

2015 DRAFTING REQUEST

Senate Amendment (SA-SB285)

Received: 10/7/2015 Received By: fknepp  
 For: Roger Roth (608) 266-0718 Same as LRB:  
 May Contact: By/Representing: Jason  
 Subject: Employ Pub - civil service Drafter: fknepp  
 Addl. Drafters:  
 Extra Copies:

Submit via email: YES  
 Requester's email: Sen.Roth@legis.wisconsin.gov  
 Carbon copy (CC) to: fern.knepp@legis.wisconsin.gov  
 rick.champagne@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Probationary periods, deadline for shared services plans, veteran preferences, and technical corrections

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 10/8/2015		_____			
/P1	fknepp 10/9/2015	anienaja 10/8/2015	_____	sbasford 10/8/2015		
/P2	fknepp	anienaja	_____	srose		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	10/11/2015	10/9/2015	_____	10/9/2015		
/1		csicilia 10/12/2015	_____ _____	mbarman 10/12/2015	mbarman 10/12/2015	

FE Sent For:

<END>

Amendment to SB 285 - Instructions from  
Jason 10/7 & 10/8

① Amend deadline for shared services plans in nonstats

Amend effective date to make ~~the~~ shared services language effective immediately

② p. 34 line 3 - clarify procedural requirement not met by the employee

③ p. 34 line 20 - fix typo - circumstances

④ Change standard probationary period to one year with possibility to extend for up to an additional 12 mos.

Put back in possibility for 2 year period for certain positions - do not repeat par. (b)

Par. (c) no longer applies to supervisors because not a "lengthened" period under the bill

⑤ Require director to establish standards for what is a serious violation of the code of ethics



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRBa0852(?) / P1  
FFK: ...  
amr RMR

In 10-8  
out today

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**  
**SENATE AMENDMENT ,**  
**TO SENATE BILL 285**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12

At the locations indicated, amend the bill as follows:

1. Page 7, line 17: delete "~~Notwithstanding s. 230.16 (7), persons~~ Persons" and substitute "~~Notwithstanding s. 230.16 (7) par. (fm),~~ persons".

2. Page 11, line 5: after that line insert:

~~SECTION 16m.~~ 230.046 (2) of the statutes is amended to read:

~~230.046 (2) SUPERVISORY TRAINING. After initial appointment to a supervisory position, each appointing authority shall ensure that each classified service supervisor successfully completes a supervisory development program. A waiver of any part of the probationary period under s. 230.28 (1) (c) may not be granted before completion of the development program. The program shall include such subjects as state personnel policies, grievance handling, discipline, performance evaluation, understanding the concerns of state employees with children, the supervisor's role~~

1 in management and the concept of the total quality leadership process, including  
2 quality improvement through participatory management.”.

**History:** 1971 c. 100 s. 23; 1971 c. 270 ss. 56, 91; Stats. 1971 s. 16.33; 1975 c. 39 s. 732 (1); 1977 c. 29; 1977 c. 196 ss. 60, 103, 130 (4), (6m), (11), 131; Stats. 1977 s. 230.046; 1979 c. 221; 1981 c. 20; 1985 a. 29; 1989 a. 31; 1993 a. 112; 1999 a. 9; 2003 a. 33; 2009 a. 28; 2011 a. 10; 2015 a. 55.

3 **3.** Page 11, line 10: after that line insert:

4 **SECTION 17m.** 230.05 (10) of the statutes is created to read:

5 × 230.05 (10) The director shall establish standards for what constitutes a  
6 serious violation of the code of ethics for purposes of s. 230.34 (1) (a) 9.”.

7 **4.** Page 25, line 8: delete the material beginning with that line and ending on  
8 page 26, line 13 and substitute:

9 **SECTION 65m.** 230.28 (1) (a) of the statutes, as affected by 2015 Wisconsin Act  
10 55, is amended to read:

11 × 230.28 (1) (a) All original and all promotional appointments to permanent,  
12 sessional and seasonal positions, with the exception of those positions designated as  
13 supervisor or management under s. 111.81, in the classified service shall be for a  
14 probationary period of ~~6 months~~ one year, but the director at the request of the  
15 appointing authority ~~and in accordance with the rules related thereto~~ may extend  
16 any such period for a maximum of ~~3~~ 12 additional months. Dismissal may be made  
17 at any time during such periods. Upon such dismissal, the appointing authority shall  
18 report to the director and to the employee removed, the dismissal and the reason  
19 therefor. The director may remove an employee during the employee’s probationary  
20 period if the director finds, after giving notice and an opportunity to be heard, that  
21 such employee was appointed as a result of fraud or error.

**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.

22 **SECTION 66m.** 230.28 (1) (am) of the statutes is amended to read:

1           230.28 (1) (am) All probationary periods for employees in supervisory or  
2 management positions are one year ~~unless waived after 6 months under par. (e). The~~  
3 ~~waiver under par. (e) may be exercised for an employee in a supervisory position only~~  
4 ~~if the employee has successfully completed a supervisory development program~~  
5 ~~under s. 230.046 (2), but the director at the request of the appointing authority may~~  
6 extend any such period for a maximum of 12 additional months. However, persons  
7 who transfer or are reinstated to supervisory or management positions consistent  
8 with conditions under sub. (4) and who had previously obtained permanent status  
9 in class in a supervisory or management position prior to the transfer or  
10 reinstatement shall serve a probationary period in accordance with sub. (4).

*as affected by 2015 Wisconsin Act 55,*  
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 68m.** 230.28 (1) (c) of the statutes ~~is~~ amended to read:

12           230.28 (1) (c) Upon request by the appointing authority, the director may waive  
13 any portion of ~~the a~~ lengthened probationary period but in no case before a ~~6-month~~  
14 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.

15           **5.** Page 27, line 3: after that line insert:

16           “**SECTION 72m.** 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.

1 The status of any person who is appointed to fill the place of an employee on military  
2 or civilian leave under this section shall be governed by the rules of the director  
3 pursuant thereto.”.

**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. 23, 162; 2005 a. 145; 2007 a. 200; 2015 a. 55.

4 **6.** Page 32, line 23: delete “chapter” and substitute “subchapter”.

5 **7.** Page 33, line 13: delete the material beginning with “may” and ending with  
6 “later” on page 33, line 14 and substitute “may not file a complaint under this  
7 subdivision later”.

8 **8.** Page 33, line 24: delete “may file an appeal with the commission no later”  
9 and substitute “may not file an appeal with the commission under this paragraph  
10 later”.

11 **9.** Page 34, line 3: after “met” insert “by the employee or if the appointing  
12 authority’s appeal under this paragraph was not made in a timely manner”.

13 **10.** Page 34, line 20: delete “circumstance,” and substitute “circumstances,”.

14 **11.** Page 36, line 2: after that line insert:

15 “**SECTION 93m.** 2015 Wisconsin Act 55, section 9101 (5n) (c) is amended to read:

16 [2015 Wisconsin Act 55] Section 9101 (5n) (c) The secretary of administration

17 shall submit ~~a plan~~ plans developed under paragraph (b) to the joint committee on  
18 finance for approval under section 13.10 of the statutes no later than March 1, ~~2016~~  
19 2017, for implementation beginning July 1, ~~2016~~ 2017.”.

20 **12.** Page 37, line 7: delete “(b),”.

21 **13.** Page 38, line 2: after that line insert:

1

“(2) SHARED SERVICES PLANS. The treatment of 2015 Wisconsin Act 55, section

2

9101 (5n) (a), (b) and (c) takes effect on the day after publication.”

3

(END)



Instructions for LRBA 0852/P2  
from Jason 10-9-15

- ① Require administrator to include in the standards for progressive discipline when an appointing authority may skip progressive discipline steps due to the severity of the conduct or performance issue that is the subject of the discipline
- ② Section 21 of the bill - strike all language about comp. plan superseding statutes & rules
- ③ Section 23 of the bill - switch the order of ~~deputy~~ director + administrator to be consistent with other provisions.
- ④ Section 29 of the bill - replace "resumes" with "selection process"
- ⑤ Section 31, line 11 - change administrator to <sup>director</sup>
- ⑥ Section 32 - Make first sentence applicable to the selection process
- ⑦ Section 34 - line 17 - change "administrator" to "director"
- ⑧ Section 54 - Rewrite to clarify the appointing authority must use an open competitive process to fill a vacancy in a career executive position

- (9) Section 60 - p. 22, line 20 + p. 23, line 3  
change "certification list" to "register"  
delete lines 11-17 - See 230.25(1p)
- (10) Section 79 p. 30 line 1  
add "at least" before "an annual..."
- (11) Require administrator & director to submit  
any changes to comp plan that arise  
during the joint review to JCOER by  
Jan 1, 2017.
- (12) Amend 230.34(2) to strike language  
"but only after all..."
- (13) Replace required interviews with expanded  
certification in 230.34(1g) + (1m) - 3 positions  
for categories identified in 230.16(7)  
except replace 30% disability category  
w/ 70% category in (1g)



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRBa0852/P1/PZ  
FFK:amn  
RMR

In 10-9 TODAY

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**  
**SENATE AMENDMENT ,**  
**TO SENATE BILL 285**

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

2 **1.** Page 7, line 17: delete "~~Notwithstanding s. 230.16 (7), persons~~ Persons" and  
3 substitute "~~Notwithstanding s. 230.16 (7) par. (fm), persons~~".

INS  
1-3

4 **2.** Page 11, line 5: after that line insert:

5 "**SECTION 16m.** 230.046 (2) of the statutes is amended to read:

6 230.046 (2) SUPERVISORY TRAINING. After initial appointment to a supervisory  
7 position, each appointing authority shall ensure that each classified service  
8 supervisor successfully completes a supervisory development program. ~~A waiver of~~  
9 ~~any part of the probationary period under s. 230.28 (1) (c) may not be granted before~~  
10 ~~completion of the development program.~~ The program shall include such subjects  
11 as state personnel policies, grievance handling, discipline, performance evaluation,  
12 understanding the concerns of state employees with children, the supervisor's role

1 in management and the concept of the total quality leadership process, including  
2 quality improvement through participatory management.”.

3 **3.** Page 11, line 10: after that line insert:

4 “SECTION 17m. 230.05 (10) of the statutes is created to read:

5 230.05 (10) The director shall establish standards for what constitutes a  
6 serious violation of the code of ethics for purposes of s. 230.34 (1) (a) 9.”

7 **4.** Page 25, line 8: delete the material beginning with that line and ending on  
8 page 26, line 13, and substitute:

9 “SECTION 65m. 230.28 (1) (a) of the statutes, as affected by 2015 Wisconsin Act  
10 55, is amended to read:

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

22 **SECTION 66m.** 230.28 (1) (am) of the statutes is amended to read:

23 230.28 (1) (am) All probationary periods for employees in supervisory or  
24 management positions are one year ~~unless waived after 6 months under par. (c).~~ The

INS  
2-6  
7

with

1 ~~waiver under par. (c) may be exercised for an employee in a supervisory position only~~  
2 ~~if the employee has successfully completed a supervisory development program~~  
3 ~~under s. 230.046 (2), but the director at the request of the appointing authority may~~  
4 ~~extend any such period for a maximum of 12 additional months.~~ However, persons  
5 who transfer or are reinstated to supervisory or management positions consistent  
6 with conditions under sub. (4) and who had previously obtained permanent status  
7 in class in a supervisory or management position prior to the transfer or  
8 reinstatement shall serve a probationary period in accordance with sub. (4).

9 **SECTION 68m.** 230.28 (1) (c) of the statutes, as affected by 2015 Wisconsin Act  
10 55, is amended to read:

11 230.28 (1) (c) Upon request by the appointing authority, the director may waive  
12 any portion of ~~the a~~ lengthened probationary period but in no case before a ~~6-month~~  
13 ~~one-year~~ probationary period has been served.”.

14 **5.** Page 27, line 3: after that line insert:

15 “**SECTION 72m.** 230.32 (4) of the statutes, as affected by 2015 Wisconsin Act 55,  
16 is amended to read:

17 230.32 (4) Any person appointed to fill the position of an employee on such  
18 military or civilian leave shall be designated as a substitute or replacement employee  
19 and upon the return and reemployment of the original employee the substitute  
20 employee shall be transferred to a similar position with the same employing agency  
21 if one is available, or if not, he or she shall be eligible for reinstatement or have the  
22 right of restoration in accordance with ~~this subchapter and~~ the rules of the director.  
23 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.”

3 **6.** Page 32, line 23: delete “chapter” and substitute “subchapter”.

4 **7.** Page 33, line 13: delete the material beginning with “may” and ending with  
5 “later” on page 33, line 14 and substitute “may not file a complaint under this  
6 subdivision later”.

7 **8.** Page 33, line 24: delete “may file an appeal with the commission no later”  
8 and substitute “may not file an appeal with the commission under this paragraph  
9 later”.

10 **9.** Page 34, line 3: after “met” insert “by the employee or if the appointing  
11 authority’s appeal under this paragraph was not made in a timely manner”.

12 **10.** Page 34, line 20: delete “circumstance,” and substitute “circumstances,”.

13 **11.** Page 36, line 2: after that line insert:

14 **SECTION 93m.** 2015 Wisconsin Act 55, section 9101 (5n) (c) is amended to read:

15 [2015 Wisconsin Act 55] Section 9101 (5n) (c) The secretary of administration  
16 shall submit ~~a plan~~ plans developed under paragraph (b) to the joint committee on  
17 finance for approval under section 13.10 of the statutes no later than March 1, ~~2016~~  
18 2017, for implementation beginning July 1, ~~2016~~ 2017.”

19 **12.** Page 37, line 7: delete “(b),”.

20 **13.** Page 38, line 2: after that line insert:

21 **“(2) SHARED SERVICES PLANS.** The treatment of 2015 Wisconsin Act 55, section  
22 9101 (5n) (a), (b), and (c) takes effect on the day after publication.”.

23

(END)

INS  
4-23

INS  
4-18

2015-2016 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBa0852/P2  
FFK:...  
amu

INS 1-3

1           1. Page 10, line 20: after "inferior." insert "The standards established under  
2 this subsection shall allow an appointing authority to accelerate progressive  
3 discipline if the inadequacy, unsuitability, or inferiority of the personal conduct or  
4 work performance for which an employee is being disciplined is severe."

END INS 1-3

INS 2-6

5           2. Page 12, line 10: delete lines 10 to 11 and substitute:  
6           ~~"that shall supersede the provisions of the civil service and other applicable~~  
7           ~~statutes and rules promulgated by the director and the administrator."~~

8           3. Page 12, line 16: delete that line and substitute:  
9           "230.13 (3) (b) The ~~director~~ administrator and the ~~administrator~~ director may  
10 provide any agency with".

11           4. Page 13, line 23: delete "resumes" and substitute "selection processes".

12           5. Page 14, line 11: delete "administrator" and substitute "director".

13           6. Page 14, line 22: delete lines 22 to 24 and substitute:  
14           "230.16 (2) ~~Competitive examinations~~ The selection process for a position in  
15 the civil service shall be free and open to all applicants who have fulfilled the  
16 preliminary requirements stated in the ~~examination position~~ announcement. To  
17 assure that all<sup>of 11</sup>

18           7. Page 15, line 17: delete "administrator" and substitute "administrator  
19 director".

20           8. Page 21, line 6: delete lines 6 to 13 and substitute:

1 "SECTION 54m. 230.24 (2) of the statutes is amended to read:

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

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; 2015 a. 55.

10 9. Page 22, line 3: delete lines 3 to 5 and substitute:

11 "SECTION 56m. 230.25 (1g) of the statutes, as affected by 2015 Wisconsin Act  
12 55, is amended to read:

13 ~~x 230.25 (1g) For every position to be filled by promotion from a promotional~~  
14 ~~register, the director shall, after~~ After certifying names under sub. (1), the director  
15 shall additionally certify the name names of the 3 highest ranked disabled veteran  
16 veterans whose disability is at least 70% percent and the 3 highest ranked  
17 individuals ~~who~~ <sup>each of whom is</sup> the spouse of a disabled veteran whose disability is at least 70  
18 percent.

History: 1971 s. 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, 30; 1999 a. 87; 2003 a. 33; 2015 a. 55.

19 "SECTION 57m. 230.25 (1m) of the statutes is renumbered 230.25 (1m) (intro.)

20 and amended to read:

21 ~~x 230.25 (1m)~~ <sup>(Intro.)</sup> After certifying names under sub. (1), additional names the  
22 director shall be certified in rank order of those who with the combination of veterans  
23 preference points awarded under s. 230.16 (7) and examination score earn a total  
24 score equal to or higher than the lowest score of those certified on the basis of



1 ~~examination only. The number of veterans or spouses of veterans added to the list~~  
2 ~~may not exceed the number of names certified under sub. (1).~~ Additionally certify the  
3 names of all of the following:

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.

4 **SECTION 57p. 230.35** (1m) (a) to (e) of the statutes are created to read:

5 ~~230.35~~ **(1m)** (a) The 3 highest ranked veterans.

6 (b) The 3 highest ranked disabled veterans who are not certified under par. (a).

7 (c) The 3 <sup>each of whom is an</sup> highest ranked individuals ~~who are the~~ unremarried spouse of a  
8 veteran who was killed in action.

9 (d) The 3 highest ranked individuals <sup>each of whom is an</sup> ~~who are the~~ unremarried spouse of a  
10 veteran who died of a service-connected disability.”.

11 <sup>with</sup> **10.** Page 22, line 20: delete the material beginning with that line and ending  
12 on page 23, line 17 and substitute:

13 “**SECTION 60m. 230.25** (2) (am) of the statutes is created to read:

14 230.25 (2) (am) If a veteran is included on a certification list and if the minimum  
15 qualifications and the skills, abilities, competencies, and knowledge of the veteran  
16 and any other applicant being interviewed for the position are equal, the appointing  
17 authority shall give a preference to the veteran for the position.”.


**END INS 2-6**

**INS 4-2**

18 **11.** Page 28, line 24: after that line insert:

19 <sup>75m</sup> **SECTION ??.** 230.34 (2) (intro.) of the statutes is amended to read:

20 230.34 (2) (intro.) Employees with permanent status in class in permanent,  
21 sessional and seasonal positions in the classified service and employees serving a


1 probationary period in such positions after promotion or transfer may be laid off  
2 because of a reduction in force due to a stoppage or lack of work or funds or owing to  
3 material changes in duties or organization ~~but only after all original appointment~~  
4 ~~probationary and limited term employees in the classes used for layoff, are~~  
5 terminated." 

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).

6 **12.** Page 30, line 1: after "conduct" insert "at least".

**END INS 4-2**

**INS 4-18**

7 **13.**  Page 36, line 21: after "statutes." insert "The administrator shall also  
8 submit any requested changes to the compensation plan under section 230.12 (1) of  
9 the statutes that result from the joint review under paragraph (a) 3. to the joint  
10 committee on employment relations no later than January 1, 2017."

**END INS 4-18**

Instructions from Jason 10-11

- Put in introducible form



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRBa0852/P2

FFK:amn

In 10-11  
out 10-12, by sam

11  
RMK  
dcjs  
Stays

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**  
**SENATE AMENDMENT ,**  
**TO SENATE BILL 285**

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

2 **1.** Page 7, line 17: delete “Notwithstanding s. 230.16 (7), persons Persons” and  
3 substitute “Notwithstanding s. 230.16 (7) par. (fm), persons”.

4 **2.** Page 10, line 20: after “inferior.” insert “The standards established under  
5 this subsection shall allow an appointing authority to accelerate progressive  
6 discipline if the inadequacy, unsuitability, or inferiority of the personal conduct or  
7 work performance for which an employee is being disciplined is severe.”.

8 **3.** Page 11, line 5: after that line insert:

9 “SECTION 16m. 230.046 (2) of the statutes is amended to read:

10 230.046 (2) SUPERVISORY TRAINING. After initial appointment to a supervisory  
11 position, each appointing authority shall ensure that each classified service  
12 supervisor successfully completes a supervisory development program. ~~A waiver of~~

1 any part of the probationary period under s. 230.28 (1) (c) may not be granted before  
2 completion of the development program. The program shall include such subjects  
3 as state personnel policies, grievance handling, discipline, performance evaluation,  
4 understanding the concerns of state employees with children, the supervisor's role  
5 in management and the concept of the total quality leadership process, including  
6 quality improvement through participatory management.”.

7 **4.** Page 11, line 10: after that line insert:

8 “SECTION 17m. 230.05 (10) of the statutes is created to read:

9 230.05 (10) The director shall establish standards for what constitutes a  
10 serious violation of the code of ethics for purposes of s. 230.34 (1) (a) 9.”.

11 **5.** Page 12, line 10: delete lines 10 and 11 and substitute “that shall supersede  
12 the provisions of the civil service and other applicable statutes and rules  
13 promulgated by the director and the administrator.”.

14 **6.** Page 12, line 16: delete that line and substitute:

15 “230.13 (3) (b) The ~~director~~ administrator and the ~~administrator~~ director may  
16 provide any agency with”.

17 **7.** Page 13, line 23: delete “resumes” and substitute “selection processes”.

18 **8.** Page 14, line 11: delete “administrator” and substitute “director”.

19 **9.** Page 14, line 22: delete lines 22 to 24 and substitute:

20 “230.16 (2) ~~Competitive examinations~~ The selection process for a position in  
21 the civil service shall be free and open to all applicants who have fulfilled the  
22 preliminary requirements stated in the ~~examination~~ position announcement. To  
23 assure that all”.

1           **10.** Page 15, line 17: delete “administrator” and substitute “administrator  
2           director”.

3           **11.** Page 21, line 6: delete lines 6 to 13 and substitute:

4           “**SECTION 54m.** 230.24 (2) of the statutes is amended to read:

5           230.24 (2) ~~A vacancy in a career executive position may be filled through An~~  
6           appointing authority shall fill a vacancy in a career executive position using an open  
7           competitive examination, a competitive promotional examination or by restricting  
8           competition to employees in career executive positions in order to achieve and  
9           maintain a highly competent work force in career executive positions process, with  
10          due consideration given to affirmative action. ~~The appointing authority shall~~  
11          ~~consider the guidelines under s. 230.19 when deciding how to fill a vacancy under~~  
12          ~~this paragraph.”.~~

13          **12.** Page 22, line 3: delete lines 3 to 10 and substitute:

14          “**SECTION 56m.** 230.25 (1g) of the statutes, as affected by 2015 Wisconsin Act  
15          55, is amended to read:

16          230.25 (1g) ~~For every position to be filled by promotion from a promotional~~  
17          ~~register, the director shall, after~~ After certifying names under sub. (1), the director  
18          shall additionally certify the ~~name~~ names of the 3 highest ranked disabled ~~veteran~~  
19          veterans whose disability is at least 70% percent and the 3 highest ranked  
20          individuals each of whom is the spouse of a disabled veteran whose disability is at  
21          least 70 percent.

22          **SECTION 57m.** 230.25 (1m) of the statutes is renumbered 230.25 (1m) (intro.)  
23          and amended to read:

1           230.25 (1m) (intro.) After certifying names under sub. (1), ~~additional names~~  
2 ~~the director shall be certified in rank order of those who with the combination of~~  
3 ~~veterans preference points awarded under s. 230.16 (7) and examination score earn~~  
4 ~~a total score equal to or higher than the lowest score of those certified on the basis~~  
5 ~~of examination only. The number of veterans or spouses of veterans added to the list~~  
6 ~~may not exceed the number of names certified under sub. (1). additionally certify the~~  
7 ~~names of all of the following:~~

8           **SECTION 57p.** 230.25 (1m) (a) to <sup>e</sup>(~~e~~) of the statutes are created to read:

9           230.25 (1m) (a) The 3 highest ranked veterans.

10          (b) The 3 highest ranked disabled veterans who are not certified under par. (a).

11          (c) The 3 highest ranked individuals each of whom is an unremarried spouse  
12 of a veteran who was killed in action.

13          (d) The 3 highest ranked individuals each of whom is an unremarried spouse  
14 of a veteran who died of a service-connected disability.”

15          **13.** Page 22, line 20: delete the material beginning with that line and ending  
16 with page 23, line 17, and substitute:

17          **“SECTION 60m.** 230.25 (2) (am) of the statutes is created to read:

18          230.25 (2) (am) If a veteran is included on a certification list and if the minimum  
19 qualifications and the skills, abilities, competencies, and knowledge of the veteran  
20 and any other applicant being interviewed for the position are equal, the appointing  
21 authority shall give a preference to the veteran for the position.”

22          **14.** Page 25, line 8: delete the material beginning with that line and ending  
23 with page 26, line 13, and substitute:

1           “**SECTION 65m.** 230.28 (1) (a) of the statutes, as affected by 2015 Wisconsin Act  
2 55, 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~~ 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~~ 12 additional months. Dismissal may be made  
9 at 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.

14           **SECTION 66m.** 230.28 (1) (am) of the statutes is amended to read:

15           230.28 (1) (am) All probationary periods for employees in supervisory or  
16 management positions are one year ~~unless waived after 6 months under par. (c). The~~  
17 ~~waiver under par. (c) may be exercised for an employee in a supervisory position only~~  
18 ~~if the employee has successfully completed a supervisory development program~~  
19 ~~under s. 230.046 (2), but the director at the request of the appointing authority may~~  
20 extend any such period for a maximum of 12 additional months. However, persons  
21 who transfer or are reinstated to supervisory or management positions consistent  
22 with conditions under sub. (4) and who had previously obtained permanent status  
23 in class in a supervisory or management position prior to the transfer or  
24 reinstatement shall serve a probationary period in accordance with sub. (4).



1           **SECTION 68m.** 230.28 (1) (c) of the statutes, as affected by 2015 Wisconsin Act  
2 55, is amended to read:

3           230.28 (1) (c) Upon request by the appointing authority, the director may waive  
4 any portion of ~~the a~~ lengthened probationary period but in no case before a ~~6-month~~  
5 one-year probationary period has been served.”

6           **15.** Page 27, line 3: after that line insert:

7           “**SECTION 72m.** 230.32 (4) of the statutes, as affected by 2015 Wisconsin Act 55,  
8 is amended to read:

9           230.32 (4) Any person appointed to fill the position of an employee on such  
10 military or civilian leave shall be designated as a substitute or replacement employee  
11 and upon the return and reemployment of the original employee the substitute  
12 employee shall be transferred to a similar position with the same employing agency  
13 if one is available, or if not, he or she shall be eligible for reinstatement or have the  
14 right of restoration in accordance with ~~this subchapter and~~ the rules of the director.  
15 The status of any person who is appointed to fill the place of an employee on military  
16 or civilian leave under this section shall be governed by the rules of the director  
17 pursuant thereto.”

18           **16.** Page 28, line 24: after that line insert:

19           “**SECTION 75m.** 230.34 (2) (intro.) of the statutes is amended to read:

20           230.34 (2) (intro.) Employees with permanent status in class in permanent,  
21 sessional and seasonal positions in the classified service and employees serving a  
22 probationary period in such positions after promotion or transfer may be laid off  
23 because of a reduction in force due to a stoppage or lack of work or funds or owing to  
24 material changes in duties or organization ~~but only after all original appointment~~

1 ~~probationary and limited term employees in the classes used for layoff, are~~  
2 ~~terminated.”.~~

3 **17.** Page 30, line 1: after “conduct” insert “at least”.

4 **18.** Page 32, line 23: delete “chapter” and substitute “subchapter”.

5 **19.** Page 33, line 13: delete the material beginning with “may” and ending  
6 with “later” on page 33, line 14 and substitute “may not file a complaint under this  
7 subdivision later”.

8 **20.** Page 33, line 24: delete “may file an appeal with the commission no later”  
9 and substitute “may not file an appeal with the commission under this paragraph  
10 later”.

11 **21.** Page 34, line 3: after “met” insert “by the employee or if the appointing  
12 authority’s appeal under this paragraph was not made in a timely manner”.

13 **22.** Page 34, line 20: delete “circumstance,” and substitute “circumstances,”.

14 **23.** Page 36, line 2: after that line insert:

15 “**SECTION 93m.** 2015 Wisconsin Act 55, section 9101 (5n) (c) is amended to read:

16 [2015 Wisconsin Act 55] Section 9101 (5n) (c) The secretary of administration  
17 shall submit ~~a plan~~ plans developed under paragraph (b) to the joint committee on  
18 finance for approval under section 13.10 of the statutes no later than March 1, 2016  
19 2017, for implementation beginning July 1, ~~2016~~ 2017.”.

20 **24.** Page 36, line 21: after “statutes.” insert “The administrator shall also  
21 submit any requested changes to the compensation plan under section 230.12 (1) of  
22 the statutes that result from the joint review under paragraph (a) 3. to the joint  
23 committee on employment relations no later than January 1, 2017.”.

← INS 7-23

1 **25.** Page 37, line 7: delete “(b).”

2 **26.** Page 38, line 2: after that line insert:

3 “(2) SHARED SERVICES PLANS. The treatment of 2015 Wisconsin Act 55, section  
4 9101 (5n) (a), (b), and (c) takes effect on the day after publication.”

5 (END)

2015-2016 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBa0852/1ins  
FFK:...

(d)

INS 7-23

1  
2  
3  
4  
5  
6

1. Page 37, line 1: delete lines 1 to 3 and substitute:

(2m) HIRING PREFERENCES FOR VETERANS AND SPOUSES OF VETERANS. The  
treatment of section 230.25 (1g) and (1m) of the statutes, the creation of section  
230.25 (1m) (a) to (e) and (2) (am) of the statutes, and the renumbering and  
amendment of section 230.16 (7) of the statutes first apply to a position that is posted  
on the effective date of this subsection.

END INS 7-23

and 230.25 (1m)