, 102.

5 **SECTION 113.** 230.16 (11) of the statutes is amended to read:

6 **230.16 (11)** Records of examinations, including a transcript or recorded tape
7 of oral examinations, given under this subchapter shall be retained for at least one
8 year. Inspection of such records shall be regulated by rules of the ~~administrator~~
9 department.

History: 1971 c. 270 ss. 12, 24, 35 to 37; Stats. 1971 s. 16.12; 1977 c. 196 ss. 40, 111, 130 (5), (6); 1977 c. 272; Stats. 1977 s. 230.16; 1981 c. 26, 140; 1983 a. 148 s. 10; 1983 a. 430, 538; 1987 a. 399; 1989 a. 31; 1991 a. 2, 101; 1997 a. 27, 307; 1999 a. 87, 102.

10 **SECTION 114.** 230.17 (1) of the statutes is amended to read:

11 **230.17 (1)** The ~~administrator~~ secretary shall provide by rule, the conditions,
12 not otherwise provided by law, under which an applicant may be refused
13 examination or reexamination, or an eligible refused certification. These conditions
14 shall be based on sufficient reason and shall reflect sound technical personnel
15 management practices and those standards of conduct, department and character
16 necessary and demanded to the orderly, efficient and just operation of the state
17 service.

History: 1971 c. 270; 1977 c. 196 ss. 42, 130 (5); Stats. 1977 s. 230.17; 1983 a. 453; 1995 a. 27 s. 9126 (19); 1999 a. 87.

18 **SECTION 115.** 230.17 (2) of the statutes is amended to read:

19 **230.17 (2)** If the ~~administrator~~ secretary refuses to examine an applicant, or
20 after an examination to certify an eligible, as provided in this section, the
21 ~~administrator~~ secretary, if requested by the applicant so rejected within 10 days of
22 the date of receipt of the notice of rejection, shall give the applicant a full and explicit
23 statement of the exact cause of such refusal to examine or to certify. Applicants may

1 appeal to the commission the decision of the ~~administrator~~ secretary to refuse to
2 examine or certify under s. 230.44 (1) ~~(a)~~ (b). Upon request of an applicant or an
3 eligible for a civil service position who has a disability, the department of health and
4 family services shall obtain from the ~~administrator~~ secretary a detailed description
5 of all duties entailed by such position and shall determine and report its findings to
6 the ~~administrator~~ secretary, as to the ability of the applicant, or eligible, to perform
7 the duties of such position. Such findings shall be conclusive as to the qualifications
8 of any applicant, or eligible, so examined. A notice of rejection shall notify an
9 applicant or eligible of his or her rights under this subsection.

History: 1971 c. 270; 1977 c. 196 ss. 42, 130 (5); Stats. 1977 s. 230.17; 1983 a. 453; 1995 a. 27 s. 9126 (19); 1999 a. 87.

10 **SECTION 116.** 230.17 (3) of the statutes is amended to read:

11 230.17 (3) When any position to be filled involves fiduciary responsibility, the
12 appointing authority, where otherwise permitted by law, may require the appointee
13 to furnish bond or other security, and shall notify the ~~administrator~~ secretary of the
14 amount and other details thereof. Any surety company authorized to do business in
15 this state shall be a sufficient security on any such bond.

History: 1971 c. 270; 1977 c. 196 ss. 42, 130 (5); Stats. 1977 s. 230.17; 1983 a. 453; 1995 a. 27 s. 9126 (19); 1999 a. 87.

16 **SECTION 117.** 230.18 of the statutes is amended to read:

17 **230.18 Discrimination prohibited.** No question in any form of application
18 or in any examination may be so framed as to elicit information concerning the
19 partisan political or religious opinions or affiliations of any applicant nor may any
20 inquiry be made concerning such opinions or affiliations and all disclosures thereof
21 shall be discountenanced except that the ~~administrator~~ secretary may evaluate the
22 competence and impartiality of applicants for positions such as clinical chaplain in
23 a state institutional program. No discriminations may be exercised in the
24 recruitment, application, examination or hiring process against or in favor of any

1 person because of the person’s political or religious opinions or affiliations or because
 2 of age, sex, disability, race, color, sexual orientation, national origin or ancestry
 3 except as otherwise provided.

History: 1971 c. 270; 1977 c. 196 s. 43; Stats. 1977 s. 230.18; 1981 c. 112, 391; 1999 a. 87.

4 **SECTION 118.** 230.19 (1) of the statutes is amended to read:

5 230.19 (1) The ~~administrator~~ secretary shall provide employees with
 6 reasonable opportunities for career advancement, within a classified service
 7 structure designed to achieve and maintain a highly competent work force, with due
 8 consideration given to affirmative action.

History: 1971 c. 270 s. 50; 1977 c. 196 ss. 44, 112; 1983 a. 402; 1987 a. 32; 1989 a. 31; 1999 a. 87.

9 **SECTION 119.** 230.19 (2) of the statutes is amended to read:

10 230.19 (2) If, in the judgment of the ~~administrator~~ secretary, the group of
 11 applicants best able to meet the requirements for vacancies in positions in the
 12 classified service are available within the classified service, the vacancies shall be
 13 filled by competition limited to persons in the classified service who are not employed
 14 under s. 230.26 or 230.27 and persons with the right of restoration resulting from
 15 layoff under s. 230.34 (2), unless it is necessary to go outside the classified service to
 16 be consistent with an approved affirmative action plan or program. The
 17 ~~administrator~~ secretary may also limit competition for promotion to the employees
 18 of an agency or an employing unit within an agency if the resulting group of
 19 applicants would fairly represent the proportion of members of racial and ethnic,
 20 gender or disabled groups in the relevant labor pool for the state.

History: 1971 c. 270 s. 50; 1977 c. 196 ss. 44, 112; 1983 a. 402; 1987 a. 32; 1989 a. 31; 1999 a. 87.

21 **SECTION 120.** 230.21 (1) of the statutes is amended to read:

1 230.21 (1) Subject to s. 230.275, the ~~administrator~~ secretary may, to meet the
2 needs of the service, establish separate recruitment, examination and certification
3 procedures for filling positions in unskilled labor and service classes.

4 History: 1971 c. 270; 1977 c. 196 ss. 45, 130 (3), (5); Stats. 1977 s. 230.21; 1983 a. 333; 1991 a. 39, 101; 1997 a. 307.

4 **SECTION 121.** 230.21 (1m) (a) (intro.) of the statutes is amended to read:

5 230.21 (1m) (a) (intro.) If the ~~administrator~~ secretary uses the method of
6 random certification to determine which applicants for an unskilled labor or service
7 position will receive further consideration for the position, the ~~administrator~~
8 secretary shall do all of the following:

9 History: 1971 c. 270; 1977 c. 196 ss. 45, 130 (3), (5); Stats. 1977 s. 230.21; 1983 a. 333; 1991 a. 39, 101; 1997 a. 307.

9 **SECTION 122.** 230.21 (1m) (b) of the statutes is amended to read:

10 230.21 (1m) (b) If the ~~administrator~~ secretary uses the method of random
11 certification to determine which applicants for an unskilled labor or service position
12 will receive further consideration for the position and the appointing authority does
13 not select a veteran or a person the hiring of whom would serve affirmative action
14 purposes, the appointing authority shall make and retain a written record of the
15 appointing authority's reasons for selecting the person who was appointed. The
16 appointing authority shall make the written records available to the department and
17 annually submit a report to the department summarizing the reasons contained in
18 the written records.

19 History: 1971 c. 270; 1977 c. 196 ss. 45, 130 (3), (5); Stats. 1977 s. 230.21; 1983 a. 333; 1991 a. 39, 101; 1997 a. 307.

19 **SECTION 123.** 230.21 (2) of the statutes is amended to read:

20 230.21 (2) The ~~administrator~~ secretary may designate classifications in which
21 applicants are in critically short supply and may develop such recruitment,
22 examination and certification processes as will provide agencies with prompt

1 certification when qualified applicants can be found, provided that due notice has
2 been given and proper competitive standards have been maintained.

3 History: 1971 c. 270; 1977 c. 196 ss. 45, 130 (3), (5); Stats. 1977 s. 230.21; 1983 a. 333; 1991 a. 39, 101; 1997 a. 307.

3 **SECTION 124.** 230.21 (3) of the statutes is amended to read:

4 230.21 (3) The ~~administrator~~ secretary shall designate classifications in prison
5 industries in the department of corrections as critical positions requiring expeditious
6 hiring and shall develop such recruitment, examination and certification processes
7 as will provide the department with prompt certification when qualified applicants
8 can be found, provided that due notice has been given and proper competitive
9 standards have been maintained.

10 History: 1971 c. 270; 1977 c. 196 ss. 45, 130 (3), (5); Stats. 1977 s. 230.21; 1983 a. 333; 1991 a. 39, 101; 1997 a. 307.

10 **SECTION 125.** 230.213 of the statutes is amended to read:

11 **230.213 Affirmative action procedures for corrections positions.** The
12 ~~administrator~~ secretary may, to meet affirmative action objectives, establish such
13 recruitment, examination and certification procedures for positions in the
14 department of corrections as will enable the department of corrections to increase the
15 number of employees of a specified gender or a specified racial or ethnic group in
16 those positions. The ~~administrator~~ secretary shall design the procedures to obtain
17 a work force in the department of corrections that reflects the relevant labor pool.
18 The ~~administrator~~ secretary may determine the relevant labor pool from the
19 population of the state or of a particular geographic area of the state, whichever is
20 more appropriate for achieving the affirmative action objective.

21 History: 1991 a. 39; 1995 a. 27, 225.

21 **SECTION 126.** 230.215 (3) (a) of the statutes is amended to read:

22 230.215 (3) (a) An agency may, with the approval of the secretary ~~and with the~~
23 ~~approval of the secretary of administration under s. 16.50~~, restructure budgeted
24 permanent positions as such positions become vacant or if an employee voluntarily

1 requests a job-sharing or permanent part-time employment opportunity. No
2 employee occupying a full-time permanent position may be involuntarily
3 terminated, demoted, transferred or reassigned in order to restructure that position
4 for permanent part-time employment and no such employee may be required to
5 accept a permanent part-time position as a condition of continued employment.

History: 1977 c. 196; 1979 c. 175 s. 53; 1979 c. 221; 1987 a. 140.

6 **SECTION 127.** 230.22 (3) of the statutes is amended to read:

7 230.22 (3) Subject to s. 230.275, the ~~administrator~~ secretary may establish
8 separate recruitment, evaluation and certification procedures for certain entry
9 professional positions. Vacancies in entry professional positions may be limited to
10 persons with a degree from an institution of higher education, as defined in s. 108.02
11 (18), or a degree under an associate degree program, as defined in s. 38.01 (1).

History: 1971 c. 270; 1977 c. 196 ss. 46, 113, 130 (5); Stats. 1977 s. 230.22; 1983 a. 27 ss. 1612c to 1612e, 2200 (15); 1991 a. 39; 1997 a. 307.

12 **SECTION 128.** 230.22 (4) of the statutes is amended to read:

13 230.22 (4) The ~~administrator~~ secretary may provide for cooperative programs
14 leading to eligibility for permanent appointment in order to enable institutions of
15 higher education and agencies to attract and train the highest caliber of
16 undergraduate or graduate students for government employment.

History: 1971 c. 270; 1977 c. 196 ss. 46, 113, 130 (5); Stats. 1977 s. 230.22; 1983 a. 27 ss. 1612c to 1612e, 2200 (15); 1991 a. 39; 1997 a. 307.

17 **SECTION 129.** 230.24 (1) of the statutes is amended to read:

18 230.24 (1) The secretary may by rule develop a career executive program that
19 emphasizes excellence in administrative skills in order to provide agencies with a
20 pool of highly qualified executive candidates, to provide outstanding administrative
21 employees a broad opportunity for career advancement and to provide for the
22 mobility of such employees among the agencies and units of state government for the
23 most advantageous use of their managerial and administrative skills. To accomplish
24 the purpose of this program, the ~~administrator~~ secretary may provide policies and

1 standards for recruitment, examination, probation, employment register control,
2 certification, transfer, promotion and reemployment, and the secretary may provide
3 policies and standards for classification and salary administration, separate from
4 procedures established for other employment. The secretary shall determine the
5 positions which may be filled from career executive employment registers.

History: 1971 c. 270; 1977 c. 196 ss. 49, 114, 130 (3), (5); 1979 c. 42; 1983 a. 27, 192; 1987 a. 32; 1989 a. 144; 1997 a. 112.

6 **SECTION 130.** 230.24 (1m) of the statutes is amended to read:

7 230.24 (1m) The policy established by the ~~administrator~~ secretary under sub.
8 (1) that deals with probation shall provide the option of extending the probationary
9 period for individuals with disabilities, as defined in s. 111.32 (8), who are employees
10 in a manner consistent with s. 230.28 (1) (bm).

History: 1971 c. 270; 1977 c. 196 ss. 49, 114, 130 (3), (5); 1979 c. 42; 1983 a. 27, 192; 1987 a. 32; 1989 a. 144; 1997 a. 112.

11 **SECTION 131.** 230.25 (1) of the statutes is amended to read:

12 230.25 (1) Appointing authorities shall give written notice to the ~~administrator~~
13 secretary of any vacancy to be filled in any position in the classified service. The
14 ~~administrator~~ secretary shall certify, under this subchapter and the rules of the
15 ~~administrator~~ department, from the register of eligibles appropriate for the kind and
16 type of employment, the grade and class in which the position is classified, any
17 number of names at the head thereof. In determining the number of names to certify,
18 the ~~administrator~~ secretary shall use statistical methods and personnel
19 management principles that are designed to maximize the number of certified names
20 that are appropriate for filling the specific position vacancy. Up to 2 persons
21 considered for appointment 3 times and not selected may be removed from the
22 register for each 3 appointments made. Certification under this subsection shall be
23 made before granting any preference under s. 230.16 (7).

History: 1971 c. 270 ss. 45, 48; Stats. 1971 s. 16.20; 1977 c. 196 ss. 50, 115, 130 (5), 131; 1977 c. 273; Stats. 1977 s. 230.25; 1983 a. 27; 1985 a. 29; 1987 a. 32; 1991 a. 101; 1997 a. 27, 307; 1999 a. 87.

1 **SECTION 132.** 230.25 (1g) of the statutes is amended to read:

2 230.25 (1g) For every position to be filled by promotion from a promotional
3 register, the ~~administrator~~ secretary shall, after certifying names under sub. (1),
4 additionally certify the name of the highest ranked disabled veteran whose disability
5 is at least 70%.

History: 1971 c. 270 ss. 45, 48; Stats. 1971 s. 16.20; 1977 c. 196 ss. 50, 115, 130 (5), 131; 1977 c. 273; Stats. 1977 s. 230.25; 1983 a. 27; 1985 a. 29; 1987 a. 32; 1991 a. 101; 1997 a. 27, 307; 1999 a. 87.

6 **SECTION 133.** 230.25 (1n) (a) (intro.) of the statutes is amended to read:

7 230.25 (1n) (a) (intro.) After certifying names under subs. (1), (1g) and (1m),
8 the ~~administrator~~ secretary may engage in expanded certification by doing one or
9 more of the following:

History: 1971 c. 270 ss. 45, 48; Stats. 1971 s. 16.20; 1977 c. 196 ss. 50, 115, 130 (5), 131; 1977 c. 273; Stats. 1977 s. 230.25; 1983 a. 27; 1985 a. 29; 1987 a. 32; 1991 a. 101; 1997 a. 27, 307; 1999 a. 87.

10 **SECTION 134.** 230.25 (1n) (b) of the statutes is amended to read:

11 230.25 (1n) (b) The ~~administrator~~ secretary may certify names under par. (a)
12 1. or 2. only if an agency requests expanded certification in order to comply with an
13 approved affirmative action plan or program. The ~~administrator~~ secretary may
14 certify names under par. (a) 3. only if an agency requests expanded certification in
15 order to hire persons with a disability.

History: 1971 c. 270 ss. 45, 48; Stats. 1971 s. 16.20; 1977 c. 196 ss. 50, 115, 130 (5), 131; 1977 c. 273; Stats. 1977 s. 230.25; 1983 a. 27; 1985 a. 29; 1987 a. 32; 1991 a. 101; 1997 a. 27, 307; 1999 a. 87.

16 **SECTION 135.** 230.25 (2) of the statutes is amended to read:

17 230.25 (2) (a) When certifying names to appointing authorities under this
18 section, the ~~administrator~~ secretary shall specify whether the certification includes
19 qualifying veterans or persons the hiring of whom would serve affirmative action
20 purposes, without divulging the names of those individuals. The ~~administrator~~
21 secretary shall not disclose any applicant's test score, with or without the addition
22 of veterans preference points under s. 230.16 (7), to the appointing authority.

1 (b) Unless otherwise provided in this subchapter or the rules of the
2 ~~administrator department~~, appointments shall be made by appointing authorities
3 to all positions in the classified service from among those certified to them in
4 accordance with this section. Appointments shall be made within 60 days after the
5 date of certification unless an exception is made by the ~~administrator~~ secretary. If
6 an appointing authority does not make an appointment within 60 days after
7 certification, he or she shall immediately report in writing to the ~~administrator~~
8 secretary the reasons therefor. If the ~~administrator~~ secretary determines that the
9 failure to make an appointment is not justified under the merit system, the
10 ~~administrator~~ secretary shall issue an order directing that an appointment be made.

History: 1971 c. 270 ss. 45, 48; Stats. 1971 s. 16.20; 1977 c. 196 ss. 50, 115, 130 (5), 131; 1977 c. 273; Stats. 1977 s. 230.25; 1983 a. 27; 1985 a. 29; 1987 a. 32; 1991 a. 101; 1997 a. 27, 307; 1999 a. 87.

11 **SECTION 136.** 230.25 (3) of the statutes is amended to read:

12 230.25 (3) (a) Subject to par. (b), the term of eligibility on original entrance and
13 promotional registers is 6 months and thereafter the register expires but may be
14 reactivated by the ~~administrator~~ secretary for up to 3 years from the date of the
15 establishment of the register. Except as provided in ss. 230.28 and 230.34, the
16 eligibility of individuals for reinstatement is 5 years and the eligibility of individuals
17 for restoration is 3 years.

18 (b) The ~~administrator~~ secretary may allow a register to expire after 3 months,
19 but only after considering the impact of such an action on the policy of this state to
20 provide for equal employment opportunity and to take affirmative action, as
21 specified in s. 230.01 (2).

History: 1971 c. 270 ss. 45, 48; Stats. 1971 s. 16.20; 1977 c. 196 ss. 50, 115, 130 (5), 131; 1977 c. 273; Stats. 1977 s. 230.25; 1983 a. 27; 1985 a. 29; 1987 a. 32; 1991 a. 101; 1997 a. 27, 307; 1999 a. 87.

22 **SECTION 137.** 230.25 (4) of the statutes is amended to read:

1 230.25 (4) (a) The ~~administrator~~ secretary may establish a new and separate
2 register for a specific position or class only when in the ~~administrator's~~ secretary's
3 judgment there is no appropriate existing register from which appointments may be
4 made.

5 (b) The ~~administrator~~ secretary may establish separate registers for various
6 geographic areas of the state if the needs of the service so require, provided proper
7 publicity has been given of the intent to establish such registers.

History: 1971 c. 270 ss. 45, 48; Stats. 1971 s. 16.20; 1977 c. 196 ss. 50, 115, 130 (5), 131; 1977 c. 273; Stats. 1977 s. 230.25; 1983 a. 27; 1985 a. 29; 1987 a. 32; 1991 a. 101; 1997 a. 27, 307; 1999 a. 87.

8 **SECTION 138.** 230.25 (5) of the statutes is amended to read:

9 230.25 (5) Notwithstanding sub. (2) (a), if an appointing authority elects to
10 appoint a disabled veteran to a vacant position on a noncompetitive basis under s.
11 230.275 and the appointing authority has requested a certification for the position,
12 the ~~administrator~~ secretary shall provide the appointing authority the names of all
13 disabled veterans certified for appointment to the position and who satisfy the
14 condition specified in s. 230.275 (1) (a) and the names of all such disabled veterans
15 who are on any other employment register that is identified by the appointing
16 authority.

History: 1971 c. 270 ss. 45, 48; Stats. 1971 s. 16.20; 1977 c. 196 ss. 50, 115, 130 (5), 131; 1977 c. 273; Stats. 1977 s. 230.25; 1983 a. 27; 1985 a. 29; 1987 a. 32; 1991 a. 101; 1997 a. 27, 307; 1999 a. 87.

17 **SECTION 139.** 230.26 (1) of the statutes is amended to read:

18 230.26 (1) The ~~administrator~~ secretary may provide by rule for selection and
19 appointment for limited term appointments, which are provisional appointments or
20 appointments for less than 1,044 hours per year.

History: 1971 c. 270 ss. 54, 55; Stats. 1971 s. 16.21; 1975 c. 147 s. 54; 1977 c. 196 s. 51; Stats. 1977 s. 230.26; 1979 c. 97; 1979 c. 221 ss. 732, 909; 1981 c. 20, 26; 1983 a. 27 ss. 1613, 1614, 2202 (15); 1985 a. 332; 1997 a. 39, 307; 2001 a. 16.

21 **SECTION 140.** 230.26 (1m) (b) of the statutes is amended to read:

1 230.26 (1m) (b) The ~~administrator~~ secretary may waive the prohibition under
2 par. (a) if the appointed person's permanent work site is located outside this state.

History: 1971 c. 270 ss. 54, 55; Stats. 1971 s. 16.21; 1975 c. 147 s. 54; 1977 c. 196 s. 51; Stats. 1977 s. 230.26; 1979 c. 97; 1979 c. 221 ss. 732, 909; 1981 c. 20, 26; 1983 a. 27 ss. 1613, 1614, 2202 (15); 1985 a. 332; 1997 a. 39, 307; 2001 a. 16.

3 **SECTION 141.** 230.26 (2) of the statutes is amended to read:

4 230.26 (2) If there are urgent reasons for filling a vacancy in any position in
5 the classified service and the ~~administrator~~ secretary is unable to certify to the
6 appointing authority, upon requisition by the latter, a list of persons eligible for
7 appointment from an appropriate employment register, the appointing authority
8 may nominate a person to the ~~administrator~~ secretary for noncompetitive examination. If the
9 nominee is certified by the ~~administrator~~ secretary as qualified, the nominee may be
10 appointed provisionally to fill the vacancy until an appointment can be made from
11 a register established after announcement of competition for the position, except
12 that no provisional appointment may be continued for more than 45 working days
13 after the date of certification from the register. Successive appointments may not be
14 made under this subsection. This subsection does not apply to a person appointed
15 to a vacant position in the classified service under s. 230.275.

History: 1971 c. 270 ss. 54, 55; Stats. 1971 s. 16.21; 1975 c. 147 s. 54; 1977 c. 196 s. 51; Stats. 1977 s. 230.26; 1979 c. 97; 1979 c. 221 ss. 732, 909; 1981 c. 20, 26; 1983 a. 27 ss. 1613, 1614, 2202 (15); 1985 a. 332; 1997 a. 39, 307; 2001 a. 16.

16 **SECTION 142.** 230.26 (5) of the statutes is amended to read:

17 230.26 (5) If the ~~administrator~~ secretary determines that an agency is not in
18 compliance with the requirements of, or rules related to, sub. (1), (1m) or (2)
19 regarding a particular employee, the ~~administrator~~ secretary shall direct the
20 appointing authority to terminate the employee.

History: 1971 c. 270 ss. 54, 55; Stats. 1971 s. 16.21; 1975 c. 147 s. 54; 1977 c. 196 s. 51; Stats. 1977 s. 230.26; 1979 c. 97; 1979 c. 221 ss. 732, 909; 1981 c. 20, 26; 1983 a. 27 ss. 1613, 1614, 2202 (15); 1985 a. 332; 1997 a. 39, 307; 2001 a. 16.

21 **SECTION 143.** 230.27 (1m) (b) of the statutes is amended to read:

22 230.27 (1m) (b) The ~~administrator~~ secretary may waive the prohibition under
23 par. (a) if there is a critical need for employees in a specific classification or position

1 or a critical shortage of residents of this state possessing the skills or qualifications
2 required for a position.

3 History: 1977 c. 196; 1979 c. 221; 1981 c. 26, 140; 1983 a. 27, 192; 1985 a. 29; 1991 a. 101; 1997 a. 307.

3 **SECTION 144.** 230.27 (2) of the statutes is amended to read:

4 230.27 (2) Subject to s. 230.275, the ~~administrator~~ secretary may provide by
5 rule for the selection and appointment of a person to a project position.

6 History: 1977 c. 196; 1979 c. 221; 1981 c. 26, 140; 1983 a. 27, 192; 1985 a. 29; 1991 a. 101; 1997 a. 307.

6 **SECTION 145.** 230.275 (1) (intro.) of the statutes is amended to read:

7 230.275 (1) (intro.) Whenever a vacancy occurs in a position in the classified
8 service that is determined by the ~~administrator~~ secretary to be a nonprofessional
9 position or in an entry professional position under s. 230.22, the appointing authority
10 may appoint a disabled veteran on a noncompetitive basis if all of the following occur:

11 History: 1997 a. 307.

11 **SECTION 146.** 230.275 (1) (d) of the statutes is amended to read:

12 230.275 (1) (d) The appointing authority notifies the ~~administrator~~ secretary
13 in writing that the position is to be filled with a disabled veteran on a noncompetitive
14 basis.

15 History: 1997 a. 307.

15 **SECTION 147.** 230.28 (1) (a) of the statutes is amended to read:

16 230.28 (1) (a) All original and all promotional appointments to permanent,
17 sessional and seasonal positions, with the exception of those positions designated as
18 supervisor or management under s. 111.81, in the classified service shall be for a
19 probationary period of 6 months, but the ~~administrator~~ secretary at the request of
20 the appointing authority and in accordance with the rules related thereto may
21 extend any such period for a maximum of 3 additional months. Dismissal may be
22 made at any time during such periods. Upon such dismissal, the appointing
23 authority shall report to the ~~administrator~~ secretary and to the employee removed,

1 the dismissal and the reason therefor. The ~~administrator~~ secretary may remove an
 2 employee during the employee’s probationary period if the ~~administrator~~ secretary
 3 finds, after giving notice and an opportunity to be heard, that such employee was
 4 appointed as a result of fraud or error.

History: 1971 c. 270, 336; 1977 c. 196 ss. 52, 117, 130 (4), (5), 131; 1977 c. 273; Stats. 1977 s. 230.28; 1979 c. 221; 1983 a. 402; 1989 a. 144; 1997 a. 112; 1999 a. 9.

5 **SECTION 148.** 230.28 (1) (b) of the statutes is amended to read:

6 230.28 (1) (b) The ~~administrator~~ secretary may authorize a longer
 7 probationary period not to exceed 2 years for any administrative, technical or
 8 professional position, in order to provide the appointing authority assurance that the
 9 employee has had adequate exposure to the various responsibilities which are a part
 10 of the position or classification.

History: 1971 c. 270, 336; 1977 c. 196 ss. 52, 117, 130 (4), (5), 131; 1977 c. 273; Stats. 1977 s. 230.28; 1979 c. 221; 1983 a. 402; 1989 a. 144; 1997 a. 112; 1999 a. 9.

11 **SECTION 149.** 230.28 (1) (bm) (intro.) of the statutes is amended to read:

12 230.28 (1) (bm) (intro.) At the request of an appointing authority and an
 13 employee, the ~~administrator~~ secretary may authorize, at any time before the
 14 completion of the probationary period, an extended probationary period of up to one
 15 additional year for an individual with a disability, as defined in s. 111.32 (8), who is
 16 the employee to allow the employee to do any of the following:

History: 1971 c. 270, 336; 1977 c. 196 ss. 52, 117, 130 (4), (5), 131; 1977 c. 273; Stats. 1977 s. 230.28; 1979 c. 221; 1983 a. 402; 1989 a. 144; 1997 a. 112; 1999 a. 9.

17 **SECTION 150.** 230.28 (1) (c) of the statutes is amended to read:

18 230.28 (1) (c) Upon request by the appointing authority, the ~~administrator~~
 19 secretary may waive any portion of the lengthened probationary period but in no case
 20 before a 6-month probationary period has been served.

History: 1971 c. 270, 336; 1977 c. 196 ss. 52, 117, 130 (4), (5), 131; 1977 c. 273; Stats. 1977 s. 230.28; 1979 c. 221; 1983 a. 402; 1989 a. 144; 1997 a. 112; 1999 a. 9.

21 **SECTION 151.** 230.28 (3) of the statutes is amended to read:

22 230.28 (3) If an employee is removed from a position during the probationary
 23 period, and the ~~administrator~~ secretary determines that the person is suitable for

1 appointment to another position, the person's name may be restored to the list from
2 which it was certified.

3 History: 1971 c. 270, 336; 1977 c. 196 ss. 52, 117, 130 (4), (5), 131; 1977 c. 273; Stats. 1977 s. 230.28; 1979 c. 221; 1983 a. 402; 1989 a. 144; 1997 a. 112; 1999 a. 9.

3 **SECTION 152.** 230.28 (4) of the statutes is amended to read:

4 230.28 (4) A person reinstated in an employing unit other than one in which
5 the person previously served in permanent status in the class in which the person
6 is being reinstated, or an employee who transfers from one employing unit to another
7 or an employee who moves to a different employing unit in conjunction with a
8 voluntary demotion, may be required by the appointing authority to serve a
9 probationary period. Provisions for the duration of such probationary period shall
10 be provided in the rules of the ~~administrator~~ department.

11 History: 1971 c. 270, 336; 1977 c. 196 ss. 52, 117, 130 (4), (5), 131; 1977 c. 273; Stats. 1977 s. 230.28; 1979 c. 221; 1983 a. 402; 1989 a. 144; 1997 a. 112; 1999 a. 9.

11 **SECTION 153.** 230.29 (1) of the statutes is amended to read:

12 230.29 (1) Subject to sub. (2), a transfer may be made from one position to
13 another only if specifically authorized by the ~~administrator~~ secretary.

14 History: 1971 c. 270; 1977 c. 196 ss. 54, 130 (5); Stats. 1977 s. 230.29; 1995 a. 27.

14 **SECTION 154.** 230.30 of the statutes is amended to read:

15 **230.30 Employing units; establishment and revision.** (1) Each agency
16 shall constitute an employing unit for purposes of personnel transactions, except
17 where appropriate functional, organizational or geographic breakdowns exist within
18 the agency and except as provided in sub. (2). These breakdowns may constitute a
19 separate employing unit for one or more types of personnel transactions under an
20 overall employing unit plan if requested by the appointing authority of that agency
21 and approved by the ~~administrator~~ secretary. If the ~~administrator~~ secretary
22 determines, after conferring with the appointing authority of the employing agency,
23 that an employing unit is or has become inappropriate to carry out sound personnel
24 management practices due to factors including, but not limited to, the size or isolated

1 location of portions of the employing unit, the ~~administrator~~ secretary may revise the
2 employing unit structure of the agency to effect the remedy required.

3 (2) The division of gaming in the department ~~of administration~~ shall constitute
4 a separate employing unit for purposes of personnel transactions.

History: 1979 c. 221; 1997 a. 27.

5 **SECTION 155.** 230.31 (1) (b) of the statutes is amended to read:

6 230.31 (1) (b) For a 3-year period from the date of separation, if on layoff status,
7 the person shall be placed, in inverse order of layoff, on an appropriate mandatory
8 restoration register for the unit used for layoff and on a restoration register for the
9 agency from which the person was laid off. Use of such registers shall be subject to
10 the rules of the ~~administrator~~ department.

History: 1971 c. 270 s. 60; Stats. 1971 s. 16.25; 1977 c. 196 ss. 56, 130 (5); 1977 c. 273, 418; Stats. 1977 s. 230.31; 1979 c. 32; 1981 c. 140; 1997 a. 307.

11 **SECTION 156.** 230.31 (2) of the statutes is amended to read:

12 230.31 (2) The ~~administrator~~ secretary may also provide for the reinstatement
13 of persons who have served in seasonal and sessional employment and for persons
14 who separate from a position while serving a probationary period.

History: 1971 c. 270 s. 60; Stats. 1971 s. 16.25; 1977 c. 196 ss. 56, 130 (5); 1977 c. 273, 418; Stats. 1977 s. 230.31; 1979 c. 32; 1981 c. 140; 1997 a. 307.

15 **SECTION 157.** 230.32 (4) of the statutes is amended to read:

16 230.32 (4) Any person appointed to fill the position of an employee on such
17 military or civilian leave shall be designated as a substitute or replacement employee
18 and upon the return and reemployment of the original employee the substitute
19 employee shall be transferred to a similar position with the same employing agency
20 if one is available, or if not, he or she shall be eligible for reinstatement or have the
21 right of restoration in accordance with this subchapter and the rules of the
22 ~~administrator~~ department. The status of any person who is appointed to fill the place

1 of an employee on military or civilian leave under this section shall be governed by
2 the rules of the ~~administrator~~ department pursuant thereto.

History: 1971 c. 270 ss. 73, 74; Stats. 1971 s. 16.26; 1977 c. 196 ss. 56, 130 (5); 1977 c. 273; 1977 c. 418 s. 924 (13m); Stats. 1977 s. 230.32; 1981 c. 96 s. 67; 1981 c. 140; 1983 a. 27 s. 2200 (15); 2001 a. 26.

3 **SECTION 158.** 230.32 (5) of the statutes is amended to read:

4 230.32 (5) The restoration of classified former employees of the state shall be
5 governed by this section and by the rules of the ~~administrator~~ department.

History: 1971 c. 270 ss. 73, 74; Stats. 1971 s. 16.26; 1977 c. 196 ss. 56, 130 (5); 1977 c. 273; 1977 c. 418 s. 924 (13m); Stats. 1977 s. 230.32; 1981 c. 96 s. 67; 1981 c. 140; 1983 a. 27 s. 2200 (15); 2001 a. 26.

6 **SECTION 159.** 230.34 (2) (b) of the statutes is amended to read:

7 230.34 (2) (b) The ~~administrator~~ secretary shall promulgate rules governing
8 layoffs and appeals therefrom and alternative procedures in lieu of layoff to include
9 voluntary and involuntary demotion and the exercise of a displacing right to a
10 comparable or lower class, as well as the subsequent employee right of restoration
11 or eligibility for reinstatement.

History: 1971 c. 270 ss. 61, 76; Stats. 1971 s. 16.28; 1975 c. 189, 200; 1977 c. 196 ss. 56, 130 (3), (5); 1977 c. 273; Stats. 1977 s. 230.34; 1979 c. 221; 1981 c. 140; 1983 a. 27 s. 2200 (15); 1989 a. 31; 1999 a. 102.

12 **SECTION 160.** 230.34 (2m) of the statutes is amended to read:

13 230.34 (2m) Employees in positions funded by nonstate funds made available
14 contingent on special employee eligibility requirements such as length of prior
15 unemployment, specific occupational disadvantages or need for remedial work
16 experience, shall be exempt from inclusion with the employees whose positions are
17 in classes considered for layoff under sub. (2). In the case of reduction in force in such
18 nonstate funded positions, layoffs and layoff procedures established pursuant to the
19 rules of the ~~administrator~~ department may be limited to employees whose positions
20 are dependent upon specific funding contingencies.

History: 1971 c. 270 ss. 61, 76; Stats. 1971 s. 16.28; 1975 c. 189, 200; 1977 c. 196 ss. 56, 130 (3), (5); 1977 c. 273; Stats. 1977 s. 230.34; 1979 c. 221; 1981 c. 140; 1983 a. 27 s. 2200 (15); 1989 a. 31; 1999 a. 102.

21 **SECTION 161.** 230.34 (3) of the statutes is amended to read:

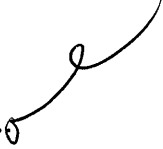
1 230.34 (3) The appointing authority shall confer with the administrator
 2 secretary relative to a proposed layoff a reasonable time before the effective date
 3 thereof in order to assure compliance with the rules.

History: 1971 c. 270 ss. 61, 76; Stats. 1971 s. 16.28; 1975 c. 189, 200; 1977 c. 196 ss. 56, 130 (3), (5); 1977 c. 273; Stats. 1977 s. 230.34; 1979 c. 221; 1981 c. 140; 1983 a. 27 s. 2200 (15); 1989 a. 31; 1999 a. 102.

4 **SECTION 162.** 230.40 (6) of the statutes is repealed. /

5 **SECTION 163.** 230.44 (1) (a) of the statutes is repealed. /

6

SECTION 164. 230.44 (1) (b) of the statutes is renumbered 230.44 (1) (b) 1. 

7 **SECTION 165.** 230.44 (1) (b) 2. of the statutes is created to read:

8 230.44 (1) (b) 2. Appeal of a personnel decision under this subchapter made by
 9 the secretary or by an appointing authority under authority delegated by the
 10 secretary under s. 230.05 (2). ✓

11 **SECTION 166.** 230.44 (1) (dm) of the statutes is amended to read:

12 230.44 (1) (dm) *Noncompetitive appointment of certain disabled veterans.* A
 13 personnel action under s. 230.275 by an appointing authority that is alleged to be
 14 illegal or an abuse of discretion. The ~~administrator and the~~ department may not be
 15 a party to any such appeal.

History: 1977 c. 196; 1979 c. 221; 1981 c. 140; 1983 a. 27; 1989 a. 31; 1991 a. 269; 1993 a. 16; 1995 a. 27; 1997 a. 307; 1999 a. 102.

16 **SECTION 167.** 230.45 (1) (h) of the statutes is amended to read:

17 230.45 (1) (h) Keep minutes of its own proceedings and other official actions.
 18 All such records shall, subject to reasonable rules, be open to public inspection.
 19 Records of the secretary ~~or the administrator~~ which are confidential shall be kept
 20 confidential by the commission.

History: 1977 c. 196; 1979 c. 221; 1981 c. 334 s. 25 (2); 1981 c. 360; 1983 a. 27, 398, 409; 1987 a. 140, 331; 1987 a. 403 s. 256; 1989 a. 56 s. 259; 1991 a. 39; 1993 a. 16; 1995 a. 27; 1997 a. 131, 216; 1999 a. 176; 2001 a. 26, 38.

21 **SECTION 168.** 230.45 (1) (i) of the statutes is amended to read:

1 230.45 (1) (i) Adopt rules necessary to carry out this section. Notice of the
2 contents of such rules and amendments thereto shall be given promptly to the
3 secretary, ~~the administrator~~ and appointing authorities affected thereby.

History: 1977 c. 196; 1979 c. 221; 1981 c. 334 s. 25 (2); 1981 c. 360; 1983 a. 27, 398, 409; 1987 a. 140, 331; 1987 a. 403 s. 256; 1989 a. 56 s. 259; 1991 a. 39; 1993 a. 16; 1995 a. 27; 1997 a. 131, 216; 1999 a. 176; 2001 a. 26, 38.

4 **SECTION 169.** 230.45 (3) of the statutes is amended to read:

5 230.45 (3) The commission shall promulgate rules establishing a schedule of
6 filing fees to be paid by any person who files an appeal under sub. (1) (c) or (e) or s.
7 230.44 (1) (a) [✓] or (b) with the commission on or after the effective date of the rules
8 promulgated under this subsection. Fees paid under this subsection shall be
9 deposited in the general fund as general purpose revenue – earned.

History: 1977 c. 196; 1979 c. 221; 1981 c. 334 s. 25 (2); 1981 c. 360; 1983 a. 27, 398, 409; 1987 a. 140, 331; 1987 a. 403 s. 256; 1989 a. 56 s. 259; 1991 a. 39; 1993 a. 16; 1995 a. 27; 1997 a. 131, 216; 1999 a. 176; 2001 a. 26, 38.

10 **SECTION 170.** 233.10 (3) (c) 4. of the statutes is amended to read:

11 233.10 (3) (c) 4. Grant to the carry-over employee military leave, treatment of
12 military leave, jury service leave and voting leave in accordance with s. 230.35 (3)
13 and (4) (e) and, to the extent applicable, rules of the department of employment
14 relations administration governing such leaves for employees in the classified
15 service as of the last day of the employee's employment as a state employee if the
16 employee was entitled to those benefits on that day.

History: 1995 a. 27; 1997 a. 252; 2001 a. 16, 103.

17 **SECTION 171.** 233.10 (4) of the statutes is amended to read:

18 233.10 (4) Notwithstanding the requirement that an employee be a state
19 employee, a carry-over employee of the authority who was employed in a position in
20 the classified service immediately prior to beginning employment with the authority
21 shall, from June 29, 1996, to June 30, 1997, have the same transfer rights under s.

1 230.29 and the rules of the department of ~~employment relations~~ administration
2 governing transfers as a person who holds a position in the classified service.

History: 1995 a. 27; 1997 a. 252; 2001 a. 16, 103.

3 **SECTION 172.** 301.16 (1o) (b) of the statutes is amended to read:

4 301.16 (1o) (b) In the selection of classified service employees of the institution
5 specified in par. (a), the appointing authority shall, whenever possible, use the
6 expanded certification program under rules of the ~~administrator of the division of~~
7 ~~merit recruitment and selection in the~~ department of ~~employment relations~~
8 administration to ensure that employees of the institution reflect the general
9 population of either the county in which the institution is located or the most
10 populous county contiguous to the county in which the institution is located,
11 whichever population is greater. The ~~administrator of the division of merit~~
12 ~~recruitment and selection in the department of employment relations~~ secretary of
13 administration shall provide guidelines for the administration of this selection
14 procedure.

History: 1979 c. 221; 1981 c. 20, 317, 387; 1983 a. 16; 1983 a. 27 ss. 953p, 953r, 2200 (15); 1985 a. 29; 1987 a. 5; 1989 a. 31 ss. 964, 964m; Stats. 1989 s. 301.16; 1991
a. 39; 1995 a. 27; 1997 a. 27; 1999 a. 9; 2001 a. 16, 103.

15 **SECTION 173.** 895.65 (2) of the statutes is amended to read:

16 895.65 (2) An employee may bring an action in circuit court against his or her
17 employer or employer's agent, including this state, if the employer or employer's
18 agent retaliates, by engaging in a disciplinary action, against the employee because
19 the employee exercised his or her rights under the first amendment to the U.S.
20 constitution or article I, section 3, of the Wisconsin constitution by lawfully disclosing
21 information or because the employer or employer's agent believes the employee so
22 exercised his or her rights. The employee shall bring the action within 2 years after
23 the action allegedly occurred or after the employee learned of the action, whichever

1 occurs last. No employee may bring an action against the department of employment
2 relations administration as an employer's agent.

3 History: 1983 a. 409; 1985 a. 135; 1995 a. 27; 1997 a. 237.

3 **SECTION 174.** 938.538 (6m) (b) of the statutes is amended to read:

4 938.538 (6m) (b) In the selection of classified service employees for a secured
5 correctional facility authorized under 1993 Wisconsin Act 377, section 9108 (1) (a),
6 the appointing authority shall make every effort to use the expanded certification
7 program under s. 230.25 (1n) or rules of the ~~administrator of the division of merit~~
8 ~~recruitment and selection in the~~ department of employment ~~relations~~
9 administration to ensure that the percentage of employees who are minority group
10 members approximates the percentage of the juveniles placed at that secured
11 correctional facility who are minority group members. The ~~administrator of the~~
12 ~~division of merit recruitment and selection in the department of employment~~
13 ~~relations~~ secretary of administration shall provide guidelines for the administration
14 of this selection procedure.

15 History: 1995 a. 77, 352; 1997 a. 27, 35; 2001 a. 16, 59.

15 **SECTION 175.** 978.12 (1) (c) of the statutes is amended to read:

16 978.12 (1) (c) *Assistant district attorneys.* Assistant district attorneys shall be
17 employed outside the classified service. For purposes of salary administration, the
18 secretary of employment ~~relations~~ administration shall establish one or more
19 classifications for assistant district attorneys in accordance with the classification
20 or classifications allocated to assistant attorneys general. Except as provided in s.
21 111.93 (3), the salaries of assistant district attorneys shall be established and
22 adjusted in accordance with the state compensation plan for assistant attorneys

1 general whose positions are allocated to the classification or classifications
2 established by the secretary of employment relations administration.

History: 1989 a. 31, 117, 336; 1991 a. 32, 39; 1993 a. 294; 1999 a. 9, 85.

3 **SECTION 91XX. Nonstatutory provisions;**

employment relations department
Department
(B)

4 (1) TRANSFER OF FUNCTIONS OF THE DEPARTMENT OF EMPLOYMENT RELATIONS TO THE
5 DEPARTMENT OF ADMINISTRATION.

6 (a) *Assets and liabilities*. On the effective date of this paragraph, all assets and
7 liabilities of the department of employment relations shall become the assets and
8 liabilities of the department of administration.

9 (b) *Tangible personal property*. On the effective date of this paragraph, all
10 tangible personal property, including records, of the department of employment
11 relations ~~are~~ transferred to the department of administration.

12 (c) *Contracts*. All contracts entered into by the department of employment
13 relations ~~which~~ ^{that} are in effect on the effective date of this paragraph remain in effect
14 and are transferred to the department of administration. The department of
15 administration shall carry out any ~~such contractual obligations~~ ^{obligations under such a contract} until ~~modified or~~ ^{the contract is}
16 rescinded by the department of administration to the extent allowed under the
17 contract.

18 (d) *Rules and orders*. All rules promulgated by the department of employment
19 relations that are in effect on the effective date of this paragraph remain in effect
20 until their specified expiration dates or until amended or repealed by the department
21 of administration. All orders issued by the department of employment relations that
22 are in effect on the effective date of this paragraph remain in effect until their
23 specified expiration dates or until modified or rescinded by the department of
24 administration.

1 (e) *Pending matters.* Any matter pending with the department of employment
2 relations on the effective date of this paragraph is transferred to the department of
3 administration and all materials submitted to or actions taken by the department
4 of employment relations with respect to the pending matter are considered as having
5 been submitted to or taken by the department of administration.

6 (END)

LPS:
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9-19

Section #. 20.512 (1) (a) of the statutes is renumbered 20.505 (1) (ac) and amended to read:

(title)

; administration of civil service system (I)

20.505 (1) (ac) *General program operations*. The amounts in the schedule for administration of the civil service system under ch. 230 and for paying awards under s. 230.48 and to defray the expenses of the state employees suggestion board.

History: 1977 c. 196, 418; 1979 c. 34; 1981 c. 20; 1983 a. 27; 1985 a. 29; 1987 a. 27, 399; 1989 a. 31; 1991 a. 32, 39; 1995 a. 27, 201; 1997 a. 237; 1999 a. 9.

20.505 (1) (ac) (title), as renumbered, is

10-6

comma

Section #. 20.512 (2) (a) of the statutes is renumbered 20.505 (1) (ar) and amended to read:

(title)

; Council on affirmative action (I)

20.505 (1) (ar) General program operations. ~~The amounts in the schedule for the general program operations of the council on affirmative action.~~

History: 1977 c. 196, 418; 1979 c. 34; 1981 c. 20; 1983 a. 27; 1985 a. 29; 1987 a. 27, 399; 1989 a. 31; 1991 a. 32, 39; 1995 a. 27, 201; 1997 a. 237; 1999 a. 9.

(+title)

20.505(1)(ar), as

renumbered, as

32-8

Use twice

Section #. 230.08 (2) (c) of the statutes is amended to read:

Secretary
Secretary
~~Administrator~~

230.08 (2) (c) The director, associate director and state historian of the historical society; and, with the approval of the board of curators and the administrator, such number of specialists as are required by the society for specific research, writing, collecting or editing projects which for a limited period of time not to exceed 2 years, renewable at the discretion of the board of curators and the administrator for an additional 2-year period, require persons with particular training or experience in a specialized phase or field of history, historical research, writing, collecting or editing, and any persons whose entire salary is paid from funds reappropriated to the society by s. 20.245 (1) (g) where competitive examination is impractical.

History: 1971 c. 40, 270; 1973 c. 333, 335; 1977 c. 29, 187; 1977 c. 196 ss. 34, 108, 130 (5); 1977 c. 272, 418, 449; Stats. 1977 s. 230.08; 1979 c. 34, 189, 221, 356, 361; 1981 c. 20, 347, 374; 1983 a. 27 ss. 1605o to 1609am, 2200 (15); 1983 a. 189 s. 329 (27); 1983 a. 371, 378; 1985 a. 29; 1987 a. 27, 119, 204, 354, 399, 403; 1989 a. 31, 107, 119, 122, 169, 208, 219, 336; 1991 a. 39, 250, 269; 1993 a. 16, 349, 399; 1995 a. 27 ss. 6245 to 6277m, 9126 (19), 9130 (4); 1995 a. 216; 1997 a. 3, 27, 179, 194, 237; 1999 a. 9, 42, 87, 186; 2001 a. 16, 19, 109.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0576/1dn
RAC:.....

Dan Caucutt:

As drafted, the abolition of DER and the transfer of its powers and duties occurs on the effective date of the biennial budget act. Is this your intent? ✓

Also, per your request, I did not transfer any of the DER employees to DOA. As a result, DOA will be able to fill its new employment relations positions from former DER employees or other employees, subject, of course, to any reinstatement or restoration rights or privileges the DER employees might have under applicable collective bargaining agreements or under ch. 230. ✓

Rick A. Champagne
Senior Legislative Attorney
Phone: (608) 266-9930
E-mail: rick.champagne@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0576/1dn
RAC:cjs:rs

November 7, 2002

Dan Caucutt:

As drafted, the abolition of DER and the transfer of its powers and duties occurs on the effective date of the biennial budget act. Is this your intent?

Also, per your request, I did not transfer any of the DER employees to DOA. As a result, DOA will be able to fill its new employment relations positions from former DER employees or other employees, subject, of course, to any reinstatement or restoration rights or privileges the DER employees might have under applicable collective bargaining agreements or under ch. 230.

Rick A. Champagne
Senior Legislative Attorney
Phone: (608) 266-9930
E-mail: rick.champagne@legis.state.wi.us

Champagne, Rick

From: Kranz, Jonathan
Sent: Friday, January 03, 2003 10:59 AM
To: Champagne, Rick
Cc: Caucutt, Dan
Subject: RE: LRB Draft: 03-0576/1 Department of Employment Relations merger into the Department of Administration

The effective date for the transfer of DER into DOA should be within 90 days of the effective date of the budget bill. This date should be used for the personnel commission as well.

We'll get back to you if the authorized DOA unclassified position authority should be increased to accommodate the consolidation of DER into DOA.

Thanks.

-----Original Message-----

From: Champagne, Rick
Sent: Friday, January 03, 2003 7:11 AM
To: Kranz, Jonathan
Subject: RE: LRB Draft: 03-0576/1 Department of Employment Relations merger into the Department of Administration

I'll take care of this for you, Jon. Also, I'll do the Personnel Commission draft as a separate draft.

-----Original Message-----

From: Kranz, Jonathan
Sent: Monday, December 30, 2002 2:16 PM
To: Champagne, Rick
Cc: Caucutt, Dan
Subject: FW: LRB Draft: 03-0576/1 Department of Employment Relations merger into the Department of Administration

Rick,

We are requesting the following changes to the below draft:

- 1) DER employees should be transferred to DOA as part of the consolidation
- 2) The Secretary, Deputy Secretary, Exec assistant, and the two unclassified division administrators should be eliminated (it appears that the first draft has already eliminated the Merit Recruitment and Selection administrator position)
- 3) Eliminate the personnel commission
 - Statutes should be revised to shift responsibility for items under 230.45 (complaints against the State as an employer) to the equal rights division in the Department of Workforce Development
 - Statutes should be revised to shift responsibility for items under 230.44 (appeals of certain kinds of personnel transactions related to examinations, classification of positions, disciplinary actions against non-reps, and appointment decisions) and 230.45 (1) (c-e) (appeals of non-contractual grievances as the final step, hazardous employment benefit decisions, and appeals under the county merit system) to the Wisconsin Employment Relations Commission.
 - The commission should be dissolved including the elimination of the commissioners.
 - No transfer of staff to other agencies

Please let me know if you discover any items that are not covered above.

Thanks for your assistance. Please contact me if you have any questions.

Jon Kranz
State Budget Office
6-8777

-----Original Message-----

From: Caucutt, Dan

Sent: Monday, December 30, 2002 11:18 AM
To: Kranz, Jonathan
Subject: FW: LRB Draft: 03-0576/1 Department of Employment Relations merger into the Department of Administration

-----Original Message-----

From: Schlueter, Ron
Sent: Thursday, November 07, 2002 12:46 PM
To: Caucutt, Dan
Cc: Uecker, Deborah; Hanaman, Cathlene; Haugen, Caroline
Subject: LRB Draft: 03-0576/1 Department of Employment Relations merger into the Department of Administration

Following is the PDF version of draft 03-0576/1.

<< File: 03-0576/1 >> << File: 03-0576/1dn >>