



## 2013 SENATE BILL 224

1     **AN ACT** *to amend* 230.28 (4), 230.34 (1) (a), 230.34 (1) (ar), 230.35 (1) (a) (intro.),  
2           230.35 (1) (b), 230.35 (1m) (bt) (intro.), 230.35 (1m) (f), 230.35 (4) (b), 230.35 (4)  
3           (c), 230.35 (4) (d) (intro.), 230.35 (4) (d) 1. and 230.44 (1) (c); **to repeal and**  
4           **recreate** 230.26 (1m); and **to create** 230.35 (1p) (intro.) and 230.35 (3) (am) of  
5           the statutes; **relating to:** the state civil service.

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*Analysis by the Legislative Reference Bureau*

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

6           **SECTION 1.** 230.26 (1m) of the statutes is repealed and recreated to read:  
7           230.26 (1m) An appointing authority may not appoint a person who is not a  
8           state resident to a limited term appointment unless approved by the administrator.  
9           **SECTION 2.** 230.28 (4) of the statutes is amended to read:  
10          230.28 (4) A person reinstated in an employing unit other than one in which  
11          the person previously served in permanent status in the class in which the person

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1 is being reinstated, ~~or~~ an employee who transfers from one employing unit to another  
2 ~~or~~, an employee who moves to a different employing unit in conjunction with a  
3 voluntary demotion, and a person who had not obtained permanent status in class  
4 in a supervisory or management position prior to appointment to another  
5 supervisory or management position, may be required by the appointing authority  
6 to serve a probationary period. Provisions for the duration of such probationary  
7 period shall be provided in the rules of the administrator.

8 **SECTION 3.** 230.34 (1) (a) of the statutes is amended to read:

9 230.34 (1) (a) An employee with permanent status in class or an employee who  
10 has served with the state as an assistant district attorney or an assistant state public  
11 defender for a continuous period of 12 months or more may be removed, suspended  
12 without pay, discharged, reduced in base pay or demoted only for just cause.

13 **SECTION 4.** 230.34 (1) (ar) of the statutes, as affected by 2011 Wisconsin Acts  
14 10 and 32, is amended to read:

15 230.34 (1) (ar) Paragraphs (a) and (am) apply to all employees with permanent  
16 status in class in the classified service and all employees who have served with the  
17 state as an assistant district attorney or an assistant state public defender for a  
18 continuous period of 12 months or more (ar).

19 **SECTION 5.** 230.35 (1) (a) (intro.) of the statutes is amended to read:

20 230.35 (1) (a) (intro.) Except as provided in subs. (1m), (1r), and (1s) and the  
21 compensation plan under s. 230.12, appointing authorities shall grant to each person  
22 in their employ, except employees excluded from coverage under this subsection by  
23 the department by rule and limited-term employees, based on accumulated  
24 continuous state service, annual leave of absence without loss of pay at the rate of:

25 **SECTION 6.** 230.35 (1) (b) of the statutes is amended to read:

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1           230.35 (1) (b) An employee, with the approval of his or her appointing  
2 authority, may anticipate the annual leave which he or she could earn during the  
3 current calendar year, except that no employee shall be eligible to take annual leave  
4 until he or she has completed the first 6 months of a probationary period for an  
5 original appointment unless the employee uses annual leave that he or she accrued  
6 while serving in an unclassified position.

7           **SECTION 7.** 230.35 (1m) (bt) (intro.) of the statutes is amended to read:

8           230.35 (1m) (bt) (intro.) An Except as otherwise provided in the compensation  
9 plan under s. 230.12, an employee who is not subject to the minimum wage and  
10 overtime requirements under the federal Fair Labor Standards Act, 29 USC 201 to  
11 219, shall be entitled to annual leave of absence without loss of pay based upon  
12 accumulated continuous state service at the rate of:

13           **SECTION 8.** 230.35 (1m) (f) of the statutes is amended to read:

14           230.35 (1m) (f) The continuous service of an employee eligible for annual leave  
15 under this subsection shall not be considered interrupted if the employee was on an  
16 approved leave of absence to participate in providing specialized disaster relief  
17 services or if the employee leaves the service and is reemployed by the state in  
18 another position covered under this subsection. ~~If reemployed in a position not~~  
19 ~~covered under this subsection the employee shall be required to meet the continuous~~  
20 ~~service requirements of sub. (1) (g). This paragraph applies to all persons who are~~  
21 ~~employees covered under this subsection on or after July 1, 1973. Employees~~  
22 appointed to career executive positions under s. 230.24 or positions designated in s.  
23 19.42 (10) (L) or 20.923 (4), (7), (8), or (9) or authorized under s. 230.08 (2) (e) are not  
24 subject to the continuous service requirements under sub. (1) (g) if they are  
25 reemployed in any of those positions, regardless of the duration of their absence. If

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1 the employees are reemployed in a position other than a career executive position or  
2 a position designated in s. 19.42 (10) (L) or 20.923 (4), (7), (8), or (9) or authorized  
3 under s. 230.08 (2) (e), continuous service shall be established in accordance with  
4 rules of the director.

5 **SECTION 9.** 230.35 (1p) (intro.) of the statutes is created to read:

6 230.35 (1p) (intro.) Except as otherwise provided in the compensation plan  
7 under s. 230.12:

8 **SECTION 10.** 230.35 (3) (am) of the statutes is created to read:

9 230.35 (3) (am) Officials and employees of the state who have permanent status  
10 in class and who are members of the national guard, state defense force, or a reserve  
11 component of the United States armed forces and who are on military leave without  
12 pay for authorized inactive duty training or active duty for training, shall, upon  
13 reemployment immediately after such military training, receive credit for annual  
14 leave, sick leave, and legal holidays as if they had remained continuously employed  
15 by the state.

16 **SECTION 11.** 230.35 (4) (b) of the statutes is amended to read:

17 230.35 (4) (b) ~~Compensatory~~ Except as otherwise provided in the compensation  
18 plan under s. 230.12, compensatory time off or payment, either of which shall be at  
19 the rate of time and one-half, shall be granted to state employees for all work  
20 performed on the holidays enumerated in par. (a) 1. to 9.

21 **SECTION 12.** 230.35 (4) (c) of the statutes is amended to read:

22 230.35 (4) (c) ~~All~~ Except as provided in the compensation plan under s. 230.12,  
23 all employees except limited term employees shall receive 9 paid holidays annually  
24 in addition to any other authorized paid leave, the time to be at the discretion of the  
25 appointing authorities.

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1           **SECTION 13.** 230.35 (4) (d) (intro.) of the statutes is amended to read:

2           230.35 (4) (d) (intro.) In addition to the holidays granted under par. (c) and  
3           except as provided in the compensation plan under s. 230.12, all employees except  
4           limited term employees shall earn 3.5 paid personal holidays each calendar year,  
5           plus one additional paid personal holiday each calendar year in recognition of  
6           Veterans Day. Eligibility to take the personal holidays during the year earned is  
7           subject to the following:

8           **SECTION 14.** 230.35 (4) (d) 1. of the statutes is amended to read:

9           230.35 (4) (d) 1. Employees serving the first 6 months of a probationary period  
10          for an original appointment or as a trainee may anticipate the personal holidays  
11          earned during each year and be eligible to take the personal holidays during the  
12          probationary period, subject to subsequent completion of the first 6 months of the  
13          probationary period and also subject to subd. 3. If an employee does not complete the  
14          first 6 months of probationary service due to resignation, any holiday time taken  
15          under this paragraph shall then be considered approved leave without pay, and the  
16          agency shall recover from the employee the value of such time. If an employee is  
17          terminated, personal holidays shall be prorated for the calendar year in which the  
18          termination occurs and personal holidays earned in a previous calendar year may not  
19          be prorated or repaid.

20          **SECTION 15.** 230.44 (1) (c) of the statutes is amended to read:

21          230.44 (1) (c) *Demotion, layoff, suspension or discharge.* If an employee has  
22          permanent status in class, or an employee has served with the state as an assistant  
23          district attorney or an assistant state public defender for a continuous period of 12  
24          months or more, the employee may appeal a demotion, layoff, suspension, discharge  
25          or reduction in base pay to the commission as the final step in the state employee

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1 grievance procedure established under s. 230.04 (14), if the appeal alleges that the  
2 decision was not based on just cause.

3 (END)