

2011 Jr1 DRAFTING REQUEST

Senate Amendment (SA-SB11)

Received: 02/16/2011

Received By: mshovers

Wanted: As time permits

Companion to LRB:

For: Administration 6-5878

By/Representing: Jenny Krause

May Contact:

Drafter: mshovers

Subject: Local Gov't - counties
Local Gov't - munis generally
Education - school boards
Employ Pub - collective bargain

Addl. Drafters: chanaman

Extra Copies: RAC, EVM, PG

Submit via email: YES

Requester's email: jennifer.kraus@wisconsin.gov

Carbon copy (CC:) to: BLang@legis.wisconsin.gov
AZimmerm@legis.wisconsin.gov
JBauer@legis.wisconsin.gov
David.Schmiedicke@wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Require local governments to have a civil service system; must contain a grievance procedure

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mshovers 02/16/2011	kfollett 02/16/2011		_____			
/1			jfrantze 02/16/2011	_____	mbarman 02/16/2011	mbarman 02/16/2011	

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/2	mshovers 02/16/2011	kfollett 02/16/2011	rschluet 02/16/2011	_____	cduerst 02/16/2011	cduerst 02/16/2011	

FE Sent For:

<END>

Now a compile draft
(didn't get jacket when "/2"
just sent electronically
per CMH)

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fixed

- Dave Schmiedicke
@wisconsin.gov
- Bob Lang
BLang@legis.wisconsin.gov
- JERE BAVEN
JBaue@legis.wisconsin.gov
- ART ZIMMERMAN
AZimmerm@legis.wisconsin.gov

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/1		125f 2/16	jfrantze 02/16/2011		mbarman 02/16/2011	mbarman 02/16/2011	
FE Sent For:							

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Extra Copies: RAC, EVM, PG

Submit via email: YES

Requester's email: jennifer.kraus@legis.wisconsin.gov

Carbon copy (CC:) to: BOB LAUG, ART ZIMMERMAN, DAVID SCHMIEDICKE, JERE DAVER

Pre Topic:

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1/1	MES 2/16/11	1/16/11		2/1/11			

FE Sent For:

<END>

Champagne, Rick

From: Kraus, Jennifer - DOA [jennifer.kraus@wisconsin.gov]
Sent: Wednesday, February 16, 2011 11:00 AM
To: Champagne, Rick; Hanaman, Cathlene
Cc: Archer, Cynthia - DOA; Schmiedicke, David P - DOA; Hayes, Brian - DOA; Frederick, Caitlin - DOA; Gracz, Greg L - OSER; O'Donnell, Jessica L - DOC
Subject: BAB amendments - 1 new and 1 change

Importance: High

Rick/Cathlene --

1) Pls eliminate the changes related to LTEs

2) Replace LRB0012/1 with this -- Require that all municipalities that have a civil service system under s.66.0509 must at a minimum have a grievance procedure that addresses employee terminations, discipline and work place safety. If a municipality does not have a civil services system, they must create one that has these 3 provisions. The final appeal to these grievances should be to the governing body of the municipality, unless otherwise already specified in statute. These changes should be effective within 4 months of the passage of the bill.

If there is a specific reference to Milwaukee County being required to establish a civil service system - pls exempt them from the requirement by including that reference.

thanks - Jenny

*applies to all bills,
all bills must have
a civil service*

65878

§ 9.52(8)?

*7A to Jr 1
SB11*

*system w/
a grievance
procedure*

*DOA-Admin
cc -> Jenny*

Shovers, Marc

From: Champagne, Rick
Sent: Wednesday, February 16, 2011 12:52 PM
To: Shovers, Marc
Subject: FW: BAB amendments - 1 new and 1 change

From: Archer, Cynthia - DOA [mailto:Cynthia.Archer@wisconsin.gov]
Sent: Wednesday, February 16, 2011 12:33 PM
To: Kraus, Jennifer - DOA; Champagne, Rick; Hanaman, Cathlene
Cc: O'Donnell, Jessica L - DOC; Schmiedicke, David P - DOA; Frederick, Caitlin - DOA
Subject: RE: BAB amendments - 1 new and 1 change

Correct. The intent is to not usurp any processes municipalities and school districts may already have in place. For example, Milwaukee County already has an established process that includes appeal up to a personnel review board. We want to leave this in place. In this example, the appeal for MC would remain and appealing to the governing body (County Board) would not apply.

From: Kraus, Jennifer - DOA
Sent: Wednesday, February 16, 2011 11:49 AM
To: Champagne, Rick - LEGIS; Hanaman, Cathlene - LEGIS
Cc: O'Donnell, Jessica L - OSER; Schmiedicke, David P - DOA; Frederick, Caitlin - DOA; Kraus, Jennifer - DOA; Archer, Cynthia - DOA
Subject: RE: BAB amendments - 1 new and 1 change
Importance: High

Further clarification - If a school district or municipality already has a grievance process or civil service system that addresses the 3 issues (termination, work place safety and discipline) whether authorized elsewhere in statute or by ordinance or resolution, this provision should not override that.

Make sense?

Jenny

From: Kraus, Jennifer - DOA
Sent: Wednesday, February 16, 2011 11:21 AM
To: Champagne, Rick - LEGIS; Hanaman, Cathlene - LEGIS
Cc: O'Donnell, Jessica L - OSER; Schmiedicke, David P - DOA; Frederick, Caitlin - DOA
Subject: FW: BAB amendments - 1 new and 1 change
Importance: High

Just to be clear - we want this to apply to all schools and local government units so the reference to 66.0509 is not broad enough as it looks like it only applies to city, town and villages.

Jenny

From: O'Donnell, Jessica L - OSER
Sent: Wednesday, February 16, 2011 11:08 AM
To: Kraus, Jennifer - DOA
Subject: RE: BAB amendments - 1 new and 1 change

2/16/2011

Is a school district considered a municipality? If not, I don't think they are included in your instructions.

From: Kraus, Jennifer - DOA

Sent: Wednesday, February 16, 2011 11:00 AM

To: Champagne, Rick - LEGIS; Hanaman, Cathlene - LEGIS

Cc: Archer, Cynthia - DOA; Schmiedicke, David P - DOA; Hayes, Brian - DOA; Frederick, Caitlin - DOA; Gracz, Greg L - OSER; O'Donnell, Jessica L - OSER

Subject: BAB amendments - 1 new and 1 change

Importance: High

Rick/Cathlene --

1) Pls eliminate the changes related to LTEs

2) Replace LRB0012/1 with this -- Require that all municipalities that have a civil service system under s.66.0509 must at a minimum have a grievance procedure that addresses employee terminations, discipline and work place safety. If a municipality does not have a civil services system, they must create one that has these 3 provisions.

The final appeal to these grievances should be to the governing body of the municipality, unless otherwise already specified in statute. These changes should be effective within 4 months of the passage of the bill.

If there is a specific reference to Milwaukee County being required to establish a civil service system - pls exempt them from the requirement by including that reference.

thanks - Jenny



State of Wisconsin
 2011 - 2012 LEGISLATURE
 January 2011 Special Session

60028
 LRB 05262
 MES&CMH
 (Handwritten initials and signatures)

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

SENATE AMENDMENT,
 TO SENATE BILL 11

Now

1 At the locations indicated, amend the bill as follows:
 2 **1.** Page 60, line 5: after that line insert:
 3 **"SECTION 151d.** 66.0509 (1m) of the statutes is created to read:
 4 66.0509 (1m) (a) A local governmental unit, as defined in s. 66.0131 (1) (a), that
 5 does not have a civil service system on the effective date of this subsection [LRB
 6 inserts date], shall establish such a system not later than the first day of the fourth
 7 month beginning after the effective date of this subsection [LRB inserts date].
 8 (b) A local governmental unit may establish a civil service system as required
 9 under par. (a) under any provision authorized by law, to the greatest extent
 10 practicable, if no specific provision for the creation of a civil service system applies
 11 to that local governmental unit.

6

4th

1 (c) Any civil service system that is established under any provision of law shall
2 contain at least the following provisions:

- 3 1. A grievance procedure that addresses employee terminations.
4 2. Employee discipline.
5 3. Workplace safety.

6 (d) If an employee of a local governmental unit is covered by a civil service
7 system on the effective date of this subsection [LRB inserts date], and if that
8 system contains provisions that address the provisions specified in par. (c), the
9 provisions that apply to the employee under his or her existing civil service system
10 continue to apply to that employee.”

11 2. Page 142, line 20: after that line insert:

12 (2m) GRIEVANCE PROCEDURE; COLLECTIVE BARGAINING. The treatment of section
13 62.0509 (1m) of the statutes first applies on the first day of the fourth month
14 beginning after the effective date of of this subsection.”

15 (2m) GRIEVANCE PROCEDURES; COLLECTIVE BARGAINING. The treatment of section
16 62.0509 (1m) of the statutes takes effect on the first day of the fourth month
17 beginning after the effective date of .

18 (END)

Shovers, Marc

From: Schmiedicke, David P - DOA [david.schmiedicke@wisconsin.gov]
Sent: Wednesday, February 16, 2011 5:04 PM
To: Hanaman, Cathlene; Shovers, Marc
Subject: FW: LRB 11b0028 Topic: Require local governments to have a civil service system; must contain a grievance procedure

From: Schmiedicke, David P - DOA
Sent: Wednesday, February 16, 2011 2:44 PM
To: Kraus, Jennifer - DOA; Shovers, Marc - LEGIS
Cc: Hanaman, Cathlene - LEGIS; Frederick, Caitlin - DOA
Subject: RE: LRB 11b0028 Topic: Require local governments to have a civil service system; must contain a grievance procedure

Marc:

After reviewing the draft, there is some concern about the concept of "mandating" a civil service system.

Instead, the preference is to require that local government units, whether they have a civil service system or not, must have, at a minimum, a procedure for grievances on employee terminations, employee discipline and workplace safety. The grievance procedures created under this section shall provide for employee appeals to the governing board of the local governmental unit.

Please let me know if you have any questions.

Thanks very much for your assistance.

Dave Schmiedicke

From: Kraus, Jennifer - DOA
Sent: Wednesday, February 16, 2011 2:17 PM
To: Shovers, Marc - LEGIS
Cc: Hanaman, Cathlene - LEGIS; Schmiedicke, David P - DOA; Frederick, Caitlin - DOA
Subject: FW: LRB 11b0028 Topic: Require local governments to have a civil service system; must contain a grievance procedure
Importance: High

Marc - I think this still needs to address how the appeals work - that they go to the governing body unless the municipality already has a civil service system has them going somewhere else. thanks - Jenny

From: Barman, Mike [Mike.Barman@legis.wisconsin.gov]
Sent: Wednesday, February 16, 2011 1:32 PM
To: jennifer.kraus@legis.wisconsin.gov
Subject: LRB 11b0028 Topic: Require local governments to have a civil service system; must contain a grievance procedure

The attached proposal has been jacketed for introduction.

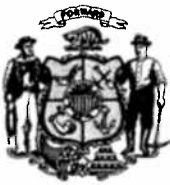
A copy has also been sent to:

2/16/2011

INSTRUCTIONS for /h from Dave
Schmidt

- 1) no mandate for CSS
- 2) if you don't have a CSS must have ~~the~~
the 3 things ~~to~~ in some sort of
procedure w/ a hearing & appeal process
to the gov. board.
if a CSS, must have those 3 things

Dave
6-1353



State of Wisconsin
2011 - 2012 LEGISLATURE

January 2011 Special Session



LRBb00287
MES&CMH:kjfjf

RMR

SENATE AMENDMENT,
TO SENATE BILL 11

NOW

1 At the locations indicated, amend the bill as follows:

2 1. Page 60, line 5: after that line insert:

under
par. (d)

3 "SECTION 151d. 66.0509 (1m) of the statutes is created to read:

4 66.0509 (1m) (a) A local governmental unit, as defined in s. 66.0131 (1) (a), that

5 does not have a civil service system on the effective date of this subsection [LRB

6 inserts date], shall establish ^{a grievance system} ~~such a system~~ not later than the first day of the 4th

7 month beginning after the effective ^{the} date of this subsection [LRB inserts date].

8 (b) ~~A local governmental unit may establish a civil service system~~ ^{To comply with grievance system that is} required

9 under par. (a) ^{neither} under any provision authorized by law, to the greatest extent

10 practicable, if no specific provision for the creation of a civil service system applies

11 to that local governmental unit. ^{or establish a grievance procedure}

12 (c) Any civil service system that is established under any provision of law shall

13 contain at least ^{all of} the following provisions:

2, and
any grievance
procedure that
is created under
this subsection,

- 1 1. A grievance procedure that addresses employee terminations.
- 2 2. Employee discipline.
- 3 3. Workplace safety.

IPS
2-3
4 ~~(e)~~ (d) If an employee of a local governmental unit is covered by a civil service
5 system on the effective date of this subsection [LRB inserts date], and if that
6 system contains provisions that address the provisions specified in par. (c), the
7 provisions that apply to the employee under his or her existing civil service system
8 continue to apply to that employee.”

9 **2.** Page 142, line 20: after that line insert:

10 “(2e) GRIEVANCE PROCEDURE; COLLECTIVE BARGAINING. The treatment of section
11 62.0509 (1m) of the statutes first applies on the first day of the 4th month beginning
12 after the effective date of of this subsection.”

13 (END)

**2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb0028/2ins
MES&CMH:kjf:jf

INS 2-3

(d) If a local governmental unit creates a grievance procedure under this subsection[✓], the procedure shall contain at least all of the following elements:

1. A written document specifying the process that a grievant and an employer must follow.
2. A hearing before an impartial hearing officer.
3. An appeal process in which the highest level of appeal is the governing body of the local governmental unit.



State of Wisconsin
2011 - 2012 LEGISLATURE

January 2011 Special Session



LRBb0028/2
MES&CMH:kjf:rs

**SENATE AMENDMENT ,
TO SENATE BILL 11**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 60, line 5: after that line insert:

3 “**SECTION 151d.** 66.0509 (1m) of the statutes is created to read:

4 66.0509 (1m) (a) A local governmental unit, as defined in s. 66.0131 (1) (a), that
5 does not have a civil service system on the effective date of this subsection [LRB
6 inserts date], shall establish a grievance system not later than the first day of the 4th
7 month beginning after the effective date of this subsection [LRB inserts date].

8 (b) To comply with the grievance system that is required under par. (a), a local
9 governmental unit may establish either a civil service system under any provision
10 authorized by law, to the greatest extent practicable, if no specific provision for the
11 creation of a civil service system applies to that local governmental unit, or establish
12 a grievance procedure as described under par. (d).

1 (c) Any civil service system that is established under any provision of law, and
2 any grievance procedure that is created under this subsection, shall contain at least
3 all of the following provisions:

- 4 1. A grievance procedure that addresses employee terminations.
- 5 2. Employee discipline.
- 6 3. Workplace safety.

7 (d) If a local governmental unit creates a grievance procedure under this
8 subsection, the procedure shall contain at least all of the following elements:

- 9 1. A written document specifying the process that a grievant and an employer
10 must follow.
- 11 2. A hearing before an impartial hearing officer.
- 12 3. An appeal process in which the highest level of appeal is the governing body
13 of the local governmental unit.

14 (e) If an employee of a local governmental unit is covered by a civil service
15 system on the effective date of this subsection [LRB inserts date], and if that
16 system contains provisions that address the provisions specified in par. (c), the
17 provisions that apply to the employee under his or her existing civil service system
18 continue to apply to that employee.”.

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21 62.0509 (1m) of the statutes first applies on the first day of the 4th month beginning
22 after the effective date of this subsection.”.

23 (END)