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## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

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**2013 Wisconsin Act 123**  
[2013 Senate Bill 224]

**State Civil Service Changes**

Under current law, the Office of State Employment Relations (OSER) prepares the compensation plan for certain state employees. Under s. 230.12 (2) (h), Stats., the compensation plan may include other provisions relating to pay, benefits, and working conditions that supersede the provisions of the civil service and other applicable statutes and rules promulgated by the OSER director and the administrator.

The 2013-15 Compensation Plan includes several provisions which supersede applicable statutes and rules relating to the civil service. 2013 Wisconsin Act 123 incorporates some of these provisions into the statutes. These provisions are as follows:

**Nonresident Limited Term Employees (LTEs):**

- Provides that appointment of an LTE who is not a resident of this state may be made with the approval of the administrator of OSER's Division of Merit Recruitment and Selection.

**Supervisory Probationary Periods:**

- Provides that an employee without permanent status in class in a supervisory or management position, who is appointed to another supervisory or management position, may be required to serve a permissive probation period.

**Protections for Assistant State Public Defender Attorneys:**

- Provides assistant state public defender attorneys who have served for a continuous period of 12 months with the same protections as those provided to assistant district

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.

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attorneys which only allow removal, suspension without pay, discharge, reduction in base pay, or demotion for just cause.

**Annual Leave:**

- Provides that an employee is eligible to take annual leave prior to completing the first six months of a probationary period for an original appointment if the employee uses leave that he or she accrued while serving in an unclassified position.

**Continuous Service:**

- Provides that employees appointed to career executive positions or certain other designation positions are not subject to continuous service requirements if they are reemployed in any of those positions, regardless of the duration of their absence. If the employees are reemployed in a position other than a career executive position or a certain other designation position, continuous service is to be established in accordance with rules of the OSER director.

**Military Leave:**

- Provides that employees with permanent status who are members of the National Guard, state defense force, or a reserve component of the U.S. armed forces, who are on military leave without pay for duly authorized inactive duty training or active duty for training, will upon reemployment, receive vacation, sick leave, and legal holiday credits as if they had been continuously employed by the state.

**Paid Personal Holidays:**

- When an employee is terminated from state service by the employer while serving the first six months of an original probationary period, personal holidays will be prorated for the calendar year in which the termination occurs. Personal holidays earned in a previous calendar year will not be prorated or repaid. If an employee does not complete the first six months of probationary service due to resignation, any holiday time taken is considered approved leave without pay for which the agency shall recover from the employee the value of the time.

**Leave Subject to Terms of Compensation Plan:**

- Provides that statutory provisions relating to annual, termination, and accumulated sabbatical leave, as well as paid holiday leave, are subject to the provisions of the state compensation plan.

*Effective date:* January 25, 2014.

*Prepared by:* Laura Rose, Deputy Director

April 1, 2014

LR:jb;ksm