

2009 SENATE BILL 49

February 11, 2009 – Introduced by Senators TAYLOR and PLALE, cosponsored by Representatives SINICKI, RICHARDS, TOLES, FIELDS, A. WILLIAMS, YOUNG, ZEPNICK, TURNER, GRIGSBY and KESSLER. Referred to Committee on Labor, Elections and Urban Affairs.

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

Under current law, a first class city (presently only Milwaukee) is required to have a civil service commission (commission). Among the commission's duties is the responsibility to oversee the civil service examinations given by the city and to keep lists of eligible persons who take the examinations for civil service positions in the city. In general, if a vacancy occurs in a nonmanagement civil service position and if the appointing authority chooses not to fill the vacant position by reinstatement, promotion, or reduction, the commission is required to certify to the appointing authority from the list of eligible candidates the three persons ranked highest on the list, based on examination scores and other requirements established by the commission, and up to three veterans or spouses of veterans whose grade, plus veterans preference points, is equal to or higher than the lowest grade on the list of eligibles. Similarly, if the vacancy occurs in a civil service position that is managerial, supervisory, or confidential, the commission currently certifies to the appointing authority the five persons ranked highest on the list or, if the list of eligible candidates is more than 50, the top 10 percent ranked highest on the list up to a maximum of ten. A similar number of veterans or spouses of veterans is also certified under the same procedures that are used for a nonmanagement civil service position.

SENATE BILL 49

Under this bill, for vacancies in all civil service positions, the commission may certify to the appointing authority any number of eligible candidates ranked highest on the list, based on rules established by the commission. Also under the bill, all persons on the list with the same test score must be included on the same certification.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 63.39 (1) of the statutes is amended to read:

2 63.39 (1) If a position classified and graded under ss. 63.18 to 63.53 becomes
3 vacant, the appointing officer may fill the position or let it remain vacant. If the
4 appointing officer chooses to fill the vacant position, the appointing officer may, with
5 the approval of the board of city service commissioners, fill it through reinstatement,
6 promotion, reduction or open competitive examination. If the appointing officer
7 chooses not to fill the vacant position by reinstatement, promotion or reduction, the
8 appointing officer shall so notify the board. Except as provided under sub. (2), if the
9 board is so notified, it shall certify to the appointing officer from the list of eligibles
10 the names and addresses of ~~the 3~~ any number of persons standing highest on the list,
11 in accordance with requirements rules established by the board. All persons on the
12 list who have the same test score shall be included on the same certification. If there
13 are less than 3 names upon an eligible list, certification shall be made and, unless
14 objection is made by the appointing officer to the person or persons so certified and
15 the objection sustained by the board, appointment shall be made under the rules.

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

17 63.39 (2) If the appointing officer chooses not to fill a vacant managerial,
18 supervisory or confidential position through reinstatement, promotion or reduction,

SENATE BILL 49

1 the appointing officer shall so notify the board of city service commissioners. 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 5~~ any number of persons standing highest on the list
4 ~~if the register of eligibles is less than 50, in accordance with requirements rules~~
5 established by the board. ~~If the register is more than 50, the top 10%, with any~~
6 ~~fraction rounded to the next whole number, up to a maximum of 10 names, shall be~~
7 ~~certified~~ All persons on the list who have the same test score shall be included on the
8 same certification. If there are less than 5 names on an eligible list, certification shall
9 be made and, unless objection is made by the appointing officer to the person or
10 persons so certified and unless the objection is sustained by the board, appointment
11 shall be made under the rules.

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

13 63.39 (3) An appointing officer under this section shall select, solely with
14 reference to merit and fitness, the number of persons for which the appointing officer
15 has made requisition. ~~In case of more than one vacancy, an additional name shall~~
16 ~~be certified for each vacancy.~~ In case the board cannot certify eligibles for
17 appointment, it may grant to the appointing officer authority to make appointment
18 for a period not to exceed 2 months or until regular appointment can be made.

19 **SECTION 4. Initial applicability.**

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

22 (END)