

2003 Senate Bill 362

Date of enactment: **January 21, 2004**  
Date of publication\*: **January 23, 2004**

## 2003 WISCONSIN ACT 117

AN ACT *to renumber* 20.916 (9) (a) 1.; *to amend* 16.53 (1) (cm), 20.916 (1), 20.916 (1m), 20.916 (4) (title), 20.916 (4) (a), 20.916 (4) (b), 20.916 (4) (c), 20.916 (4) (d), 20.916 (4) (e), 20.916 (4m) (title), 20.916 (4m) (b), 20.916 (5) (title), 20.916 (5) (a), 20.916 (5) (b), 20.916 (7), 20.916 (8) (a), 20.916 (9) (b), 20.916 (9) (c), 20.916 (9) (e), 20.916 (9) (f) 2., 20.916 (9) (f) 3., 20.917 (1) (a), 20.917 (1) (b), 20.917 (1) (c), 20.917 (1) (d), 20.917 (1) (e), 20.917 (2) (a), 20.917 (2) (b), 20.917 (2m), 20.917 (3) (a) 3., 40.05 (4) (by) 1., 40.95 (1) (a) (intro.), 40.95 (2), 230.12 (9), 230.35 (1p) (b) (intro.) and 230.35 (4) (d) (intro.); *to repeal and recreate* 20.916 (9) (d); and *to create* 20.916 (9) (a) 1d. and 230.35 (1p) (bm) of the statutes; **relating to:** state employee travel and expense reimbursement; supplemental credits for the purchase of health insurance for dependents of state employees who die while employed by the state and state employees who are laid off and their surviving insured dependents; and use of earned annual leave under the state civil service system and granting an additional paid personal holiday for nonrepresented state employees.

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

**SECTION 1.** 16.53 (1) (cm) of the statutes is amended to read:

16.53 (1) (cm) *Advancement of travel expenses.* The head of a state agency may, ~~by presenting proper vouchers to the department of administration,~~ advance money for travel expenses to employees. ~~Travel expenses shall be advanced only when the estimated expense is expected to exceed \$50 and the~~ Any travel advance shall not exceed 80% of the estimated expense.

**SECTION 2.** 20.916 (1) of the statutes is amended to read:

20.916 (1) EMPLOYEES TO BE REIMBURSED. State officers and employees shall be reimbursed for actual, reasonable, and necessary traveling expenses incurred in the discharge of their duties in accordance with sub. (9). The officers and employees of any state agency shall, when

for reasons of economy or efficiency they are stationed at any other place than an official location of such state agency, receive their actual, reasonable, and necessary traveling and other expenses when called to such official location for temporary service.

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

20.916 (1m) REIMBURSEMENT OF VOLUNTEERS. Except where reimbursement is required by law, an individual who volunteers his or her services to a state agency may, at the discretion of the appointing authority of the state agency receiving the services, be reimbursed by the state agency for actual, reasonable, and necessary travel expenses incurred in the performance of the services. Reimbursement shall not exceed the maximum amounts established for state officers and employees under sub. (8).

**SECTION 4.** 20.916 (4) (title) of the statutes is amended to read:

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\* Section 991.11, WISCONSIN STATUTES 2001-02 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

20.916 (4) (title) USE OF PRIVATE PRIVATELY OWNED AUTOMOBILES.

**SECTION 5.** 20.916 (4) (a) of the statutes, as affected by 2003 Wisconsin Act 33, is amended to read:

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

**SECTION 6.** 20.916 (4) (b) of the statutes is amended to read:

20.916 (4) (b) Upon recommendation of the head of the state agency and approval by the secretary of administration, an additional reimbursement at the rate of one cent per mile may be paid to any employee for the use of the employee's ~~personal~~ privately owned automobile when used as an emergency vehicle or under conditions ~~which that~~ may cause excessive wear or depreciation, including pulling trailers or ~~which under conditions that~~ require the installation of special equipment.

**SECTION 7.** 20.916 (4) (c) of the statutes is amended to read:

20.916 (4) (c) For travel between points ~~convenient to be~~ that are conveniently reached by railroad, bus, or commercial airplane without unreasonable loss of time, the allowance for the use of a ~~personal~~ privately owned automobile shall not exceed the lowest cost of the most practical means of public transportation between such points. The department of administration shall ~~give due consideration to the circumstances on each case when determining~~ establish guidelines for the most practical means of public transportation. The cost of meals and lodging paid by the state and the cost of the use of a state-owned automobile not chargeable to an employee may not exceed the cost ~~which that~~ would have been incurred had the most practical form of public transportation been used, at the most appropriate time, if a practical form of public transportation is available.

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

20.916 (4) (d) All allowances for the use of a ~~personal~~ privately owned automobile shall be paid upon the certification of the amounts payable by the head of the state agency to the department of administration.

**SECTION 9.** 20.916 (4) (e) of the statutes is amended to read:

20.916 (4) (e) When an assigned or pool state-owned automobile is available and tendered to an employee, and the employee exercises the option to ~~utilize~~ use the employee's ~~personal~~ privately owned automobile on state business, the mileage allowance shall be at a rate equal to the approximate cost per mile of operation of

state automobiles, including depreciation, as determined by the secretary of administration.

**SECTION 10.** 20.916 (4m) (title) of the statutes is amended to read:

20.916 (4m) (title) USE OF PRIVATE PRIVATELY OWNED MOTORCYCLES.

**SECTION 11.** 20.916 (4m) (b) of the statutes, as affected by 2003 Wisconsin Act 33, is amended to read:

20.916 (4m) (b) Except as otherwise provided in this paragraph, if any state agency determines that an employee's duties require the use of a motor vehicle, and use of a ~~personal~~ privately owned motor vehicle is authorized by the agency under similar circumstances, the agency shall authorize the employee to use a ~~personal~~ privately owned motorcycle for the employee's duties and shall reimburse the employee for the use of the motorcycle at rates determined at least biennially by the director of the office of state employment relations under sub. (8), subject to the approval of the joint committee on employment relations. No state agency may authorize an employee to use or reimburse an employee for the use of a ~~personal~~ privately owned motorcycle under this paragraph if more than one individual is transported on the motorcycle. All allowances for the use of a motorcycle shall be paid upon approval and certification of the amounts payable by the head of the state agency for which the employee performs duties to the department of administration.

**SECTION 12.** 20.916 (5) (title) of the statutes is amended to read:

20.916 (5) (title) USE OF PRIVATE ~~AIRPLANES~~ PRIVATELY OWNED AIRCRAFT.

**SECTION 13.** 20.916 (5) (a) of the statutes, as affected by 2003 Wisconsin Act 33, is amended to read:

20.916 (5) (a) ~~Whenever any state agency determines that the duties of any member or employee require the use of an airplane, it~~ If the use of a privately owned or chartered aircraft is more efficient and economical for the conduct of state business than commercial transportation, the head of a state agency may authorize him or her an employee to charter such airplane an aircraft with or without a pilot; and it may authorize any member or employee to use his or her personal airplane a privately owned aircraft and reimburse him or her the member or employee for such use of a privately owned aircraft at a rate set at least biennially by the office of state employment relations under sub. (8), subject to the approval of the joint committee on employment relations. ~~Such reimbursement shall be made upon the certification of the amount by the head of the state agency to the department of administration.~~

**SECTION 14.** 20.916 (5) (b) of the statutes is amended to read:

20.916 (5) (b) The head of the state agency whose members or employees are authorized to use their own airplanes aircraft in their work for the state shall ~~file with~~

~~ensure that employees adhere to any license and insurance requirements prescribed by the department of administration a list of all persons so authorized and the airplanes so to be used with a statement of the passenger capacity of each such airplane.~~

**SECTION 15.** 20.916 (7) of the statutes is amended to read:

20.916 (7) **PERSONAL USE OF STATE VEHICLES AND AIRCRAFT.** With the approval of the secretary of administration, a state officer or employee may use a state-owned motor vehicle or state-owned aircraft for personal use. An officer or employee shall reimburse the state for personal use of a state-owned motor vehicle at the same reimbursement rate provided an employee by the state for the use of his or her ~~personal~~ privately owned automobile on state business as approved in the schedule under sub. (8). An officer or employee shall reimburse the state for personal use of a state-owned aircraft at a rate determined by the secretary of administration ~~which~~ that covers all costs associated with the operation of the aircraft.

**SECTION 16.** 20.916 (8) (a) of the statutes, as affected by 2003 Wisconsin Act 33, is amended to read:

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

**SECTION 17.** 20.916 (9) (a) 1. of the statutes is renumbered 20.916 (9) (a) 1m.

**SECTION 18.** 20.916 (9) (a) 1d. of the statutes is created to read:

20.916 (9) (a) 1d. "Appointing authority" has the meaning given in s. 230.03 (4).

**SECTION 19.** 20.916 (9) (b) of the statutes is amended to read:

20.916 (9) (b) *Lodging.* ~~All~~ Subject to the limitations under sub. (8) and s. 16.53 (12) (c), all reimbursement claims for lodging must be accompanied by a receipt.

**SECTION 20.** 20.916 (9) (c) of the statutes is amended to read:

20.916 (9) (c) *Meals.* Subject to the ~~limitation prescribed in~~ limitations under sub. (8) and s. 16.53 (12) (c), employees shall be reimbursed for all reasonable amounts expended for their own meals incurred in the performance of their official duties. Receipts for meals are not required except for ~~any unusual~~ claims in excess of the maximum amount, which must be accompanied by

a receipt and full explanation of the reasonableness of such expense.

**SECTION 21.** 20.916 (9) (d) of the statutes is repealed and recreated to read:

20.916 (9) (d) *Other allowable travel expenses.* Employees shall be reimbursed for actual, reasonable, and necessary expenses, including specifically laundry, telephone, facsimile, portage, and tips, when traveling on state business, but not to exceed any limitations or maximums established by the director of the office of state employment relations under sub. (8) and s. 16.53 (12) (c).

**SECTION 22.** 20.916 (9) (e) of the statutes is amended to read:

20.916 (9) (e) *Expenses in an employee's headquarters city, village, or town.* Employees who are headquartered in a city, village, or town in which the expense occurs shall be reimbursed for their actual, reasonable, and necessary expenses incurred in the discharge of official duties only on the approval of the ~~head of the employee's agency~~ appointing authority of the state agency at which the employee is employed. This does not apply to travel between an employee's residence and the city, village, or town in which the employee is headquartered, which shall not be reimbursable.

**SECTION 23.** 20.916 (9) (f) 2. of the statutes is amended to read:

20.916 (9) (f) 2. "Train." Travel by train shall be limited to coach, if available, unless overnight, where accommodations should be limited to roomette.

**SECTION 24.** 20.916 (9) (f) 3. of the statutes is amended to read:

20.916 (9) (f) 3. "Reimbursement." ~~All~~ Receipt limits for all claims for reimbursement of transportation expense, ~~except for taxicabs and airport limousines, must be accompanied by a receipt~~ shall be established by the director of the office of state employment relations in the compensation plan under s. 230.12.

**SECTION 25.** 20.917 (1) (a) of the statutes is amended to read:

20.917 (1) (a) Whenever an employee currently employed in a position in the civil service, other than on a limited term basis, is ordered to relocate or is promoted to a different position in the civil service and the new place of employment requires in the judgment of the new appointing authority at the new place of employment, or in the judgment of the appointing authority in an intra-agency relocation or promotion, a change in location of residence, the appointing authority shall authorize the ~~employee to be reimbursed for the payment of the~~ employee's actual and necessary expense of transporting the employee and the immediate members of the employee's family to the new place of residence and for the transportation of the employee's household effects to the new place of residence.

**SECTION 26.** 20.917 (1) (b) of the statutes is amended to read:

20.917 (1) (b) Reimbursement Payment under this section for an employee who relocates as a result of transfer or demotion made at the employee's request is at the discretion of the new appointing authority, or in an intra-agency transfer or demotion at the employee's request, at the discretion of the appointing authority of the state agency by at which the employee is employed.

**SECTION 27.** 20.917 (1) (c) of the statutes, as affected by 2003 Wisconsin Act 33, is amended to read:

20.917 (1) (c) Reimbursement Payment for moving expenses may be granted to a person reporting to his or her first place of employment or reporting upon reemployment after leaving the civil service, if reimbursement payment is recommended by the appointing authority and approved in writing by the director of the office of state employment relations prior to the time when the move is made.

**SECTION 28.** 20.917 (1) (d) of the statutes is amended to read:

20.917 (1) (d) Reimbursement Payment may not be granted if the distance between the old and new residences of the employee is less than a minimum distance established for reimbursement of moving expenses in the compensation plan under s. 230.12 (1) by the director of the office of state employment relations for payment of moving expenses.

**SECTION 29.** 20.917 (1) (e) of the statutes is amended to read:

20.917 (1) (e) In addition to other costs payable under this subsection, an employee who is eligible for reimbursement payment of moving expenses under par. (a) shall be paid a stipend of \$600 in an amount established in the compensation plan under s. 230.12 for preparation of household effects incident to moving and other moving expenses not otherwise reimbursable under this section. An employee who is eligible for reimbursement payment under par. (b) may, at the discretion of the appointing authority, be paid a stipend of not more than \$600 the amount established in the compensation plan under s. 230.12 for preparation of household effects incident to moving and other moving expenses not otherwise reimbursable under this section. An appointee who receives reimbursement a payment under par. (c) may, at the discretion of the appointing authority, be paid a stipend of not more than \$600 the amount established in the compensation plan under s. 230.12 for preparation of household effects incident to moving and other moving expenses not otherwise reimbursable under this section.

**SECTION 30.** 20.917 (2) (a) of the statutes, as affected by 2003 Wisconsin Act 33, is amended to read:

20.917 (2) (a) The director of the office of state employment relations ~~shall recommend~~ may establish a maximum dollar amount ~~which may be permitted for reimbursement~~ for payment of any employee moving

costs under sub. (1) (a) to (c), ~~subject to the limitations prescribed in par. (b).~~ This amount shall be submitted for the approval of the joint committee on employment relations in the manner provided in s. 20.916 (8), and upon approval shall become a part of the compensation plan under s. 230.12 (1).

**SECTION 31.** 20.917 (2) (b) of the statutes is amended to read:

20.917 (2) (b) ~~The amount of reimbursement for moving household effects interstate may not exceed the maximum amount as set forth in the rate tables of the major household goods tariff publishing bureaus, as determined by the department of administration. The amount of reimbursement for moving household effects intrastate may not exceed the maximum amount established by the department of administration for the weight of goods moved and the distance involved. In any instance, the amount of reimbursement for moving household effects may not exceed the amount required to move household effects with a weight of 15,000 pounds at the maximum rates for transporting household effects established by the department of administration. The amount of reimbursement for transporting the employee and his or her immediate family to the new place of residence may not exceed the cost of automobile travel at the rate determined under s. 20.916 (4).~~

**SECTION 32.** 20.917 (2m) of the statutes is amended to read:

20.917 (2m) An individual who is living outside the contiguous 48 states and the District of Columbia and who incurs ~~travel~~ moving and transportation expenses for the purpose of reporting to his or her first place of employment or reporting upon reemployment after leaving the civil service to a location within the contiguous 48 states or District of Columbia may be ~~reimbursed~~ paid for actual, necessary and reasonable expenses incurred, if the reimbursement is recommended and approved in the manner prescribed in sub. (1) (c). ~~In no case may the reimbursement~~ Any such payment may not exceed the maximum ~~reimbursement rate~~ amounts available for an individual who incurs such expenses upon appointment to a position in the federal government, as prescribed by applicable federal regulation. The ~~reimbursement payable~~ payments under this subsection is are in lieu of the ~~reimbursement~~ those otherwise payable under subs. (1) and (2).

**SECTION 33.** 20.917 (3) (a) 3. of the statutes is amended to read:

20.917 (3) (a) 3. Claims for lodging ~~allowance~~ payments ~~allowances~~ shall be approved and paid in the same manner as travel expenses.

**SECTION 34.** 40.05 (4) (by) 1. of the statutes is amended to read:

40.05 (4) (by) 1. Employers shall pay contributions that are sufficient to pay for the present value of the present and future benefits authorized under subch. IX for all

employees eligible to receive the benefits under that subchapter, other than state employees who are eligible to receive the benefits as a result of layoff. Except as provided in subd. 2., the board shall annually determine the contribution rate upon certification by the actuary of the department. The contribution rates determined under this paragraph shall become effective on January 1 of the calendar year in which they are applicable and shall remain in effect during that year.

**SECTION 35.** 40.95 (1) (a) (intro.) of the statutes, as affected by 2003 Wisconsin Act 33, is amended to read:

40.95 (1) (a) (intro.) Subject to sub. (2), the department shall administer a program that provides health insurance premium credits for the purchase of health insurance for a retired employee, or the retired employee's surviving insured dependents, ~~and; for an eligible employee under s. 40.02 (25) (b) 6e., or the eligible employee's surviving insured dependents; for an employee who is laid off, but who is not on a temporary, school year, seasonal, or sessional layoff, and his or her surviving insured dependents; and for the surviving insured dependents of an employee who dies while employed by the state,~~ for the benefit of an eligible employee whose compensation includes such health insurance premium credits and who satisfies at least one of the following:

**SECTION 36.** 40.95 (2) of the statutes is amended to read:

40.95 (2) The department is not required to administer any program that provides health insurance premium credits for the purchase of health insurance for a retired employee or the retired employee's surviving insured dependents; ~~for an eligible employee under s. 40.02 (25) (b) 6e., or the eligible employee's surviving insured dependents; for an employee who is laid off, but who is not on a temporary, school year, seasonal, or sessional layoff, and his or her surviving insured dependents; and for the surviving insured dependents of an employee who dies while employed by the state,~~ if the department determines that the program does not conform to the program approved by the joint committee on employment relations under s. 230.12 (9).

**SECTION 37.** 230.12 (9) of the statutes, as affected by 2003 Wisconsin Act 33, is amended to read:

230.12 (9) **HEALTH INSURANCE PREMIUM CREDITS.** The director may recommend to the joint committee on employment relations a program, administered by the department of employee trust funds, that provides health insurance premium credits to employees whose compensation is established under this section or s. 20.923 (2) or (3). The health insurance premium credits shall be used for the purchase of health insurance for a retired employee, or the retired employee's surviving insured dependents, ~~and; for an eligible employee under s. 40.02~~

(25) (b) 6e., or the eligible employee's surviving insured dependents; ~~for an employee who is laid off, but who is not on a temporary, school year, seasonal, or sessional layoff, and his or her surviving insured dependents; and for the surviving insured dependents of an employee who dies while employed by the state,~~ and shall be based on the employee's years of continuous service, accumulated unused sick leave and any other factor recommended by the director. ~~Credits granted under the program to an employee who is laid off shall be available until the credits are exhausted, the employee is reemployed by the state, or 5 years have elapsed from the date of layoff, whichever occurs first.~~ The approval process for the program is the same as that provided under sub. (3) (b) and the program shall be incorporated into the compensation plan under sub. (1).

**SECTION 38.** 230.35 (1p) (b) (intro.) of the statutes is amended to read:

230.35 (1p) (b) (intro.) Employees at the 200-hour ~~or 216-hour~~ rate under sub. (1) or (1m) may, in the year earned, elect to receive not more than 80 of those hours of earned annual leave among one or more of these options:

**SECTION 39.** 230.35 (1p) (bm) of the statutes is created to read:

230.35 (1p) (bm) Employees at the 216-hour rate under sub. (1) or (1m) may, in the year earned, elect to receive not more than 120 of those hours of earned annual leave among one or more of these options:

1. Not to exceed 40 hours in cash.
2. As credit for termination leave.
3. As accumulated sabbatical leave.

**SECTION 40.** 230.35 (4) (d) (intro.) of the statutes is amended to read:

230.35 (4) (d) (intro.) In addition to the holidays granted under par. (c), all employees except limited term employees shall earn 3.5 paid personal holidays each calendar year, plus one additional paid personal holiday each calendar year in recognition of Veterans Day. Eligibility to take the personal holidays during the year earned is subject to the following:

**SECTION 41. Initial applicability.**

(1) The treatment of sections 40.05 (4) (by) 1., 40.95 (1) (a) (intro.) and (2), and 230.12 (9) of the statutes first applies to the provision of health insurance premium credits under subchapter IX of chapter 40 of the statutes for surviving insured dependents of a state employee who dies on the effective date of this subsection and for state employees who are laid off on the effective date of this subsection.

**SECTION 42. Effective date.**

(1) This act takes effect on January 1, 2004, or the day after publication, whichever is later.