



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-0576/8
RAC:cjs/wlj/kmg/jld:jf

DOA:.....Caucutt – BB0191, Department of Employment Relations merger
into the Department of Administration

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

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 (JCOER), 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. The bill also authorizes two additional unclassified division administrator positions in DOA as well as an unclassified position in the office of the secretary of administration to advise and assist the secretary on certain employment relations.

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).

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
25 file an affidavit with the chief clerk of his or her house certifying the specific dollar

1 amount within the authorized allowance the member wishes to receive. Such
2 affidavit, when filed, shall remain in effect for the biennial session.

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

4 13.20 (2) PAY RANGES; DURATION OF EMPLOYMENT. All legislative employees shall
5 be paid in accordance with the compensation and classification plan for employees
6 in the classified civil service within ranges approved by the joint committee on
7 legislative organization. The secretary of ~~employment relations~~ administration
8 shall make recommendations concerning a compensation and classification schedule
9 for legislative employees if requested to do so by the joint committee on legislative
10 organization or by the committee on organization of either house. If the joint
11 committee does not approve pay ranges for legislative employees, the committee on
12 organization of either house may approve pay ranges for its employees.
13 Appointments shall be made for the legislative session, unless earlier terminated by
14 the appointing officer.

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

16 13.48 (2) (j) No later than the first day of the 7th month after the effective date
17 of each biennial budget act, the secretary of ~~employment relations~~ administration
18 shall report to the building commission, in writing, regarding the desirability of
19 including plans for day care facility space in the plans for any construction or major
20 remodeling project, enumerated in the state building program in the biennial budget
21 act, for any state office building. Based upon the report of the secretary of
22 ~~employment relations~~ administration, the building commission may direct that
23 plans for day care facility space be included in the plans for that construction or
24 major remodeling project.

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

1 13.51 (2) (b) The secretary of ~~employment relations~~ administration or the
2 secretary's designee.

3 **SECTION 6.** 15.103 (3m) of the statutes is created to read:

4 15.103 (3m) DIVISION OF MERIT RECRUITMENT AND SELECTION. (a) There is created
5 in the department of administration a division of merit recruitment and selection.

6 (b) The chief justice of the supreme court, the speaker of the assembly, the
7 president of the senate, and two individuals appointed by the governor, one of whom
8 may not be employed by the state, or their designees, shall compile a list of 3 qualified
9 individuals to serve as the administrator of the division of merit recruitment and
10 selection in the department of administration. The governor shall select an
11 individual from this list to serve as administrator or the governor shall request that
12 the chief justice of the supreme court, the speaker of the assembly, the president of
13 the senate, and two individuals appointed by the governor, one of whom may not be
14 employed by the state, or their designees, submit another list of 3 qualified
15 individuals. The chief justice of the supreme court, the speaker of the assembly, the
16 president of the senate, and two individuals appointed by the governor, one of whom
17 may not be employed by the state, or their designees, shall continue to submit lists
18 of 3 qualified individuals until such time that the governor selects an individual from
19 a list. The individual selected shall be nominated by the governor and, with the
20 advice and consent of the senate, appointed for a 5-year term.

21 **SECTION 7.** 15.16 (1) (intro.) of the statutes is amended to read:

22 15.16 (1) EMPLOYEE TRUST FUNDS BOARD. (intro.) The employee trust funds
23 board shall consist of the governor or the governor's designee on the group insurance
24 board, the secretary of ~~employment relations~~ administration or the secretary's
25 designee and 11 persons appointed or elected for 4-year terms as follows:

1 **SECTION 8.** 15.165 (2) of the statutes is amended to read:

2 15.165 (2) **GROUP INSURANCE BOARD.** There is created in the department of
3 employee trust funds a group insurance board. The board shall consist of the
4 governor, the attorney general, the secretary of administration, ~~the secretary of~~
5 ~~employment relations~~ and the commissioner of insurance or their designees, and 5
6 persons appointed for 2-year terms, of whom one shall be an insured participant in
7 the Wisconsin retirement system who is not a teacher, one shall be an insured
8 participant in the Wisconsin retirement system who is a teacher, one shall be an
9 insured participant in the Wisconsin retirement system who is a retired employee,
10 and one shall be an insured employee of a local unit of government.

11 **SECTION 9.** 15.17 of the statutes is repealed.

12 **SECTION 10.** 15.173 of the statutes is repealed.

13 **SECTION 11.** 15.175 (title) of the statutes is repealed.

14 **SECTION 12.** 15.175 (1) of the statutes is renumbered 15.105 (25m) and
15 amended to read:

16 15.105 (25m) **STATE EMPLOYEES SUGGESTION BOARD.** There is created in the
17 department of ~~employment relations~~ administration a state employees suggestion
18 board consisting of 3 persons, at least one of whom shall be a state officer or employee,
19 appointed for 4-year terms.

20 **SECTION 13.** 15.177 (title) of the statutes is repealed.

21 **SECTION 14.** 15.177 (1) of the statutes is renumbered 15.105 (16m), and 15.105
22 (16m) (a), as renumbered, is amended to read:

23 15.105 (16m) (a) There is created in the department of ~~employment relations~~
24 administration a council on affirmative action consisting of 15 members appointed
25 for 3-year terms. A majority of the members shall be public members and a majority

1 of the members shall be minority persons, women and persons with a disability
2 appointed with consideration to the appropriate representation of each group.

3 **SECTION 15.** 16.004 (7) (a) of the statutes is amended to read:

4 16.004 (7) (a) The secretary shall establish and maintain a personnel
5 management information system which shall be used to furnish the governor, and
6 the legislature ~~and the department of employment relations~~ with current
7 information pertaining to authorized positions, payroll and related items for all civil
8 service employees, except employees of the office of the governor, the courts and
9 judicial branch agencies, and the legislature and legislative service agencies. It is
10 the intent of the legislature that the University of Wisconsin System provide position
11 and other information to the department and the legislature, which includes
12 appropriate data on each position, facilitates accountability for each authorized
13 position and traces each position over time. Nothing in this paragraph may be
14 interpreted as limiting the authority of the board of regents of the University of
15 Wisconsin System to allocate and reallocate positions by funding source within the
16 legally authorized levels.

17 **SECTION 16.** 16.40 (18) of the statutes is amended to read:

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

24 **SECTION 17.** 16.415 (1) of the statutes is amended to read:

1 16.415 (1) Neither the secretary nor any other fiscal officer of this state may
2 draw, sign, or issue, or authorize the drawing, signing, or issuing of any warrant on
3 the treasurer or other disbursing officer of the state to pay any compensation to any
4 person in the classified service of the state unless an estimate, payroll, or account for
5 such compensation, containing the names of every person to be paid, bears the
6 certificate of the appointing authority that each person named in the estimate,
7 payroll or account has been appointed, employed, or subject to any other personnel
8 transaction in accordance with, and that the pay for the person has been established
9 in accordance with, the law, compensation plan, or applicable collective bargaining
10 agreement, and applicable rules of the ~~secretary of employment relations~~ and the
11 administrator of the division of merit recruitment and selection in the department
12 ~~of employment relations~~ then in effect.

13 **SECTION 18.** 16.415 (3) of the statutes is amended to read:

14 16.415 (3) Any sums paid contrary to this section may be recovered from any
15 appointing authority making such appointments in contravention of law or of the
16 rules promulgated pursuant thereto, or from any appointing authority signing or
17 countersigning or authorizing the signing or countersigning of any warrant for the
18 payment of the same, or from the sureties on the official bond of any such appointing
19 authority, in an action in the circuit court for any county within the state, maintained
20 by the secretary of ~~employment relations~~ administration, or by a citizen resident
21 therein, who is assessed for, and liable to pay, or within one year before the
22 commencement of the action has paid, a state, city or county tax within this state.
23 All moneys recovered in any action brought under this section when collected, shall
24 be paid into the state treasury except that if a citizen taxpayer is plaintiff in any such

1 action he or she shall be entitled to receive for personal use the taxable cost of such
2 action and 5% of the amount recovered as attorney fees.

3 **SECTION 19.** 16.50 (3) of the statutes is amended to read:

4 **16.50 (3) LIMITATION ON INCREASE OF FORCE AND SALARIES.** No department, except
5 the legislature or the courts, may increase the pay of any employee, expend money
6 or incur any obligation except in accordance with the estimate that is submitted to
7 the secretary as provided in sub. (1) and approved by the secretary or the governor.
8 No change in the number of full-time equivalent positions authorized through the
9 biennial budget process or other legislative act may be made without the approval
10 of the joint committee on finance, except for position changes made by the governor
11 under s. 16.505 (1) (c) or (2), by the University of Wisconsin Hospitals and Clinics
12 Board under s. 16.505 (2n) or by the board of regents of the University of Wisconsin
13 System under s. 16.505 (2m) or (2p). The secretary may withhold, in total or in part,
14 the funding for any position, as defined in s. 230.03 (11), as well as the funding for
15 part-time or limited term employees until such time as the secretary determines
16 that the filling of the position or the expending of funds is consistent with s. 16.505
17 and with the intent of the legislature as established by law or in budget
18 determinations, or the intent of the joint committee on finance in creating or
19 abolishing positions under s. 13.10, the intent of the governor in creating or
20 abolishing positions under s. 16.505 (1) (c) or (2) or the intent of the board of regents
21 of the University of Wisconsin System in creating or abolishing positions under s.
22 16.505 (2m) or (2p). Until the release of funding occurs, recruitment or certification
23 for the position may not be undertaken. The secretary shall submit a quarterly
24 report to the joint committee on finance of any position changes made by the governor
25 under s. 16.505 (1) (c). No pay increase may be approved unless it is at the rate or

1 within the pay ranges prescribed in the compensation plan or as provided in a
2 collective bargaining agreement under subch. V of ch. 111. ~~At the request of the~~
3 ~~secretary of employment relations, the~~ The ~~secretary of administration~~ may
4 authorize the temporary creation of pool or surplus positions under any source of
5 funds if the secretary of ~~employment relations~~ determines that temporary positions
6 are necessary to maintain adequate staffing levels for high turnover classifications,
7 in anticipation of attrition, to fill positions for which recruitment is difficult. Surplus
8 or pool positions authorized by the secretary shall be reported quarterly to the joint
9 committee on finance in conjunction with the report required under s. 16.54 (8).

10 **SECTION 20.** 16.705 (3) (intro.) of the statutes is amended to read:

11 16.705 (3) (intro.) ~~Contracts for contractual services shall be submitted by the~~
12 ~~department for the review and approval of the~~ The ~~secretary of employment relations~~
13 prior to award, under conditions established by rule of ~~the department.~~ ~~The~~
14 ~~secretary of employment relations,~~ shall review such contracts for contractual
15 services in order to ensure that agencies:

16 **SECTION 21.** 19.45 (11) (a) of the statutes is amended to read:

17 19.45 (11) (a) The administrator of the division of merit recruitment and
18 selection in the department of ~~employment relations~~ administration shall, with the
19 board's advice, promulgate rules to implement a code of ethics for classified and
20 unclassified state employees except state public officials subject to this subchapter,
21 unclassified personnel in the University of Wisconsin System and officers and
22 employees of the judicial branch.

23 **SECTION 22.** 20.505 (1) (a) of the statutes is amended to read:

24 20.505 (1) (a) *General program operations.* The amounts in the schedule for
25 administrative supervision, policy and fiscal planning and management and

1 prosecution services and to defray the expenses incurred by the building commission
2 not otherwise appropriated and to administer the civil service system under ch. 230
3 and for paying awards under s. 230.48 and to defray the expenses of the state
4 employees suggestion board.

5 **SECTION 23.** 20.512 (intro.) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

6 **SECTION 24.** 20.512 (1) (title) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

7 **SECTION 25.** 20.512 (1) (a) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

8 **SECTION 26.** 20.512 (1) (i) of the statutes, as affected by 2003 Wisconsin Act ...
9 (this act), is renumbered 20.505 (1) (ic).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

10 **SECTION 27.** 20.512 (1) (j) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

11 **SECTION 28.** 20.512 (1) (jm) of the statutes is renumbered 20.505 (1) (jc).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

12 **SECTION 29.** 20.512 (1) (k) of the statutes is renumbered 20.505 (1) (k).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

13 **SECTION 30.** 20.512 (1) (ka) of the statutes is renumbered 20.505 (1) (kp).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

14 **SECTION 31.** 20.512 (1) (km) of the statutes is renumbered 20.505 (1) (ko).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

15 **SECTION 32.** 20.512 (1) (m) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1 **SECTION 33.** 20.512 (1) (pz) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

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

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3 **SECTION 35.** 20.901 (1) (b) of the statutes is amended to read:

4 20.901 (1) (b) Notwithstanding ss. 230.047 and 230.29, in the case of an
5 emergency which is the result of natural or human causes, state agencies may
6 cooperate to maintain required state services through the temporary interchange of
7 employees. The interchange of employees may be of 2 types: where an appointing
8 authority declares an emergency in writing to the governor; or where the governor
9 or his or her designee declares an emergency. If an appointing authority declares an
10 emergency, the interchange of employees is voluntary on the part of those employees
11 designated by the sending state agency as available for interchange. If the governor
12 or his or her designee declares an emergency, the governor may require a temporary
13 interchange of employees. An emergency which is declared by an appointing
14 authority may not exceed 72 hours unless an extension is approved by the governor
15 or his or her designee. An employee who is assigned temporary interchange duties
16 may be required to perform work which is not normally performed by the employee
17 or described in his or her position classification. An interchange employee shall be
18 paid at the rate of pay for the employee's permanent job unless otherwise authorized
19 by the secretary of employment relations administration. State agencies receiving
20 employees on interchanges shall keep appropriate records and reimburse the
21 sending state agencies for authorized salaries and expenses. The secretary of

1 ~~employment relations~~ administration may institute temporary pay administration
2 policies as required to facilitate the handling of such declared emergencies.

3 **SECTION 36.** 20.916 (2) of the statutes is amended to read:

4 20.916 (2) REIMBURSEMENT OF JOB APPLICANTS. Subject to rules of the secretary
5 of the ~~department of employment relations~~ administration, reimbursement may be
6 made to applicants for all or part of actual and necessary travel expenses incurred
7 in connection with oral examination and employment interviews.

8 **SECTION 37.** 20.916 (4) (a) of the statutes is amended to read:

9 20.916 (4) (a) If any state agency determines that the duties of any employee
10 require the use of an automobile, it may authorize such employee to use a personal
11 automobile in the employee's work for the state, and reimburse the employee for such
12 at a rate which is set biennially by the department of ~~employment relations~~
13 administration under sub. (8) subject to the approval of the joint committee on
14 employment relations.

15 **SECTION 38.** 20.916 (4m) (b) of the statutes is amended to read:

16 20.916 (4m) (b) Except as otherwise provided in this paragraph, if any state
17 agency determines that an employee's duties require the use of a motor vehicle, and
18 use of a personal motor vehicle is authorized by the agency under similar
19 circumstances, the agency shall authorize the employee to use a personal motorcycle
20 for the employee's duties and shall reimburse the employee for the use of the
21 motorcycle at rates determined biennially by the secretary of ~~employment relations~~
22 administration under sub. (8), subject to the approval of the joint committee on
23 employment relations. No state agency may authorize an employee to use or
24 reimburse an employee for the use of a personal motorcycle under this paragraph if
25 more than one individual is transported on the motorcycle. All allowances for the use

1 of a motorcycle shall be paid upon approval and certification of the amounts payable
2 by the head of the state agency for which the employee performs duties to the
3 department of administration.

4 **SECTION 39.** 20.916 (5) (a) of the statutes is amended to read:

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

13 **SECTION 40.** 20.916 (8) (a) of the statutes is amended to read:

14 20.916 (8) (a) The secretary of ~~employment relations~~ administration shall
15 recommend to the joint committee on employment relations uniform travel schedule
16 amounts for travel by state officers and employees whose compensation is
17 established under s. 20.923 or 230.12. Such amounts shall include maximum
18 permitted amounts for meal and lodging costs, special allowance expenses under
19 sub. (9) (d), and portage tips, except as authorized under s. 16.53 (12) (c). In lieu
20 of the maximum permitted amounts for expenses under sub. (9) (b), (c), and (d), the
21 secretary may recommend to the committee a per diem amount and method of
22 reimbursement for any or all expenses under sub. (9) (b), (c), and (d).

23 **SECTION 41.** 20.916 (9) (f) 1. of the statutes is amended to read:

24 20.916 (9) (f) 1. Scheduled air travel. Reimbursement for air travel shall be
25 limited to the lowest appropriate airfare, as determined by the secretary of

1 ~~employment relations~~ administration. An employee may be reimbursed for air travel
2 at a rate other than the lowest appropriate airfare only if the employee submits a
3 written explanation of the reasonableness of the expense.

4 **SECTION 42.** 20.917 (1) (c) of the statutes is amended to read:

5 20.917 (1) (c) Reimbursement for moving expenses may be granted to a person
6 reporting to his or her first place of employment or reporting upon reemployment
7 after leaving the civil service, if reimbursement is recommended by the appointing
8 authority and approved in writing by the secretary of ~~employment relations~~
9 administration prior to the time when the move is made.

10 **SECTION 43.** 20.917 (2) (a) of the statutes is amended to read:

11 20.917 (2) (a) The secretary of ~~employment relations~~ administration shall
12 recommend a maximum dollar amount which may be permitted for reimbursement
13 of any employee moving costs under sub. (1) (a) to (c), subject to the limitations
14 prescribed in par. (b). This amount shall be submitted for the approval of the joint
15 committee on employment relations in the manner provided in s. 20.916 (8), and
16 upon approval shall become a part of the compensation plan under s. 230.12 (1).

17 **SECTION 44.** 20.917 (3) (a) 1. of the statutes is amended to read:

18 20.917 (3) (a) 1. Lodging allowances shall be in accordance with the schedule
19 established by the secretary of ~~employment relations~~ administration, but may not
20 exceed the rate established under s. 13.123 (1) (a) 1.

21 **SECTION 45.** 20.917 (3) (a) 2. of the statutes is amended to read:

22 20.917 (3) (a) 2. Lodging allowance payments are subject to prior approval in
23 writing by the secretary of ~~employment relations~~ administration.

24 **SECTION 46.** 20.917 (5) (b) of the statutes is amended to read:

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

4 **SECTION 47.** 20.917 (6) of the statutes is amended to read:

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

9 **SECTION 48.** 20.923 (4) (intro.) of the statutes is amended to read:

10 20.923 (4) STATE AGENCY POSITIONS. (intro.) State agency heads, the
11 administrator of the division of merit recruitment and selection in the department
12 of ~~employment relations~~ administration and commission chairpersons and members
13 shall be identified and limited in number in accordance with the standardized
14 nomenclature contained in this subsection, and shall be assigned to the executive
15 salary groups listed in pars. (a) to (i). Except for positions specified in par. (c) 3m.
16 and sub. (12), all unclassified division administrator positions enumerated under s.
17 230.08 (2) (e) shall be assigned, when approved by the joint committee on
18 employment relations, by the secretary of ~~employment relations~~ administration to
19 one of 10 executive salary groups. The joint committee on employment relations, by
20 majority vote of the full committee, may amend recommendations for initial position
21 assignments and changes in assignments to the executive salary groups submitted
22 by the secretary of ~~employment relations~~ administration. All division administrator
23 assignments and amendments to assignments of administrator positions approved
24 by the committee shall become part of the compensation plan. Whenever a new
25 unclassified division administrator position is created, the appointing authority may

1 set the salary for the position until the joint committee on employment relations
2 approves assignment of the position to an executive salary group. If the committee
3 approves assignment of the position to an executive salary group having a salary
4 range minimum or maximum inconsistent with the salary paid to the incumbent at
5 the time of such approval, the incumbent's salary shall be adjusted by the appointing
6 authority to conform with the committee's action, effective on the date of that action.

7 Positions are assigned as follows:

8 **SECTION 49.** 20.923 (4) (c) 3m. of the statutes is amended to read:

9 20.923 (4) (c) 3m. ~~Employment relations~~ Administration, department of;
10 division of merit recruitment and selection: administrator.

11 **SECTION 50.** 20.923 (4) (g) 1m. of the statutes is repealed.

12 **SECTION 51.** 20.923 (4g) (intro.) of the statutes is amended to read:

13 20.923 (4g) UNIVERSITY OF WISCONSIN SYSTEM SENIOR EXECUTIVE POSITIONS.
14 (intro.) A compensation plan consisting of 9 university senior executive salary
15 groups is established for certain administrative positions at the University of
16 Wisconsin System. The salary ranges and adjustments to the salary ranges for the
17 university senior executive salary groups 1 and 2 shall be contained in the
18 recommendations of the secretary of ~~employment relations~~ administration under s.
19 230.12 (3) (e). The salary ranges and adjustments to the salary ranges for university
20 senior executive salary groups 3 to 9 shall be determined by the board of regents of
21 the University of Wisconsin System based on an analysis of salaries paid for similar
22 positions at comparable universities in other states. The board of regents shall set
23 the salaries for these positions within the ranges to which the positions are assigned
24 to reflect the hierarchical structure of the system, to recognize merit, to permit
25 orderly salary progression and to recognize competitive factors. The salary of any

1 incumbent in the positions identified in pars. (ae) to (f) may not exceed the maximum
2 of the salary range for the group to which the position is assigned. The positions are
3 assigned as follows:

4 **SECTION 52.** 20.923 (6) (ae) of the statutes is created to read:

5 20.923 (6) (ae) Administration, department of: a position in the office of the
6 secretary of administration to advise and assist the secretary on matters related to
7 affirmative action, equal employment opportunity, diversity, and other state
8 employment relation matters.

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

10 20.923 (7) WISCONSIN TECHNICAL COLLEGE SYSTEM SENIOR EXECUTIVE POSITIONS.
11 (intro.) The salary range for the director and the executive assistant of the Wisconsin
12 Technical College System shall be contained in the recommendations of the secretary
13 of ~~employment relations~~ administration under s. 230.12 (3) (e). The board of the
14 Wisconsin Technical College System shall set the salaries for these positions within
15 the range to which the positions are assigned to recognize merit, to permit orderly
16 salary progression, and to recognize competitive factors. The salary of any
17 incumbent in the positions identified in pars. (a) and (b) may not exceed the
18 maximum of the salary range for the group to which the position is assigned. The
19 positions are assigned as follows:

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

21 36.09 (1) (i) Upon recommendation of the president and the administrator of
22 the division of merit recruitment and selection in the department of ~~employment~~
23 ~~relations~~ administration, the board and the secretary of ~~employment relations~~
24 administration shall jointly adopt general policies governing the designation of
25 positions to be exempt from the classified service as academic staff as defined in s.

1 36.15 (1) (a) and (b). No position in the classified service may be designated as an
2 academic staff position under the general policies unless the secretary of
3 ~~employment relations~~ administration approves the designation.

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

5 36.09 (1) (j) Except where such matters are a subject of bargaining with a
6 certified representative of a collective bargaining unit under s. 111.91, the board
7 shall establish salaries for persons not in the classified staff prior to July 1 of each
8 year for the next fiscal year, and shall designate the effective dates for payment of
9 the new salaries. In the first year of the biennium, payments of the salaries
10 established for the preceding year shall be continued until the biennial budget bill
11 is enacted. If the budget is enacted after July 1, payments shall be made following
12 enactment of the budget to satisfy the obligations incurred on the effective dates, as
13 designated by the board, for the new salaries, subject only to the appropriation of
14 funds by the legislature and s. 20.928 (3). This paragraph does not limit the
15 authority of the board to establish salaries for new appointments. The board may
16 not increase the salaries of employees specified in ss. 20.923 (5) and (6) (m) and
17 230.08 (2) (d) under this paragraph unless the salary increase conforms to the
18 proposal as approved under s. 230.12 (3) (e) or the board authorizes the salary
19 increase to correct salary inequities under par. (h), to fund job reclassifications or
20 promotions, or to recognize competitive factors. The board may not increase the
21 salary of any position identified in s. 20.923 (4g) under this paragraph unless the
22 salary increase conforms to the proposal as approved under s. 230.12 (3) (e) or the
23 board authorizes the salary increase to correct a salary inequity or to recognize
24 competitive factors. The board may not increase the salary of any position identified
25 in s. 20.923 (4g) (ae) and (am) to correct a salary inequity that results from the

1 appointment of a person to a position identified in s. 20.923 (4g) (ae) and (am) unless
2 the increase is approved by the department of ~~employment relations~~ administration.
3 The granting of salary increases to recognize competitive factors does not obligate
4 inclusion of the annualized amount of the increases in the appropriations under s.
5 20.285 (1) for subsequent fiscal bienniums. No later than October 1 of each year, the
6 board shall report to the joint committee on finance and the ~~departments~~ department
7 of administration and ~~employment relations~~ concerning the amounts of any salary
8 increases granted to recognize competitive factors, and the institutions at which they
9 are granted, for the 12-month period ending on the preceding June 30.

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

11 36.27 (1) (am) 2. The approved recommendations of the secretary of
12 ~~employment relations~~ administration for compensation and fringe benefits for
13 classified staff, for unclassified employees specified in s. 230.12 (1) (a) 1. b., and for
14 unclassified employees specified in s. 230.12 (3) (e). If these recommendations have
15 not been approved by the joint committee on employment relations by the time the
16 board sets academic fees, the board may raise academic fees for resident
17 undergraduate students by an amount sufficient to fund the recommendations of the
18 secretary of ~~employment relations~~ administration for compensation and fringe
19 benefits for classified staff and for unclassified employees specified in s. 230.12 (1)
20 (a) 1. b. and the board's recommendations for unclassified employees specified in s.
21 230.12 (3) (e). If the secretary of ~~employment relations~~ administration has not made
22 recommendations by the time the board sets academic fees, the board may raise
23 academic fees for resident undergraduate students by an amount sufficient to fund
24 the board's estimate of compensation and fringe benefits for classified staff and for
25 unclassified employees specified in s. 230.12 (1) (a) 1. b. and the board's

SECTION 56

1 recommendations for unclassified employees specified in s. 230.12 (3) (e). If the
2 board sets academic fees based upon the board's estimate and the board's
3 unapproved recommendations, and the recommendations of the board and the
4 secretary of ~~employment relations~~ administration as finally approved by the joint
5 committee on employment relations call for a lower rate of compensation and fringe
6 benefits than the board's estimate and unapproved recommendations, the board
7 shall lower academic student fees for resident undergraduate students for the next
8 academic year by an amount equal to the difference between the academic fees
9 charged and an amount sufficient to fund the approved recommendations. If the
10 board sets academic fees based upon the board's estimate and unapproved
11 recommendations, and the recommendations of the board and the secretary of
12 ~~employment relations~~ administration as finally approved by the joint committee on
13 employment relations call for a higher rate of compensation and fringe benefits than
14 the board's estimate and unapproved recommendations, the board may raise
15 academic student fees for resident undergraduate students for the next academic
16 year by an amount equal to the difference between the academic fees charged and
17 an amount sufficient to fund the approved recommendations.

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

19 40.05 (1) (b) In lieu of employee payment, the employer may pay all or part of
20 the contributions required by par. (a), but all the payments shall be available for
21 benefit purposes to the same extent as required contributions deducted from
22 earnings of the participating employees. Action to assume employee contributions
23 as provided under this paragraph shall be taken at the time and in the form
24 determined by the governing body of the participating employer. The state shall pay
25 under this paragraph for employees who are covered by a collective bargaining

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

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

22 40.05 (4) (ar) The employer shall pay under par. (a) for employees who are not
23 covered by a collective bargaining agreement under subch. I or V of ch. 111 and for
24 employees whose health insurance premium contribution rates are not determined
25 under s. 230.12 or 233.10 an amount equal to the amount specified in par. (ag) unless

1 a different amount is recommended by the secretary of ~~employment relations~~
2 administration and approved by the joint committee on employment relations in the
3 manner provided for approval of changes in the compensation plan under s. 230.12
4 (3).

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

6 40.05 (4g) (a) 4. Has received a military leave of absence under s. 230.32 (3) (a)
7 or 230.35 (3), under a collective bargaining agreement under subch. V of ch. 111 or
8 under rules promulgated by the secretary of ~~employment relations~~ administration
9 or is eligible for reemployment with the state under s. 45.50 after completion of his
10 or her service in the U.S. armed forces.

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

12 40.06 (1) (dm) Each determination by a department head regarding the
13 classification of a state employee as a protective occupation participant shall be
14 reviewed by the department of ~~employment relations~~ administration. A state
15 employee's name may not be certified to the fund as a protective occupation
16 participant under par. (d) until the department of ~~employment relations~~
17 administration approves the determination.

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

19 45.43 (7) (b) The department shall award a grant annually to a county that
20 meets the standards developed under this subsection and employs a county veterans'
21 service officer who, if chosen after August 9, 1989, is chosen from a list of candidates
22 who have taken a civil service examination for the position of county veterans' service
23 officer developed and administered by the ~~division of merit recruitment and selection~~
24 ~~in the~~ department of ~~employment relations~~ administration, or is appointed under a
25 civil service competitive examination procedure under ch. 63 or s. 59.52 (8). The

1 grant shall be \$8,500 for a county with a population of less than 20,000, \$10,000 for
2 a county with a population of 20,000 to 45,499, \$11,500 for a county with a population
3 of 45,500 to 74,999, and \$13,000 for a county with a population of 75,000 or more.
4 The department shall use the most recent Wisconsin official population estimates
5 prepared by the demographic services center when making grants under this
6 paragraph.

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

8 46.29 (3) (d) The secretary of ~~employment relations~~ administration.

9 **SECTION 63.** 49.78 (5) of the statutes, as affected by 2003 Wisconsin Act ... (this
10 act), is amended to read:

11 49.78 (5) PERSONNEL EXAMINATIONS. Statewide examinations to ascertain
12 qualifications of applicants in any county department administering aid to families
13 with dependent children shall be given by the administrator of the division of merit
14 recruitment and selection in the department of ~~employment relations~~
15 administration. The department of ~~employment relations~~ administration shall be
16 reimbursed for actual expenditures incurred in the performance of its functions
17 under this section from the appropriations available to the department of health and
18 family services for administrative expenditures.

***NOTE: This is reconciled s. 49.78 (5). It is affected by LRB-0576 and LRB-0190.

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

20 59.26 (8) (a) In any county with a population of less than 500,000, the board,
21 by ordinance, may fix the number of deputy sheriffs to be appointed in that county
22 at not less than that number required by sub. (1) (a) and (b) and may set the salary
23 of those deputies. The board may provide by ordinance that deputy sheriff positions
24 be filled by appointment by the sheriff from a list of all persons with the 3 highest

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

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

2 70.99 (3) (a) The state department of ~~employment relations~~ administration
3 shall recommend a reasonable salary range for the county assessor for each county
4 based upon pay for comparable work or qualifications in that county. If, by
5 contractual agreement under s. 66.0301, 2 or more counties join to employ one county
6 assessor with the approval of the secretary of revenue, the department of
7 ~~employment relations~~ administration shall recommend a reasonable salary range
8 for the county assessor under the agreement. The department of revenue shall assist
9 the county in establishing the budget for the county assessor's offices, including the
10 number of personnel and their qualifications, based on the anticipated workload.

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

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

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

23 73.09 (5) EXAMINATIONS. As provided in subs. (1) and (2), the department of
24 revenue, assisted by the division of merit recruitment and selection in the
25 department of ~~employment relations~~ administration, shall prepare and administer

1 examinations for each level of certification. Persons applying for an examination
2 under this subsection shall submit a \$20 examination fee with their application.
3 Certification shall be granted to each person who passes the examination for that
4 level.

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

6 111.81 (5) “Department” means the department of ~~employment relations~~
7 administration.

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

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

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

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

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

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

23 227.10 (3) (e) Nothing in this subsection prohibits the administrator of the
24 division of merit recruitment and selection in the department of ~~employment~~

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

3 **SECTION 73.** 227.47 (2) of the statutes, as affected by 2003 Wisconsin Act ...
4 (this act), is amended to read:

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

****NOTE: This is reconciled s. 227.47 (2). It is affected by LRB-0576 and
LRB-1295.

15 **SECTION 74.** 230.03 (9) of the statutes is amended to read:

16 230.03 (9) “Department” means the department of ~~employment relations~~
17 administration.

18 **SECTION 75.** 230.04 (5) of the statutes is amended to read:

19 230.04 (5) The secretary shall promulgate rules on all matters relating to the
20 administration of the department and the performance of the duties assigned to the
21 secretary, ~~except on matters relating to those provisions of subch. II for which~~
22 ~~responsibility is specifically charged to the administrator.~~

23 **SECTION 76.** 230.04 (7) of the statutes is repealed.

1 **SECTION 77.** 230.08 (2) (e) 1. of the statutes is amended to read:

2 230.08 (2) (e) 1. Administration — ~~10~~ 13.

 ***NOTE: This is reconciled s. 230.08 (2) (e) 1. It is affected by LRB–0576 and LRB–1289.

3 **SECTION 78.** 230.08 (2) (e) 4. of the statutes is repealed.

4 **SECTION 79.** 230.08 (2) (xe) of the statutes is amended to read:

5 230.08 (2) (xe) The director of Indian gaming in the department of
6 administration, and the attorney in the department of administration, appointed
7 under s. 569.015 (2).

8 **SECTION 80.** 230.08 (2) (xt) of the statutes is created to read:

9 230.08 (2) (xt) A position in the office of the secretary of administration to
10 advise and assist the secretary on matters related to affirmative action, equal
11 employment opportunity, diversity, and other state employment relation matters.

12 **SECTION 81.** 230.08 (2) (y) of the statutes is amended to read:

13 230.08 (2) (y) The director and staff assistant of the federal–state relations
14 office of the department of administration.

15 **SECTION 82.** 230.08 (4) (c) of the statutes is amended to read:

16 230.08 (4) (c) Any proposal of a board, department or commission, as defined
17 in par. (a) and s. 15.01 (5), or of the historical society, for a change in the number of
18 positions enumerated in sub. (2) (e), before being submitted to the legislature, shall
19 first be submitted by the board, department or commission or by the historical society
20 for a separate review by the ~~department of administration and by the secretary.~~ The
21 ~~department of administration's~~ secretary's review shall include information on the
22 appropriateness of the proposed change with regard to a board's, department's,
23 commission's or society's current or proposed internal organizational structure

1 under s. 15.02 (4). ~~The secretary's review~~ and shall include information on whether
2 the existing classified or existing or proposed unclassified division administrator
3 position involved is or would be assigned to pay range 1–18 or above in schedule 1,
4 or a comparable level, of the compensation plan under s. 230.12. The results of ~~these~~
5 ~~reviews~~ this review shall be provided by ~~the department of administration~~ and by the
6 secretary to the joint committee on finance and the joint committee on employment
7 relations at the same time that the board's, department's, commission's or society's
8 proposal is presented to either committee.

9 **SECTION 83.** 230.08 (7) of the statutes is amended to read:

10 230.08 (7) EXCEPTIONAL EMPLOYMENT SITUATIONS. ~~The administrator~~ secretary
11 shall provide, by rule, for exceptional methods and kinds of employment to meet the
12 needs of the service during periods of disaster or national emergency, and for other
13 exceptional employment situations such as to employ the mentally disabled, the
14 physically disabled and the disadvantaged.

15 **SECTION 84.** 230.09 (2) (g) of the statutes is amended to read:

16 230.09 (2) (g) When filling a new or vacant position, if the secretary determines
17 that the classification for a position is different than that provided for by the
18 legislature as established by law or in budget determinations, or as authorized by the
19 joint committee on finance under s. 13.10, or as specified by the governor creating
20 positions under s. 16.505 (1) (c) or (2), the University of Wisconsin Hospitals and
21 Clinics Board creating positions under s. 16.505 (2n) or the board of regents of the
22 University of Wisconsin System creating positions under s. 16.505 (2m), or is
23 different than that of the previous incumbent, the secretary shall notify the
24 administrator ~~and the secretary of administration~~. The administrator shall
25 withhold action on the selection and certification process for filling the position. The

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

11 **SECTION 85.** 230.12 (7m) of the statutes is amended to read:

12 230.12 (7m) PAY ADJUSTMENT FILING REQUIREMENTS. Except as provided in the
13 rules of the secretary and in the compensation plan, pay increases shall be made only
14 on the dates prescribed under sub. (8). Appointing authorities shall at such times
15 each year as specified by the secretary file with the ~~secretary and with the~~
16 ~~department of administration~~ a list of employees showing their then existing pay
17 rates and their proposed new pay rates.

18 **SECTION 86.** 230.14 (4) of the statutes is amended to read:

19 230.14 (4) The administrator may charge an agency a fee to announce any
20 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) (kp).

23 **SECTION 87.** 230.147 (3) of the statutes is amended to read:

24 230.147 (3) Notwithstanding subs. (1) and (2), the state fair park board shall
25 make every reasonable effort to employ in permanent full-time equivalent positions

1 persons who, at the time determined under sub. (4), receive aid under s. 49.19 or
2 benefits under s. 49.147 (3) to (5). The state fair park board shall consult with the
3 department of employment relations to assure that its efforts under this subsection
4 comply with ch. 230.

5 **SECTION 88.** 230.215 (3) (a) of the statutes is amended to read:

6 230.215 (3) (a) An agency may, with the approval of the secretary ~~and with the~~
7 ~~approval of the secretary of administration under s. 16.50~~, restructure budgeted
8 permanent positions as such positions become vacant or if an employee voluntarily
9 requests a job-sharing or permanent part-time employment opportunity. No
10 employee occupying a full-time permanent position may be involuntarily
11 terminated, demoted, transferred or reassigned in order to restructure that position
12 for permanent part-time employment and no such employee may be required to
13 accept a permanent part-time position as a condition of continued employment.

14 **SECTION 89.** 233.10 (3) (c) 4. of the statutes is amended to read:

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

21 **SECTION 90.** 233.10 (4) of the statutes is amended to read:

22 233.10 (4) Notwithstanding the requirement that an employee be a state
23 employee, a carry-over employee of the authority who was employed in a position in
24 the classified service immediately prior to beginning employment with the authority
25 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.

3 **SECTION 91.** 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~~
13 administration shall provide guidelines for the administration of this selection
14 procedure.

15 **SECTION 92.** 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
24 occurs last. No employee may bring an action against the department of ~~employment~~
25 relations administration as an employer's agent.

1 **SECTION 93.** 938.538 (6m) (b) of the statutes is amended to read:

2 938.538 (6m) (b) In the selection of classified service employees for a secured
3 correctional facility authorized under 1993 Wisconsin Act 377, section 9108 (1) (a),
4 the appointing authority shall make every effort to use the expanded certification
5 program under s. 230.25 (1n) or rules of the administrator of the division of merit
6 recruitment and selection in the department of ~~employment relations~~
7 administration to ensure that the percentage of employees who are minority group
8 members approximates the percentage of the juveniles placed at that secured
9 correctional facility who are minority group members. The administrator of the
10 division of merit recruitment and selection in the department of ~~employment~~
11 ~~relations~~ administration shall provide guidelines for the administration of this
12 selection procedure.

13 **SECTION 94.** 978.12 (1) (c) of the statutes, as affected by 2003 Wisconsin Act
14 (this act), is amended to read:

15 978.12 (1) (c) *Assistant district attorneys and assignable prosecutors.* Assistant
16 district attorneys and assignable prosecutors shall be employed outside the
17 classified service. For purposes of salary administration, the secretary of
18 ~~employment relations~~ administration shall establish one or more classifications for
19 assistant district attorneys and assignable prosecutors in accordance with the
20 classification or classifications allocated to assistant attorneys general. Except as
21 provided in s. 111.93 (3), the salaries of assistant district attorneys and assignable
22 prosecutors shall be established and adjusted in accordance with the state
23 compensation plan for assistant attorneys general whose positions are allocated to
24 the classification or classifications established by the secretary of ~~employment~~
25 ~~relations~~ administration.

****NOTE: This is reconciled s. 978.12 (1) (c). It is affected by LRB-0576 and LRB-1373.

1 **SECTION 9118. Nonstatutory provisions; employment relations**
2 **department.**

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

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

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

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

17 (d) *Employee transfers and status.* On the effective date of this paragraph, all
18 incumbent employees holding classified positions in the department of employment
19 relations are transferred to the department of administration. Employees
20 transferred under this paragraph have all the rights and the same status under
21 subchapter V of chapter 111 and chapter 230 of the statutes in the department of
22 administration that they enjoyed in the department of employment relations
23 immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes,

1 no employee so transferred who has attained permanent status in class may be
2 required to serve a probationary period.

3 (e) *Rules and orders.* All rules promulgated by the department of employment
4 relations that are in effect on the effective date of this paragraph remain in effect
5 until their specified expiration dates or until amended or repealed by the department
6 of administration. All orders issued by the department of employment relations that
7 are in effect on the effective date of this paragraph remain in effect until their
8 specified expiration dates or until modified or rescinded by the department of
9 administration.

10 (f) *Pending matters.* Any matter pending with the department of employment
11 relations on the effective date of this paragraph is transferred to the department of
12 administration and all materials submitted to or actions taken by the department
13 of employment relations with respect to the pending matter are considered as having
14 been submitted to or taken by the department of administration.

15 **SECTION 9418. Effective dates; employment relations department.**

16 (1) MERGER OF DEPARTMENT OF EMPLOYMENT RELATIONS INTO DEPARTMENT OF
17 ADMINISTRATION. The treatment of sections 13.121 (4), 13.123 (1) (a) 1., 13.20 (2),
18 13.48 (2) (j), 13.51 (2) (b), 15.103 (3m), 15.16 (1) (intro.), 15.165 (2), 15.17, 15.173,
19 15.175 (title) and (1), 15.177 (title) and (1), 16.004 (7) (a), 16.40 (18), 16.415 (1) and
20 (3), 16.50 (3), 16.705 (3) (intro.), 19.45 (11) (a), 20.505 (1) (a), 20.512 (intro.), (1) (title),
21 (a), (i), (j), (jm), (k), (ka), (km), (m), and (pz), and (2), 20.901 (1) (b), 20.916 (2), (4) (a),
22 (4m) (b), (5) (a), (8) (a), and (9) (f) 1., 20.917 (1) (c), (2) (a), (3) (a) 1. and 2., (5) (b), and
23 (6), 20.923 (4) (intro.), (c) 3m., and (g) 1m., (4g) (intro.), (6) (ae), and (7) (intro.), 36.09
24 (1) (i) and (j), 36.27 (1) (am) 2., 40.05 (1) (b), (4) (ar), and (4g) (a) 4., 40.06 (1) (dm),
25 45.43 (7) (b), 46.29 (3) (d), 49.33 (5), 59.26 (8) (a), 70.99 (3) (a), 73.09 (2) and (5), 111.81

1 (5), 111.815 (3), 111.86 (2), 146.59 (3) (b), 227.10 (3) (e), 227.47 (2), 230.03 (9), 230.04
2 (5) and (7), 230.08 (2) (e) 1. and 4., (xe), (xt), and (y), (4) (c), and (7), 230.09 (2) (g),
3 230.12 (7m), 230.14 (4), 230.147 (3), 230.215 (3) (a), 233.10 (3) (c) 4. and (4), 301.16
4 (1o) (b), 895.65 (2), 938.538 (6m) (b), and 978.12 (1) (c) of the statutes and SECTION
5 9118 (1) of this act take effect on the 30th day beginning after publication.

6

(END)