

SENATE BILL 44

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1 ***-1295/2.33*** SECTION 2385. 230.03 (8) of the statutes is amended to read:
2 230.03 (8) “Commission” means the personnel employment relations
3 commission.

4 ***b0155/3.99*** SECTION 2386e. 230.03 (9) of the statutes is repealed.

5 ***b0155/3.99*** SECTION 2386m. 230.03 (9e) of the statutes is created to read:
6 230.03 (9e) “Director” means the director of the office.

7 ***b0155/3.99*** SECTION 2386s. 230.03 (10) of the statutes is amended to read:
8 230.03 (10) “Division” means the division of merit recruitment and selection
9 in the department office.

10 ***-1295/2.34*** SECTION 2387. 230.03 (10e) of the statutes is created to read:
11 230.03 (10e) “Division of equal rights” means the division of equal rights in the
12 department of workforce development.

13 ***b0155/3.100*** SECTION 2387e. 230.03 (10r) of the statutes is amended to read:
14 230.03 (10r) “Job group” means a set of classifications combined by the
15 ~~department~~ office on the basis of similarity in responsibility, pay range and nature
16 of work.

17 ***b0155/3.100*** SECTION 2387m. 230.03 (10w) of the statutes is created to read:
18 230.03 (10w) “Office” means the office of state human resources management.

19 ***b0155/3.100*** SECTION 2387s. 230.03 (13) of the statutes is repealed.

20 ***b0155/3.100*** SECTION 2387w. 230.04 (title) of the statutes is amended to
21 read:

22 **230.04 (title) Powers and duties of the secretary director.**

23 ***-1295/2.35*** SECTION 2388. 230.04 (1) of the statutes is amended to read:

24 230.04 (1) The secretary director is charged with the effective administration
25 of this chapter. All powers and duties, necessary to that end, which are not

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1 exclusively vested by statute in the commission, the division of equal rights, the
2 administrator or appointing authorities, are reserved to the secretary director.

3 ***-1295/2.36* SECTION 2389.** 230.04 (1m) of the statutes is amended to read:

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

20 ***b0155/3.106* SECTION 2389d.** 230.04 (2) of the statutes is amended to read:

21 230.04 (2) The secretary director may utilize the services of technical or
22 specialized personnel to assist in implementing and maintaining a sound personnel
23 management program. These services may be obtained from persons inside or
24 outside of state service.

25 ***b0155/3.106* SECTION 2389h.** 230.04 (3) of the statutes is amended to read:

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SECTION 2389h

1 230.04 (3) The secretary director may issue enforceable orders on all matters
2 relating to the administration, enforcement and effect of this chapter and the rules
3 prescribed thereunder except on matters relating to the provisions of subch. III or
4 to those provisions of subch. II for which responsibility is specifically charged to the
5 administrator.

6 ***b0155/3.106* SECTION 2389p.** 230.04 (4) of the statutes is amended to read:

7 230.04 (4) The secretary director shall establish and maintain a collective
8 bargaining capability under s. 111.815 (2).

9 ***b0155/3.106* SECTION 2389s.** 230.04 (5) of the statutes is amended to read:

10 230.04 (5) The secretary director shall promulgate rules on all matters relating
11 to the administration of the department office and the performance of the duties
12 assigned to the secretary director, except on matters relating to those provisions of
13 subch. II for which responsibility is specifically charged to the administrator.

14 ***-0576/8.76* SECTION 2390.** 230.04 (7) of the statutes is repealed.

15 ***b0155/3.107* SECTION 2390b.** 230.04 (8) of the statutes is amended to read:

16 230.04 (8) The secretary director shall establish an employee performance
17 evaluation program under s. 230.37 (1).

18 ***b0155/3.107* SECTION 2390c.** 230.04 (9) (intro.) of the statutes is amended
19 to read:

20 230.04 (9) (intro.) The secretary director shall do all of the following:

21 ***b0155/3.107* SECTION 2390d.** 230.04 (9) (f) of the statutes is renumbered
22 230.455 and amended to read:

23 **230.455 Division of affirmative action.** ~~Establish an affirmative action~~
24 ~~subunit reporting directly to the secretary.~~ The division of affirmative action subunit
25 shall advise and assist the secretary director, the administrator and agency heads

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SECTION 2390d

1 on establishing policies and programs to ensure appropriate affirmative action. The
2 ~~subunit~~ division of affirmative action shall advise and assist the secretary director
3 in monitoring such programs and shall provide staff to the council on affirmative
4 action ~~council~~.

5 *b0155/3.107* SECTION 2390e. 230.04 (9m) of the statutes is amended to read:

6 230.04 (9m) The secretary director shall conduct periodic reviews and
7 evaluations of the written records of hiring decisions made by appointing authorities
8 under ss. 230.21 (1m), 230.25 (1p) and 230.27 (2k).

9 *b0155/3.107* SECTION 2390f. 230.04 (9r) (b) (intro.) of the statutes is
10 amended to read:

11 230.04 (9r) (b) (intro.) The secretary director shall keep a record of all of the
12 following:

13 *b0155/3.107* SECTION 2390g. 230.04 (10) (a) of the statutes is amended to
14 read:

15 230.04 (10) (a) The secretary director may require all agencies and their
16 officers to comply with the secretary's director's request to furnish current
17 information pertaining to authorized positions, payroll and related items regarding
18 civil service and employment relations functions.

19 *b0155/3.107* SECTION 2390h. 230.04 (10) (b) of the statutes is amended to
20 read:

21 230.04 (10) (b) The secretary director shall request from each agency and each
22 agency shall furnish to the secretary director relevant racial, ethnic, gender and
23 disability information on every new employee hired by the agency including limited
24 term, project, seasonal and sessional employees. The secretary director shall

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1 maintain the data to permit a periodic review of the agency's affirmative action plan
2 accomplishments.

3 *b0155/3.107* SECTION 2390i. 230.04 (10) (c) of the statutes is amended to
4 read:

5 230.04 (10) (c) The secretary director shall request from each agency and each
6 agency shall furnish to the secretary director relevant information regarding the
7 prior military service, if any, of every new employee hired by the agency including
8 limited term, project, seasonal and sessional employees. The secretary director shall
9 maintain the data to permit a periodic review of the progress being made to provide
10 employment opportunities in civil service for veterans and disabled veterans.

11 *b0155/3.107* SECTION 2390j. 230.04 (11) of the statutes is amended to read:

12 230.04 (11) The secretary director may provide by rule for an understudy
13 program to assure continuity in selected positions.

14 *b0155/3.107* SECTION 2390k. 230.04 (12) of the statutes is amended to read:

15 230.04 (12) The secretary director shall keep in the office an official roster of
16 all permanent classified employees which shall include classification titles, pay and
17 employment status changes and appropriate dates thereof.

18 *b0155/3.107* SECTION 2390L. 230.04 (13) (intro.) of the statutes is amended
19 to read:

20 230.04 (13) (intro.) The secretary director shall do all of the following:

21 *b0155/3.107* SECTION 2390m. 230.04 (14) of the statutes is amended to read:

22 230.04 (14) The secretary director shall establish, by rule, the scope and
23 minimum requirements of a state employee grievance procedure relating to
24 conditions of employment.

25 *b0155/3.107* SECTION 2390n. 230.04 (15) of the statutes is amended to read:

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SECTION 2390n

1 230.04 (15) The ~~secretary~~ director shall review and either approve or
2 disapprove each determination by an agency head regarding the classification of a
3 state employee as a protective occupation participant for purposes of the Wisconsin
4 retirement system.

5 ***b0155/3.107* SECTION 2390nm.** 230.04 (16) of the statutes is created to read:


6 230.04 (16) The director may appoint an executive assistant outside the
7 classified service.

8 ***b0155/3.107* SECTION 2390p.** 230.046 (5) (c) of the statutes is amended to
9 read:

10 230.046 (5) (c) An agreement has been entered into by the trainee and the
11 appointing authority relative to employment with the state, together with such other
12 terms and conditions as may be necessary under the rules of the ~~secretary~~ director
13 whenever on-the-job trainees are employed; and

14 ***b0155/3.107* SECTION 2390q.** 230.046 (7) of the statutes is amended to read:

15 230.046 (7) ESTABLISH INTERNSHIPS. The ~~secretary~~ director shall establish in the
16 classified service in-service training internships designed to give rigorous training
17 in public service administration for periods not to exceed 3 years under the direct
18 supervision of experienced administrators.

19  ***b0155/3.107* SECTION 2390r.** 230.046 (8) of the statutes is amended to read:

20 230.046 (8) COOPERATE FOR SCHOLARSHIP LOANS. To stimulate the interest of
21 qualified students of exceptional merit in government career service, the ~~secretary~~
22 director shall cooperate with the board of regents of the University of Wisconsin
23 System in providing opportunities for recipients of public service scholarship loans
24 to secure employment under the internship plan.
25

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1 ***b0155/3.107* SECTION 2390s.** 230.046 (9) of the statutes is amended to read:

2 230.046 (9) TUITION REFUND PROGRAM. The ~~secretary~~ director may establish by
3 rule in the classified service a tuition refund program to supplement departmental
4 training, to encourage employee job-related development and, upon satisfactory
5 completion of training under this program to refund to the employee, an amount not
6 to exceed the cost of tuition and necessary fees.

7 ***b0155/3.107* SECTION 2390t.** 230.046 (10) (intro.) of the statutes is amended
8 to read:

9 230.046 (10) ~~DEPARTMENT FUNCTIONS~~ FUNCTIONS OF THE OFFICE. (intro.) The
10 ~~department~~ office may do all of the following:

11 ***b0155/3.107* SECTION 2390w.** 230.047 (8) of the statutes is amended to read:

12 230.047 (8) ADMINISTRATION. The ~~secretary~~ director shall promulgate rules for
13 the operation and implementation of this section. The rules shall prescribe the
14 duration, terms and conditions of such interchange.

15 ***-1295/2.37* SECTION 2391.** 230.05 (2) (a) of the statutes is amended to read:

16 230.05 (2) (a) Except as provided under par. (b), the administrator may
17 delegate, in writing, any of his or her functions set forth in this subchapter to an
18 appointing authority, within prescribed standards if the administrator finds that the
19 agency has personnel management capabilities to perform such functions effectively
20 and has indicated its approval and willingness to accept such responsibility by
21 written agreement. If the administrator determines that any agency is not
22 performing such delegated function within prescribed standards, the administrator
23 shall withdraw such delegated function. The administrator may order transfer to
24 the division from the agency to which delegation was made such agency staff and
25 other resources as necessary to perform such functions if increased staff was

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1 authorized to that agency as a consequence of such delegation or if the division
2 reduced staff or shifted staff to new responsibilities as a result of such delegation
3 subject to the approval of the joint committee on finance. Any delegatory action
4 taken under this subsection by any appointing authority may be appealed to the
5 personnel commission under s. 230.44 (1) (a). The administrator shall be a party in
6 such appeal.

7 ***b0155/3.108* SECTION 2391c.** 230.06 (1) (c) of the statutes is amended to read:

8 230.06 (1) (c) Provide the secretary director with current information relative
9 to the assignment of duties to permanent classified positions in his or her agency.

10 ***b0155/3.108* SECTION 2391g.** 230.06 (1) (d) of the statutes is amended to
11 read:

12 230.06 (1) (d) Report promptly to the secretary director or the administrator
13 any information the secretary director or the administrator requires in connection
14 with any delegated personnel function and with each appointment, promotion,
15 demotion, suspension or separation from the service or other change in employee
16 status.

17 ***b0155/3.108* SECTION 2391h.** 230.06 (1) (e) of the statutes is amended to
18 read:

19 230.06 (1) (e) When requested by the secretary director or the administrator,
20 provide reports on employee work performance and any other records or information
21 the secretary director or administrator requires to carry out this subchapter.

22 ***b0155/3.108* SECTION 2391r.** 230.06 (1) (f) of the statutes is amended to read:

23 230.06 (1) (f) Provide the secretary director with the civil service information
24 required under s. 16.004 (7).

25 ***b0155/3.108* SECTION 2391t.** 230.06 (1) (g) of the statutes is amended to read:

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1 230.06 (1) (g) Prepare an affirmative action plan which complies with the
2 standards established by the ~~secretary~~ director under s. 230.04 (9) (a) and which sets
3 goals and outlines steps for incorporating affirmative action and principles
4 supporting affirmative action into the procedures and policies of his or her agency.

5 ***b0155/3.108* SECTION 2391w.** 230.06 (1) (L) of the statutes is amended to
6 read:

7 230.06 (1) (L) Provide information about the employment of each severely
8 disabled employee for the ~~secretary's~~ director's report under s. 230.04 (9r) within 30
9 days after the disabled employee is appointed, and at other times at the request of
10 the ~~secretary~~ director.

11 ***b0155/3.108* SECTION 2391x.** 230.06 (3) of the statutes is amended to read:

12 230.06 (3) All reports and records submitted under sub. (1) shall be prepared
13 and presented at such times and in such manner as the ~~secretary~~ director or
14 administrator prescribes.

15 ***-0576/8.77* SECTION 2392.** 230.08 (2) (e) 1. of the statutes is amended to read:

16 230.08 (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.

17 ***-1381/3.1* SECTION 2394.** 230.08 (2) (e) 3. of the statutes is amended to read:

18 230.08 (2) (e) 3. Commerce — ~~7~~ 6.

19 ***b0205/1.1* SECTION 2394m.** 230.08 (2) (e) 3e. of the statutes is amended to
20 read:

21 230.08 (2) (e) 3e. Corrections — ~~5~~ 4.

22 ***-1289/7.115* SECTION 2395.** 230.08 (2) (e) 3r. of the statutes is repealed.

23 ***-0576/8.78* SECTION 2396.** 230.08 (2) (e) 4. of the statutes is repealed.

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SECTION 2397

1 *-1431/2.41* SECTION 2397. 230.08 (2) (e) 4f. of the statutes is amended to
2 read:

3 230.08 (2) (e) 4f. Financial institutions — 4 3.

4 *-1794/1.2* SECTION 2398. 230.08 (2) (e) 7. of the statutes is amended to read:
5 230.08 (2) (e) 7. Justice — 4 3.

6 *b0389/1.4* SECTION 2398r. 230.08 (2) (g) of the statutes is amended to read:
7 230.08 (2) (g) One stenographer appointed by each elective executive officer,
8 and one deputy or assistant appointed by each elective executive officer except the
9 attorney general, the secretary of state, and the superintendent of public instruction.

10 *extra space →*

11 *b0155/3.109* SECTION 2404m. 230.08 (2) (ya) of the statutes is created to
12 read:

13 230.08 (2) (ya) The director and executive assistant to the director of the office
14 of state human resources management in the department of administration.

15 *b0174/6.17* SECTION 2405d. 230.08 (2) (yr) of the statutes is repealed.

16 *-0576/8.82* SECTION 2406. 230.08 (4) (c) of the statutes is amended to read:

17 230.08 (4) (c) Any proposal of a board, department or commission, as defined
18 in par. (a) and s. 15.01 (5), or of the historical society, for a change in the number of
19 positions enumerated in sub. (2) (e), before being submitted to the legislature, shall
20 first be submitted by the board, department or commission or by the historical society
21 for a separate review by the ~~department~~ secretary of administration and by the
22 secretary director. The ~~department~~ secretary of administration's review shall
23 include information on the appropriateness of the proposed change with regard to a
24 board's, department's, commission's or society's current or proposed internal
25 organizational structure under s. 15.02 (4). The ~~secretary's~~ director's review shall

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

9 *b0155/3.111* SECTION 2407b. 230.08 (8) of the statutes is amended to read:

10 230.08 (8) AUDITING OF PAYROLLS. The ~~secretary~~ director shall audit the payrolls
11 of the classified and unclassified service, as necessary, to carry out this subchapter.

12 *b0155/3.111* SECTION 2407d. 230.09 (1) (intro.) of the statutes is amended
13 to read:

14 230.09 (1) (intro.) The ~~secretary~~ director shall ascertain and record the duties,
15 responsibilities and authorities of, and establish grade levels and classifications for,
16 all positions in the classified service. Each classification so established shall include
17 all positions which are comparable with respect to authority, responsibility and
18 nature of work required. Each classification shall be established to include as many
19 positions as are reasonable and practicable. In addition, each class shall:

20 *b0155/3.111* SECTION 2407f. 230.09 (2) (a) of the statutes is amended to read:

21 230.09 (2) (a) After consultation with the appointing authorities, the ~~secretary~~
22 director shall allocate each position in the classified service to an appropriate class
23 on the basis of its duties, authority, responsibilities or other factors recognized in the
24 job evaluation process. The ~~secretary~~ director may reclassify or reallocate positions
25 on the same basis.

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SECTION 2407h

1 ***b0155/3.111* SECTION 2407h.** 230.09 (2) (am) of the statutes is amended to
2 read:

3 230.09 (2) (am) The secretary director shall maintain and improve the
4 classification plan to meet the needs of the service, using methods and techniques
5 which may include personnel management surveys, individual position reviews,
6 occupational group classification surveys, or other appropriate methods of position
7 review. Such reviews may be initiated by the secretary director after taking into
8 consideration the recommendations of the appointing authority, or at his or her own
9 discretion. The secretary director shall establish, modify or abolish classifications
10 as the needs of the service require.

11 ***b0155/3.111* SECTION 2407j.** 230.09 (2) (b) of the statutes is amended to read:


12 230.09 (2) (b) To accommodate and effectuate the continuing changes in the
13 classification plan as a result of the classification survey program and otherwise, the
14 secretary director shall, upon initial establishment of a classification, assign that
15 class to the appropriate pay rate or range, and may, upon subsequent review,
16 reassign classes to different pay rates or ranges. The secretary director shall assign
17 each class to a pay range according to the skill, effort, responsibility and working
18 conditions required for the class, without regard to whether the class is occupied
19 primarily by members of a certain gender or racial group. The secretary director
20 shall give notice to appointing authorities to permit them to make recommendations
21 before final action is taken on any such assignment or reassignment of classes.

22 ***b0155/3.111* SECTION 2407L.** 230.09 (2) (c) of the statutes is amended to
23 read:

24 230.09 (2) (c) If anticipated changes in program or organization will
25 significantly affect the assignment of duties or responsibilities to positions, the

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1 appointing authority shall, whenever practicable, confer with the secretary director
 2 within a reasonable time prior to the reorganization or changes in program to
 3 formulate methods to fill positions which are newly established or modified to the
 4 extent that reclassification of the position is appropriate. In all cases, appointing
 5 authorities shall give written notice to the secretary director and employee of
 6 changes in the assignment of duties or responsibilities to a position when the
 7 changes in assignment may affect the classification of the position.

8 *extraspac?* 

9 ***b0155/3.111* SECTION 2407n.** 230.09 (2) (d) of the statutes is amended to
 10 read:

11 230.09 (2) (d) If after review of a filled position the secretary director
 12 reclassifies or reallocates the position, the secretary director shall determine
 13 whether the incumbent shall be regraded or whether the position shall be opened to
 14 other applicants.

15 ***b0155/3.111* SECTION 2408b.** 230.09 (2) (g) of the statutes is amended to
 16 read:

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

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

12 ***b0155/3.111* SECTION 2408d.** 230.09 (3) of the statutes is amended to read:

13 230.09 (3) The secretary director shall establish separate classifications for
14 career executive positions under s. 230.24 and rules governing the salary
15 administration of positions in such classifications.

16 ***b0155/3.111* SECTION 2408f.** 230.12 (1) (a) 3. of the statutes is amended to
17 read:

18 230.12 (1) (a) 3. Provisions for administration of the compensation plan and
19 salary transactions shall be provided, as determined by the secretary director, in
20 either the rules of the secretary director or the compensation plan.

21 ***b0155/3.111* SECTION 2408i.** 230.12 (1) (c) 2. of the statutes is amended to
22 read:

23 230.12 (1) (c) 2. The secretary director may establish a plan of extra
24 compensation for work performed during selected hours at an hourly rate or rates

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1 subject to approval of the joint committee on employment relations. Eligibility for
2 such extra compensation shall be as provided in the compensation plan.

3 *b0155/3.111* SECTION 2408j. 230.12 (1) (d) of the statutes is amended to read:

4 230.12 (1) (d) *Uniforms and safety equipment.* The secretary director, with
5 approval of the joint committee on employment relations, may establish a schedule
6 of payments to employees for uniforms or protective clothing and equipment
7 required to perform their duties.

8

9 *b0155/3.111* SECTION 2408L. 230.12 (3) (a) of the statutes is amended to
10 read:

11 230.12 (3) (a) *Submission to the joint committee on employment relations.* The
12 secretary director shall submit to the joint committee on employment relations a
13 proposal for any required changes in the compensation plan which may include
14 across the board pay adjustments for positions in the classified service. The proposal
15 shall include the amounts and methods for within range pay progression, for pay
16 transactions, and for performance awards. The proposal shall be based upon
17 experience in recruiting for the service, the principle of providing pay equity
18 regardless of gender or race, data collected as to rates of pay for comparable work in
19 other public services and in commercial and industrial establishments,
20 recommendations of agencies and any special studies carried on as to the need for
21 any changes in the compensation plan to cover each year of the biennium. The
22 proposal shall also take proper account of prevailing pay rates, costs and standards
23 of living and the state's employment policies.

24 *b0155/3.111* SECTION 2408n. 230.12 (3) (ad) of the statutes is amended to
25 read:

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SECTION 2408n

1 230.12 (3) (ad) *Timing of proposed changes.* Notwithstanding any other
2 statute, the secretary director may delay timing for announcement or
3 implementation of any recommended changes in the compensation plan under this
4 section until after some or all of the collective bargaining agreements under subch.
5 V of ch. 111 for that biennium are negotiated. Any such action taken under this
6 paragraph is not appealable under s. 230.44.

7 ***b0155/3.111* SECTION 2408p.** 230.12 (3) (b) of the statutes is amended to
8 read:

9 230.12 (3) (b) *Public hearing on the proposal; adoption of plan.* The secretary
10 director shall submit the proposal for any required changes in the compensation plan
11 to the joint committee on employment relations. The committee shall hold a public
12 hearing on the proposal. The proposal, as may be modified by the joint committee
13 on employment relations together with the unchanged provisions of the current
14 compensation plan, shall, for the ensuing fiscal year or until a new or modified plan
15 is adopted under this subsection, constitute the state's compensation plan for
16 positions in the classified service. Any modification of the secretary's director's
17 proposed changes in the compensation plan by the joint committee on employment
18 relations may be disapproved by the governor within 10 calendar days. A vote of 6
19 members of the joint committee on employment relations is required to set aside any
20 such disapproval of the governor.

21 ***b0155/3.111* SECTION 2408r.** 230.12 (3) (c) of the statutes is amended to read:

22 230.12 (3) (c) *Interim adjustments.* Subject to pars. (a) and (b), the secretary
23 director may propose amendments to one or more parts of the compensation plan at
24 such times as the needs of the service require.

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1 ***b0155/3.111* SECTION 2408t.** 230.12 (3) (e) 1. of the statutes is amended to
2 read:

3 230.12 (3) (e) 1. The ~~secretary~~ director, after receiving recommendations from
4 the board of regents, shall submit to the joint committee on employment relations a
5 proposal for adjusting compensation and employee benefits for employees under ss.
6 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d) who are not included in a collective
7 bargaining unit under subch. V of ch. 111 for which a representative is certified. The
8 proposal shall include the salary ranges and adjustments to the salary ranges for the
9 university senior executive salary groups 1 and 2 established under s. 20.923 (4g).
10 The proposal shall be based upon the competitive ability of the board of regents to
11 recruit and retain qualified faculty and academic staff, data collected as to rates of
12 pay for comparable work in other public services, universities and commercial and
13 industrial establishments, recommendations of the board of regents and any special
14 studies carried on as to the need for any changes in compensation and employee
15 benefits to cover each year of the biennium. The proposal shall also take proper
16 account of prevailing pay rates, costs and standards of living and the state's
17 employment policies. The proposal for such pay adjustments may contain
18 recommendations for across-the-board pay adjustments, merit or other
19 adjustments and employee benefit improvements. Paragraph (b) and sub. (1) (bf)
20 shall apply to the process for approval of all pay adjustments for such employees
21 under ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d). The proposal as approved
22 by the joint committee on employment relations and the governor shall be based
23 upon a percentage of the budgeted salary base for such employees under ss. 20.923
24 (4g), (5) and (6) (m) and 230.08 (2) (d). The amount included in the proposal for merit

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1 and adjustments other than across-the-board pay adjustments is available for
2 discretionary use by the board of regents.

3 *b0155/3.111* SECTION 2408u. 230.12 (3) (e) 2. of the statutes is amended to
4 read:

5 230.12 (3) (e) 2. The secretary director, after receiving recommendations from
6 the board of the Technical College System, shall submit to the joint committee on
7 employment relations a proposal for adjusting compensation and employee benefits
8 for employees under s. 20.923 (7). The proposal shall include the salary ranges and
9 adjustments to the salary ranges for the general senior executive salary groups
10 established under s. 20.923 (7). Paragraph (b) and sub. (1) (bf) shall apply to the
11 process for approval of all pay adjustments for such employees. The proposal as
12 approved by the joint committee on employment relations and the governor shall be
13 based upon a percentage of the budgeted salary base for such employees under s.
14 20.923 (7).

15 *b0155/3.111* SECTION 2408v. 230.12 (4) (a) of the statutes is amended to read:

16 230.12 (4) (a) When an approved compensation plan or an amendment thereto
17 becomes effective, required individual pay adjustments shall be made in accordance
18 with determinations made by the secretary director to implement the approved plan.

19 *b0155/3.111* SECTION 2408w. 230.12 (4) (b) of the statutes is amended to
20 read:

21 230.12 (4) (b) The secretary director may, without prior approval of the joint
22 committee on employment relations, determine the circumstances under which it is
23 appropriate for an appointing authority to grant, and authorize an appointing
24 authority to grant, a general wage or parity adjustment, or appropriate portion
25 thereof, previously approved by the committee under this section to employees who

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1 did not receive the adjustment on the effective date of the adjustment set forth in the
2 plan. No general wage or parity adjustment may become effective for any employee
3 prior to the effective date of the individual employee transaction, but the secretary
4 director may authorize an appointing authority to grant a lump sum payment to an
5 employee to reflect any wage or parity adjustment that the employee did not receive
6 during the period between the effective date of the adjustment set forth in the plan
7 and the effective date of the individual employee transaction.

8 *b0155/3.111* SECTION 2408x. 230.12 (5) (c) of the statutes is amended to read:

9 230.12 (5) (c) *Increase limits.* Unless otherwise defined in the pay schedule the
10 total amount for all such within range increases shall not exceed the amount for such
11 increases specified and approved by the joint committee on employment relations in
12 its action on the secretary's director's proposal for such increases.

13 *-0576/8.85* SECTION 2409. 230.12 (7m) of the statutes is amended to read:

14 230.12 (7m) PAY ADJUSTMENT FILING REQUIREMENTS. Except as provided in the
15 rules of the secretary director and in the compensation plan, pay increases shall be
16 made only on the dates prescribed under sub. (8). Appointing authorities shall at
17 such times each year as specified by the secretary director and with the department
18 secretary of administration

plain → secretary file with the

INSERT 749-18 FR. P. 750 →

19 *b0155/3.114* SECTION 2409h. 230.13 (1) (intro.) of the statutes is amended

20 to read:

21 230.13 (1) (intro.) Except as provided in sub. (3) and s. 103.13, the secretary
22 director and the administrator may keep records of the following personnel matters
23 closed to the public:

24 *b0155/3.114* SECTION 2409p. 230.13 (2) of the statutes is amended to read:

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1 230.13 (2) Unless the name of an applicant is certified under s. 230.25, the
2 secretary director and the administrator shall keep records of the identity of an
3 applicant for a position closed to the public, except as provided in sub. (3).

4 ***b0155/3.114* SECTION 2409t.** 230.13 (3) of the statutes is amended to read:

5 230.13 (3) The secretary director and the administrator shall provide to the
6 department of workforce development or a county child support agency under s.
7 59.53 (5) information requested under s. 49.22 (2m) that would otherwise be closed
8 to the public under this section. Information provided under this subsection may
9 only include an individual's name and address, an individual's employer and
10 financial information related to an individual. a list of employees showing their then
11 existing pay rates and their proposed new pay rates. ↪ INSERT 749-18

12 ***b0390/1.3* SECTION 2409g.** 230.12 (9) of the statutes is amended to read:

13 230.12 (9) HEALTH INSURANCE PREMIUM CREDITS. The secretary director may
14 recommend to the joint committee on employment relations a program,
15 administered by the department of employee trust funds, that provides health
16 insurance premium credits to employees whose compensation is established under
17 this section or s. 20.923 (2) or (3). The health insurance premium credits shall be
18 used for the purchase of health insurance for a retired employee, or the retired
19 employee's surviving insured dependents, and for an eligible employee under s. 40.02
20 (25) (b) 6e., or the eligible employee's surviving insured dependents, and shall be
21 based on the employee's years of continuous service, accumulated unused sick leave
22 and any other factor recommended by the secretary director. The approval process
23 for the program is the same as that provided under sub. (3) (b) and the program shall
24 be incorporated into the compensation plan under sub. (1). ?

25 ***-0576/8.86* SECTION 2410.** 230.14 (4) of the statutes is amended to read:

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1 230.14 (4) The administrator may charge an agency a fee to announce any
2 vacancy to be filled in a classified or unclassified position in that agency. Funds
3 received under this subsection shall be credited to the appropriation account under
4 s. ~~20.512~~ 20.545 (1) (ka).

5 *~~1712/5.78~~* SECTION 2411. 230.143 (3) of the statutes is repealed.

6 *~~0576/8.87~~* SECTION 2412. 230.147 (3) of the statutes is amended to read:

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

13 *~~b0155/3.117~~* SECTION 2412b. 230.15 (1m) (b) (intro.) of the statutes is
14 amended to read:

15 230.15 (1m) (b) (intro.) Whenever a position is included in the classified service
16 under par. (a), the ~~secretary~~ director shall determine all of the following:

17 *~~b0155/3.117~~* SECTION 2412e. 230.16 (7m) (b) (intro.) of the statutes is
18 amended to read:

19 230.16 (7m) (b) (intro.) The ~~department~~ office shall accept an application after
20 its due date from a veteran if all of the following apply:

21 *~~b0155/3.117~~* SECTION 2412m. 230.16 (7m) (c) of the statutes is amended to
22 read:

23 230.16 (7m) (c) Within 30 days after acceptance of an application under par.
24 (b), the ~~department~~ office shall give the applicant an examination.

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SECTION 2412s

1 ***b0155/3.117* SECTION 2412s.** 230.21 (1m) (b) of the statutes is amended to
2 read:

3 230.21 (1m) (b) If the administrator uses the method of random certification
4 to determine which applicants for an unskilled labor or service position will receive
5 further consideration for the position and the appointing authority does not select
6 a veteran or a person the hiring of whom would serve affirmative action purposes,
7 the appointing authority shall make and retain a written record of the appointing
8 authority's reasons for selecting the person who was appointed. The appointing
9 authority shall make the written records available to the ~~department~~ office and
10 annually submit a report to the ~~department~~ office summarizing the reasons
11 contained in the written records.

12 ***-0576/8.88* SECTION 2413.** 230.215 (3) (a) of the statutes is amended to read:

13 230.215 (3) (a) An agency may, with the approval of the secretary director and
14 with the approval of the secretary of administration under s. 16.50, ^{*delete extra space*} restructure
15 budgeted permanent positions as such positions become vacant or if an employee
16 voluntarily requests a job-sharing or permanent part-time employment
17 opportunity. No employee occupying a full-time permanent position may be
18 involuntarily terminated, demoted, transferred or reassigned in order to restructure
19 that position for permanent part-time employment and no such employee may be
20 required to accept a permanent part-time position as a condition of continued
21 employment.

22 ***b0155/3.119* SECTION 2413b.** 230.215 (3) (b) of the statutes is amended to
23 read:

24 230.215 (3) (b) If the secretary director, upon review of the report submitted
25 under sub. (4), determines that an agency's past or proposed actions relating to

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SECTION 2413b

1 permanent part-time employment opportunities do not adequately reflect the policy
2 under sub. (1) (e), the ~~secretary~~ director may recommend procedures designed to
3 enable the agency to effect such policy.

4 *b0155/3.119* SECTION 2413d. 230.215 (4) of the statutes is amended to read:

5 230.215 (4) REPORTS. Each agency, in complying with s. 15.04 (1) (d), shall
6 include a report on the progress or failure of the plans of such agency in achieving
7 the policies stated under sub. (1) and shall submit a copy of such report to the
8 ~~secretary~~ director.

9 *b0155/3.119* SECTION 2413f. 230.22 (1) of the statutes is amended to read:

10 230.22 (1) The ~~secretary~~ director may establish by rule an entry professional
11 class program for use in a wide range of entry professional positions.

12 *b0155/3.119* SECTION 2413h. 230.22 (2) of the statutes is amended to read:

13 230.22 (2) In connection with this program the ~~secretary~~ director may establish
14 separate classifications and corresponding pay provisions to provide agencies an
15 entry professional program, through which they can compete on campuses and in the
16 labor market for the best available applicants.

17 *b0155/3.119* SECTION 2413i. 230.24 (1) of the statutes is amended to read:

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

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SECTION 2413i

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

6 *b0155/3.119* SECTION 2413k. 230.25 (1p) of the statutes is amended to read:

7 230.25 (1p) If an appointing authority appoints a person certified under this
8 section and the person is not a veteran, the spouse of a veteran or a person the hiring
9 of whom would serve affirmative action purposes, the appointing authority shall
10 make and retain a written record of the appointing authority's reasons for selecting
11 the person who was appointed. The appointing authority shall make the written
12 records available to the ~~department~~ office and annually submit a report to the
13 ~~department~~ office summarizing the reasons contained in the written records. The
14 ~~department~~ office shall annually prepare a report summarizing, for each agency, the
15 reasons contained in the records prepared by appointing authorities under this
16 subsection.

17 *b0155/3.119* SECTION 2413r. 230.27 (2k) of the statutes is amended to read:

18 230.27 (2k) If an appointing authority selects, for a project position, a person
19 who is not a veteran or is not a person the hiring of whom would serve affirmative
20 action purposes, the appointing authority shall make and retain a written record of
21 the appointing authority's reasons for selecting the person who was appointed. The
22 appointing authority shall make the written records available to the ~~department~~
23 office and annually submit a report to the ~~department~~ office summarizing the
24 reasons contained in the written records. The ~~department~~ office shall annually

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1 prepare a report summarizing, for each agency, the information submitted by
2 appointing authorities under this subsection.

3 *b0155/3.119* SECTION 2413s. 230.32 (3) of the statutes is amended to read:

4 230.32 (3) (a) Any classified employee who leaves state service and enters the
5 armed forces of the United States shall, under this section, be granted written
6 military leave of absence by the appointing authority. Notice of such leave from state
7 service and the terms of any such leave shall be given in writing by the appointing
8 authority to the secretary director for purposes of record.

9 (b) Any classified employee who leaves state service for civilian employment
10 in response to a specific request or order of the federal government or any of its
11 agencies in connection with manpower redistribution and utilization shall, under
12 this section, make written application to the appointing authority for civilian leave
13 of absence presenting such specific request or order of the federal government as
14 supporting evidence. Such civilian leave shall be allowed by the appointing
15 authority and its terms, which shall conform to the rules of the secretary director,
16 shall be in writing. Notice of such leave from state service shall be made in writing
17 by the appointing authority to the secretary director for purposes of record.

18 (c) All such military or civilian leaves of absence as heretofore may have been
19 granted are validated and shall be deemed to be sufficient and effective hereunder.
20 Such leaves shall be recorded with the secretary director.

21

empty comment?



22 *b0155/3.119* SECTION 2413t. 230.33 (2) of the statutes is amended to read:

23 230.33 (2) A person appointed to an unclassified position by an appointing
24 authority other than an appointing authority described under sub. (1), to a
25 department other than the one in which the person was a classified employee may

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SECTION 2413t

1 be granted a leave of absence without pay at the option of the person's former
2 appointing authority in accordance with the leave of absence provisions in the rules
3 of the ~~secretary~~ director. An employee granted a leave of absence shall have the same
4 restoration rights and reinstatement privileges as under sub. (1m). If not granted
5 a leave of absence, the employee shall be entitled only to the reinstatement privileges
6 under sub. (1m).

7 *b0155/3.120* SECTION 2416b. 230.34 (1) (c) of the statutes is amended to
8 read:

9 230.34 (1) (c) The ~~secretary~~ director shall establish guidelines for uniform
10 application of this authority among the various agencies.

11 *b0155/3.120* SECTION 2416d. 230.34 (4) of the statutes is amended to read:

12 230.34 (4) Resignations shall be regulated by the rules of the ~~secretary~~ director.

13 *b0155/3.120* SECTION 2416f. 230.35 (1) (d) of the statutes is amended to read:

14 230.35 (1) (d) Annual leaves of absence shall not be cumulative except under
15 sub. (1p) and except that unused annual leave shall, subject to the rules of the
16 ~~secretary~~ director, be used in the year following the one in which it was earned, but
17 no employee shall lose any unused annual leave because the employee's work
18 responsibilities prevented the usage of the unused annual leave during the first 6
19 months of the year following the year in which it was earned.

20 *b0155/3.120* SECTION 2416h. 230.35 (2) of the statutes is amended to read:

21 230.35 (2) Leave of absence with pay owing to sickness and leave of absence
22 without pay, other than annual leave and leave under s. 103.10, shall be regulated
23 by rules of the ~~secretary~~ director, except that unused sick leave shall accumulate
24 from year to year. After July 1, 1973, employees appointed to career executive
25 positions under the program established under s. 230.24 or positions designated in

SENATE BILL 44**SECTION 2416h**

1 s. 19.42 (10) (L) or 20.923 (4), (7), (8), and (9) or authorized under s. 230.08 (2) (e) shall
2 have any unused sick leave credits restored if they are reemployed in a career
3 executive position or in a position under s. 19.42 (10) (L) or 20.923 (4), (7), (8), and
4 (9) or authorized under s. 230.08 (2) (e), regardless of the duration of their absence.
5 Restoration of unused sick leave credits if reemployment is to a position other than
6 those specified above shall be in accordance with rules of the ~~secretary~~ director.

7 *b0155/3.120* **SECTION 2416j.** 230.35 (2r) (b) of the statutes is amended to
8 read:

9 230.35 (2r) (b) The ~~secretary~~ director may establish, by rule, a catastrophic
10 leave program that permits employees to donate certain types and amounts of leave
11 credits to other employees who have been absent from pay status because of a
12 catastrophic need for which there is no paid leave benefits or replacement income
13 available. The ~~secretary~~ director shall determine the types and amounts of leave
14 credits that may be donated.

15 *b0155/3.120* **SECTION 2416L.** 230.35 (3) (d) of the statutes is amended to
16 read:

17 230.35 (3) (d) Employees of the state are entitled to reasonable paid leaves of
18 absence to compete in promotional examinations and interviews. The ~~secretary~~
19 director shall promulgate rules governing the lengths of time allowable for such
20 leaves, their frequency and the provisions for their use.

21 *b0155/3.120* **SECTION 2416m.** 230.35 (3) (e) 2. e. of the statutes is amended
22 to read:

23 230.35 (3) (e) 2. e. The leave of absence conforms with any rules of the ~~secretary~~
24 director regarding leaves of absence to provide specialized disaster relief services.

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SECTION 2416n

1 ***b0155/3.120* SECTION 2416n.** 230.35 (3) (e) 5. of the statutes is amended to
2 read:

3 230.35 (3) (e) 5. The ~~secretary~~ director may promulgate any rules necessary to
4 implement this paragraph.

5 ***b0155/3.120* SECTION 2416p.** 230.35 (5) (b) of the statutes is amended to
6 read:

7 230.35 (5) (b) The standard basis of employment shall be divided into 5 work
8 days of 8 hours each except as provided under s. 230.215 (5), and except that when
9 the conditions of employment cannot be satisfied by adhering to this division or when
10 the public would not be inconvenienced, deviations may be permitted upon
11 recommendation of the appointing authority and subsequent approval by the
12 ~~secretary~~ director.

13 ***b0155/3.120* SECTION 2416r.** 230.37 (1) of the statutes is amended to read:

14 230.37 (1) In cooperation with appointing authorities the ~~secretary~~ director
15 shall establish an employee performance evaluation program to provide a continuing
16 record of employee development and, when applicable, to serve as a basis for
17 pertinent personnel actions. Similar evaluations shall be conducted during the
18 probationary period but may not infringe upon the authority of the appointing
19 authority to retain or dismiss employees during the probationary period.

20 ***b0155/3.120* SECTION 2416t.** 230.43 (5) of the statutes is amended to read:

21 230.43 (5) TAXPAYERS' SUITS. The right of any taxpayer to bring any action to
22 restrain the payment of compensation to any person appointed to or holding any
23 office or place of employment in violation of this subchapter shall not be limited or
24 denied by reason of the fact that the office or place of employment has been classified
25 as, or determined to be, not subject to competitive examination; however, any

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1 judgment or injunction in any such action shall be prospective only, and shall not
2 affect payments already made or due to such persons by the proper disbursing
3 officers, in accordance with the rules of the ~~secretary~~ director in force at the time of
4 such payments.

5 *b0155/3.120* SECTION 2416v. 230.44 (1) (b) of the statutes is amended to
6 read:

7 230.44 (1) (b) *Decision made or delegated by secretary* director. Appeal of a
8 personnel decision under s. 230.09 (2) (a) or (d) or 230.13 (1) made by the ~~secretary~~
9 director or by an appointing authority under authority delegated by the ~~secretary~~
10 director under s. 230.04 (1m).

11 *b0155/3.121* SECTION 2417m. 230.44 (1) (dm) of the statutes is amended to
12 read:

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

17 *b0155/3.121* SECTION 2417s. 230.44 (4) (bm) of the statutes is amended to
18 read:

19 230.44 (4) (bm) Upon request of an employee who files an appeal of the decision
20 of the ~~secretary~~ director made under s. 230.09 (2) (a) or (d), the appeal shall be heard
21 by a commissioner or attorney employed by the commission serving as arbitrator
22 under rules promulgated for this purpose by the commission. In such an arbitration,
23 the arbitrator shall orally render a decision at the conclusion of the hearing
24 affirming, modifying or rejecting the decision of the ~~secretary~~ director. The decision
25 of the arbitrator is final and is not subject to review by the commission. An

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SECTION 2417s

1 arbitrator's decision may not be cited as precedent in any other proceeding before the
2 commission or before any court. The arbitrator shall promptly file his or her decision
3 with the commission. The decision of the arbitrator shall stand as the decision of the
4 commission. The decision of the commission is subject to review under ss. 227.53 to
5 227.57 only on the ground that the decision was procured by corruption, fraud or
6 undue means or that the arbitrator or the commission exceeded the arbitrator's or
7 the commission's power. The record of a proceeding under this paragraph shall be
8 transcribed as provided in s. 227.44 (8).

9 *~~1295/2.38~~* SECTION 2418. 230.45 (title) of the statutes is amended to read:

10 **230.45 (title) Powers and duties of personnel commission and division**
11 **of equal rights.**

12 *~~1295/2.39~~* SECTION 2419. 230.45 (1) (b) of the statutes is repealed.

13 *~~0190/7.22~~* SECTION 2420. 230.45 (1) (e) of the statutes is amended to read:

14 230.45 (1) (e) Hear appeals, when authorized under county merit system rules
15 under s. ~~49.33~~ 49.78 (4), from any interested party.

16 *~~1295/2.40~~* SECTION 2421. 230.45 (1) (g) of the statutes is repealed.

17 *~~1295/2.41~~* SECTION 2422. 230.45 (1) (gm) of the statutes is repealed.

18 ***b0155/3.122*** SECTION 2422g. 230.45 (1) (h) of the statutes is amended to
19 read:

20 230.45 (1) (h) Keep minutes of its own proceedings and other official actions.
21 All such records shall, subject to reasonable rules, be open to public inspection.
22 Records of the secretary director or the administrator which are confidential shall
23 be kept confidential by the division of equal rights or the commission.

24 ***b0155/3.122*** SECTION 2422r. 230.45 (1) (i) of the statutes is amended to read:

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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 director, the administrator and appointing authorities affected thereby.

4 *~~1295/2.42~~* SECTION 2423. 230.45 (1) (j) of the statutes is repealed.

5 *~~1295/2.43~~* SECTION 2424. 230.45 (1) (k) of the statutes is repealed.

6 *~~1295/2.44~~* SECTION 2425. 230.45 (1) (L) of the statutes is repealed.

7 *~~1295/2.45~~* SECTION 2426. 230.45 (1) (m) of the statutes is repealed.

8 *~~1295/2.46~~* SECTION 2427. 230.45 (1e) of the statutes is created to read:

9 230.45 (1e) The division of equal rights shall:

10 (a) Receive and process complaints of discrimination of state employees under
11 s. 111.375. In the course of investigating or otherwise processing such a complaint,
12 the division of equal rights may require that an interview with any state employee,
13 except a management or supervisory employee who is a party to or immediately
14 involved in the subject matter of the complaint, be conducted outside the presence
15 of the appointing authority or any representative or agent thereof unless the
16 employee voluntarily requests that presence. An appointing authority shall permit
17 an employee to be interviewed without loss of pay and to have an employee
18 representative present at the interview. An appointing authority of an employee to
19 be interviewed may require the division of equal rights to give the appointing
20 authority reasonable notice prior to the interview.

21 (b) Receive and process complaints of retaliatory disciplinary action under s.
22 230.85.

23 (c) Keep minutes of its own proceedings and other official actions relating to
24 this chapter. All such records shall, subject to reasonable rules, be open to public

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1 inspection. Records of the director or the administrator which are confidential shall
2 be kept confidential by the division of equal rights.

3 (d) Adopt rules necessary to carry out this section. Notice of the contents of such
4 rules and amendments thereto shall be given promptly to the director, the
5 administrator, and appointing authorities affected thereby.

6 ***b0155/3.125* SECTION 2427g.** 230.46 of the statutes is amended to read:

7 **230.46 Duties of council on affirmative action.** The council on affirmative
8 action in the ~~department~~ office shall serve in a direct advisory capacity to the
9 ~~secretary~~ director and as part of that relationship shall evaluate the progress of
10 affirmative action programs throughout the civil service system, seek compliance
11 with state and federal regulations and recommend improvements in the state's
12 affirmative action efforts as an employer. In carrying out its responsibilities, the
13 council may recommend legislation, consult with agency personnel and other
14 interested persons, conduct hearings and take other appropriate action to promote
15 affirmative action. The council shall report at least once per year to the governor and
16 the legislature.

17 ***b0155/3.125* SECTION 2427r.** 230.48 (2) of the statutes is amended to read:

18 **230.48 (2) PERSONNEL, FACILITIES AND EQUIPMENT.** The ~~department~~ office shall
19 appoint, under the classified service, a secretary and such other employees as are
20 necessary to carry out the duties of the state employees suggestion board, and shall
21 provide such facilities and equipment as that board requires for the proper
22 performance of its work. The state employees suggestion board may request and
23 shall receive from any state department any assistance that it requires.

24 ***-1295/2.47* SECTION 2428.** 230.81 (1) (b) of the statutes is amended to read:

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1 230.81 (1) (b) After asking the ~~commission~~ division of equal rights which
2 governmental unit is appropriate to receive the information, disclose the information
3 in writing only to the governmental unit that the ~~commission~~ division of equal rights
4 determines is appropriate. The ~~commission~~ division of equal rights may not
5 designate the department of justice, the courts, the legislature or a service agency
6 under subch. IV of ch. 13 as an appropriate governmental unit to receive information.
7 Each appropriate governmental unit shall designate an employee to receive
8 information under this section.

9 ***-1295/2.48*** SECTION 2429. 230.85 (1) of the statutes is amended to read:

10 230.85 (1) An employee who believes that a supervisor or appointing authority
11 has initiated or administered, or threatened to initiate or administer, a retaliatory
12 action against that employee in violation of s. 230.83 may file a written complaint
13 with the ~~commission~~ division of equal rights, specifying the nature of the retaliatory
14 action or threat thereof and requesting relief, within 60 days after the retaliatory
15 action allegedly occurred or was threatened or after the employee learned of the
16 retaliatory action or threat thereof, whichever occurs last.

17 ***-1295/2.49*** SECTION 2430. 230.85 (2) of the statutes is amended to read:

18 230.85 (2) The ~~commission~~ division of equal rights shall receive and, except as
19 provided in s. 230.45 (1m), investigate any complaint under sub. (1). In the course
20 of investigating or otherwise processing such a complaint, the ~~commission~~ division
21 of equal rights may require that an interview with any employee described in s.
22 230.80 (3), except a management or supervisory employee who is a party to or is
23 immediately involved in the subject matter of the complaint, be conducted outside
24 the presence of the appointing authority or any representative or agent thereof
25 unless the employee voluntarily requests that presence. An appointing authority

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1 shall permit an employee to be interviewed without loss of pay and to have an
2 employee representative present at the interview. An appointing authority of an
3 employee to be interviewed may require the ~~commission~~ division of equal rights to
4 give the appointing authority reasonable notice prior to the interview. If the
5 ~~commission~~ division of equal rights finds probable cause to believe that a retaliatory
6 action has occurred or was threatened, it may endeavor to remedy the problem
7 through conference, conciliation or persuasion. If that endeavor is not successful, the
8 ~~commission~~ division of equal rights shall issue and serve a written notice of hearing,
9 specifying the nature of the retaliatory action which has occurred or was threatened,
10 and requiring the person named, in this section called the “respondent”, to answer
11 the complaint at a hearing. The notice shall specify the place of hearing and a time
12 of hearing not less than 30 days after service of the complaint upon the respondent
13 nor less than 10 days after service of the notice of hearing. If, however, the
14 ~~commission~~ division of equal rights determines that an emergency exists with
15 respect to a complaint, the notice of hearing may specify a time of hearing within 30
16 days after service of the complaint upon the respondent, but not less than 10 days
17 after service of the notice of hearing. The testimony at the hearing shall be recorded
18 or taken down by a reporter appointed by the ~~commission~~ division of equal rights.

19 ***-1295/2.50*** SECTION 2431. 230.85 (3) (a) (intro.) of the statutes is amended
20 to read:

21 230.85 (3) (a) (intro.) After hearing, the ~~commission~~ division of equal rights
22 shall make written findings and orders. If the ~~commission~~ division of equal rights
23 finds that the respondent engaged in or threatened a retaliatory action, it shall order
24 the employee’s appointing authority to insert a copy of the findings and orders into
25 the employee’s personnel file and, if the respondent is a natural person, order the

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1 respondent's appointing authority to insert such a copy into the respondent's
2 personnel file. In addition, the ~~commission~~ division of equal rights may take any
3 other appropriate action, including but not limited to the following:

4 *~~1295/2.51~~* SECTION 2432. 230.85 (3) (a) 4. of the statutes is amended to read:

5 230.85 (3) (a) 4. Order payment of the employee's reasonable attorney fees by
6 a governmental unit respondent, or by a governmental unit employing a respondent
7 who is a natural person if that governmental unit received notice and an opportunity
8 to participate in proceedings before the ~~commission~~ division of equal rights.

9 *~~1295/2.52~~* SECTION 2433. 230.85 (3) (b) of the statutes is amended to read:

10 230.85 (3) (b) If, after hearing, the ~~commission~~ division of equal rights finds
11 that the respondent did not engage in or threaten a retaliatory action it shall order
12 the complaint dismissed. The ~~commission~~ division of equal rights shall order the
13 employee's appointing authority to insert a copy of the findings and orders into the
14 employee's personnel file and, if the respondent is a natural person, order the
15 respondent's appointing authority to insert such a copy into the respondent's
16 personnel file. If the ~~commission~~ division of equal rights finds by unanimous vote
17 that the employee filed a frivolous complaint it may order payment of the
18 respondent's reasonable actual attorney fees and actual costs. Payment may be
19 assessed against either the employee or the employee's attorney, or assessed so that
20 the employee and the employee's attorney each pay a portion. To find a complaint
21 frivolous the ~~commission~~ division of equal rights must find that either s. 814.025 (3)
22 (a) or (b) applies or that both s. 814.025 (3) (a) and (b) apply.

23 *~~1295/2.53~~* SECTION 2434. 230.85 (3) (c) of the statutes is amended to read:

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1 230.85 (3) (c) Pending final determination by the ~~commission~~ division of equal
2 rights of any complaint under this section, the ~~commission~~ division of equal rights
3 may make interlocutory orders.

4 ***-1295/2.54*** SECTION 2435. 230.85 (4) of the statutes is amended to read:

5 230.85 (4) The ~~commission~~ division of equal rights shall serve a certified copy
6 of the findings and order on the respondent and, if the respondent is a natural person,
7 upon the respondent's appointing authority.

8 ***-1295/2.55*** SECTION 2436. 230.85 (5) (a) of the statutes is amended to read:

9 230.85 (5) (a) If a respondent does not comply with any lawful order by the
10 ~~commission~~ division of equal rights, for each such failure the respondent shall forfeit
11 a sum of not less than \$10 nor more than \$100. Every day during which a respondent
12 fails to comply with any order of the ~~commission~~ division of equal rights constitutes
13 a separate violation of that order.

14 ***-1295/2.56*** SECTION 2437. 230.85 (5) (b) of the statutes is amended to read:

15 230.85 (5) (b) As an alternative to par. (a), the ~~commission~~ division of equal
16 rights may enforce an order by a suit in equity.

17 ***-1295/2.57*** SECTION 2438. 230.87 (1) of the statutes is amended to read:

18 230.87 (1) Findings and orders of the ~~commission~~ division of equal rights under
19 this subchapter are subject to judicial review under ch. 227. Upon that review, or in
20 any enforcement action, the department of justice shall represent the ~~commission~~
21 division of equal rights unless a conflict of interest results from that representation.
22 A court may order payment of a prevailing appellant employee's reasonable attorney
23 fees by a governmental unit respondent, or by a governmental unit employing a
24 respondent who is a natural person if that governmental unit received notice and an
25 opportunity to appear before the court.