



State of Wisconsin  
2015 - 2016 LEGISLATURE

IN 9-18  
TODAY

LRB-2783/P2 ✓P3  
FFK&RAC:emw  
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**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

Request  
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1 **AN ACT to repeal** 230.16 (2), 230.16 (6), 230.16 (7m) (c), 230.16 (9), 230.16 (10),  
2 230.19 (2), 230.19 (3), 230.25 (1m) and 230.28 (6); **to renumber** 230.19 (1); **to**  
3 **renumber and amend** 15.225 (2), 230.01 (2), 230.16 (7) and 230.43 (1) (a); **to**  
4 **amend** 13.92 (3) (b), 15.01 (2), 15.06 (3) (a) 4., 15.06 (3) (c), 20.425 (intro.),  
5 20.923 (4) (e) 2., 36.115 (6), 62.13 (4) (d), 63.08 (1) (f) 1., 63.08 (1) (f) 2., 63.08 (1)  
6 (f) 3., 63.37, 63.39 (2m), 66.0509 (1), 73.03 (68), 111.02 (4), 111.18 (2) (a) 1.,  
7 111.51 (3), 111.70 (1) (c), 111.81 (3), 118.24 (9) (b), 227.03 (7), 227.47 (2), 230.03  
8 (8), 230.08 (2) (c), 230.08 (2) (e) 4., 230.08 (4) (a), 230.08 (4) (d), 230.13 (1) (a),  
9 230.13 (3) (b), 230.147 (1), 230.15 (1), 230.15 (1m) (c) 1., 230.16 (title), 230.16  
10 (1) (a), 230.16 (3), 230.16 (4), 230.16 (5), 230.16 (7m) (b) 4., 230.16 (11), 230.17  
11 (1), 230.17 (2), 230.18, 230.21 (1), 230.21 (2), 230.21 (3), 230.213, 230.24 (1),  
12 230.24 (2), 230.25 (1), 230.25 (1n) (a) (intro.), 230.25 (2) (a), 230.26 (2), 230.26  
13 (4), 230.28 (1) (a), 230.28 (1) (c), 230.31 (title), 230.31 (1) (intro.), 230.31 (1) (a),  
14 230.34 (1) (am), 230.34 (2) (a), 230.35 (3) (d), 230.43 (1) (title), 230.43 (1) (b),  
15 230.43 (1) (c), 230.43 (1) (d), 230.43 (1) (e), 230.43 (5), 321.65 (3) (g), 2015

1 Wisconsin Act 55, section 9101 (5n) (a) and 2015 Wisconsin Act 55, section 9101  
 2 (5n) (b); and **to create** 230.01 (2) (bm), 230.01 (2) (bp), 230.03 (12m), 230.06 (4),  
 3 230.06 (5), 230.13 (3) (c), 230.15 (5), 230.15 (6), 230.15 (7) and 230.25 (2) (am)  
 4 of the statutes; **relating to:** state civil service *and making an appropriation*

***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:***

5 **SECTION 1.** 13.92 (3) (b) of the statutes is amended to read:

6 13.92 (3) (b) Notwithstanding s. 230.08 (2) (fc), those employees holding  
 7 positions in the classified service at the revisor of statutes bureau on October 27,  
 8 2007, who have achieved permanent status in class before that date, if they become  
 9 employed by the legislative reference bureau under 2007 Wisconsin Act 20, section  
 10 9130 (1f) (d) 1. or 2., shall retain, while serving in the unclassified service at the  
 11 legislative reference bureau, those protections afforded employees in the classified  
 12 service under ss. 230.34 (1) (a) and 230.44 (1) (c) relating to demotion, suspension,  
 13 discharge, layoff, or reduction in base pay. ~~Each such employee shall~~ <sup>may</sup> also have  
 14 ~~reinstatement privileges to the classified service~~ <sup>be reinstated</sup> as provided under s.  
 15 ~~230.31 (1) and have any other reinstatement privileges or restoration rights provided~~  
 16 ~~under an applicable collective bargaining agreement under subch. V of ch. 111~~  
 17 ~~covering the employee on October 27, 2007.~~

18 **SECTION 2.** 15.01 (2) of the statutes is amended to read:

19 15.01 (2) "Commission" means a 3-member governing body in charge of a  
 20 department or independent agency or of a division or other subunit within a

1 department, except for the Wisconsin waterways commission and the state  
 2 personnel <sup>relations</sup> commission which shall consist of 5 members and the parole commission  
 3 which shall consist of 8 members. A Wisconsin group created for participation in a  
 4 continuing interstate body, or the interstate body itself, shall be known as a  
 5 "commission", but is not a commission for purposes of s. 15.06. The parole  
 6 commission created under s. 15.145 (1) shall be known as a "commission", but is not  
 7 a commission for purposes of s. 15.06.

8 **SECTION 3.** 15.06 (3) (a) 4. of the statutes is amended to read:

9 15.06 (3) (a) 4. The members of the employment relations state personnel  
 10 commission.

11 **SECTION 4.** 15.06 (3) (c) of the statutes is amended to read:

12 15.06 (3) (c) Each member of the employment relations state personnel  
 13 commission shall be appointed to two-thirds of a full-time equivalent position. No  
 14 member may engage in any other occupation, business, or activity that is in any way  
 15 inconsistent with the performance of the member's duties nor shall the member hold  
 16 any other public office.

17 **SECTION 5.** 15.225 (2) of the statutes is renumbered 15.105 (7) and amended  
 18 to read:

19 15.105 (7) EMPLOYMENT RELATIONS STATE PERSONNEL COMMISSION. There is  
 20 <sup>No strike</sup> created an employment relations a state personnel commission which is attached to  
 21 the department of workforce development administration under s. 15.03, except the  
 22 budget of the employment relations state personnel commission shall be transmitted  
 23 by the department to the governor without change or modification by the  
 24 department, unless agreed to by the employment relations state personnel  
 25 commission.

**SECTION 6**

1 **SECTION 6.** 20.425 (intro.) of the statutes is amended to read:

2 **20.425 Employment relations State personnel commission.** (intro.)

3 There is appropriated to the employment relations state personnel commission for  
4 the following program:

5 **SECTION 7.** 20.923 (4) (e) 2. of the statutes is amended to read:

6 20.923 (4) (e) 2. Employment relations State personnel commission:  
7 chairperson and members.

8 **SECTION 8.** 36.115 (6) of the statutes is amended to read:

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

23 **SECTION 9.** 62.13 (4) (d) of the statutes is amended to read:

24 62.13 (4) (d) The examination shall be free for all U.S. citizens over 18 and  
25 under 55 years of age, with proper limitations as to health and, subject to ss. 111.321,

Handwritten notes: "INS" and "4-1-13" with arrows pointing to lines 6 and 7.

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).

11 **SECTION 10.** 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)~~ par.  
15 (fm), except as provided under subd. 2.

16 **SECTION 11.** 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.

20 **SECTION 12.** 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)~~ par. (fm), is equal to or higher than the lowest grade on the list made  
24 under subd. 2. shall be added to the certification list under s. 63.05 (1) (b). The

1 number of persons added to a certification list under this subdivision may not exceed  
2 the number of persons initially certified under subd. 2.

3 **SECTION 13.** 63.37 of the statutes is amended to read:

4 **63.37 Board to keep a register of eligibles.** From the returns or reports of  
5 the examiners, or from the examinations made by the board, the board shall prepare  
6 and keep a register for each grade or class of position in the service of such city, of  
7 the persons whose general average standing upon examinations for such grade or  
8 class is not less than the minimum fixed by the rules of such board, and who are  
9 otherwise eligible, and such persons shall take rank upon the register as candidates  
10 in the order of their relative excellence as determined by examination without  
11 reference to priority of time of examination. The board shall impose no restrictions  
12 as to age in case of veterans, and veterans and their spouses shall be given preference  
13 points in accordance with s. ~~230.16 (7)~~ 63.08 (1) (fm).

14 **SECTION 14.** 63.39 (2m) of the statutes is amended to read:

15 63.39 (2m) Notwithstanding s. ~~230.16 (7)~~ 63.08 (1) (fm), the board shall certify  
16 persons from the list of eligibles without adding preference points to their grades.  
17 After the certification under sub. (1) or (2), the board shall add to the certification list  
18 any veteran or veteran's spouse whose grade, plus the points to which the veteran  
19 or spouse is entitled under s. ~~230.16 (7)~~ 63.08 (1) (fm), is equal to or higher than the  
20 lowest grade on the list of eligibles.

21 **SECTION 15.** 66.0509 (1) of the statutes is amended to read:

22 66.0509 (1) Any city or village may proceed under s. 61.34 (1), 62.11 (5) or  
23 66.0101 to establish a civil service system of selection, tenure and status, and the  
24 system may be made applicable to all municipal personnel except the chief executive  
25 and members of the governing body, members of boards and commissions including

1 election officials, employees subject to s. 62.13, members of the judiciary and  
2 supervisors. Any town may establish a civil service system under this subsection.  
3 For veterans there shall be no restrictions as to age, and veterans and their spouses  
4 shall be given preference points in accordance with s. 230.16 (7) 63.08 (1) (fm). The  
5 system may also include uniform provisions in respect to attendance, leave  
6 regulations, compensation and payrolls for all personnel included in the system. The  
7 governing body of any city, village or town establishing a civil service system under  
8 this section may exempt from the system the librarians and assistants subject to s.  
9 43.09 (1).

10 **SECTION 16.** 73.03 (68) of the statutes is amended to read:

11 73.03 (68) At the request of the ~~Wisconsin Employment Relations Commission~~  
12 state personnel commission, as provided under s. 111.91 (3q), to determine the  
13 average annual percentage change in the U.S. consumer price index for all urban  
14 consumers, U.S. city average, as determined by the federal department of labor, for  
15 the 12 months immediately preceding the request from the ~~Wisconsin Employment~~  
16 Relations Commission state personnel commission.

17 **SECTION 17.** 111.02 (4) of the statutes is amended to read:

18 111.02 (4) "Commission" means the ~~employment relations~~ state personnel  
19 commission.

20 **SECTION 18.** 111.18 (2) (a) 1. of the statutes is amended to read:

21 111.18 (2) (a) 1. Any health care institution found by the national labor  
22 relations board to have committed an unfair labor practice under 29 USC 158 or  
23 found by the ~~employment relations~~ state personnel commission to have committed  
24 a prohibited practice under s. 111.70 (3) that includes payment to any person for  
25 services rendered with respect to concerted activity engaged in by its employees for

1 purposes of collective bargaining shall return to the state a proportional share of the  
2 amount paid to the person for the activity that constituted the unfair labor practice.

3 **SECTION 19.** 111.51 (3) of the statutes is amended to read:

4 111.51 (3) "Commission" means the ~~employment relations~~ state personnel  
5 commission.

6 **SECTION 20.** 111.70 (1) (c) of the statutes is amended to read:

7 111.70 (1) (c) "Commission" means the ~~employment relations~~ state personnel  
8 commission.

9 **SECTION 21.** 111.81 (3) of the statutes is amended to read:

10 111.81 (3) "Commission" means the ~~employment relations~~ state personnel  
11 commission.

12 **SECTION 22.** 118.24 (9) (b) of the statutes is amended to read:

13 118.24 (9) (b) To prohibit the ~~employment relations~~ state personnel commission  
14 from making a determination that persons hired as part-time administrative  
15 personnel shall be included in the collective bargaining unit of persons hired as  
16 teachers and shall be covered by the terms of a collective bargaining agreement  
17 which exists pursuant to s. 111.70.

18 **SECTION 23.** 227.03 (7) of the statutes is amended to read:

19 227.03 (7) Except as provided in s. 230.44 (4) (bm), this chapter does not apply  
20 to proceedings before the ~~employment relations~~ state personnel commission in  
21 matters that are arbitrated in accordance with s. 230.44 (4) (bm).

22 **SECTION 24.** 227.47 (2) of the statutes, as affected by 2015 Wisconsin Act 55,  
23 is amended to read:

24 227.47 (2) Except as otherwise provided in this subsection, a proposed or final  
25 decision of the ~~employment relations~~ state personnel commission, hearing examiner



1 or arbitrator concerning an appeal of the decision of the administrator of the division  
2 of personnel management in the department of administration made under s. 230.09  
3 (2) (a) or (d) shall not be accompanied by findings of fact or conclusions of law. If  
4 within 30 days after the commission issues a decision in such an appeal either party  
5 files a petition for judicial review of the decision under s. 227.53 and files a written  
6 notice with the commission that the party has filed such a petition, the commission  
7 shall issue written findings of fact and conclusions of law within 90 days after receipt  
8 of the notice. The court shall stay the proceedings pending receipt of the findings and  
9 conclusions.

10 **SECTION 25.** 230.01<sup>1</sup> (2) of the statutes is renumbered 230.01 (2) (a) and  
11 amended to read:

12 230.01 (2) (a) It is the policy of the state and the responsibility of the director  
13 and the administrator to maintain a system of personnel management which fills  
14 positions in the classified service through methods which apply the merit principle,  
15 with adequate civil service safeguards.

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

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

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

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

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

6 SECTION 26. 230.01 (2) (bm) of the statutes is created to read:

7 230.01 (2) (bm) It is the policy of this state to recruit, select, and promote  
8 employees based on their relative skills, abilities, competencies, and knowledge,  
9 including using open processes to consider qualified applicants for initial  
10 employment.

11 SECTION 27. 230.01 (2) (bp) of the statutes is created to read:

12 230.01 (2) (bp) It is the policy of this state to retain employees on the basis of  
13 the adequacy of their performance, to correct inadequate performance when possible  
14 and appropriate, and to separate employees whose performance and personal  
15 conduct is inadequate, unsuitable, or inferior.

16 SECTION 28. 230.03 (8) of the statutes is amended to read:

17 230.03 (8) "Commission" means the ~~employment relations~~ state personnel  
18 commission.

19 SECTION 29. 230.03 (12m) of the statutes is created to read:

20 230.03 (12m) "Service member" means a person who is serving on active duty  
21 in the U.S. armed forces, national guard, or state defense force.

22 SECTION 30. 230.06 (4) of the statutes is created to read:

23 230.06 (4) An appointing authority shall conduct an annual performance  
24 evaluation of each employee appointed by the appointing authority. If an annual  
25 evaluation is not practical or suitable for evaluating the performance of the

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1 employee, the appointing authority may conduct the performance evaluation at least  
2 once in each 18-month period.

3 **SECTION 31.** 230.06 (5) of the statutes is created to read:

4 230.06 (5) An appointing authority shall maintain permanently an employee's  
5 disciplinary records in the employee's personnel file. Disciplinary records may not  
6 be removed from an employee's personnel file.

7 **SECTION 32.** 230.08 (2) (c) of the statutes is amended to read:

8 230.08 (2) (c) The director, associate director, and state historian of the  
9 historical society; and, with the approval of the board of curators and the  
10 administrator, such number of specialists as are required by the society for specific  
11 research, writing, collecting, or editing projects which for a limited period of time not  
12 to exceed 2 years, renewable at the discretion of the board of curators and the  
13 administrator for an additional 2-year period, require persons with particular  
14 training or experience in a specialized phase or field of history, historical research,  
15 writing, collecting, or editing, and any persons whose entire salary is paid from funds  
16 reappropriated to the society by s. 20.245 (1) (r) where a competitive examination  
17 process is impractical.

18 **SECTION 33.** 230.08 (2) (e) 4. of the statutes is amended to read:

19 230.08 (2) (e) 4. Employment relations State personnel commission — 1.

20 **SECTION 34.** 230.08 (4) (a) of the statutes is amended to read:

21 230.08 (4) (a) The number of administrator positions specified in sub. (2) (e)  
22 includes all administrator positions specifically authorized by law to be employed  
23 outside the classified service in each department, board or commission and the  
24 historical society, and any other managerial position determined by an appointing  
25 authority. In this paragraph, "department" has the meaning given under s. 15.01 (5),

## SECTION 34

1 “board” means the educational communications board, government accountability  
2 board, investment board, public defender board and technical college system board  
3 and “commission” means the ~~employment relations~~ state personnel commission and  
4 the public service commission. Notwithstanding sub. (2) (z), no division  
5 administrator position exceeding the number authorized in sub. (2) (e) may be  
6 created in the unclassified service.

7 **SECTION 35.** 230.08 (4) (d) of the statutes is amended to read:

8 230.08 (4) (d) The division administrator appointed under sub. (2) (e) 4. shall  
9 be an attorney and shall be appointed by the chairperson of the ~~employment~~  
10 relations state personnel commission.

11 **SECTION 36.** 230.13 (1) (a) of the statutes is amended to read:

12 230.13 (1) (a) ~~Examination scores and ranks and other evaluations~~  
13 Evaluations of applicants, including any scores and rankings.

14 **SECTION 37.** 230.13 (3) (b) of the statutes is amended to read:

15 230.13 (3) (b) The director and the administrator may provide any agency with  
16 personnel information relating to the hiring and recruitment process, including  
17 specifically ~~the examination~~ applicant scores and ranks and other evaluations of  
18 applicants.

19 **SECTION 38.** 230.13 (3) (c) of the statutes is created to read:

20 230.13 (3) (c) The administrator and the director shall provide an appointing  
21 authority with access to the personnel files of any individual who currently holds a  
22 position whom the appointing authority intends to make an offer of employment.

23 **SECTION 39.** 230.147 (1) of the statutes is amended to read:

24 230.147 (1) Each appointing authority of an agency with more than 100  
25 authorized permanent full-time equivalent positions shall prepare, submit to the

1 bureau for approval, and implement a plan of action to employ persons who, at the  
2 time determined under sub. (4), receive aid under s. 49.19, or benefits under s. 49.147  
3 (3) to (5), with the goal of making the ratio of those persons occupying permanent  
4 positions in the agency to the total number of persons occupying permanent positions  
5 in the agency equal to the ratio of the average case load receiving aid under s. 49.19,  
6 or benefits under s. 49.147 (3) to (5), in this state in the previous fiscal year to the  
7 average number of persons in the state civilian labor force in the preceding fiscal  
8 year, as determined by the department of children and families.

9 **SECTION 40.** 230.15 (1) of the statutes, as affected by 2015 Wisconsin Act 55,  
10 is amended to read:

11 230.15 (1) Subject to the restriction under s. 230.143, appointments to, and  
12 promotions in, the classified service shall be made only according to merit and  
13 fitness, which shall be ascertained so far as practicable by competitive examination  
14 procedures. The director may waive competitive examination procedures for  
15 appointments made under subs. (1m) and (2) and shall waive competitive  
16 examination procedures for appointments made under sub. (2m).

17 **SECTION 41.** 230.15 (1m) (c) 1. of the statutes, as affected by 2015 Wisconsin  
18 Act 55, is amended to read:

19 230.15 (1m) (c) 1. Whenever a position is included in the classified service  
20 under par. (a), the director may waive the requirement for competitive examination  
21 procedures under sub. (1) with respect to the position and certify the incumbent  
22 employee for appointment to the position in accordance with subd. 2.

23 **SECTION 42.** 230.15 (5) of the statutes is created to read:

1           230.15 (5) No later than 30 days after receiving from the director a list of names  
2 of individuals who are certified for appointment to a vacant position, the appointing  
3 authority shall make every effort to make an offer of employment for the position.

4           **SECTION 43.** 230.15 (6) of the statutes is created to read:

5           230.15 (6) Annually, each appointing authority shall submit a report to the  
6 director and the administrator indicating the number of days it took to make an offer  
7 of employment for a vacant position after receiving from the director a list of names  
8 of individuals who are certified for appointment to the position.

9           **SECTION 44.** 230.15 (7) of the statutes is created to read:

10          230.15 (7) An appointing authority may not make an offer of employment to  
11 any individual who currently holds a position unless the appointing authority has  
12 reviewed the personnel file of the individual.

13          **SECTION 45.** 230.16 (title) of the statutes is amended to read:

14          **230.16 (title) Applications and examinations resumes.**

15          **SECTION 46.** 230.16 (1) (a) of the statutes, as affected by 2015 Wisconsin Act 55,  
16 is amended to read:

17          230.16 (1) (a) The director shall require persons applying for ~~admission to any~~  
18 ~~examination under this subchapter or under the rules of the director~~ a position in the  
19 civil service to file an application and resume with the bureau ~~a reasonable time prior~~  
20 ~~to the proposed examination.~~

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21          **SECTION 47.** 230.16 (2) of the statutes, as affected by 2015 Wisconsin Act 55,  
22 is repealed.

23          **SECTION 48.** 230.16 (3) of the statutes, as affected by 2015 Wisconsin Act 55,  
24 is amended to read:

1           230.16 (3) The director may appoint boards of examiners evaluators of at least <sup>of which</sup>  
2 persons, <sup>one</sup> ~~of which one shall be a representative of the bureau and one shall be a~~ <sup>is selected by</sup> ~~representative of the appointing authority,~~ <sup>is</sup> for the purpose of conducting oral  
3 ~~examinations~~ evaluations as a part of the ~~examination~~ hiring procedure for certain  
4 positions. All ~~board members~~ evaluators shall be well-qualified and impartial. All  
5 questions asked and answers made in any ~~examination of applicants~~ oral evaluation  
6 shall be recorded and made a part of the ~~records of the applicants~~ applicant's records.

7  
8           **SECTION 49.** 230.16 (4) of the statutes is amended to read:

9           230.16 (4) All ~~examinations~~ eligibility requirements, including minimum  
10 training and experience requirements, for positions in the classified service shall be  
11 job-related in compliance with appropriate validation standards and shall be subject  
12 to the approval of the administrator. All relevant experience, whether paid or  
13 unpaid, shall satisfy experience requirements.

14           **SECTION 50.** 230.16 (5) of the statutes, as affected by 2015 Wisconsin Act 55,  
15 is amended to read:

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

1           **SECTION 51.** 230.16 (6) of the statutes, as affected by 2015 Wisconsin Act 55,  
2 is repealed.

3           **SECTION 52.** 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 subs. 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.

14           **SECTION 53.** 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.

18           **SECTION 54.** 230.16 (7m) (c) of the statutes, as affected by 2015 Wisconsin Act  
19 55, is repealed.

20           **SECTION 55.** 230.16 (9) of the statutes, as affected by 2015 Wisconsin Act 55,  
21 is repealed.

22           **SECTION 56.** 230.16 (10) of the statutes is repealed.

23           **SECTION 57.** 230.16 (11) of the statutes, as affected by 2015 Wisconsin Act 55,  
24 is amended to read:



1           230.16 (11) Records of ~~examinations~~ applicants, including a resume,  
2 application, and a transcript or recorded tape of oral ~~examinations~~ evaluations,  
3 given under this subchapter shall be retained for at least one year. Inspection of such  
4 records shall be regulated by rules of the director.

5           **SECTION 58.** 230.17 (1) of the statutes, as affected by 2015 Wisconsin Act 55,  
6 is amended to read:

7           230.17 (1) The director shall provide by rule, the conditions, not otherwise  
8 provided by law, under which an ~~applicant~~ <sup>eligible</sup> may be refused ~~examination or~~  
9 ~~reexamination, or an eligible refused~~ certification. These conditions shall be based  
10 on sufficient reason and shall reflect sound technical personnel management  
11 practices and those standards of conduct, deportment and character necessary and  
12 demanded to the orderly, efficient and just operation of the state service.

13           **SECTION 59.** 230.17 (2) of the statutes, as affected by 2015 Wisconsin Act 55,  
14 is amended to read:

15           230.17 (2) If the director refuses to ~~examine an applicant, or after an~~  
16 ~~examination~~ to certify an eligible, as provided in this section, the director, if  
17 requested by the applicant so rejected within 10 days of the date of receipt of the  
18 notice of rejection, shall give the applicant a full and explicit statement of the exact  
19 cause of such refusal to ~~examine or~~ to certify. Applicants may appeal to the  
20 commission the decision of the director to refuse to ~~examine or~~ certify under s. 230.44  
21 (1) (a). Upon request of an applicant or an eligible for a civil service position who has  
22 a disability, the department of health services shall obtain from the director a  
23 detailed description of all duties entailed by such position and shall determine and  
24 report its findings to the director, as to the ability of the applicant, or eligible, to  
25 perform the duties of such position. Such findings shall be conclusive as to the

1 qualifications of any applicant, or eligible, so examined. A notice of rejection shall  
2 notify an applicant or eligible of his or her rights under this subsection.

3       **SECTION 60.** 230.18<sup>✓</sup> of the statutes, as affected by 2015 Wisconsin Act 55, is  
4 amended to read:

5       **230.18 Discrimination prohibited.** No question in any form of application  
6 ~~or in any examination~~ may be so framed as to elicit information concerning the  
7 partisan political or religious opinions or affiliations of any applicant nor may any  
8 inquiry be made concerning such opinions or affiliations and all disclosures thereof  
9 shall be discountenanced except that the director may evaluate the competence and  
10 impartiality of applicants for positions such as clinical chaplain in a state  
11 institutional program. No discriminations may be exercised in the recruitment,  
12 application, ~~examination~~ or hiring process against or in favor of any person because  
13 of the person's political or religious opinions or affiliations or because of age, sex,  
14 disability, race, color, sexual orientation, national origin, or ancestry except as  
15 otherwise provided.

16       **SECTION 61.** 230.19<sup>✓</sup> (1) of the statutes, as affected by 2015 Wisconsin Act 55,  
17 is renumbered 230.19.

18       **SECTION 62.** 230.19<sup>✓</sup> (2) of the statutes, as affected by 2015 Wisconsin Act 55,  
19 is repealed.

20       **SECTION 63.** 230.19<sup>✓</sup> (3) of the statutes is repealed.

21       **SECTION 64.** 230.21<sup>✓</sup> (1) of the statutes, as affected by 2015 Wisconsin Act 55,  
22 is amended to read:

23       230.21 (1) Subject to s. 230.275<sup>✓</sup>, the director may, to meet the needs of the  
24 service, establish separate recruitment, ~~examination~~ and certification procedures  
25 for filling positions in unskilled labor and service classes.

1           **SECTION 65.** 230.21<sup>✓</sup> (2) of the statutes, as affected by 2015 Wisconsin Act 55,  
2 is amended to read:

3           230.21 (2) The director may designate classifications in which applicants are  
4 in critically short supply and may develop such recruitment, ~~examination~~ and  
5 certification processes as will provide agencies with prompt certification when  
6 qualified applicants can be found, provided that due notice has been given and proper  
7 competitive standards have been maintained.

8           **SECTION 66.** 230.21<sup>✓</sup> (3) of the statutes, as affected by 2015 Wisconsin Act 55,  
9 is amended to read:

10           230.21 (3) The director shall designate classifications in prison industries in  
11 the department of corrections as critical positions requiring expeditious hiring and  
12 shall develop such recruitment, ~~examination~~ and certification processes as will  
13 provide the department with prompt certification when qualified applicants can be  
14 found, provided that due notice has been given and proper competitive standards  
15 have been maintained.

16           **SECTION 67.** 230.213<sup>✓</sup> of the statutes, as affected by 2015 Wisconsin Act 55, is  
17 amended to read:

18           **230.213 Affirmative action procedures for corrections positions.** The  
19 director may, to meet affirmative action objectives, establish such recruitment,  
20 ~~examination~~ and certification procedures for positions in the department of  
21 corrections as will enable the department of corrections to increase the number of  
22 employees of a specified gender or a specified racial or ethnic group in those positions.  
23 The director shall design the procedures to obtain a work force in the department of  
24 corrections that reflects the relevant labor pool. The director may determine the  
25 relevant labor pool from the population of the state or of a particular geographic area

1 of the state, whichever is more appropriate for achieving the affirmative action  
2 objective.

3 **SECTION 68.** 230.24 (1) of the statutes, as affected by 2015 Wisconsin Act 55,  
4 is amended to read:

5 230.24 (1) The administrator may by rule develop a career executive program  
6 that emphasizes excellence in administrative skills in order to provide agencies with  
7 a pool of highly qualified executive candidates, to provide outstanding  
8 administrative employees a broad opportunity for career advancement, and to  
9 provide for the mobility of such employees among the agencies and units of state  
10 government for the most advantageous use of their managerial and administrative  
11 skills. To accomplish the purpose of this program, the director may provide policies  
12 and standards for recruitment, ~~examination~~, probation, employment register  
13 control, certification, transfer, promotion, and reemployment, and the director may  
14 provide policies and standards for classification and salary administration, separate  
15 from procedures established for other employment. The administrator shall  
16 determine the positions which may be filled from career executive employment  
17 registers.

18 **SECTION 69.** 230.24 (2) of the statutes is amended to read:

19 230.24 (2) A vacancy in a career executive position may be filled through an  
20 open competitive ~~examination~~ hiring process, a competitive promotional  
21 ~~examination process~~, or by restricting competition to employees in career executive  
22 positions in order to achieve and maintain a highly competent work force in career  
23 executive positions, with due consideration given to affirmative action. The  
24 appointing authority shall consider the guidelines under s. 230.19 when deciding  
25 how to fill a vacancy under this ~~paragraph~~ subsection.

1           **SECTION 70.** 230.25 (1) of the statutes, as affected by 2015 Wisconsin Act 55,  
2 is amended to read:

3           230.25 (1) Appointing authorities shall give written notice to the director of any  
4 vacancy to be filled in any position in the classified service. The director shall certify,  
5 under this subchapter and the rules of the director, from the register of eligibles  
6 appropriate for the kind and type of employment, the grade and class in which the  
7 position is classified, any number of names at the head thereof. In determining the  
8 number of names to certify, the director shall use statistical methods and personnel  
9 management principles that are designed to maximize the number of certified names  
10 that are appropriate for filling the specific position vacancy. Up to 2 persons  
11 considered for appointment 3 times and not selected may be removed from the  
12 register for each 3 appointments made. ~~Certification under this subsection shall be~~  
13 ~~made before granting any preference under s. 230.16 (7).~~

14           **SECTION 71.** 230.25 (1m) of the statutes is repealed.

15           **SECTION 72.** 230.25 (1n) (a) (intro.) of the statutes, as affected by 2015  
16 Wisconsin Act 55, is amended to read:

17           230.25 (1n) (a) (intro.) After certifying names under subs. (1), and (1g) ~~and~~  
18 ~~(1m)~~, the director may engage in expanded certification by doing one or more of the  
19 following:

20           **SECTION 73.** 230.25 (2) (a) of the statutes, as affected by 2015 Wisconsin Act 55,  
21 is amended to read:

22           230.25 (2) (a) When certifying names to appointing authorities under this  
23 section, the director shall specify whether the certification includes spouses of  
24 service members, qualifying veterans, or persons the hiring of whom would serve  
25 affirmative action purposes, without divulging the names of those individuals. The

1 ~~director shall not disclose any applicant's test score, with or without the addition of~~  
2 ~~veterans preference points under s. 230.16 (7), to the appointing authority.~~

3 **SECTION 74.** 230.25 (2) (am) of the statutes is created to read:

4 230.25 (2) (am) 1. If the certification list for a position includes a veteran or  
5 spouse of a service member and the appointing authority extends invitations to  
6 interview candidates for the position, the appointing authority shall extend an  
7 invitation to interview to the veteran or spouse of a service member.

8 2. If a veteran or spouse of a service member is included on a certification list  
9 and if the minimum qualifications and the skills, abilities, competencies, and  
10 knowledge of the veteran or spouse of a service member and any other applicant  
11 being interviewed for the position are equal, the appointing authority shall give a  
12 preference to the veteran or spouse of a service member for the position.

13 3. When extending invitations to interview for an appointment or promotion,  
14 an appointing authority shall offer an interview to the spouse or surviving spouse of  
15 a veteran if the spouse or surviving spouse is a qualified voter in this state or has been  
16 a resident of this state for at least 2 years preceding the date of the spouse's  
17 application and one of the following applies:

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

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

22 4. c. If an appointing authority does not appoint an eligible veteran and does  
23 appoint an eligible nonveteran to a position, no later than 30 days after making the  
24 appointment the appointing authority shall file with the director, in writing, the  
25 reasons for the appointing authority's decision. Any information filed under this

*Subdivision*

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subd. 3. ~~c~~ is part of the veteran's record. The director may not make any information filed under this subd. 3. ~~c~~ <sup>subdivision</sup> available to anyone other than the veteran unless directed to do so by the appointing authority who filed the information.

**SECTION 75.** 230.26 (2) of the statutes, as affected by 2015 Wisconsin Act 55, is amended to read:

230.26 (2) If there are urgent reasons for filling a vacancy in any position in the classified service and the director is unable to certify to the appointing authority, upon requisition by the latter, a list of persons eligible for appointment from an appropriate employment register, the appointing authority may nominate a person to the director for ~~noncompetitive examination~~. If the nominee is certified by the director as qualified, the nominee may be appointed provisionally to fill the vacancy until an appointment can be made from a register established after announcement of competition for the position, except that no provisional appointment may be continued for more than 45 working days after the date of certification from the register. Successive appointments may not be made under this subsection. This subsection does not apply to a person appointed to a vacant position in the classified service under s. 230.275.

**SECTION 76.** 230.26 (4) of the statutes is amended to read:

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

1           **SECTION 77.** 230.28 (1) (a) of the statutes, as affected by 2015 Wisconsin Act 55,  
2 is amended to read:

3           230.28 (1) (a) All original and all promotional appointments to permanent,  
4 sessional and seasonal positions, with the exception of those positions designated as  
5 supervisor or management under s. 111.81, in the classified service shall be for a  
6 probationary period of ~~6 months~~ <sup>2, or two years</sup> ~~one year~~ but the director at the request of the  
7 appointing authority and in accordance with the rules related thereto may extend  
8 any such period for a maximum of 3 additional months. Dismissal may be made at  
9 any time during such periods. Upon such dismissal, the appointing authority shall  
10 report to the director and to the employee removed, the dismissal and the reason  
11 therefor. The director may remove an employee during the employee's probationary  
12 period if the director finds, after giving notice and an opportunity to be heard, that  
13 such employee was appointed as a result of fraud or error.

→ ~~NOTE:~~ *NOTE: It is maintaining the possibility of a 3-month extension consistent with your intent?*

*JHS  
24-13*

14           **SECTION 78.** 230.28 (1) (c) of the statutes, as affected by 2015 Wisconsin Act 55,  
15 is amended to read:

16           230.28 (1) (c) Upon request by the appointing authority, the director may waive  
17 any portion of the lengthened probationary period but in no case before a ~~6-month~~  
18 ~~one-year~~ probationary period has been served.

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19           **SECTION 79.** 230.28 (6) of the statutes is repealed.

20           **SECTION 80.** 230.31 (title) of the statutes is amended to read:

21           **230.31 (title) Restoration of employment and reinstatement privileges.**

22           **SECTION 81.** 230.31 (1) (intro.) of the statutes is amended to read:

23           230.31 (1) (intro.) Any person who has held a position and obtained permanent  
24 status in a class under the civil service law and rules and who has separated from



1 the service without any delinquency or misconduct on his or her part but owing to  
2 reasons of economy or otherwise shall may be granted the following considerations:

3 SECTION 82. 230.31 (1) (a) of the statutes is amended to read:

4 230.31 (1) (a) For a ~~5-year~~ 3-year period from the date of separation, the  
5 person shall be is eligible for reinstatement in a position having a comparable or  
6 lower pay rate or range for which such person is qualified.

7 SECTION 83. 230.34 (1) (am) of the statutes is amended to read:

8 230.34 (1) (am) If an employee fails to report for work as scheduled or to contact  
9 his or her supervisor, the appointing authority may discipline the employee. If an  
10 employee fails to report for work as scheduled, or to contact his or her supervisor for  
11 a minimum of ~~5 consecutive~~ 3 working days during a calendar year, the appointing  
12 authority shall consider the employee's position abandoned and may discipline the  
13 employee or treat the employee as having resigned his or her position. If the  
14 appointing authority decides to treat the position abandonment as a resignation, the  
15 appointing authority shall notify the employee in writing that the employee is being  
16 treated as having effectively resigned as of the end of the last day worked.

17 SECTION 84. 230.34 (2) (a) of the statutes is amended to read:

18 230.34 (2) (a) The An appointing authority shall determine the order of layoff  
19 of such employees may be determined by based on merit, disciplinary records,  
20 seniority, or <sup>and</sup> performance ~~or a~~ any combination thereof ~~or by other factors.~~ The  
21 appointing authority shall submit a plan for layoffs under this section to the division.

22 SECTION 85. 230.35 (3) (d) of the statutes, as affected by 2015 Wisconsin Act 55,  
23 is amended to read:

24 230.35 (3) (d) Employees of the state are entitled to reasonable paid leaves of  
25 absence to compete in promotional ~~examinations and~~ interviews. The administrator

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1 shall promulgate rules governing the lengths of time allowable for such leaves, their  
2 frequency and the provisions for their use.

3 **SECTION 86.** 230.43 (1) (title) of the statutes is amended to read:

4 230.43 (1) (title) ~~OBSTRUCTION~~ HIRING PROCESS; OBSTRUCTION OR FALSIFICATIONS  
5 ~~OF EXAMINATIONS.~~

6 **SECTION 87.** 230.43 (1) (a) of the statutes is renumbered 230.43 (1) (intro.) and  
7 amended to read:

8 230.43 (1) (intro.) Any person who ~~willfully~~, alone or in cooperation with one  
9 or more persons, ~~defeats~~ does any of the following is, for each offense, guilty of a  
10 misdemeanor:

11 (am) Willfully ~~defeats~~, deceives or obstructs any person in respect of the rights  
12 of ~~examination~~ application or registration under this subchapter or any rules  
13 prescribed pursuant thereto, ~~or,~~

14 **SECTION 88.** 230.43 (1) (b) of the statutes is amended to read:

15 230.43 (1) (b) ~~Who willfully~~, Willfully or corruptly, falsely marks, grades,  
16 estimates, or reports upon ~~the examination~~ an application or resume, or proper  
17 standing of any person ~~examined~~ evaluated, registered, or certified, pursuant to this  
18 subchapter, or aids in so doing, ~~or,~~

19 **SECTION 89.** 230.43 (1) (c) of the statutes is amended to read:

20 230.43 (1) (c) ~~Who willfully~~ Willfully or corruptly makes any false  
21 representations concerning the same, or concerning ~~the person examined~~ an  
22 applicant, ~~or,~~

23 **SECTION 90.** 230.43 (1) (d) of the statutes is amended to read:

24 230.43 (1) (d) ~~Who willfully~~ Willfully or corruptly furnishes any person any  
25 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,~~

3 SECTION 91. 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.~~

8 SECTION 92. 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.

Handwritten initials "JMS" and date "2-18" in the left margin.

19 SECTION 93. 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),  
23 62.13 (4) (d), 63.08 (1) (f) or (fm), 63.37, 63.39 (2m), 66.0509 (1), 230.15 (2m), 230.16  
24 ~~(7) or (7m)~~, 230.21 (1m), 230.25, or 230.275.

25 SECTION 94. 2015 Wisconsin Act 55, section 9101 (5n) (a) is amended to read:

1 [2015 Wisconsin Act 55] Section 9101 (5n) (a) In this subsection, "agency"  
 2 means the ~~board of commissioners of public lands; the educational communications~~  
 3 ~~board; the department of financial institutions; the government accountability~~  
 4 ~~board; the higher educational aids board; the state historical society; the public~~  
 5 ~~service commission; the department of safety and professional services; the state fair~~  
 6 ~~park board; the department of tourism~~ any agency within the executive branch of  
 7 state government, other than the Board of Regents of the University of Wisconsin  
 8 System.

9 **SECTION 95.** 2015 Wisconsin Act 55, section 9101 (5n) (b) is amended to read:

10 [2015 Wisconsin Act 55] Section 9101 (5n) (b) ~~The~~ <sup>By January 1, 2017, the</sup> department of  
 11 administration shall consult with each agency and develop a plan for assuming  
 12 responsibility for services relating to human resources, ~~The department of~~  
 13 administration shall also consult with the board of commissioners of public lands,  
 14 the educational communications board, the department of financial institutions, the  
 15 government accountability board, the higher educational aids board, the state  
 16 historical society, the public service commission, the department of safety and  
 17 professional services, the state fair park board, and the department of tourism and  
 18 develop a plan for assuming responsibility for services related to payroll, finance,  
 19 budgeting, procurement, and information technology for any agency these agencies.  
 20 The department of administration shall include in the each plan which services  
 21 would be provided to each agency, which positions would be deleted or transferred,  
 22 and the number and type of positions and associated funding that would be provided  
 23 to the department of administration.

24 **SECTION 96. Nonstatutory provisions.**

1 (1) TERMS OF MEMBERS OF THE EMPLOYMENT RELATIONS COMMISSION. The terms of  
2 members of the employment relations commission, appointed before the effective  
3 date of this subsection, shall terminate on the effective date of this subsection.

4 (2) APPOINTMENT OF MEMBERS TO STATE PERSONNEL COMMISSION. Notwithstanding  
5 the advice and consent of the senate under section 15.06 (1) (a) of the statutes, the  
6 initial members of the state personnel commission nominated by the governor may  
7 be provisionally appointed by the governor, subject to later senate confirmation. Any  
8 provisional appointment shall be in full force until withdrawn by the governor or  
9 acted upon by the senate, and if confirmed by the senate shall continue for the  
10 remainder of the unexpired term, if any, of the member and until a successor is  
11 chosen and qualifies. A provisional appointee may exercise all the powers and duties  
12 of commission membership to which the person is appointed during the time in which  
13 the appointee qualifies. A provisional appointment made under this subsection that  
14 is withdrawn by the governor shall, upon withdrawal, lapse and create a vacancy for  
15 provisional appointment of another initial member of the state personnel  
16 commission. Any provisional appointment made under this subsection that is  
17 rejected by the senate shall upon rejection lapse and create a vacancy for nomination  
18 and appointment of another initial member of the state personnel commission.  
19 Notwithstanding the length of terms for commissioners on the state personnel  
20 commission under section 15.06 (1) (a) of the statutes, one of the initial  
21 commissioners appointed to the state personnel commission shall serve for a term  
22 expiring on March 1, 2019, 2 shall serve for a term expiring on March 1, 2021, and  
23 2 shall serve for a term expiring on March 1, 2023.

24 (1) (3) STUDY OF CLASSIFICATION SYSTEM UNDER CERTAIN ASPECTS OF THE STATE CIVIL SERVICE SYSTEM. (a)  
25 administrator of the division of personnel management in the department of

1 administration and the director of the bureau of merit recruitment and selection in  
 2 the department of administration shall jointly review <sup>all of the following:</sup> the classifications for all  
 3 positions in the classified service of the state civil service. They shall consider the  
 4 feasibility of reducing the number of classifications, as well as establishing a new  
 5 system of classification, in order to increase administrative efficiency and to better  
 6 meet the needs of the state civil service. <sup>(b)</sup> The administrator and director shall submit  
 7 their findings no later than July 1, 2016 <sup>January 1, 2017</sup> to the governor and to the chief clerk of each  
 8 house of the legislature <sup>under paragraph (a)</sup> for distribution to the legislature under section 13.172 (2)  
 9 of the statutes.

(4) ELIMINATION OF THE EMPLOYMENT RELATIONS COMMISSION.

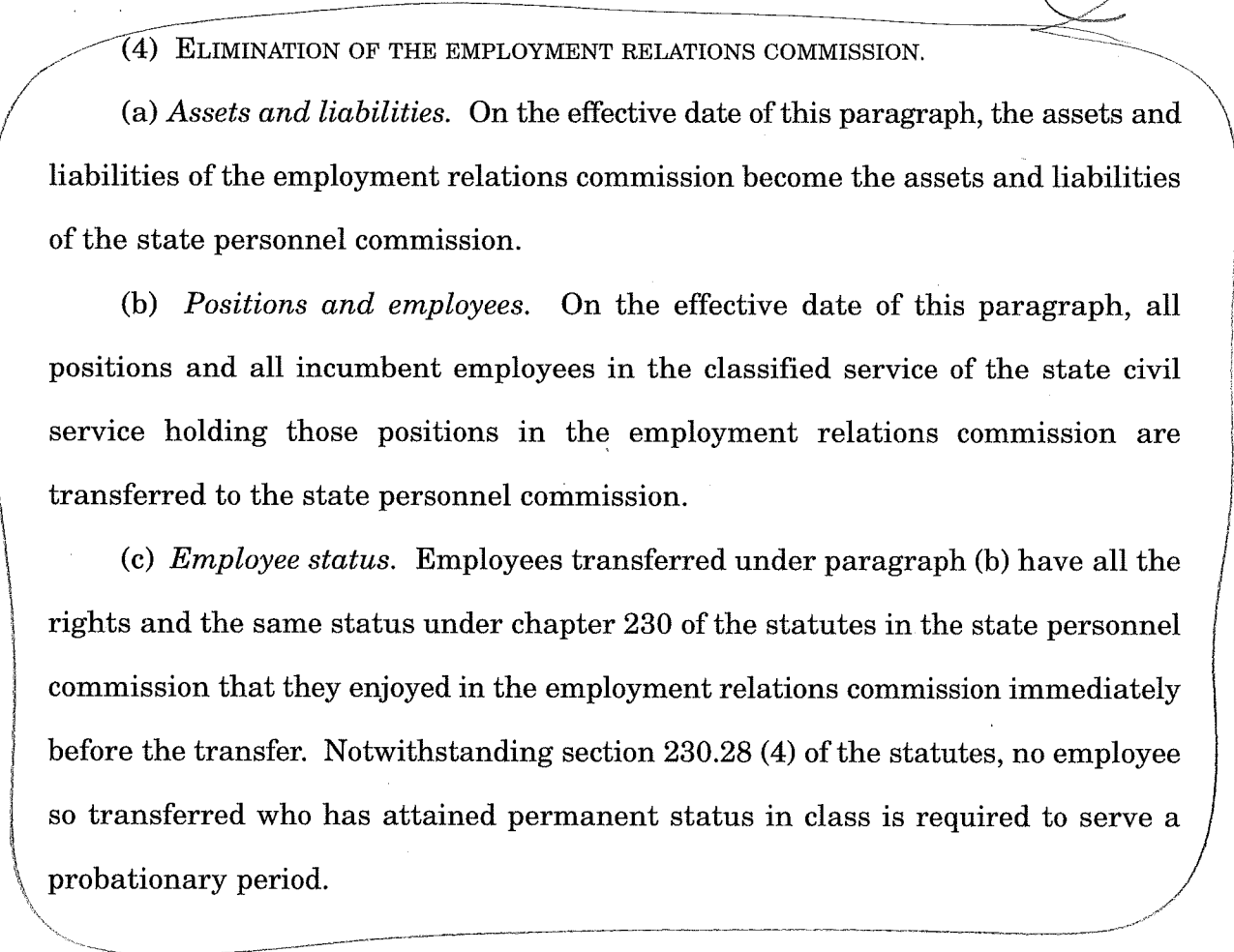
11 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
 12 liabilities of the employment relations commission become the assets and liabilities  
 13 of the state personnel commission.

14 (b) *Positions and employees.* On the effective date of this paragraph, all  
 15 positions and all incumbent employees in the classified service of the state civil  
 16 service holding those positions in the employment relations commission are  
 17 transferred to the state personnel commission.

18 (c) *Employee status.* Employees transferred under paragraph (b) have all the  
 19 rights and the same status under chapter 230 of the statutes in the state personnel  
 20 commission that they enjoyed in the employment relations commission immediately  
 21 before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee  
 22 so transferred who has attained permanent status in class is required to serve a  
 23 probationary period.

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1 (d) *Tangible personal property.* On the effective date of this paragraph, all  
2 tangible personal property, including records, of the employment relations  
3 commission is transferred to the state personnel commission.

4 (e) *Pending matters.* Any matter pending with the employment relations  
5 commission on the effective date of this paragraph is transferred to the state  
6 personnel commission. All materials submitted to or actions taken by the  
7 employment relations commission are considered as having been submitted to or  
8 taken by the state personnel commission.

9 (f) *Contracts.* All contracts entered into by the employment relations  
10 commission in effect on the effective date of this paragraph remain in effect and are  
11 transferred to the state personnel commission. The state personnel commission  
12 shall carry out any obligations under those contracts unless modified or rescinded  
13 by that state personnel commission to the extent allowed under the contract.

14 (g) *Rules and orders.* All rules promulgated by the employment relations  
15 commission in effect on the effective date of this paragraph remain in effect until  
16 their specified expiration dates or until amended or repealed by the state personnel  
17 commission. All orders issued by the employment relations commission in effect on  
18 the effective date of this paragraph remain in effect until their specified expiration  
19 dates or until modified or rescinded by the state personnel commission.

20 **SECTION 97. Effective date.**

21 (1) This act takes effect on the first day of 3rd month beginning after  
22 publication.

23 (END)

Initial app

2015-2016 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

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1           **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert  
2 the following amounts for the purposes indicated:

3 2015-16      2016-17

4 **20.865 Program supplements**

5 (1) EMPLOYEE COMPENSATION AND SUPPORT

6 (dm) *Discretionary merit compensa-*

7 *tion program* GPR      A      \$5,000,000      \$5,000,000

\*\*\*\*NOTE: Is it your intent that DPM would provide money out of this appropriation  
in the 2015-16 fiscal year or should all of the money be in the second year of the biennium?

8 **SECTION 2.** 20.865 (1) (c) of the statutes is amended to read:

9           20.865 (1) (c) *Compensation and related adjustments.* A sum sufficient to  
10 supplement the appropriations to state agencies for the cost of compensation and  
11 related adjustments approved by the legislature under s. 111.92 for represented  
12 employees and by the joint committee on employment relations under s. 230.12 and  
13 by the legislature, when required, for nonrepresented employees in the classified  
14 service and comparable adjustments for nonrepresented employees in the  
15 unclassified service, except those nonrepresented employees specified in ss. 20.923  
16 (6) (c) and 230.08 (2) (f), as determined under s. 20.928, other than adjustments  
17 funded under par. (cj) and (dm). Unclassified employees included under s. 20.923 (2)  
18 need not be paid comparable adjustments.

History: 1971 c. 125; 1971 c. 270 ss. 94, 95, 104; 1973 c. 90, 117, 151; 1973 c. 243 s. 82; 1973 c. 333; Sup. Ct. Order, 67 Wis. 2d 773 (1975); 1975 c. 39; 1975 c. 41 s. 52; 1975 c. 81, 224; 1977 c. 29, 44; 1977 c. 196 ss. 130 (8), 131; 1977 c. 203; 1977 c. 272 s. 98; 1977 c. 273, 344; 1977 c. 418 ss. 175d to 178, 929 (1); 1979 c. 32 s. 92 (5); 1979 c. 34 ss. 631b, 631d, 631f, 631h, 667 to 675; 1979 c. 48, 126, 221; 1981 c. 20, 96, 314, 317, 391; 1983 a. 27 ss. 498 to 526, 2204 (57) (b); 1983 a. 36; 1983 a. 191 s. 6; 1983 a. 192, 409; 1985 a. 29, 42, 52, 111; 1985 a. 182 s. 57; 1987 a. 27, 378; 1987 a. 403 ss. 28, 256; 1989 a. 31, 39, 336; 1991 a. 39; 1993 a. 16; 1995 a. 27, 201, 227, 400, 445; 1997 a. 27, 35, 41, 237; 1999 a. 9; 2001 a. 16, 106; 2003 a. 33; 2005 a. 25; 2007 a. 20, 200; 2009 a. 28; 2011 a. 10, 32; 2013 a. 20 ss. 476, 477, 2365m, 9448; 2015 a. 55.

19 **SECTION 3.** 20.865 (1) (dm) of the statutes is created to read:



1           20.865 (1) (dm) *Discretionary merit compensation program*. The amounts in  
 2 the schedule to supplement the appropriations to state agencies for the cost of  
 3 discretionary merit compensation awards approved by the division of personnel  
 4 management in the department of administration under s. 20.928 (1f).

5           **SECTION 4.** 20.928 (1f) of the statutes is created to read:

6           20.928 (1f) Each state agency head shall certify to the administrator of the  
 7 division of personnel management in the department of administration, at such time  
 8 and in such manner as the administrator prescribes, the sum of money needed from  
 9 the appropriations under s. 20.865 (1) (dm) for the state agency to make lump sum  
 10 discretionary merit compensation awards to its classified employees. Upon receipt  
 11 of the certifications together with such additional information as the administrator  
 12 prescribes, the administrator shall determine the amounts required from the  
 13 appropriation to supplement state agency budgets. The administrator may not  
 14 approve an agency request for money from the appropriation under s. 20.865 (1) (dm)  
 15 for a discretionary merit award that increases an employee's base compensation.

**End Ins 4-7**

**INS 10-21**

16           **SECTION 5.** 230.04 (13m) of the statutes is created to read:

17           230.04 (13m) The administrator shall establish standards for progressive  
 18 discipline plans to be prepared by all agencies and applied to all employees in the  
 19 classified service. The standards shall state the time periods within which these  
 20 plans shall be prepared.

21           **SECTION 6.** 230.04 (14) of the statutes, as affected by 2015 Wisconsin Act 55,  
 22 is amended to read:

230.445

1

230.04 (14) The Except as provided in s. 230.XX, the administrator shall

2

establish, by rule, the scope and minimum requirements of a state employee

3

grievance procedure relating to conditions of employment.

History: 1977 c. 196 ss. 48, 63, 101, 130 (11); 1977 c. 418, 447; 1981 c. 20; 1983 a. 27, 409; 1987 a. 27, 32, 140, 403; 1989 a. 31, 124; 1991 a. 101, 269, 288, 315; 1995 a. 289; 1997 a. 27; 1999 a. 87; 2003 a. 33; 2005 a. 22; 2007 a. 200; 2009 a. 28; 2011 a. 10; 2015 a. 55.

4

**SECTION 7.** 230.04 (19) of the statutes is created to read:

5

230.04 (19) The administrator shall develop and implement a discretionary

6

merit award program to distribute money under s. 20.928 (1f) to agencies for lump

7

sum discretionary merit awards.

\*\*\*\*NOTE: This language creates a duty for the administrator of DPM to develop and implement a discretionary merit award program. Please let me know if you would like to include more details about what DPM must include in the program.

\*\*\*\*NOTE: Also, please let me know if you would like any of the new duties assigned to the DPM administrator to be assigned to the director of the bureau of merit recruitment.

8

**SECTION 8.** 230.06 (1) (m) of the statutes is created to read:

9

230.06 (1) (m) Prepare a progressive discipline plan which complies with the

10

standards established by the administrator under s. 230.04 (13m).

END INS 10-21

x INS 12-10

Section 8. 230.12 (1) (h) is repealed.

INS 14-20

End Ins 12-10

11

**SECTION 9.** 230.16 (1) (ap) of the statutes is created to read:

12

230.16 (1) (ap) The administrator may not request a person applying for a

13

position in the civil service, on an application or otherwise, to supply information

14

regarding the conviction record of the applicant, or otherwise inquire into or consider

15

the conviction record of the applicant before the applicant has been certified for the

16

position. This paragraph does not prohibit the administrator from notifying an

17

applicant for a position in the civil service that, by law or policy, a particular

1 conviction record may disqualify an applicant from employment in a particular  
2 position.

**END INS 14-20**

**INS 23-3**

3 **SECTION 10.** 230.25 (3) (a) of the statutes, as affected by 2015 Wisconsin Act 55,  
4 is amended to read:

5 230.25 (3) (a) Subject to par. (b), the term of eligibility on original entrance and  
6 promotional registers is 6 months and thereafter the register expires but may be  
7 reactivated by the administrator for up to 3 years from the date of the establishment  
8 of the register. ~~Except as provided in ss. 230.28 and 230.34, the eligibility of~~  
9 ~~individuals for reinstatement is 5 years and the eligibility of individuals for~~  
10 ~~restoration is 3 years.~~

\* ✓ **NOTE:** This seems to be a cross-reference to the privileges and rights under s.  
230.31. If you want to keep this language, it should probably be modified to say the  
✓ eligibility for individuals on lay-off status for reinstatement is 3 years.

**History:** 1971 c. 270 ss. 45, 48; Stats. 1971 s. 16.20; 1977 c. 196 ss. 50, 115, 130 (5), 131; 1977 c. 273; Stats. 1977 s. 230.25; 1983 a. 27; 1985 a. 29; 1987 a. 32; 1991 a. 101; 1997 a. 27, 307; 1999 a. 87; 2003 a. 33; 2015 a. 55.

**END INS 23-3**

**INS 24-13**

11 **SECTION 11.** 230.28 (1) (am) of the statutes is amended to read:

12 230.28 (1) (am) All probationary periods for employees in supervisory or  
13 management positions are ~~one year~~ two years unless waived after ~~6 months~~ one year  
14 under par. (c). The waiver under par. (c) may be exercised for an employee in a  
15 supervisory position only if the employee has successfully completed a supervisory  
16 development program under s. 230.046 (2). However, persons who transfer or are  
17 reinstated to supervisory or management positions consistent with conditions under

1 sub. (4) and who had previously obtained permanent status in class in a supervisory  
2 or management position prior to the transfer or reinstatement shall serve a  
3 probationary period in accordance with sub. (4).

History: 1971 c. 270, 336; 1977 c. 196 ss. 52, 117, 130 (4), (5), 131; 1977 c. 273; Stats. 1977 s. 230.28; 1979 c. 221; 1983 a. 402; 1989 a. 144; 1997 a. 112; 1999 a. 9; 2013 a. 123; 2015 a. 55.

4 **SECTION 12.** 230.28 (1) (b) of the statutes, as affected by 2015 Wisconsin Act 55,  
5 is amended to read:

6 230.28 (1) (b) The director may authorize a longer probationary period not to  
7 exceed <sup>2 1/2</sup> 3 years for any administrative, technical or professional position, in order  
8 to provide the appointing authority assurance that the employee has had adequate  
9 exposure to the various responsibilities which are a part of the position or  
10 classification.

\*\*\*\*NOTE: What would you like the cap to be under this provision? It needs to be increased since, under the draft, the standard probationary period is 2 years.

History: 1971 c. 270, 336; 1977 c. 196 ss. 52, 117, 130 (4), (5), 131; 1977 c. 273; Stats. 1977 s. 230.28; 1979 c. 221; 1983 a. 402; 1989 a. 144; 1997 a. 112; 1999 a. 9; 2013 a. 123; 2015 a. 55.

11 **SECTION 13.** 230.28 (1) (c) of the statutes, as affected by 2015 Wisconsin Act 55,  
12 is amended to read:

13 230.28 (1) (c) Upon request by the appointing authority, the director may waive  
14 any portion of the lengthened probationary period but in no case before a <sup>6</sup> 6-month  
15 one-year probationary period has been served.

History: 1971 c. 270, 336; 1977 c. 196 ss. 52, 117, 130 (4), (5), 131; 1977 c. 273; Stats. 1977 s. 230.28; 1979 c. 221; 1983 a. 402; 1989 a. 144; 1997 a. 112; 1999 a. 9; 2013 a. 123; 2015 a. 55.

**END INS 24-13**

**INS 24-19**

16 **SECTION 14.** 230.31 (title) of the statutes is amended to read:

17 **230.31 (title) ~~Restoration of employment and reinstatement~~**  
18 **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; 2015 a. 55.

~~Restoration of employment and reinstatement~~ Reinstatement privileges.

1 SECTION 15. 230.31 (1) (intro.) and (b) of the statutes, as affected by 2015  
2 Wisconsin Act 55, are consolidated, renumbered 230.31 and amended to read:

3 (b) 230.31 Any person who has held a position and obtained permanent status in  
4 a class under the civil service law and rules and who has separated from the service  
5 without any delinquency or misconduct on his or her part but owing to reasons of  
6 economy or otherwise is on layoff status shall be granted the following  
7 considerations: (b) For eligible for reinstatement in a position having a comparable  
8 or lower pay rate or range for which such person is qualified for a 3-year period from  
9 the date of separation, if on the layoff status, the person shall be placed, in inverse  
10 order of layoff, on an appropriate mandatory restoration register for the unit used  
11 for layoff and on a restoration register for the agency from which the person was laid  
12 off. Use of such registers shall be subject to the rules of the director.

History: 1971 c. 270 s. 60; Stats. 1971 s. 16.25; 1977 c. 190 ss. 56, 130 (5); 1977 c. 273, 418; Stats. 1977 s. 230.31; 1979 c. 32; 1981 c. 140; 1997 a. 307; 2015 a. 55.

13 SECTION 16. 230.31 (1) (a) of the statutes is repealed.

14 SECTION 17. 230.31 (2) of the statutes, as affected by 2015 Wisconsin Act 55,  
15 is repealed.

16 SECTION 18. 230.32 (4) of the statutes, as affected by 2015 Wisconsin Act 55,  
17 is amended to read:

18 230.32 (4) Any person appointed to fill the position of an employee on such  
19 military or civilian leave shall be designated as a substitute or replacement employee  
20 and upon the return and reemployment of the original employee the substitute  
21 employee shall be transferred to a similar position with the same employing agency  
22 if one is available, or if not, he or she shall be eligible for reinstatement or have the  
23 right of restoration in accordance with this subchapter and the rules of the director.  
24 The status of any person who is appointed to fill the place of an employee on military

1 or civilian leave under this section shall be governed by the rules of the director  
2 pursuant thereto.

\*\*\*NOTE: This means that the substitute or replacement employee is only eligible  
for reinstatement if he or she is on layoff status. Okay?

History: 1971 c. 270 ss. 73, 74; Stats. 1971 s. 16.26; 1977 c. 196 ss. 56, 130 (5); 1977 c. 273; 1977 c. 418 s. 924 (13m); Stats. 1977 s. 230.32; 1981 c. 96 s. 67; 1981 c. 140; 1983 a. 27 s. 2200 (15); 2001 a. 26; 2003 a. 33, 162; 2005 a. 145; 2007 d. 200; 2015 a. 55.

Change  
Component

3 SECTION 19. 230.34 (1) (a) of the statutes is renumbered 230.34 (1) (a) 1.

4 SECTION 20. 230.34 (1) (a) 2. <sup>and 3.</sup> of the statutes ~~is~~ <sup>is</sup> repealed and recreated <sup>to read:</sup> <sup>Created</sup>

5 230.34 (1) (a) 2. ↗

6 2. It is just cause to remove, suspend without pay, discharge, reduce the base  
7 pay of, or demote an employee with permanent status in class or an employee who  
8 has served with the state as an assistant district attorney or an assistant state public  
9 defender for a continuous period of 12 months or more without progressive discipline  
10 for any of the following:

11 a. Harassment of another employee.

\* \*\*\*NOTE: This language would not cover harrassment of an individual using <sup>the</sup> agency's services. Okay? This concept also applies to the physical harm provision below.

12 b. Intentionally inflicting physical harm on an employee.

13 c. While on duty, being intoxicated or under the influence of a controlled  
14 substance, as defined in s. 961.01 (4), or a controlled substance analog, as defined in  
15 s. 961.01 (4m).

16 d. While on duty, being in possession of a controlled substance, as defined in  
17 s. 961.01 (4), or a controlled substance analog, as defined in s. 961.01 (4m), without  
18 a prescription.

19 e. Unless directed by the employee's supervisor, falsifying records of the agency.

\* \*\*\*NOTE: In the UI statute, the language is "unless directed by the employee's employer." Is "supervisor" the correct replacement for "employer" in this context or do you prefer "appointing authority" or "agency?"

tr

1 f. Theft of agency property or services with intent to deprive an agency of the  
2 property or services permanently, theft of currency of any value, felonious conduct  
3 connected with the employee's employment with the agency, or intentional or  
4 negligent conduct by an employee that causes substantial damage to agency  
5 property.

6 g. A conviction of an employee of a crime or other offense subject to civil  
7 forfeiture, while on or off duty, if the conviction makes it impossible for the employee  
8 to perform the duties that the employee performs for the agency.

9 h. Misuse or abuse of agency property, including the intentional use of an  
10 educational agency's equipment to download, view, solicit, seek, display, or distribute  
11 pornographic material.

12 3. It is just cause to remove, suspend without pay, discharge, reduce the base  
13 pay of, or demote an employee with permanent status in class or an employee who  
14 has served with the state as an assistant district attorney or an assistant state public  
15 defender for a continuous period of 12 months or more after progressive discipline  
16 if the employee's work performance or personal conduct is inadequate, unsuitable,  
17 or inferior, as determined by the appointing authority.

**END INS 24-19**

**INS 25-16**

18 **SECTION 21.** 230.34 (1) (ax) 2. of the statutes is amended to read:

1           230.34 (1) (ax) 2. Engaging in any action under subd. 1. ~~constitutes just cause~~  
2           is grounds for discharge without progressive discipline.

**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; 2015 a. 55; s. 13.92 (2) (i).

**END INS 25-16**

**INS 25-21**

3           **SECTION 22.** 230.34 (2) (b) of the statutes, as affected by 2015 Wisconsin Act 55,  
4           is amended to read:

5           230.34 (2) (b) The director shall promulgate rules governing layoffs and  
6           appeals therefrom and alternative procedures in lieu of layoff to include voluntary  
7           and involuntary demotion and the exercise of a displacing right to a comparable or  
8           lower class, as well as the subsequent employee ~~right of restoration or eligibility for~~  
9           reinstatement.

**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; 2015 a. 55; s. 13.92 (2) (i).

**END INS 25-21**

**INS 26-2**

10           **SECTION 23.** 230.40 (3) of the statutes is repealed.

**END INS 26-2**

**INS 27-18**

11           **SECTION 24.** 230.44 (1) (c) of the statutes is amended to read:

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



1 grievance procedure (established under s. 230.04 (14) 230.445, if the appeal alleges  
2 that the decision was not based on just cause.

History: 1977 c. 196; 1979 c. 221; 1981 c. 140; 1983 a. 27; 1989 a. 31; 1991 a. 269; 1993 a. 16; 1995 a. 27; 1997 a. 307; 1999 a. 102; 2003 a. 33; 2009 a. 15, 28, 212; 2013 a. 123; 2015 a. 55.

3 SECTION 25. 230.445 of the statutes is created to read:

4 230.445 Grievance procedure for demotion, suspension, discharge,  
5 layoff, or reduction in base pay. (1) In this section, an "adverse employment  
6 decision" means a decision to demote, layoff, suspend, discharge, or reduce the base  
7 pay of an employee.

\*\*\*NOTE: The grievance procedure under the current compensation plan also covers a denial of hazardous employment benefits under s. 230.36. The procedure in the compensation plan also applies to an action where an employee alleges the employer abused its discretion in applying written agency rules, policies, or procedures, but only through the second step of the grievance procedure. Please let me know if you would like to expand the scope of this grievance process.

8 (2) An employee may file a complaint under this section concerning the  
9 application of a law, rule, or policy to an adverse employment decision made against  
10 the employee. If an employee does not file a complaint or an appeal by the applicable  
11 deadline under sub. (3), the employee waives his or her right to appeal the adverse  
12 employment decision under this chapter.

\*\*\*NOTE: This language is based on Tennessee law. Is it consistent with your intent? Also please note, Tennessee law does not allow executive service employees to use the appeal process. Please let me know if you would like to include a similar restriction.

13 (3) (a) 1. To commence the grievance process for an adverse employment action,  
14 an employee shall file a complaint with the employee's appointing authority  
15 challenging an adverse employment decision against the employee no later than 14  
16 days after the employee becomes aware of, or should have become aware of, the  
17 decision that is the subject of the complaint.

18 2. An appointing authority, or his or her designee, who receives a timely  
19 complaint under subd. 1. shall conduct any investigation he or she considers

1 necessary, meet with with the employee in person, and issues a decision, in writing,  
2 not later than 14 days after the date of which the appointing authority, or his or her  
3 designee, received the employee's complaint. If the appointing authority does not  
4 issue a written decision within 15 days after receiving the employee's complaint, the  
5 employee may appeal to the administrator under par. (b).

6 (b) 1. If an appointing authority's does not find in favor of the employee under  
7 par. (a), the employee may appeal the appointing authority's decision by filing a  
8 complaint with the administrator. The employee may file a compliant <sup>under this</sup> ~~with the~~ <sup>subdivision</sup>  
9 administrator no later than 14 days after the date of the appointing authority's  
10 decision.

11 2. If the administrator receives a <sup>timely</sup> ~~complaint~~ <sup>timely</sup> under subd. 1., the administrator  
12 shall review the complaint and the appointing authority's written decision, and shall  
13 issue a decision, in writing, no later than 30 days after the date the employee filed  
14 a complaint with the administrator. <sup>If the administrator does not issue a</sup> <sup>written decision within 31 days after</sup> <sup>receiving the employee's complaint, the</sup> <sup>employee may appeal to the commission under par. (c).</sup>

15 (c) 1. An employee or an appointing authority may appeal a decision issued by  
16 the administrator under par. (b) by filing an appeal with the commission. The  
17 employee or appointing authority may file an appeal with the commission no later  
18 than 14 days after receiving the administrator's decision. Within 10 days of receiving  
19 an appeal, the commission shall determine whether all procedural requirements  
20 were completed properly and in a timely manner. If a procedural requirement was  
21 not met, the commission shall dismiss the appeal. If all of the procedural  
22 requirements <sup>are</sup> <sup>were</sup> met, the commission shall hear the appeal under s. 230.44 (4),  
23 except that the commission shall issue a decision on the appeal no later than 120 days  
24 after the date the appeal is filed with the commission.

1           2. To ensure that the commission issues its decision no later than 120 days after  
2 an appeal is filed under this paragraph, all of the following apply to a hearing before  
3 the commission for an appeal under this paragraph:

4           a. The parties shall participate in a pre-hearing conference no later than 20  
5 days after the filing of the appeal. The commission shall set the date of the hearing  
6 at the pre-conference hearing. (b) (A)

7           b. Discovery shall be completed no later than 60 days after the appeal is filed.

8           c. The commission shall rule on all motions no later than 30 days before the date  
9 of the hearing.

10          d. The commission may only grant an extension to a deadline provided in this  
11 subdivision for extraordinary circumstances. The commission may not grant an  
12 extension beyond the 120 day limit for issuing its decision.

13          e. Continuances of the hearing may be granted only in extraordinary  
14 circumstance, as determined by the commission.

\*\*\*\*NOTE: Tennessee law states that neither party is entitled to a petition for  
reconsideration. I am not sure if that is applicable to the WERC process.

**END INS 27-18**

**INS 30-3**

15          1. The classifications for all positions in the classified service of the state  
16 service. In reviewing the classifications, they shall consider the feasibility of  
17 reducing the number of classifications, as well as establishing a new system of  
18 classification, in order to increase administrative efficiency and better meet the  
19 needs of the state civil service.

20          2. The Wisconsin Human Resources Handbook.

21          3. The compensation plan under section 230.12 (1) of the statutes.

- 1 4. The feasibility of requiring all state agencies to use electronic personnel files.
- 2 5. The feasibility of requiring all state agencies to use a uniform personnel
- 3 evaluation system.

END INS 30-3

INS 31-19

4 **SECTION 26. Initial applicability.**

5 (1) INFORMATION ABOUT CONVICTION RECORD. The creation of sections 230.16 (1)  
 6 (ap) of the statutes first applies to an application for employment in the civil service  
 7 submitted on the effective date of this subsection.

*renumbering of section 230.34(1)(a) of the statutes and the*

8 (2) STANDARD FOR ADVERSE ACTION AGAINST CIVIL SERVICE EMPLOYEES. The ~~repeal~~  
 9 and recreation of section 230.34 (1) (a) of the statutes first applies to employee  
 10 discipline commenced on the effective date of this subsection.

*creation*

*2. and 3.*

*apply*

\*\*\*\*NOTE: This is a place holder. To what actions should the standard for taking certain disciplinary actions against employees first apply?

11 (3) MANDATORY RESTORATION. The consolidation, renumbering, and amendment  
 12 of section 230.31 (1) (b) of the statutes first applies to employees who are laid off on  
 13 the effective date of this subsection.

*(intro.) and*

\*\*\*\*NOTE: This is not a complete list of all the initial applicability provision that may need to be included in this draft.

*s*

Notes from meeting with Jason on  
Changes to B/P3 9-22-15

- ① p. 3 - leave WERC @ DWD
- ② p. 3, line 15 -  $\phi$  in 15-16, \$6,000,000 in 16-17
- ③ p. 8 - Eliminate preference redefinition for spouse of service member + definition of service member also p. 20
- ④ p. 8 - Eliminate 2<sup>nd</sup> sentence  
add that standards for progressive discipline apply to ~~work~~ work performance + employee \* match just cause \* misconduct additions
- ⑤ p. 9 - 230.14(9) - add language that awards are for performance that exceeds expectations
- ⑥ p. 9 230.06(4) - eliminate 2<sup>nd</sup> sentence, move 1<sup>st</sup> sentence to 230.37 to link w/ the employee performance evaluation program under current law.
- p. 10 - 230.06(5) - Create exception for court orders, orders under appeals process, or by settlement agreement

p. 11 - Require appointing authorities to review these employee files before making an appointment  
 \* already in 1P3 p. 12 line 14

p. 17 - Eliminate change to s. 230.147(1)

p. 13 Create exception for positions for which a specific conviction record would disqualify applicants for the position.

p. 23 Remove authority to extend probationary period upon request

p. 24 Repeal 230.28(1)(b)

p. 25 Just Cause standard  
 clarify language, include x-reference to administrated standards for progressive discipline

~~Harass~~ - Harassment & physical harm  
 both apply to while the employee is on duty

- Remove "unless directed by the employee's supervisor"
- fix typo p. 26 line 21
- Add a violation of ethics code for state employees

p. 27

Remove changes to 230.34(1)(ax)2.

p. 27 lines 21-24 - Model after TW  
first base primarily on job  
performance, then on  
seniority, disciplinary records &  
abilities

p. 28 line 5 - Remove reference to displacement

p. 28 line 11 - Replace interviews w/ evaluations

Add - Amend 230.05(7) - change 45 days to  
30 days