

2015 DRAFTING REQUEST

Bill

Received: 7/22/2015 Received By: fknepp
For: Roger Roth (608) 266-0718 Same as LRB: -3389
May Contact: By/Representing: Jason Vick
Subject: Employ Pub - civil service Drafter: fknepp
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Pre Topic:

No specific pre topic given

Topic:

Various changes to state civil service

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	fknepp 7/29/2015		_____			
/P1	rchampag 8/26/2015	eweiss 8/3/2015	_____	mbarman 8/3/2015		
/P2	fknepp 9/18/2015	eweiss 8/31/2015	_____	mbarman 8/31/2015		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P3	fknepp 9/23/2015	anienaja 9/18/2015	_____	lparisi 9/18/2015		
/P4	fknepp 9/25/2015	eweiss 9/24/2015	_____	sbasford 9/24/2015		
/P5	fknepp 9/25/2015	eweiss 9/25/2015	_____	srose 9/25/2015		State
/P6	fknepp 9/28/2015	eweiss 9/28/2015	_____	lparisi 9/28/2015		State
/P7	fknepp 9/28/2015	eweiss 9/28/2015	_____	mbarman 9/28/2015		State
/1		eweiss 9/28/2015	_____	lparisi 9/28/2015	srose 9/28/2015	State

FE Sent For:

09-29-2015
(11:15)

<END>

Requested by
Jason Vick

Jason - Roth [civil service changes]
P-draft

✓ (1) 20,230.28 - initial period - 1 year
(1)(a)

✓ (2) 230.31
5 years → 3 year Not shall → ^{discretionary} may
prospective only preference
new layoffs

No changes to 230.32 or 33

230.52
L (3) Hiring - " shared services - some agency, shift to agencies
Division of P. M.
↳ resume clearinghouse
create cert list → give ~~give~~

MOVING
STAFF

(4) look for language re: merit, ascertained by exam

230.16 - D.P.M. gives list → agency

Interview process - at least 2 person

(7m) take out par. (c)

1 from agency, 1 from DPM
or designee

replace points
Tennessee - preference for veteran
invitations to interview

(5) 230.147 (1) ← prepare & submit to division

(6) 230.19 - New language for hiring & firing
merit criteria - raises promotion

230.34 - demotion, suspension, lay-off - ability, seniority, disciplinary record merit evaluation

(2)(a) look @ language in process require plan approved by division

Wait

Just carve piece (1)(a) - Not in this draft

230.05 (7) - wait on timeline

✓ 230.34 (1)(am) - reduce 5 days to

WERC - membership

UI model

= 1 state employee

1 private sector business owner/management

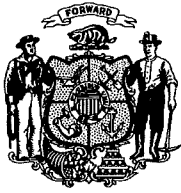
1 state agency - manager/supervisor

1 private sector hr person

1 private sector employer

1 legal

1 non voting - director appoint



State of Wisconsin
2015 - 2016 LEGISLATURE

In 7-29
out 8-3
[Signature]

LRB-2783/2 O/P1
FFK: ...
|
emw

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

S.A. ✓
Kref ✓

Gen.

① AN ACT ...; relating to: state civil service.①

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

2 SECTION 1. 13.92 (3) (b) of the statutes is amended to read:
3 13.92 (3) (b) Notwithstanding s. 230.08 (2) (fc), those employees holding
4 positions in the classified service at the revisor of statutes bureau on October 27,
5 2007, who have achieved permanent status in class before that date, if they become
6 employed by the legislative reference bureau under 2007 Wisconsin Act 20, section
7 9130 (1f) (d) 1. or 2., shall retain, while serving in the unclassified service at the
8 legislative reference bureau, those protections afforded employees in the classified
9 service under ss. 230.34 (1) (a) and 230.44 (1) (c) relating to demotion, suspension,

1 discharge, layoff, or reduction in base pay. Each such employee ~~shall~~ may also have
2 reinstatement privileges to the classified service be reinstated as provided under s.
3 230.31 (1) and have any other reinstatement privileges or restoration rights provided
4 under an applicable collective bargaining agreement under subch. V of ch. 111
5 covering the employee on October 27, 2007.

History: 1971 c. 270 s. 104; 1973 c. 90, 333; 1975 c. 41 s. 52; 1975 c. 199, 266; 1977 c. 29; 1977 c. 196 s. 131; 1979 c. 110, 204; 1981 c. 372; 1983 a. 27, 29, 308; 1987
a. 27; 1989 a. 31; 1991 a. 39, 316; 1995 a. 27; 1997 a. 27, 237; 2001 a. 46; 2003 a. 33; 2007 a. 20 ss. 17dr to 17fm, 17he, 17Lr to 17nr, 17re, 17te, 17ve to 17xr; 2011 a. 21, 43;
2013 a. 5, 20, 125, 136, 210, 277, 278, 295, 320, 332, 361, 363.

6 **SECTION 2.** 36.115 (6) of the statutes is amended to read:

7 36.115 (6) All system employees holding positions in the classified or
8 unclassified service of the civil service system under ch. 230 on June 30, 2015, shall
9 be included in the personnel systems developed under subs. (2) and (3). System
10 employees holding positions in the classified service on June 30, 2015, who have
11 achieved permanent status in class on that date, shall retain, while serving in the
12 positions in the system, those protections afforded employees in the classified service
13 under ss. 230.34 (1) (a) and 230.44 (1) (c) relating to demotion, suspension, discharge,
14 layoff, or reduction in base pay. Such employees ~~shall~~ may also ~~have reinstatement~~
15 ~~privileges to be reinstated in~~ the classified service as provided under s. 230.31 (1).
16 System employees holding positions in the classified service on June 30, 2015, who
17 have not achieved permanent status in class on that date are eligible to receive the
18 protections, privileges, and rights preserved under this subsection if they
19 successfully complete service equivalent to the probationary period required in the
20 classified service for the positions which they hold on that date.

History: 2011 a. 32; 2013 a. 20.

21 **SECTION 3.** 62.13 (4) (d) of the statutes is amended to read:

22 62.13 (4) (d) The examination shall be free for all U.S. citizens over 18 and
23 under 55 years of age, with proper limitations as to health and, subject to ss. 111.321,

1 111.322, and 111.335, arrest and conviction record. The examination, including
 2 minimum training and experience requirements, shall be job-related in compliance
 3 with appropriate validation standards and shall be subject to the approval of the
 4 board and may include tests of manual skill and physical strength. All relevant
 5 experience, whether paid or unpaid, shall satisfy experience requirements. The
 6 board shall control examinations and may designate and change examiners, who
 7 may or may not be otherwise in the official service of the city, and whose
 8 compensation shall be fixed by the board and paid by the city. Veterans and their
 9 spouses shall be given preference points in accordance with s. 230.16 (7) 63.08 (1)
 10 (fm).

History: 1971 c. 41 s. 12; 1971 c. 213 s. 5; 1975 c. 94 ss. 26, 91 (5); 1975 c. 199; 1977 c. 20; 1977 c. 29 s. 1654 (8) (c); 1977 c. 151, 182, 196; 1981 c. 171, 380; 1981 c. 390 s. 252; 1981 c. 391 s. 211; 1985 a. 135 s. 83 (3), (5); 1985 a. 166; 1987 a. 27; 1989 a. 31, 192; 1991 a. 32, 101, 189; 1993 a. 16, 53, 144, 213; 1995 a. 225, 270; 1999 a. 182; 2003 a. 205; 2005 a. 40; 2009 a. 173; 2011 a. 32, 75; 2013 a. 20.

11 **SECTION 4.** 63.08 (1) (f) 1. of the statutes is amended to read:

12 63.08 (1) (f) 1. The commission may not impose any restriction as to age on any
 13 veteran who is applying or eligible for a position under this section. The commission
 14 shall give preference points to veterans and their spouses under s. 230.16 (7) sub.
 15 (fm), except as provided under subd. 2.

History: 1971 c. 232; 1975 c. 94; 1983 a. 148, 538; 1991 a. 39, 101; 1995 a. 27, s. 9126 (19); 2001 a. 9; 2007 a. 20 s. 9121 (6) (a); 2013 a. 20.

16 **SECTION 5.** 63.08 (1) (f) 2. of the statutes is amended to read:

17 63.08 (1) (f) 2. ~~Notwithstanding s. 230.16 (7), persons~~ Persons shall be certified
 18 from the eligible list under s. 63.05 (1) (b) without adding any preference points to
 19 any person's grade.

History: 1971 c. 232; 1975 c. 94; 1983 a. 148, 538; 1991 a. 39, 101; 1995 a. 27, s. 9126 (19); 2001 a. 9; 2007 a. 20 s. 9121 (6) (a); 2013 a. 20.

20 **SECTION 6.** 63.08 (1) (f) 3. of the statutes is amended to read:

21 63.08 (1) (f) 3. After the certification under subd. 2., any veteran or veteran's
 22 spouse whose grade, plus the points to which the veteran or spouse is entitled under
 23 s. 230.16 (7) sub. (fm), is equal to or higher than the lowest grade on the list made

1 under subd. 2. shall be added to the certification list under s. 63.05 (1) (b). The
2 number of persons added to a certification list under this subdivision may not exceed
3 the number of persons initially certified under subd. 2.

History: 1971 c. 232; 1975 c. 94; 1983 a. 148, 538; 1991 a. 39, 101; 1995 a. 27, s. 9126 (19); 2001 a. 9; 2007 a. 20 s. 9121 (6) (a); 2013 a. 20.

4 SECTION 7. 63.37 of the statutes is renumbered 63.37 (intro.) and amended to

5 read:

B
Board to keep a register of eligibles.

6 63.37 (intro.) From the returns or reports of the examiners, or from the
7 examinations made by the board, the board shall prepare and keep a register for each
8 grade or class of position in the service of such city, of the persons whose general
9 average standing upon examinations for such grade or class is not less than the
10 minimum fixed by the rules of such board, and who are otherwise eligible, and such
11 persons shall take rank upon the register as candidates in the order of their relative
12 excellence as determined by examination without reference to priority of time of
13 examination. The board shall impose no restrictions as to age in case of veterans,
14 and veterans and their spouses shall be given the following preference points in
15 accordance with s. 230.16 (7):

History: 1977 c. 196; 1991 a. 101.

16 SECTION 8. 63.37 of the statutes is amended to read:

17 63.37 Board to keep a register of eligibles. From the returns or reports of
18 the examiners, or from the examinations made by the board, the board shall prepare
19 and keep a register for each grade or class of position in the service of such city, of
20 the persons whose general average standing upon examinations for such grade or
21 class is not less than the minimum fixed by the rules of such board, and who are
22 otherwise eligible, and such persons shall take rank upon the register as candidates
23 in the order of their relative excellence as determined by examination without
24 reference to priority of time of examination. The board shall impose no restrictions

1 as to age in case of veterans, and veterans and their spouses shall be given preference
2 points in accordance with s. ~~230.16 (7)~~ 63.08 (1) (fm).

3 **History:** 1977 c. 196; 1991 a. 101.

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

4 **63.39 (2m)** Notwithstanding s. ~~230.16 (7)~~ 63.08 (1) (fm), the board shall certify
5 persons from the list of eligibles without adding preference points to their grades.
6 After the certification under sub. (1) or (2), the board shall add to the certification list
7 any veteran or veteran's spouse whose grade, plus the points to which the veteran
8 or spouse is entitled under s. ~~230.16 (7)~~ 63.08 (1) (fm), is equal to or higher than the
9 lowest grade on the list of eligibles.

10 **History:** 1975 c. 330, 421; 1979 c. 89, 159, 355; 1991 a. ~~101~~ 101; 2009 a. 18; 2011 a. 211.

10 **SECTION 10.** ~~66.0509~~ (1) of the statutes is amended to read:

11 **66.0509 (1)** Any city or village may proceed under s. 61.34 (1), 62.11 (5) or
12 66.0101 to establish a civil service system of selection, tenure and status, and the
13 system may be made applicable to all municipal personnel except the chief executive
14 and members of the governing body, members of boards and commissions including
15 election officials, employees subject to s. 62.13, members of the judiciary and
16 supervisors. Any town may establish a civil service system under this subsection.
17 For veterans there shall be no restrictions as to age, and veterans and their spouses
18 shall be given preference points in accordance with s. ~~230.16 (7)~~ 63.08 (1) (fm). The
19 system may also include uniform provisions in respect to attendance, leave
20 regulations, compensation and payrolls for all personnel included in the system. The
21 governing body of any city, village or town establishing a civil service system under
22 this section may exempt from the system the librarians and assistants subject to s.
23 43.09 (1).

History: 1971 c. 152 s. 38; 1971 c. 154, 211; 1977 c. 196; 1983 a. 532; 1985 a. 225; 1991 a. 101; 1993 a. 246; 1999 a. 150 s. 310; Stats. 1999 s. 66.0509; 2005 a. 22; 2011 a. 10.

SECTION 11

1 **SECTION 11.** 230.01 (2) of the statutes is renumbered 230.01 (2) (a) and
2 amended to read:

3 230.01 (2) (a) It is the policy of the state and the responsibility of the director
4 and the administrator to maintain a system of personnel management which fills
5 positions in the classified service through methods which apply the merit principle,
6 with adequate civil service safeguards.

7 **(b)** It is the policy of this state to provide for equal employment opportunity by
8 ensuring that all personnel actions including hire, tenure or term, and condition or
9 privilege of employment be based on the ability to perform the duties and
10 responsibilities assigned to the particular position without regard to age, race, creed
11 or religion, color, disability, sex, national origin, ancestry, sexual orientation, or
12 political affiliation.

13 **(c)** It is the policy of this state to take affirmative action which is not in conflict
14 with other provisions of this chapter.

15 **(d)** It is the policy of the state to ensure its employees opportunities for
16 satisfying careers and fair treatment based on the value of each employee's services.

17 **(e)** It is the policy of this state to encourage disclosure of information under
18 subch. III and to ensure that any employee employed by a governmental unit is
19 protected from retaliatory action for disclosing information under subch. III.

20 **(f)** It is the policy of this state to correct pay inequities based on gender or race
21 in the state civil service system.

22 History: 1977 c. 196; 1981 c. 112; 1983 a. 409; 1985 a. 29, 1987 a. 32; 1999 a. 87; 2003 a. 33; 2009 a. 28; 2011 a. 10, 32; 2013 a. 20 ss. 2365m, 9448.

SECTION 12. 230.01 (2) (bm) of the statutes is created to read:

1 230.01 (2) (bm) It is the policy of this state to recruit, select, and promote
 2 employees based on their relative skills, abilities, competencies, and knowledge,
 3 including ^{using} ~~an~~ open process ^{es} to consider qualified applicants for initial employment.

4 **SECTION 13.** 230.01 (2) (bp) of the statutes is created to read:

5 230.01 (2) (bp) It is the policy of this state to retain employees on the basis of
 6 the adequacy of their performance, to correct inadequate performance when possible
 7 and appropriate, and to separate employees whose performance and personal
 8 conduct is inadequate, unsuitable, or inferior.

9 **SECTION 14.** 230.08 (2) (c) of the statutes is amended to read:

10 230.08 (2) (c) The director, associate director, and state historian of the
 11 historical society; and, with the approval of the board of curators and the
 12 administrator, such number of specialists as are required by the society for specific
 13 research, writing, collecting or editing projects which for a limited period of time not
 14 to exceed 2 years, renewable at the discretion of the board of curators and the
 15 administrator for an additional 2-year period, require persons with particular
 16 training or experience in a specialized phase or field of history, historical research,
 17 writing, collecting or editing, and any persons whose entire salary is paid from funds
 18 reappropriated to the society by s. 20.245 (1) (r) where a competitive examination
 19 process is impractical.

History: 1971 c. 40, 270; 1973 c. 333, 335; 1977 c. 29, 187; 1977 c. 196 ss. 34, 108, 130 (5); 1977 c. 272, 418, 449; Stats. 1977 s. 230.08; 1979 c. 34, 189, 221, 356, 361; 1981 c. 20, 347, 374; 1983 a. 27 ss. 1605o to 1609am, 2200 (15); 1983 a. 189 s. 329 (27); 1983 a. 371, 378; 1985 a. 29; 1987 a. 27, 119, 204, 354, 399, 403; 1989 a. 31, 107, 119, 122, 169, 208, 219, 336; 1991 a. 39, 250, 269; 1993 a. 16, 349, 399; 1995 a. 27 ss. 6245 to 6277m, 9126 (19), 9130 (4); 1995 a. 216; 1997 a. 3, 27, 179, 194, 237; 1999 a. 9, 42, 87, 186; 2001 a. 16, 19, 109; 2003 a. 33 ss. 2392 to 2407b, 9160; 2003 a. 91, 326; 2005 a. 22, 25; 2007 a. 1; 2007 a. 20 ss. 3006 to 3014, 9121 (6) (a); 2009 a. 28; 2011 a. 10, 32, 38, 155; 2013 a. 20 ss. 2000 to 2010, 2365m, 2448; 2013 a. 166.

20 **SECTION 15.** 230.13 (1) (a) of the statutes is amended to read:

21 230.13 (1) (a) ~~Examination scores and ranks and other evaluations~~
 22 Evaluations of applicants, including ^{a, any} an applicant's scores and rankings.

History: 1971 c. 270; 1977 c. 196 s. 37; Stats. 1977 s. 230.13; 1979 c. 339; 1989 a. 31; 1991 a. 269, 317; 1997 a. 191; 2003 a. 33, 47, 320; 2007 a. 20.

23 **SECTION 16.** 230.13 (3) (b) of the statutes is amended to read:

1 230.13 (3) (b) The director and the administrator may provide any agency with
2 personnel information relating to the hiring and recruitment process, including
3 specifically ~~the examination~~ applicant scores and ranks and other evaluations of
4 applicants.

History: 1971 c. 270; 1977 c. 196 s. 37; Stats. 1977 s. 230.13; 1979 c. 339; 1989 a. 31; 1991 a. 269, 317; 1997 a. 191; 2003 a. 33, 47, 320; 2007 a. 20.

5 **SECTION 17.** 230.147 (1) of the statutes is amended to read:

6 230.147 (1) Each appointing authority of an agency with more than 100
7 authorized permanent full-time equivalent positions shall prepare, submit to the
8 bureau for approval, and implement a plan of action to employ persons who, at the
9 time determined under sub. (4), receive aid under s. 49.19, or benefits under s. 49.147
10 (3) to (5), with the goal of making the ratio of those persons occupying permanent
11 positions in the agency to the total number of persons occupying permanent positions
12 in the agency equal to the ratio of the average case load receiving aid under s. 49.19,
13 or benefits under s. 49.147 (3) to (5), in this state in the previous fiscal year to the
14 average number of persons in the state civilian labor force in the preceding fiscal
15 year, as determined by the department of children and families.

History: 1985 a. 285; 1987 a. 27; 1989 a. 31; 1995 a. 27 ss. 6281, 6282, 9130 (4); 1995 a. 289; 1997 a. 3; 2003 a. 33; 2007 a. 20.

16

SECTION 18. 230.15 (1) of the statutes is amended to read:

*as affected by
2015 Wisconsin Act 55,*

17 230.15 (1) Subject to the restriction under s. 230.143, appointments to, and
18 promotions in, the classified service shall be made only according to merit and
19 fitness, which shall be ascertained so far as practicable by competitive examination
20 procedures. The administrator ^{e director} may waive competitive examination procedures for
21 appointments made under subs. (1m) and (2) and shall waive competitive
22 examination procedures for appointments made under sub. (2m).

History: 1971 c. 270 ss. 23, 46; Stats. 1971 s. 16.11; 1973 c. 90; 1977 c. 196 ss. 39, 131; Stats. 1977 s. 230.15; 1981 c. 140; 1983 a. 27; 1989 a. 31; 1993 a. 12; 1997 a. 307; 2001 a. 16; 2003 a. 33.

23

SECTION 19. 230.15 (1m) (c) 1. of the statutes is amended to read:

*as affected by
2015 Wisconsin Act 55,*

1 230.15 (1m) (c) 1. Whenever a position is included in the classified service
2 under par. (a), the administrator ^{director} may waive the requirement for competitive
3 ~~examination procedures~~ under sub. (1) with respect to the position and certify the
4 incumbent employee for appointment to the position in accordance with subd. 2.

History: 1971 c. 270 ss. 23, 46; Stats. 1971 s. 16.11; 1977 c. 90; 1977 c. 196 ss. 39, 131; Stats. 1977 s. 230.15; 1981 c. 140; 1983 a. 27; 1989 a. 31; 1993 a. 12; 1997 a. 307; 2001 a. 16; 2003 a. 33.

5 **SECTION 20.** 230.16 (title) of the statutes is amended to read:

6 **230.16 (title) Applications and examinations resumes.**

History: 1971 c. 270 ss. 12, 24, 35 to 37; Stats. 1971 s. 16.12; 1977 c. 196 ss. 40, 111, 130 (5), (6); 1977 c. 272; Stats. 1977 s. 230.16; 1981 c. 26, 140; 1983 a. 148 s. 10; 1983 a. 430, 538; 1987 a. 399; 1989 a. 31; 1991 a. 2, 101; 1997 a. 27, 307; 1999 a. 87, 102; 2003 a. 33.

7 **SECTION 21.** 230.16 (1) (a) of the statutes, as affected by 2015 Wisconsin Act 55,
8 is amended to read:

9 230.16 (1) (a) The director shall require persons applying for ~~admission to any~~
10 ~~examination under this subchapter or under the rules of the director~~ a position in the
11 civil service to file an application and resume with the bureau ~~a reasonable time prior~~
12 ~~to the proposed examination.~~

****NOTE: It would be useful to include more information about how the bureau acts as a "resume clearinghouse." Such direction could be included in this section or s. 230.25.

History: 2015 a. 55.

13 **SECTION 22.** 230.16 (2) of the statutes, as affected by 2015 Wisconsin Act 55,
14 is repealed.

15 **SECTION 23.** 230.16 (3) of the statutes, as affected by 2015 Wisconsin Act 55,
16 is amended to read:

17 230.16 (3) The director may appoint boards of examiners interviewers of at
18 least 2 persons, of which one shall be a representative of the bureau and one shall
19 be a representative of the appointing authority, for the purpose of conducting ~~oral~~
20 examinations initial interviews as a part of the examination hiring procedure for
21 certain positions. All ~~board members~~ interviewers shall be well-qualified and
22 impartial. All questions asked and answers made in any ~~examination of applicants~~

1 initial interview shall be recorded and made a part of the records of the applicants
2 applicant's records.

****NOTE: I included the concept of an "initial interview" to replace the oral examination. The idea is that the initial interviews are for the purpose of creating a certification list. Is this consistent with your intent? If it is, it will be necessary to flesh out the difference between initial interviews and interviews that follow the certification list. Also, do you want language similar to this for any interviews that occur after the certification list?

History: 2015 a. 55.

3 SECTION 24. 230.16 (4) of the statutes is amended to read:

4 230.16 (4) All ~~examinations~~ eligibility requirements, including minimum
5 training and experience requirements, for positions in the classified service shall be
6 job-related in compliance with appropriate validation standards and shall be subject
7 to the approval of the administrator. All relevant experience, whether paid or
8 unpaid, shall satisfy experience requirements.

History: 1971 c. 270 ss. 12, 24, 35 to 37; Stats. 1971 s. 16.12; 1977 c. 196 ss. 40, 111, 130 (5), (6); 1977 c. 272; Stats. 1977 s. 230.16; 1981 c. 26, 140; 1983 a. 148 s. 10; 1983 a. 430, 538; 1987 a. 399; 1989 a. 31; 1991 a. 2, 101; 1997 a. 27, 307; 1999 a. 87, 102; 2003 a. 33.

9 SECTION 25. 230.16 (5) of the statutes, as affected by 2015 Wisconsin Act 55,
10 is amended to read:

11 230.16 (5) In the interest of sound personnel management, consideration of
12 applicants, and service to agencies, the director may set a standard for proceeding
13 to subsequent steps in ~~an examination~~ the hiring process, provided that all
14 applicants are fairly treated and due notice has been given. ~~The standard may be~~
15 ~~at or above the passing point set by the director for any portion of the examination.~~
16 The director shall utilize appropriate scientific techniques and procedures in
17 administering the selection process, in rating the results of ~~examinations~~
18 applications, resumes, and initial interviews and in determining the relative ratings
19 of the competitors.

History: 2015 a. 55.

1 **SECTION 26.** 230.16 (6) of the statutes, as affected by 2015 Wisconsin Act 55,
2 is repealed.

* ****NOTE: This subdivision ^{is} requires the bureau to provide accommodations to
an applicant if the applicant is unable to complete an examination due to a disability. I
repealed this provision because this bill eliminates the concept of an examination. Okay?
Another option is to modify sub. (6) to apply more generally to the hiring process.

3 **SECTION 27.** 230.16 (7) of the statutes is renumbered 63.08 (1) (fm) and 63.08
4 (1) (fm) 1. (intro.) and 2., as renumbered, are amended to read:

5 63.08 (1) (fm) 1. (intro.) A preference shall be given to those veterans and to
6 those spouses of veterans specified in subds. 1. ^{to 6.} a. to f. who gain eligibility on any
7 competitive employment register and who do not currently hold a permanent
8 appointment or have mandatory restoration rights to a permanent appointment to
9 any position. A preference means the following:

10 2. An applicant who is certified for a position after receiving a preference under
11 ~~par. (a) 4., 5. or 6.~~ subd. 1. d., e., or f. and who is appointed to that position may not
12 obtain a preference under ~~par. (a) 4., 5. or 6.~~ subd. 1. d., e., or f. for any other civil
13 service position for which the applicant subsequently applies.

History: 1971 c. 270 ss. 12, 24, 35 to 37; Stats. 1971 s. 16.12; 1977 c. 196 ss. 40, 111, 130 (5), (6); 1977 c. 272; Stats. 1977 s. 230.16; 1981 c. 26, 140; 1983 a. 148 s. 10;
1983 a. 430, 538; 1987 a. 399; 1989 a. 31; 1991 a. 2, 101; 1997 a. 27, 307; 1999 a. 87, 102; 2003 a. 33.

14 **SECTION 28.** 230.16 (7m) (b) 4. of the statutes is amended to read:

15 230.16 (7m) (b) 4. ~~The examination~~ The appointing authority has not extended
16 interviews for the position is a ~~written, nonessay examination that is scored by a~~
17 machine or filled the position at the time the application is received.

 ****NOTE: This relates to allowing late applications for certain veterans. Please
confirm that this provision is consistent with your intent.

History: 1971 c. 270 ss. 12, 24, 35 to 37; Stats. 1971 s. 16.12; 1977 c. 196 ss. 40, 111, 130 (5), (6); 1977 c. 272; Stats. 1977 s. 230.16; 1981 c. 26, 140; 1983 a. 148 s. 10;
1983 a. 430, 538; 1987 a. 399; 1989 a. 31; 1991 a. 2, 101; 1997 a. 27, 307; 1999 a. 87, 102; 2003 a. 33.

18 **SECTION 29.** 230.16 (7m) (c) of the statutes, as affected by 2015 Wisconsin Act

19 55, is repealed.

1

SECTION 30. 230.16 (9) of the statutes, as affected by 2015 Wisconsin Act 55, is

2 repealed.

***NOTE: This repeals a provision that requires officials in control of state, municipal, and county buildings to furnish adequate rooms and building services without charge for the administration of examinations. Please let me know if this provision should be kept and amended to apply to some other aspect of the hiring process.

3 **SECTION 31.** 230.16 (10) of the statutes is repealed.

4 **SECTION 32.** 230.16 (11) of the statutes, as affected by 2015 Wisconsin Act 55,

5 is amended to read:

6 230.16 (11) Records of examinations applicants, including a resume,
7 application, and a transcript or recorded tape of ~~oral examinations~~ an initial
8 interview, given under this subchapter shall be retained for at least one year.
9 Inspection of such records shall be regulated by rules of the director.

History: 2015 a. 55.

10 **SECTION 33.** 230.17 (1) of the statutes, as affected by 2015 Wisconsin Act 55,

11 is amended to read:

12 230.17 (1) The director shall provide by rule, the conditions, not otherwise
13 provided by law, under which an applicant may be refused ~~examination or~~
14 ~~reexamination, or an eligible refused certification~~. These conditions shall be based
15 on sufficient reason and shall reflect sound technical personnel management
16 practices and those standards of conduct, deportment and character necessary and
17 demanded to the orderly, efficient and just operation of the state service.

History: 2015 a. 55.

18 **SECTION 34.** 230.17 (2) of the statutes, as affected by 2015 Wisconsin Act 55,

19 is amended to read:

20 230.17 (2) If the director refuses to ~~examine an applicant, or after an~~
21 ~~examination~~ to certify an eligible, as provided in this section, the director, if

1 requested by the applicant so rejected within 10 days of the date of receipt of the
2 notice of rejection, shall give the applicant a full and explicit statement of the exact
3 cause of such refusal to ~~examine~~ or to certify. Applicants may appeal to the
4 commission the decision of the director to refuse to ~~examine~~ or certify under s. 230.44
5 (1) (a). Upon request of an applicant or an eligible for a civil service position who has
6 a disability, the department of health services shall obtain from the director a
7 detailed description of all duties entailed by such position and shall determine and
8 report its findings to the director, as to the ability of the applicant, or eligible, to
9 perform the duties of such position. Such findings shall be conclusive as to the
10 qualifications of any applicant, or eligible, so examined. A notice of rejection shall
11 notify an applicant or eligible of his or her rights under this subsection.

History: 2015 a. 55.

12 **SECTION 35.** 230.18 of the statutes, as affected by 2015 Wisconsin Act 55, is
13 amended to read:

14 **230.18 Discrimination prohibited.** No question in any form of application
15 ~~or in any examination~~ may be so framed as to elicit information concerning the
16 partisan political or religious opinions or affiliations of any applicant nor may any
17 inquiry be made concerning such opinions or affiliations and all disclosures thereof
18 shall be discountenanced except that the director may evaluate the competence and
19 impartiality of applicants for positions such as clinical chaplain in a state
20 institutional program. No discriminations may be exercised in the recruitment,
21 application, ~~examination~~ or hiring process against or in favor of any person because
22 of the person's political or religious opinions or affiliations or because of age, sex,

1 disability, race, color, sexual orientation, national origin, or ancestry except as
2 otherwise provided.

History: 2015 a. 55.

NOTE I believe you are considering changes to the promotion statute, s. 230.19.
This draft does not include any changes to s. 230.19. Please let me know what you would
like the new procedures for promotion, if any, to be.

3 **SECTION 36.** 230.21 (1) of the statutes, as affected by 2015 Wisconsin Act 55,
4 is amended to read:

5 230.21 (1) Subject to s. 230.275, the director may, to meet the needs of the
6 service, establish separate recruitment, ~~examination~~ and certification procedures
7 for filling positions in unskilled labor and service classes.

History: 2015 a. 55.

8 **SECTION 37.** 230.21 (2) of the statutes, as affected by 2015 Wisconsin Act 55,
9 is amended to read:

10 230.21 (2) The director may designate classifications in which applicants are
11 in critically short supply and may develop such recruitment, ~~examination~~ and
12 certification processes as will provide agencies with prompt certification when
13 qualified applicants can be found, provided that due notice has been given and proper
14 competitive standards have been maintained.

History: 2015 a. 55.

15 **SECTION 38.** 230.21 (3) of the statutes, as affected by 2015 Wisconsin Act 55,
16 is amended to read:

17 230.21 (3) The director shall designate classifications in prison industries in
18 the department of corrections as critical positions requiring expeditious hiring and
19 shall develop such recruitment, ~~examination~~ and certification processes as will
20 provide the department with prompt certification when qualified applicants can be

1 found, provided that due notice has been given and proper competitive standards
2 have been maintained.

History: 2015 a. 55.

X
3 SECTION 39. 230.213 of the statutes, as affected by 2015 Wisconsin Act 55, is
4 amended to read:

5 **230.213 Affirmative action procedures for corrections positions.** The
6 director may, to meet affirmative action objectives, establish such recruitment,
7 ~~examination~~ and certification procedures for positions in the department of
8 corrections as will enable the department of corrections to increase the number of
9 employees of a specified gender or a specified racial or ethnic group in those positions.
10 The director shall design the procedures to obtain a work force in the department of
11 corrections that reflects the relevant labor pool. The director may determine the
12 relevant labor pool from the population of the state or of a particular geographic area
13 of the state, whichever is more appropriate for achieving the affirmative action
14 objective.

History: 2015 a. 55.

✓
15 SECTION 40. 230.24 (1) of the statutes, as affected by 2015 Wisconsin Act 55,
16 is amended to read:

17 230.24 (1) The administrator may by rule develop a career executive program
18 that emphasizes excellence in administrative skills in order to provide agencies with
19 a pool of highly qualified executive candidates, to provide outstanding
20 administrative employees a broad opportunity for career advancement and to
21 provide for the mobility of such employees among the agencies and units of state
22 government for the most advantageous use of their managerial and administrative
23 skills. To accomplish the purpose of this program, the director may provide policies

1 and standards for recruitment, ~~examination~~, probation, employment register
 2 control, certification, transfer, promotion, and reemployment, and the director may
 3 provide policies and standards for classification and salary administration, separate
 4 from procedures established for other employment. The administrator shall
 5 determine the positions which may be filled from career executive employment
 6 registers.

History: 2015 a. 55.

7 **SECTION 41.** 230.24 (2) of the statutes is amended to read:

8 230.24 (2) A vacancy in a career executive position may be filled through an
 9 open competitive ~~examination~~ hiring process, a competitive promotional
 10 ~~examination process~~, or by restricting competition to employees in career executive
 11 positions in order to achieve and maintain a highly competent work force in career
 12 executive positions, with due consideration given to affirmative action. The
 13 appointing authority shall consider the guidelines under s. 230.19 when deciding
 14 how to fill a vacancy under this ~~paragraph~~ subsection.

History: 1971 c. 270; 1977 c. 196 ss. 49, 114, 130 (3), (5); 1979 c. 42; 1983 a. 27, 192; 1987 a. 32; 1989 a. 144; 1997 a. 112; 2003 a. 33; 2011 a. 10.

15 **SECTION 42.** 230.25 (1) of the statutes, as affected by 2015 Wisconsin Act 55,
 16 is amended to read:

17 230.25 (1) Appointing authorities shall give written notice to the director of any
 18 vacancy to be filled in any position in the classified service. The director shall certify,
 19 under this subchapter and the rules of the director, from the register of eligibles
 20 appropriate for the kind and type of employment, the grade and class in which the
 21 position is classified, any number of names at the head thereof. In determining the
 22 number of names to certify, the director shall use statistical methods and personnel
 23 management principles that are designed to maximize the number of certified names
 24 that are appropriate for filling the specific position vacancy. Up to 2 persons

1 considered for appointment 3 times and not selected may be removed from the
2 register for each 3 appointments made. ~~Certification under this subsection shall be~~
3 ~~made before granting any preference under s. 230.16 (7).~~

History: 2015 a. 55.

4 **SECTION 43.** 230.25 (1m) of the statutes, as affected by 2015 Wisconsin Act 55,
5 is repealed.

***NOTE: Current law provides a point system for veterans for purposes of getting on a certification list. The Tennessee provision incorporated into this draft is a preference for awarding interviews to veterans and their spouses, which means it applies only to those veterans and spouses who are included on the certification list.

6 **SECTION 44.** 230.25 (1n) (a) (intro.) of the statutes, as affected by 2015
7 Wisconsin Act 55, is amended to read:

8 230.25 (1n) (a) (intro.) After certifying names under subs. (1), and (1g) and
9 (1m), the director may engage in expanded certification by doing one or more of the
10 following:

History: 2015 a. 55.

ILS
17-19

11 **SECTION 45.** 230.25 (2) (am) of the statutes is created to read:

12 230.25 (2) (am) 1. If the certification list for a position includes a veteran and
13 the appointing authority extends invitations to interview candidates for the position,
14 the appointing authority shall extend an invitation to interview to the veteran.

15 2. If a veteran is included on a certification list and if the minimum
16 qualifications and the skills, abilities, competencies, and knowledge of the veteran
17 and any other applicant being interviewed for the position are equal, the appointing
18 authority shall give a preference to the veteran for the position.

19 3. When extending invitations to interview for an appointment or promotion,
20 an appointing authority shall offer an interview to the spouse or surviving spouse of
21 a veteran if the spouse or surviving spouse is a qualified voter in this state or has been

1 a resident of this state for at least 2 years preceding the date of the spouse's
2 application and one of the following apply:

3 a. As a result of the veteran's military service, the veteran suffered a 100
4 percent service-related disability or is permanently and totally disabled.

5 b. The veteran died in the line of duty during his or her military service and
6 the surviving spouse has not remarried since the veteran died.

***NOTE: These preferences are from Tennessee Code 8-30-313. This replaces the
point system for veterans under current law. Please confirm this is consistent with your
intent.

7 d. If an appointing authority does not appoint an eligible veteran and does
8 appoint an eligible nonveteran to a position, no later than 30 days after making the
9 appointment the appointing authority shall file with the director, in writing, the
10 reasons for the appointing authority's decision. Any information filed under this
11 subdivision is part of the veteran's record. The director may not make any
12 information filed under this subdivision available to anyone other than the veteran
13 unless directed to do so by the appointing authority who filed the information.

***NOTE: This filing requirement follows the preferences in the Tennessee law.
Please let me know if it is not your intent to include this provision.

14 SECTION 46. 230.26 (2) of the statutes, as affected by 2015 Wisconsin Act 55,
15 is amended to read:

16 230.26 (2) If there are urgent reasons for filling a vacancy in any position in
17 the classified service and the director is unable to certify to the appointing authority,
18 upon requisition by the latter, a list of persons eligible for appointment from an
19 appropriate employment register, the appointing authority may nominate a person
20 to the director for noncompetitive examination. If the nominee is certified by the
21 director as qualified, the nominee may be appointed provisionally to fill the vacancy
22 until an appointment can be made from a register established after announcement

1 of competition for the position, except that no provisional appointment may be
2 continued for more than 45 working days after the date of certification from the
3 register. Successive appointments may not be made under this subsection. This
4 subsection does not apply to a person appointed to a vacant position in the classified
5 service under s. 230.275.

History: 2015 a. 55.

6 **SECTION 47.** 230.26 (4) of the statutes is amended to read:

7 230.26 (4) Fringe benefits specifically authorized by statutes, with the
8 exception of deferred compensation plan participation under subch. VII of ch. 40,
9 worker's compensation, unemployment insurance, group insurance, retirement, and
10 social security coverage, shall be denied employees hired under this section. Such
11 employees may not be considered permanent employees and do not qualify for
12 tenure, vacation, paid holidays, sick leave, performance awards, or the right to
13 compete in promotional examinations processes.

History: 1971 c. 270 ss. 54, 55; Stats. 1971 s. 16.21; 1975 c. 147 s. 54; 1977 c. 196 s. 51; Stats. 1977 s. 230.26; 1979 c. 97; 1979 c. 221 ss. 732, 909; 1981 c. 20, 26; 1983
a. 27 ss. 1613, 1614, 2202 (15); 1985 a. 332; 1997 a. 39, 307; 2001 a. 16; 2013 a. 123.

14 **SECTION 48.** 230.28 (1) (a) of the statutes, as affected by 2015 Wisconsin Act 55,
15 is amended to read:

16 230.28 (1) (a) All original and all promotional appointments to permanent,
17 sessional and seasonal positions, with the exception of those positions designated as
18 supervisor or management under s. 111.81, in the classified service shall be for a
19 probationary period of ~~6 months~~ ^{one} 1 year, but the director at the request of the
20 appointing authority and in accordance with the rules related thereto may extend
21 any such period for a maximum of 3 additional months. Dismissal may be made at
22 any time during such periods. Upon such dismissal, the appointing authority shall
23 report to the director and to the employee removed, the dismissal and the reason

1 therefor. The director may remove an employee during the employee’s probationary
2 period if the director finds, after giving notice and an opportunity to be heard, that
3 such employee was appointed as a result of fraud or error.

****NOTE: Section 230.28 (1) (c) allows the director to waive, at the request of an appointing authority, any portion of a “lengthened probationary period but in no case before a 6-month probationary period has been served.” Under current law, this provision applies specifically to probationary periods for employees in supervisory or management positions. See s.230.28 (1) (am). This bill changes the general probationary period to one year, which makes it unclear what it intended by the phrase “lengthened probationary period.” First, do you want to continue this exception for supervisors and managers? Second, do you want to clarify whether this waiver is or is not available for general employees?

History: 2015 a. 55.

4 SECTION 49. 230.31 (title) of the statutes is amended to read:

5 230.31 (title) Restoration of employment and reinstatement privileges.

History: 1971 c. 270 s. 60; Stats. 1971 s. 16.25; 1977 c. 196 ss. 56, 130 (5); 1977 c. 273, 418; Stats. 1977 s. 230.31; 1979 c. 32; 1981 c. 140; 1997 a. 307.

6 SECTION 50. 230.31 (1) (intro.) of the statutes is amended to read:

7 230.31 (1) (intro.) Any person who has held a position and obtained permanent
8 status in a class under the civil service law and rules and who has separated from
9 the service without any delinquency or misconduct on his or her part but owing to
10 reasons of economy or otherwise shall may be granted the following considerations:

History: 1971 c. 270 s. 60; Stats. 1971 s. 16.25; 1977 c. 196 ss. 56, 130 (5); 1977 c. 273, 418; Stats. 1977 s. 230.31; 1979 c. 32; 1981 c. 140; 1997 a. 307.

11 SECTION 51. 230.31 (1) (a) of the statutes is amended to read:

12 230.31 (1) (a) For a 5-year 3-year period from the date of separation, the
13 person shall be is eligible for reinstatement in a position having a comparable or
14 lower pay rate or range for which such person is qualified.

History: 1971 c. 270 s. 60; Stats. 1971 s. 16.25; 1977 c. 196 ss. 56, 130 (5); 1977 c. 273, 418; Stats. 1977 s. 230.31; 1979 c. 32; 1981 c. 140; 1997 a. 307.

15 SECTION 52. 230.34 (1) (am) of the statutes is amended to read:

16 230.34 (1) (am) If an employee fails to report for work as scheduled or to contact
17 his or her supervisor, the appointing authority may discipline the employee. If an
18 employee fails to report for work as scheduled, or to contact his or her supervisor for
19 a minimum of 5-3 consecutive working days, the appointing authority shall consider

1 the employee's position abandoned and may discipline the employee or treat the
2 employee as having resigned his or her position. If the appointing authority decides
3 to treat the position abandonment as a resignation, the appointing authority shall
4 notify the employee in writing that the employee is being treated as having
5 effectively resigned as of the end of the last day worked.

****NOTE: This definition of abandoning a position is still more stringent than the UI provision, because this provision, as amended, requires an employee to fail to report to work as scheduled for 3 *consecutive* working days, as opposed to the UI provision which includes as "misconduct," absenteeism by an employee on more than 2 occasions within the 120-day period before the date of the employee's termination. Okay?

History: 1971 c. 270 ss. 61, 76; Stats. 1971 s. 16.28; 1975 c. 189, 200; 1977 c. 196 ss. 56, 130 (3), (5); 1977 c. 273; Stats. 1977 s. 230.34; 1979 c. 221; 1981 c. 140; 1983 a. 27 s. 2200 (15); 1989 a. 31; 1999 a. 102; 2003 a. 33; 2011 a. 40, 32; 2013 a. 20 ss. 2365m, 9448; 2013 a. 123, 166; s. 13.92 (2) (i).

6 **SECTION 53.** 230.34 (2) (a) of the statutes is amended to read:

7 **230.34 (2) (a)** ~~The An appointing authority may determine the order of layoff~~
8 ~~of such employees may be determined by based on merit, disciplinary records,~~
9 ~~seniority, or performance or a any combination thereof or by other factors. The~~
10 ~~appointing authority shall submit a plan for layoffs under this section to the division.~~

History: 1971 c. 270 ss. 61, 76; Stats. 1971 s. 16.28; 1975 c. 189, 200; 1977 c. 196 ss. 56, 130 (3), (5); 1977 c. 273; Stats. 1977 s. 230.34; 1979 c. 221; 1981 c. 140; 1983 a. 27 s. 2200 (15); 1989 a. 31; 1999 a. 102; 2003 a. 33; 2011 a. 10, 32; 2013 a. 20 ss. 2365m, 9448; 2013 a. 123, 166; s. 13.92 (2) (i).

11 **SECTION 54.** 230.35 (3) (d) of the statutes, as affected by 2015 Wisconsin Act 55,
12 is amended to read:

13 **230.35 (3) (d)** Employees of the state are entitled to reasonable paid leaves of
14 absence to compete in promotional ~~examinations and~~ interviews. The administrator
15 shall promulgate rules governing the lengths of time allowable for such leaves, their
16 frequency and the provisions for their use.

History: 2015 a. 55.

17 **SECTION 55.** 230.43 (1) (title) of the statutes is amended to read:

18 **230.43 (1) (title)** ~~OBSTRUCTION~~ HIRING PROCESS; OBSTRUCTION OR FALSIFICATIONS
19 ~~OF EXAMINATIONS.~~

History: 1971 c. 270 ss. 64, 75, 84 to 86; Stats. 1971 s. 16.38; 1977 c. 196 ss. 64, 130 (5); 1977 c. 273; Stats. 1977 s. 230.43; 1979 c. 221; 1981 c. 140; 1983 a. 27 s. 2200 (15); 2003 a. 33.

1 SECTION 56. 230.43 (1) (a) of the statutes is renumbered 230.43 (1) (intro.) and
2 amended to read:

3 230.43 (1) (a) (intro.) Any person who ^{plain} willfully, alone or in cooperation with one
4 or more persons, ~~defeats~~ does any of the following is, for each offense, guilty of a
5 misdemeanor:

6 (am) Willfully defeats, deceives or obstructs any person in respect of the rights
7 of ~~examination~~ application or registration under this subchapter or any rules
8 prescribed pursuant thereto, ~~or.~~

****NOTE: I am not sure if "application" is an accurate replacement for examination
in this context. Please advise.

History: 1971 c. 270 ss. 64, 75, 84 to 86; Stats. 1971 s. 16.38; 1977 c. 196 ss. 64, 130 (5); 1977 c. 273; Stats. 1977 s. 230.43; 1979 c. 221; 1981 c. 140; 1983 a. 27 s. 2200
(15); 2003 a. 33.

9 SECTION 57. 230.43 (1) (b) of the statutes is amended to read:

10 230.43 (1) (b) ~~Who willfully,~~ Willfully or corruptly, falsely marks, grades,
11 estimates, or reports upon ~~the examination~~ an application or resume, or proper
12 standing of any person ~~examined~~ evaluated, registered, or certified, pursuant to this
13 subchapter, or aids in so doing, ~~or.~~

History: 1971 c. 270 ss. 64, 75, 84 to 86; Stats. 1971 s. 16.38; 1977 c. 196 ss. 64, 130 (5); 1977 c. 273; Stats. 1977 s. 230.43; 1979 c. 221; 1981 c. 140; 1983 a. 27 s. 2200
(15); 2003 a. 33.

14 SECTION 58. 230.43 (1) (c) of the statutes is amended to read:

15 230.43 (1) (c) ~~Who willfully~~ Willfully or corruptly makes any false
16 representations concerning the same, or concerning ~~the person examined~~ an
17 applicant, ~~or.~~

History: 1971 c. 270 ss. 64, 75, 84 to 86; Stats. 1971 s. 16.38; 1977 c. 196 ss. 64, 130 (5); 1977 c. 273; Stats. 1977 s. 230.43; 1979 c. 221; 1981 c. 140; 1983 a. 27 s. 2200
(15); 2003 a. 33.

18 SECTION 59. 230.43 (1) (d) of the statutes is amended to read:

19 230.43 (1) (d) ~~Who willfully~~ Willfully or corruptly furnishes any person any
20 special or secret information for the purpose of either improving or injuring the

1 prospects or chances of any persons so ~~examined~~ evaluated, registered, or certified,
2 being appointed, employed, or promoted, ~~or,~~

History: 1971 c. 270 ss. 64, 75, 84 to 86; Stats. 1971 s. 16.38; 1977 c. 196 ss. 64, 130 (5); 1977 c. 273; Stats. 1977 s. 230.43; 1979 c. 221; 1981 c. 140; 1983 a. 27 s. 2200 (15); 2003 a. 33.

3 **SECTION 60.** 230.43 (1) (e) of the statutes is amended to read:

4 230.43 (1) (e) ~~Who personates~~ Personates any other person, or permits or aids
5 in any manner any other person to personate him or her in connection with any
6 examination, registration, application, or request to be ~~examined~~ evaluated or
7 registered, ~~shall for each offense be guilty of a misdemeanor.~~

History: 1971 c. 270 ss. 64, 75, 84 to 86; Stats. 1971 s. 16.38; 1977 c. 196 ss. 64, 130 (5); 1977 c. 273; Stats. 1977 s. 230.43; 1979 c. 221; 1981 c. 140; 1983 a. 27 s. 2200 (15); 2003 a. 33.

8 **SECTION 61.** 230.43 (5) of the statutes, as affected by 2015 Wisconsin Act 55,
9 is amended to read:

10 230.43 (5) TAXPAYERS' SUITS. The right of any taxpayer to bring any action to
11 restrain the payment of compensation to any person appointed to or holding any
12 office or place of employment in violation of this subchapter shall not be limited or
13 denied by reason of the fact that the office or place of employment has been classified
14 as, or determined to be, not subject to a competitive examination hiring process;
15 however, any judgment or injunction in any such action shall be prospective only, and
16 shall not affect payments already made or due to such persons by the proper
17 disbursing officers, in accordance with the rules of the administrator in force at the
18 time of such payments.

History: 2015 a. 55.

19 **SECTION 62.** 321.65 (3) (g) of the statutes is amended to read:

20 321.65 (3) (g) *Veterans preferences.* The right of a person to reemployment
21 under this subsection does not entitle the person to retention, preference, or
22 displacement rights over any person who has a superior claim under s. 45.03 (4),

1 62.13 (4) (d), 63.08 (1) (f) [✓] or (fm), 63.37, 63.39 (2m), 66.0509 (1), 230.15 (2m), 230.16
2 (~~7~~) or (7m), 230.21 (1m), 230.25, or 230.275.

3 **History:** 2001 a. 26, 109; 2003 a. 33, 69; 2005 a. 22, 253; 2007 a. 20 s. 9121 (6) (a); 2007 a. 200 ss. 176 to 186; Stats. 2007 s. 321.65; 2009 a. 42.

(END)

D-Note

**2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2783/Plins
FFK:...

17-10 INS

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SECTION 1. 230.25 (2) (a) of the statutes, as affected by 2015 Wisconsin Act 55,
is amended to read:

230.25 (2) (a) When certifying names to appointing authorities under this
section, the director shall specify whether the certification includes qualifying
veterans or persons the hiring of whom would serve affirmative action purposes,
without divulging the names of those individuals. The director shall not disclose any
applicant's test score, with or without the addition of veterans preference points
under s. ~~230.16 (7)~~ 63.08 (1) (fm), to the appointing authority.

History: 2015 a. 55.

END 17-10 INS

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2783/?dn

FFK:..

emw

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← Date →

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Jason:

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As we discussed, this draft does not contain all of the elements we discussed at our meeting. Specifically, this draft does not include the "shared services" office and related personnel changes, new procedures for promotion, any changes to "just cause," or any changes to the time limit in s. 230.05 (7). The draft does contain many embedded notes, most of which simply offer an explanation of the statutory change. Please review these notes and confirm that the draft is consistent with your intent.

9

As always, please feel free to contact me with any questions or concerns.

10

11

12

13

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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2783/P1dn
FFK:emw

August 3, 2015

Jason:

As we discussed, this draft does not contain all of the elements we discussed at our meeting. Specifically, this draft does not include the “shared services” office and related personnel changes, new procedures for promotion, any changes to “just cause,” or any changes to the time limit in s. 230.05 (7). The draft does contain many embedded notes, most of which simply offer an explanation of the statutory change. Please review these notes and confirm that the draft is consistent with your intent.

As always, please feel free to contact me with any questions or concerns.

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8/24 - Per Jason

- (1) Eliminate WERC; replace w/ ^{new} 5 member State Personnel Commission
- (2) Trans HR functions of executive branch agencies to DOA. OK to amend 2015 Wis Act 55 provision which does this for certain agencies.
- (3) Have goal for appointing authority to fill vacant positions w/in 30 days of receiving certified list.
- (4) Have 12-18 month employee job performance evaluations
- (5) Disciplinary records must remain in personnel files; if a current state employee is going to be hired for another position, the new appointing authority must screen

personnel file

- (6) Give spouses of active military service members preferential hiring in state civil service
- (7) Expand probationary period to 1 year, but allow 3 month extension
- (8) No more limiting promotions to current state employees.
- (9) eliminate requirement of "consecutive" days for job abandonment purposes — 3 days in any calendar period
- (10) Try to incorporate TENN appeals process into our statutes. ?