



2009 SENATE BILL 49

1 **AN ACT** *to amend* 63.39 (1), 63.39 (2) and 63.39 (3) of the statutes; **relating to:**
2 changing the procedures for filling vacant civil service positions in the city of
3 Milwaukee.

Analysis by the Legislative Reference Bureau

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

4 **SECTION 1.** 63.39 (1) of the statutes is amended to read:
5 63.39 (1) If a position classified and graded under ss. 63.18 to 63.53 becomes
6 vacant, the appointing officer may fill the position or let it remain vacant. If the
7 appointing officer chooses to fill the vacant position, the appointing officer may, with
8 the approval of the board of city service commissioners, fill it through reinstatement,
9 promotion, reduction or open competitive examination. If the appointing officer
10 chooses not to fill the vacant position by reinstatement, promotion or reduction, the

SENATE BILL 49**SECTION 1**

1 appointing officer shall so notify the board. Except as provided under sub. (2), if the
2 board is so notified, it shall certify to the appointing officer from the list of eligibles
3 the names and addresses of ~~the 3~~ any number of persons standing highest on the list,
4 in accordance with ~~requirements~~ rules established by the board. All persons on the
5 list who have the same test score shall be included on the same certification. If there
6 are less than 3 names upon an eligible list, certification shall be made and, unless
7 objection is made by the appointing officer to the person or persons so certified and
8 the objection sustained by the board, appointment shall be made under the rules.

9 **SECTION 2.** 63.39 (2) of the statutes is amended to read:

10 63.39 (2) If the appointing officer chooses not to fill a vacant managerial,
11 supervisory or confidential position through reinstatement, promotion or reduction,
12 the appointing officer shall so notify the board of city service commissioners. If the
13 board is so notified, it shall certify to the appointing officer from the list of eligibles
14 the names and addresses of ~~the 5~~ any number of persons standing highest on the list
15 ~~if the register of eligibles is less than 50,~~ in accordance with ~~requirements~~ rules
16 established by the board. ~~If the register is more than 50, the top 10%, with any~~
17 ~~fraction rounded to the next whole number, up to a maximum of 10 names, shall be~~
18 ~~certified~~ All persons on the list who have the same test score shall be included on the
19 same certification. If there are less than 5 names on an eligible list, certification shall
20 be made and, unless objection is made by the appointing officer to the person or
21 persons so certified and unless the objection is sustained by the board, appointment
22 shall be made under the rules.

23 **SECTION 3.** 63.39 (3) of the statutes is amended to read:

24 63.39 (3) An appointing officer under this section shall select, solely with
25 reference to merit and fitness, the number of persons for which the appointing officer

SENATE BILL 49

1 has made requisition. ~~In case of more than one vacancy, an additional name shall~~
2 ~~be certified for each vacancy.~~ In case the board cannot certify eligibles for
3 appointment, it may grant to the appointing officer authority to make appointment
4 for a period not to exceed 2 months or until regular appointment can be made.

5 **SECTION 4. Initial applicability.**

6 (1) This act first applies to vacancies that occur on the effective date of this
7 subsection.

8 (END)