



State of Wisconsin
2015 – 2016 LEGISLATURE

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**SENATE SUBSTITUTE AMENDMENT 1,
TO SENATE BILL 285**

October 19, 2015 – Offered by Senator NASS.

1 **AN ACT** *to repeal* 230.16 (7m) (c), 230.16 (9), 230.19 (2), 230.19 (3), 230.28 (6),
2 230.31 (2) and 230.40 (3); *to renumber* 230.19 (1); *to renumber and amend*
3 230.01 (2), 230.16 (7), 230.25 (1m), 230.34 (1) (a) and 230.43 (1) (a); *to amend*
4 62.13 (4) (d), 63.08 (1) (f) 1., 63.08 (1) (f) 2., 63.08 (1) (f) 3., 63.37, 63.39 (2m),
5 66.0509 (1), 230.04 (14), 230.046 (2), 230.05 (7), 230.08 (2) (c), 230.12 (1) (h),
6 230.13 (1) (a), 230.13 (3) (b), 230.15 (1), 230.15 (1m) (c) 1., 230.16 (title), 230.16
7 (1) (a), 230.16 (2), 230.16 (3), 230.16 (4), 230.16 (5), 230.16 (6), 230.16 (7m) (b)
8 4., 230.16 (10), 230.16 (11), 230.17 (1), 230.17 (2), 230.18, 230.21 (1), 230.21 (2),
9 230.21 (3), 230.213, 230.24 (1), 230.24 (2), 230.25 (1), 230.25 (1g), 230.25 (2) (a),
10 230.25 (2) (b), 230.25 (3) (a), 230.26 (2), 230.26 (4), 230.28 (1) (a), 230.28 (1) (am),
11 230.28 (1) (c), 230.31 (1) (intro.), 230.32 (4), 230.34 (1) (am), 230.34 (2) (intro.),
12 230.34 (2) (a), 230.34 (2) (b), 230.35 (3) (d), 230.37 (1), 230.43 (1) (title), 230.43
13 (1) (b), 230.43 (1) (c), 230.43 (1) (d), 230.43 (1) (e), 230.43 (5), 230.44 (1) (c),

1 230.44 (1) (e) and 321.65 (3) (g); **to create** 20.865 (1) (dm), 20.928 (1f), 230.01
2 (2) (bm), 230.01 (2) (bp), 230.04 (13m), 230.04 (19), 230.05 (10), 230.06 (1) (m),
3 230.06 (4), 230.13 (3) (c), 230.15 (6), 230.15 (7), 230.25 (1m) (a) to (d), 230.25 (2)
4 (am), 230.31 (3), 230.34 (1) (a) 1. to 9. and 230.445 of the statutes; and **to affect**
5 2015 Wisconsin Act 55, section 9101 (5n) (a), 2015 Wisconsin Act 55, section
6 9101 (5n) (b) and 2015 Wisconsin Act 55, section 9101 (5n) (c); **relating to:** the
7 state civil service and making an appropriation.

Analysis by the Legislative Reference Bureau

This substitute amendment differs from 2015 Senate Bill 285 (the bill) as follows:

1. This substitute amendment removes the provision in the bill that prohibits the director of the Bureau of Merit Recruitment and Selection (bureau) in the Division of Personnel Management (DPM) in the Department of Administration (DOA) from asking an applicant on an application, or otherwise, to supply information about the applicant's conviction record before the applicant is certified for a position.

2. This substitute amendment changes the general probationary period for all original and promotional appointments to permanent and seasonal positions in the classified service and the probationary period for employees in supervisory or management positions to one year with a possible extension of up to 12 additional months.

3. This substitute amendment eliminates the requirement under current law that certain probationary and limited term employees must be terminated before permanent classified employees may be laid off.

4. This substitute amendment requires the director of the bureau to establish standards for what constitutes a serious violation of the code of ethics for the purpose of determining whether it is just cause to take an adverse employment action against an employee without imposing progressive discipline.

5. This substitute amendment requires the standards for progressive discipline plans established by the administrator of DPM to allow an appointing authority to accelerate progressive discipline in certain circumstances.

6. This substitute amendment provides a preference for veterans and certain spouses of veterans in the civil service hiring process by requiring the director of the bureau to add a certain number of veterans and spouses of veterans to a certification list for a classified position. This preference replaces the requirement in the bill that an appointing authority offer an interview to a veteran or spouse of a veteran who is included on a certification list for a classified position.

7. Under this substitute amendment, the DOA secretary is not required to develop a plan to assume responsibility for services related to human resources for the technical college system board.

8. This substitute amendment requires the DOA secretary to submit plans for assuming responsibility for services related to human resources for agencies in the executive branch and for assuming responsibility for payroll services, finance services, budget and procurement functions, and information technology services for certain state agencies and boards to the Joint Committee on Finance by March 1, 2017, for implementation beginning July 1, 2017. Under current law, the DOA secretary is required to submit a plan for assuming responsibility for services related to human resources, payroll services, finance services, budget and procurement functions, and information technology services for certain state agencies and boards to the Joint Committee on Finance by March 1, 2016, for implementation beginning July 1, 2016.

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

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

				2015–16	2016–17
3					
4	20.865	Program supplements			
5	(1)	EMPLOYEE COMPENSATION AND SUPPORT			
6	(dm)	<i>Discretionary merit compensa-</i>			
7		<i>tion program</i>	GPR A	–0–	6,000,000

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

9 20.865 (1) (dm) *Discretionary merit compensation program.* The amounts in
10 the schedule to supplement the appropriations to state agencies for the cost of
11 discretionary merit compensation awards approved by the division of personnel
12 management in the department of administration under s. 20.928 (1f).

13 **SECTION 3.** 20.928 (1f) of the statutes is created to read:

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

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

12 62.13 (4) (d) The examination shall be free for all U.S. citizens over 18 and
13 under 55 years of age, with proper limitations as to health and, subject to ss. 111.321,
14 111.322, and 111.335, arrest and conviction record. The examination, including
15 minimum training and experience requirements, shall be job-related in compliance
16 with appropriate validation standards and shall be subject to the approval of the
17 board and may include tests of manual skill and physical strength. All relevant
18 experience, whether paid or unpaid, shall satisfy experience requirements. The
19 board shall control examinations and may designate and change examiners, who
20 may or may not be otherwise in the official service of the city, and whose
21 compensation shall be fixed by the board and paid by the city. Veterans and their
22 spouses shall be given preference points in accordance with s. ~~230.16 (7)~~ 63.08 (1)
23 (fm).

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

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

5 **SECTION 6.** 63.08 (1) (f) 2. of the statutes is amended to read:

6 63.08 (1) (f) 2. Notwithstanding ~~s. 230.16 (7) par. (fm)~~, persons shall be certified
7 from the eligible list under s. 63.05 (1) (b) without adding any preference points to
8 any person's grade.

9 **SECTION 7.** 63.08 (1) (f) 3. of the statutes is amended to read:

10 63.08 (1) (f) 3. After the certification under subd. 2., any veteran or veteran's
11 spouse whose grade, plus the points to which the veteran or spouse is entitled under
12 ~~s. 230.16 (7) par. (fm)~~, is equal to or higher than the lowest grade on the list made
13 under subd. 2. shall be added to the certification list under s. 63.05 (1) (b). The
14 number of persons added to a certification list under this subdivision may not exceed
15 the number of persons initially certified under subd. 2.

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

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

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

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

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

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

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

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

1 230.01 (2) (a) It is the policy of the state and the responsibility of the director
2 and the administrator to maintain a system of personnel management which fills
3 positions in the classified service through methods which apply the merit principle,
4 with adequate civil service safeguards.

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

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

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

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

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

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

21 230.01 (2) (bm) It is the policy of this state to recruit, select, and promote
22 employees based on their relative skills, abilities, competencies, and knowledge,
23 including using open processes to consider qualified applicants for initial
24 employment.

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

1 230.01 (2) (bp) It is the policy of this state to retain employees on the basis of
2 the adequacy of their performance, to correct inadequate performance when possible
3 and appropriate, and to separate from state service employees whose performance
4 and personal conduct is inadequate, unsuitable, or inferior.

5 **SECTION 14.** 230.04 (13m) of the statutes is created to read:

6 230.04 (13m) The administrator shall establish standards for progressive
7 discipline plans to be prepared by all agencies and applied to all employees in the
8 classified service. The standards shall address progressive discipline for personal
9 conduct and work performance that is inadequate, unsuitable, or inferior. The
10 standards established under this subsection shall allow an appointing authority to
11 accelerate progressive discipline if the inadequacy, unsuitability, or inferiority of the
12 personal conduct or work performance for which an employee is being disciplined is
13 severe.

14 **SECTION 15.** 230.04 (14) of the statutes, as affected by 2015 Wisconsin Act 55,
15 is amended to read:

16 230.04 (14) The Except as provided in s. 230.445, the administrator shall
17 establish, by rule, the scope and minimum requirements of a state employee
18 grievance procedure relating to conditions of employment.

19 **SECTION 16.** 230.04 (19) of the statutes is created to read:

20 230.04 (19) The administrator shall develop and implement a discretionary
21 merit award program to distribute money under s. 20.928 (1f) to agencies for the
22 purpose of providing lump sum monetary awards to classified employees whose job
23 performance has exceeded agency expectations.

24 **SECTION 17.** 230.046 (2) of the statutes is amended to read:

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

10 **SECTION 18.** 230.05 (7) of the statutes, as affected by 2015 Wisconsin Act 55,
11 is amended to read:

12 230.05 (7) The director shall use techniques and procedures designed to certify
13 eligible applicants to any vacant permanent position within 45 30 days after the
14 filing of an appropriate request by an appointing authority.

15 **SECTION 19.** 230.05 (10) of the statutes is created to read:

16 230.05 (10) The director shall establish standards for what constitutes a
17 serious violation of the code of ethics for purposes of s. 230.34 (1) (a) 9.

18 **SECTION 20.** 230.06 (1) (m) of the statutes is created to read:

19 230.06 (1) (m) Prepare a progressive discipline plan which complies with the
20 standards established by the administrator under s. 230.04 (13m).

21 **SECTION 21.** 230.06 (4) of the statutes is created to read:

22 230.06 (4) An appointing authority shall maintain permanently an employee's
23 disciplinary records in the employee's personnel file. Unless otherwise ordered by
24 a court or, during the grievance process under s. 230.445, by the appointing
25 authority, administrator, or commission, or unless otherwise agreed to in a

1 settlement agreement, disciplinary records may not be removed from an employee's
2 personnel file.

3 **SECTION 22.** 230.08 (2) (c) of the statutes is amended to read:

4 230.08 (2) (c) The director, associate director, and state historian of the
5 historical society; and, with the approval of the board of curators and the
6 administrator, such number of specialists as are required by the society for specific
7 research, writing, collecting, or editing projects which for a limited period of time not
8 to exceed 2 years, renewable at the discretion of the board of curators and the
9 administrator for an additional 2-year period, require persons with particular
10 training or experience in a specialized phase or field of history, historical research,
11 writing, collecting, or editing, and any persons whose entire salary is paid from funds
12 reappropriated to the society by s. 20.245 (1) (r) where a competitive examination
13 process is impractical.

14 **SECTION 23.** 230.12 (1) (h) of the statutes is amended to read:

15 230.12 (1) (h) *Other pay, benefits, and working conditions.* The compensation
16 plan may include other provisions relating to pay, benefits, and working conditions
17 that shall supersede the provisions of the civil service and other applicable statutes
18 and rules promulgated by the director and the administrator.

19 **SECTION 24.** 230.13 (1) (a) of the statutes is amended to read:

20 230.13 (1) (a) ~~Examination scores and ranks and other evaluations~~
21 Evaluations of applicants, including any examination scores and rankings.

22 **SECTION 25.** 230.13 (3) (b) of the statutes is amended to read:

23 230.13 (3) (b) The ~~director administrator~~ and the ~~administrator director~~ may
24 provide any agency with personnel information relating to the hiring and

1 recruitment process, including specifically ~~the examination~~ scores and ranks and
2 other evaluations of applicants.

3 **SECTION 26.** 230.13 (3) (c) of the statutes is created to read:

4 230.13 (3) (c) The administrator and the director shall provide an appointing
5 authority with access to the personnel files of any individual who currently holds a
6 position whom the appointing authority intends to make an offer of employment.

7 **SECTION 27.** 230.15 (1) of the statutes, as affected by 2015 Wisconsin Act 55,
8 is amended to read:

9 230.15 (1) Subject to the restriction under s. 230.143, appointments to, and
10 promotions in, the classified service shall be made only according to merit and
11 fitness, which shall be ascertained so far as practicable by competitive ~~examination~~
12 procedures. The director may waive competitive ~~examination~~ procedures for
13 appointments made under subs. (1m) and (2) and shall waive competitive
14 ~~examination~~ procedures for appointments made under sub. (2m).

15 **SECTION 28.** 230.15 (1m) (c) 1. of the statutes, as affected by 2015 Wisconsin
16 Act 55, is amended to read:

17 230.15 (1m) (c) 1. Whenever a position is included in the classified service
18 under par. (a), the director may waive the requirement for competitive ~~examination~~
19 procedures under sub. (1) with respect to the position and certify the incumbent
20 employee for appointment to the position in accordance with subd. 2.

21 **SECTION 29.** 230.15 (6) of the statutes is created to read:

22 230.15 (6) Annually, each appointing authority shall submit a report to the
23 director and the administrator indicating the number of days it took to make an offer
24 of employment for a vacant position after receiving from the director a list of names
25 of individuals who are certified for appointment to the position.

1 **SECTION 30.** 230.15 (7) of the statutes is created to read:

2 230.15 (7) An appointing authority may not make an offer of employment to
3 any individual who currently holds a position unless the appointing authority has
4 reviewed the personnel file of the individual.

5 **SECTION 31.** 230.16 (title) of the statutes is amended to read:

6 **230.16 (title) Applications and examinations selection processes.**

7 **SECTION 32.** 230.16 (1) (a) of the statutes, as affected by 2015 Wisconsin Act 55,
8 is amended to read:

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

13 **SECTION 33.** 230.16 (2) of the statutes, as affected by 2015 Wisconsin Act 55,
14 is amended to read:

15 230.16 (2) ~~Competitive examinations~~ The selection process for a position in the
16 civil service shall be free and open to all applicants who have fulfilled the preliminary
17 requirements stated in the ~~examination~~ position announcement. To assure that all
18 applicants have a fair opportunity to compete, ~~examinations~~ competitive procedures
19 shall be ~~held at such times and places as, in the judgment of the director,~~ scheduled
20 in a manner that most nearly meet the convenience of applicants and needs of the
21 service, as determined by the director.

22 **SECTION 34.** 230.16 (3) of the statutes, as affected by 2015 Wisconsin Act 55,
23 is amended to read:

24 230.16 (3) The director may appoint boards of ~~examiners~~ evaluators of at least
25 2 persons, one of which is selected by the bureau and one of which is a representative

1 of the appointing authority, for the purpose of conducting oral examinations
2 evaluations as a part of the examination hiring procedure for certain positions. All
3 ~~board members~~ evaluators shall be well-qualified and impartial. All questions
4 asked and answers made in any examination ~~of applicants~~ oral evaluation shall be
5 recorded and made a part of the records ~~of the applicants~~ applicant's records.

6 **SECTION 35.** 230.16 (4) of the statutes is amended to read:

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

12 **SECTION 36.** 230.16 (5) of the statutes, as affected by 2015 Wisconsin Act 55,
13 is amended to read:

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

23 **SECTION 37.** 230.16 (6) of the statutes, as affected by 2015 Wisconsin Act 55,
24 is amended to read:

1 230.16 (6) If any applicant is unable to complete ~~the examination~~ an evaluation
2 that is used in the selection process in the form presented to the applicant due to a
3 disability, the bureau shall provide ~~a reader, an appropriate place to take the~~
4 ~~examination or other similar prerequisites~~ necessary accommodations to ensure
5 equality of opportunity in the ~~examination~~ selection process.

6 **SECTION 38.** 230.16 (7) of the statutes is renumbered 63.08 (1) (fm), and 63.08
7 (1) (fm) 1. (intro.) and 2., as renumbered, are amended to read:

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

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

17 **SECTION 39.** 230.16 (7m) (b) 4. of the statutes is amended to read:

18 230.16 (7m) (b) 4. ~~The examination~~ The appointing authority has not extended
19 interviews for the position is ~~a written, nonessay examination that is scored by a~~
20 ~~machine~~ or filled the position at the time the application is received.

21 **SECTION 40.** 230.16 (7m) (c) of the statutes, as affected by 2015 Wisconsin Act
22 55, is repealed.

23 **SECTION 41.** 230.16 (9) of the statutes, as affected by 2015 Wisconsin Act 55,
24 is repealed.

25 **SECTION 42.** 230.16 (10) of the statutes is amended to read:

1 230.16 (10) Every reasonable precaution shall be taken to prevent any
2 unauthorized person from gaining any knowledge of the nature or content of the
3 ~~examinations~~ competitive procedures in the selection process that is not available to
4 every applicant.

5 **SECTION 43.** 230.16 (11) of the statutes, as affected by 2015 Wisconsin Act 55,
6 is amended to read:

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

10 **SECTION 44.** 230.17 (1) of the statutes, as affected by 2015 Wisconsin Act 55,
11 is amended to read:

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

18 **SECTION 45.** 230.17 (2) of the statutes, as affected by 2015 Wisconsin Act 55,
19 is amended to read:

20 230.17 (2) If the director ~~refuses to examine an applicant, or after an~~
21 ~~examination~~ to certify an eligible, as provided in this section, the director, if
22 requested by the applicant so rejected within 10 days of the date of receipt of the
23 notice of rejection, shall give the applicant a full and explicit statement of the exact
24 cause of such refusal ~~to examine or to certify~~. Applicants may appeal to the
25 commission the decision of the director to refuse to ~~examine or certify~~ under s. 230.44

1 (1) (a). Upon request of an applicant or an eligible for a civil service position who has
2 a disability, the department of health services shall obtain from the director a
3 detailed description of all duties entailed by such position and shall determine and
4 report its findings to the director, as to the ability of the applicant, or eligible, to
5 perform the duties of such position. Such findings shall be conclusive as to the
6 qualifications of any applicant, or eligible, so examined. A notice of rejection shall
7 notify an applicant or eligible of his or her rights under this subsection.

8 **SECTION 46.** 230.18 of the statutes, as affected by 2015 Wisconsin Act 55, is
9 amended to read:

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

21 **SECTION 47.** 230.19 (1) of the statutes, as affected by 2015 Wisconsin Act 55,
22 is renumbered 230.19.

23 **SECTION 48.** 230.19 (2) of the statutes, as affected by 2015 Wisconsin Act 55,
24 is repealed.

25 **SECTION 49.** 230.19 (3) of the statutes is repealed.

1 **SECTION 50.** 230.21 (1) of the statutes, as affected by 2015 Wisconsin Act 55,
2 is amended to read:

3 230.21 (1) Subject to s. 230.275, the director may, to meet the needs of the
4 service, establish separate recruitment, ~~examination~~ and certification procedures
5 for filling positions in unskilled labor and service classes.

6 **SECTION 51.** 230.21 (2) of the statutes, as affected by 2015 Wisconsin Act 55,
7 is amended to read:

8 230.21 (2) The director may designate classifications in which applicants are
9 in critically short supply and may develop such recruitment, ~~examination~~ and
10 certification processes as will provide agencies with prompt certification when
11 qualified applicants can be found, provided that due notice has been given and proper
12 competitive standards have been maintained.

13 **SECTION 52.** 230.21 (3) of the statutes, as affected by 2015 Wisconsin Act 55,
14 is amended to read:

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

21 **SECTION 53.** 230.213 of the statutes, as affected by 2015 Wisconsin Act 55, is
22 amended to read:

23 **230.213 Affirmative action procedures for corrections positions.** The
24 director may, to meet affirmative action objectives, establish such recruitment,
25 ~~examination~~ and certification procedures for positions in the department of

1 corrections as will enable the department of corrections to increase the number of
2 employees of a specified gender or a specified racial or ethnic group in those positions.
3 The director shall design the procedures to obtain a work force in the department of
4 corrections that reflects the relevant labor pool. The director may determine the
5 relevant labor pool from the population of the state or of a particular geographic area
6 of the state, whichever is more appropriate for achieving the affirmative action
7 objective.

8 **SECTION 54.** 230.24 (1) of the statutes, as affected by 2015 Wisconsin Act 55,
9 is amended to read:

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

23 **SECTION 55.** 230.24 (2) of the statutes is amended to read:

24 230.24 (2) ~~A vacancy in a career executive position may be filled through An~~
25 appointing authority shall fill a vacancy in a career executive position using an open

1 competitive examination, a competitive promotional examination or by restricting
2 competition to employees in career executive positions in order to achieve and
3 maintain a highly competent work force in career executive positions process, with
4 due consideration given to affirmative action. The appointing authority shall
5 consider the guidelines under s. 230.19 when deciding how to fill a vacancy under
6 this paragraph.

7 **SECTION 56.** 230.25 (1) of the statutes, as affected by 2015 Wisconsin Act 55,
8 is amended to read:

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

20 **SECTION 57.** 230.25 (1g) of the statutes, as affected by 2015 Wisconsin Act 55,
21 is amended to read:

22 230.25 (1g) ~~For every position to be filled by promotion from a promotional~~
23 ~~register, the director shall, after~~ After certifying names under sub. (1), the director
24 shall additionally certify the name names of the 3 highest ranked disabled veteran
25 veterans whose disability is at least 70% percent and the 3 highest ranked

1 individuals each of whom is the spouse of a disabled veteran whose disability is at
2 least 70 percent.

3 **SECTION 58.** 230.25 (1m) of the statutes is renumbered 230.25 (1m) (intro.) and
4 amended to read:

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

12 **SECTION 59.** 230.25 (1m) (a) to (d) of the statutes are created to read:

13 230.25 (1m) (a) The 3 highest ranked veterans.

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

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

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

19 **SECTION 60.** 230.25 (2) (a) of the statutes, as affected by 2015 Wisconsin Act 55,
20 is amended to read:

21 230.25 (2) (a) When certifying names to appointing authorities under this
22 section, the director shall specify whether the certification includes qualifying
23 veterans or persons the hiring of whom would serve affirmative action purposes,
24 without divulging the names of those individuals. ~~The director shall not disclose any~~

1 ~~applicant's test score, with or without the addition of veterans preference points~~
2 ~~under s. 230.16 (7), to the appointing authority.~~

3 **SECTION 61.** 230.25 (2) (am) of the statutes is created to read:

4 230.25 (2) (am) If a veteran is included on a certification list and if the
5 minimum qualifications and the skills, abilities, competencies, and knowledge of the
6 veteran and any other applicant being interviewed for the position are equal, the
7 appointing authority shall give a preference to the veteran for the position.

8 **SECTION 62.** 230.25 (2) (b) of the statutes, as affected by 2015 Wisconsin Act 55,
9 is amended to read:

10 230.25 (2) (b) Unless otherwise provided in this subchapter or the rules of the
11 director, appointments shall be made by appointing authorities to all positions in the
12 classified service from among those certified to them in accordance with this section.
13 Appointments shall be made within ~~60~~ 30 days after the date of certification unless
14 an exception is made by the director. If an appointing authority does not make an
15 appointment within ~~60~~ 30 days after certification, he or she shall immediately report
16 in writing to the director the reasons therefor. If the director determines that the
17 failure to make an appointment is not justified under the merit system, the director
18 shall issue an order directing that an appointment be made.

19 **SECTION 63.** 230.25 (3) (a) of the statutes is amended to read:

20 230.25 (3) (a) Subject to par. (b), the term of eligibility on ~~original-entrancee and~~
21 ~~promotional registers~~ is 6 months and thereafter the register expires but may be
22 reactivated by the administrator for up to 3 years from the date of the establishment
23 of the register. ~~Except as provided in ss. 230.28 and 230.34, the eligibility of~~
24 ~~individuals for reinstatement is 5 years and the eligibility of individuals for~~
25 ~~restoration is 3 years.~~

1 **SECTION 64.** 230.26 (2) of the statutes, as affected by 2015 Wisconsin Act 55,
2 is amended to read:

3 230.26 (2) If there are urgent reasons for filling a vacancy in any position in
4 the classified service and the director is unable to certify to the appointing authority,
5 upon requisition by the latter, a list of persons eligible for appointment from an
6 appropriate employment register, the appointing authority may nominate a person
7 to the director ~~for nonecompetitive examination~~. If the nominee is certified by the
8 director as qualified, the nominee may be appointed provisionally to fill the vacancy
9 until an appointment can be made from a register established after announcement
10 of competition for the position, except that no provisional appointment may be
11 continued for more than 45 working days after the date of certification from the
12 register. Successive appointments may not be made under this subsection. This
13 subsection does not apply to a person appointed to a vacant position in the classified
14 service under s. 230.275.

15 **SECTION 65.** 230.26 (4) of the statutes is amended to read:

16 230.26 (4) Fringe benefits specifically authorized by statutes, with the
17 exception of deferred compensation plan participation under subch. VII of ch. 40,
18 worker's compensation, unemployment insurance, group insurance, retirement, and
19 social security coverage, shall be denied employees hired under this section. Such
20 employees may not be considered permanent employees and do not qualify for
21 tenure, vacation, paid holidays, sick leave, performance awards, or the right to
22 compete in promotional ~~examinations~~ processes.

23 **SECTION 66.** 230.28 (1) (a) of the statutes, as affected by 2015 Wisconsin Act 55,
24 is amended to read:

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

12 **SECTION 67.** 230.28 (1) (am) of the statutes is amended to read:

13 230.28 (1) (am) All probationary periods for employees in supervisory or
14 management positions are one year ~~unless waived after 6 months under par. (c). The~~
15 ~~waiver under par. (c) may be exercised for an employee in a supervisory position only~~
16 ~~if the employee has successfully completed a supervisory development program~~
17 ~~under s. 230.046 (2), but the director at the request of the appointing authority may~~
18 extend any such period for a maximum of 12 additional months. However, persons
19 who transfer or are reinstated to supervisory or management positions consistent
20 with conditions under sub. (4) and who had previously obtained permanent status
21 in class in a supervisory or management position prior to the transfer or
22 reinstatement shall serve a probationary period in accordance with sub. (4).

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

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

4 **SECTION 69.** 230.28 (6) of the statutes is repealed.

5 **SECTION 70.** 230.31 (1) (intro.) of the statutes is amended to read:

6 230.31 (1) (intro.) Any person who has held a position and obtained permanent
7 status in a class under the civil service law and rules and who has separated from
8 the service before the effective date of this subsection [LRB inserts date], without
9 any delinquency or misconduct on his or her part but owing to reasons of economy
10 or otherwise shall be granted the following considerations:

11 **SECTION 71.** 230.31 (2) of the statutes, as affected by 2015 Wisconsin Act 55,
12 is repealed.

13 **SECTION 72.** 230.31 (3) of the statutes is created to read:

14 230.31 (3) Any person who has held a position and obtained permanent status
15 in class under the civil service law and rules and who is laid off on or after the
16 effective date of this subsection [LRB inserts date], is eligible for reinstatement
17 in a position having a comparable or lower pay rate or range for which such person
18 is qualified for a 3-year period from the date of the layoff.

19 **SECTION 73.** 230.32 (4) of the statutes, as affected by 2015 Wisconsin Act 55,
20 is amended to read:

21 230.32 (4) Any person appointed to fill the position of an employee on such
22 military or civilian leave shall be designated as a substitute or replacement employee
23 and upon the return and reemployment of the original employee the substitute
24 employee shall be transferred to a similar position with the same employing agency
25 if one is available, or if not, he or she shall be eligible for reinstatement or have the

1 right of restoration in accordance with ~~this subchapter and~~ the rules of the director.
2 The status of any person who is appointed to fill the place of an employee on military
3 or civilian leave under this section shall be governed by the rules of the director
4 pursuant thereto.

5 **SECTION 74.** 230.34 (1) (a) of the statutes is renumbered 230.34 (1) (a) (intro.)
6 and amended to read:

7 230.34 (1) (a) (intro.) An employee with permanent status in class or an
8 employee who has served with the state as an assistant district attorney or an
9 assistant state public defender for a continuous period of 12 months or more may be
10 removed, suspended without pay, discharged, reduced in base pay, or demoted only
11 for just cause. It is just cause to remove, suspend without pay, discharge, reduce the
12 base pay of, or demote an employee for work performance or personal conduct that
13 is inadequate, unsuitable, or inferior, as determined by the appointing authority, but
14 only after imposing progressive discipline that complies with the administrator's
15 standards under s. 230.04 (13m). It is just cause to remove, suspend without pay,
16 discharge, reduce the base pay of, or demote an employee without imposing
17 progressive discipline for any of the following conduct:

18 **SECTION 75.** 230.34 (1) (a) 1. to 9. of the statutes are created to read:

19 230.34 (1) (a) 1. While on duty, harassing a person.

20 2. While on duty, intentionally inflicting physical harm on another person.

21 3. While on duty, being intoxicated or under the influence of a controlled
22 substance, as defined in s. 961.01 (4), or a controlled substance analog, as defined in
23 s. 961.01 (4m).

1 4. While on duty, being in possession of a controlled substance, as defined in
2 s. 961.01 (4), or a controlled substance analog, as defined in s. 961.01 (4m), without
3 a prescription.

4 5. Falsifying records of the agency.

5 6. Theft of agency property or services with intent to deprive an agency of the
6 property or services permanently, theft of currency of any value, felonious conduct
7 connected with the employee's employment with the agency, or intentional or
8 negligent conduct by an employee that causes substantial damage to agency
9 property.

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

13 8. Misuse or abuse of agency property, including the intentional use of the
14 agency's equipment to download, view, solicit, seek, display, or distribute
15 pornographic material.

16 9. A serious violation of the code of ethics established by the director under s.
17 19.45 (11) (a), as determined by the director.

18 **SECTION 76.** 230.34 (1) (am) of the statutes is amended to read:

19 230.34 (1) (am) If an employee fails to report for work as scheduled or to contact
20 his or her supervisor, the appointing authority may discipline the employee. If an
21 employee fails to report for work as scheduled, or to contact his or her supervisor for
22 a minimum of ~~5 consecutive~~ 3 working days during a calendar year, the appointing
23 authority shall consider the employee's position abandoned and may discipline the
24 employee or treat the employee as having resigned his or her position. If the
25 appointing authority decides to treat the position abandonment as a resignation, the

1 appointing authority shall notify the employee in writing that the employee is being
2 treated as having effectively resigned as of the end of the last day worked.

3 **SECTION 77.** 230.34 (2) (intro.) of the statutes is amended to read:

4 230.34 (2) (intro.) Employees with permanent status in class in permanent,
5 sessional and seasonal positions in the classified service and employees serving a
6 probationary period in such positions after promotion or transfer may be laid off
7 because of a reduction in force due to a stoppage or lack of work or funds or owing to
8 material changes in duties or organization ~~but only after all original appointment~~
9 ~~probationary and limited term employees in the classes used for layoff, are~~
10 ~~terminated.~~

11 **SECTION 78.** 230.34 (2) (a) of the statutes is amended to read:

12 230.34 (2) (a) ~~The~~ An appointing authority shall determine the order of layoff
13 of such employees ~~may be determined by seniority or~~ primarily based on job
14 ~~performance or a combination thereof or by other factors, and thereafter, in~~
15 accordance with the rules of the director, on disciplinary records, seniority, and
16 ability.

17 **SECTION 79.** 230.34 (2) (b) of the statutes, as affected by 2015 Wisconsin Act 55,
18 is amended to read:

19 230.34 (2) (b) The director shall promulgate rules governing layoffs and
20 appeals therefrom and alternative procedures in lieu of layoff to include voluntary
21 and involuntary demotion ~~and the exercise of a displacing right to a comparable or~~
22 ~~lower class, as well as the subsequent employee right of restoration or eligibility for~~
23 ~~reinstatement.~~

24 **SECTION 80.** 230.35 (3) (d) of the statutes, as affected by 2015 Wisconsin Act 55,
25 is amended to read:

1 230.35 (3) (d) Employees of the state are entitled to reasonable paid leaves of
2 absence to compete in promotional examinations and interviews evaluations. The
3 administrator shall promulgate rules governing the lengths of time allowable for
4 such leaves, their frequency and the provisions for their use.

5 **SECTION 81.** 230.37 (1) of the statutes, as affected by 2015 Wisconsin Act 55,
6 is amended to read:

7 230.37 (1) In cooperation with appointing authorities the administrator shall
8 establish an employee performance evaluation program to provide a continuing
9 record of employee development and, when applicable, to serve as a basis for
10 pertinent personnel actions. Under the employee performance evaluation program
11 established under this subsection, the administrator shall require each appointing
12 authority to conduct at least an annual performance evaluation of each employee
13 appointed by the appointing authority. Similar evaluations shall be conducted
14 during the probationary period but may not infringe upon the authority of the
15 appointing authority to retain or dismiss employees during the probationary period.

16 **SECTION 82.** 230.40 (3) of the statutes is repealed.

17 **SECTION 83.** 230.43 (1) (title) of the statutes is amended to read:

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

20 **SECTION 84.** 230.43 (1) (a) of the statutes is renumbered 230.43 (1) (intro.) and
21 amended to read:

22 230.43 (1) (intro.) Any person who ~~willfully~~, alone or in cooperation with one
23 or more persons, ~~defeats~~ does any of the following is, for each offense, guilty of a
24 misdemeanor:

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

4 **SECTION 85.** 230.43 (1) (b) of the statutes is amended to read:

5 230.43 (1) (b) ~~Who willfully,~~ Willfully or corruptly, falsely marks, grades,
6 estimates, or reports upon ~~the examination~~ an application or resume, or proper
7 standing of any person ~~examined~~ evaluated, registered, or certified, pursuant to this
8 subchapter, or aids in so doing, ~~or.~~

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

10 230.43 (1) (c) ~~Who willfully~~ Willfully or corruptly makes any false
11 representations concerning the same, or concerning ~~the person examined~~ an
12 applicant, ~~or.~~

13 **SECTION 87.** 230.43 (1) (d) of the statutes is amended to read:

14 230.43 (1) (d) ~~Who willfully~~ Willfully or corruptly furnishes any person any
15 special or secret information for the purpose of either improving or injuring the
16 prospects or chances of any persons so ~~examined~~ evaluated, registered, or certified,
17 being appointed, employed, or promoted, ~~or.~~

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

19 230.43 (1) (e) ~~Who personates~~ Personates any other person, or permits or aids
20 in any manner any other person to personate him or her in connection with any
21 examination, registration, application, or request to be ~~examined~~ evaluated or
22 registered, shall for each offense be guilty of a misdemeanor.

23 **SECTION 89.** 230.43 (5) of the statutes, as affected by 2015 Wisconsin Act 55,
24 is amended to read:

1 230.43 (5) TAXPAYERS' SUITS. The right of any taxpayer to bring any action to
2 restrain the payment of compensation to any person appointed to or holding any
3 office or place of employment in violation of this subchapter shall not be limited or
4 denied by reason of the fact that the office or place of employment has been classified
5 as, or determined to be, not subject to a competitive examination hiring process;
6 however, any judgment or injunction in any such action shall be prospective only, and
7 shall not affect payments already made or due to such persons by the proper
8 disbursing officers, in accordance with the rules of the administrator in force at the
9 time of such payments.

10 **SECTION 90.** 230.44 (1) (c) of the statutes is amended to read:

11 230.44 (1) (c) *Demotion, layoff, suspension or discharge.* If an employee has
12 permanent status in class, or an employee has served with the state as an assistant
13 district attorney or an assistant state public defender for a continuous period of 12
14 months or more, the employee may appeal a demotion, layoff, suspension, discharge
15 or reduction in base pay to the commission as the final step in the state employee
16 grievance ~~procedure~~ process established under s. 230.04 (14) 230.445, if the appeal
17 alleges that the decision was not based on just cause.

18 **SECTION 91.** 230.44 (1) (e) of the statutes is amended to read:

19 230.44 (1) (e) *Discretionary performance awards.* This subsection does not
20 apply to decisions of an appointing authority relating to discretionary performance
21 awards under s. 230.12 (5) or under the discretionary merit award program
22 established under s. 230.04 (19), including the evaluation methodology and results
23 used to determine the award or the amount awarded.

24 **SECTION 92.** 230.445 of the statutes is created to read:

1 **230.445 Grievance process for demotion, suspension, discharge,**
2 **layoff, or reduction in base pay. (1)** In this section:

3 (a) “Adverse employment decision” means a decision to demote, layoff, suspend
4 without pay, discharge, or reduce the base pay of an employee.

5 (b) “Employee” means an employee who has obtained permanent status in class
6 or an employee who has served with the state as an assistant district attorney or an
7 assistant state public defender for a continuous period of 12 months or more.

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 against the
10 employee. If an employee does not file a complaint or an appeal by an applicable
11 deadline under sub. (3), the employee waives his or her right to appeal the adverse
12 employment decision under this subchapter.

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 the 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
20 necessary, meet with with the employee in person, and issue a decision, in writing,
21 not later than 14 days after the date of which the appointing authority, or his or her
22 designee, received the employee’s complaint. If the appointing authority does not
23 issue a written decision within 15 days after receiving the employee’s complaint, the
24 employee may appeal to the administrator under par. (b).

1 (b) 1. If an appointing authority does not find in favor of the employee under
2 par. (a), the employee may appeal the appointing authority's decision by filing a
3 complaint with the administrator. The employee may not file a complaint under this
4 subdivision later than 14 days after the date of the appointing authority's decision.

5 2. If the administrator receives a timely complaint under subd. 1., the
6 administrator shall review the complaint and the appointing authority's written
7 decision, and shall issue a decision, in writing, no later than 30 days after the date
8 the employee filed a complaint with the administrator. If the administrator does not
9 issue a written decision within 31 days after receiving the employee's complaint, the
10 employee may appeal to the commission under par. (c).

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

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

1 a. The parties shall participate in a pre-hearing conference no later than 20
2 days after the filing of the appeal. The commission shall set the date of the hearing
3 at the pre-hearing conference.

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

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

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

10 e. Continuances of the hearing may be granted only in extraordinary
11 circumstances, as determined by the commission.

12 **SECTION 93.** 321.65 (3) (g) of the statutes is amended to read:

13 321.65 (3) (g) *Veterans preferences.* The right of a person to reemployment
14 under this subsection does not entitle the person to retention, preference, or
15 displacement rights over any person who has a superior claim under s. 45.03 (4),
16 62.13 (4) (d), 63.08 (1) (f) or (fm), 63.37, 63.39 (2m), 66.0509 (1), 230.15 (2m), 230.16
17 ~~(7) or (7m)~~, 230.21 (1m), 230.25, or 230.275.

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

19 [2015 Wisconsin Act 55] Section 9101 (5n) (a) In this subsection, "agency"
20 means ~~the board of commissioners of public lands; the educational communications~~
21 ~~board; the department of financial institutions; the government accountability~~
22 ~~board; the higher educational aids board; the state historical society; the public~~
23 ~~service commission; the department of safety and professional services; the state fair~~
24 ~~park board; the department of tourism~~ any agency within the executive branch of

1 state government, other than the Board of Regents of the University of Wisconsin
2 System and the technical college system board.

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

4 [2015 Wisconsin Act 55] Section 9101 (5n) (b) The By January 1, 2017, the
5 department of administration shall consult with each agency and develop a plan for
6 assuming responsibility for services relating to human resources, By January 1,
7 2017, the department of administration shall also consult with the board of
8 commissioners of public lands, the educational communications board, the
9 department of financial institutions, the government accountability board, the
10 higher educational aids board, the state historical society, the public service
11 commission, the department of safety and professional services, the state fair park
12 board, and the department of tourism and develop a plan for assuming responsibility
13 for services related to payroll, finance, budgeting, procurement, and information
14 technology for any agency these agencies. The department of administration shall
15 include in the each plan which services would be provided to each agency, which
16 positions would be deleted or transferred, and the number and type of positions and
17 associated funding that would be provided to the department of administration.

18 **SECTION 96.** 2015 Wisconsin Act 55, section 9101 (5n) (c) is amended to read:

19 [2015 Wisconsin Act 55] Section 9101 (5n) (c) The secretary of administration
20 shall submit ~~a plan~~ plans developed under paragraph (b) to the joint committee on
21 finance for approval under section 13.10 of the statutes no later than March 1, 2016
22 2017, for implementation beginning July 1, ~~2016~~ 2017.

23 **SECTION 97. Nonstatutory provisions.**

24 (1) STUDY OF CERTAIN ASPECTS OF THE STATE CIVIL SERVICE SYSTEM. (a) The
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 all of the following:

3 1. The classifications for all positions in the classified service of the state
4 service. In reviewing the classifications, they shall consider the feasibility of
5 reducing the number of classifications, as well as establishing a new system of
6 classification, in order to increase administrative efficiency and better meet the
7 needs of the state civil service.

8 2. The Wisconsin Human Resources Handbook.

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

10 4. The feasibility of requiring all state agencies to use electronic personnel files.

11 5. The feasibility of requiring all state agencies to use a uniform personnel
12 evaluation system.

13 (b) The administrator and director shall submit their findings under paragraph
14 (a) no later than January 1, 2017, to the governor and to the chief clerk of each house
15 of the legislature for distribution to the legislature under section 13.172 (2) of the
16 statutes. The administrator shall also submit any requested changes to the
17 compensation plan under section 230.12 (1) of the statutes that result from the joint
18 review under paragraph (a) 3. to the joint committee on employment relations no
19 later than January 1, 2017.

20 **SECTION 98. Initial applicability.**

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

1 (2) MANDATORY REVIEW OF PERSONNEL FILE. The creation of section 230.15 (7) of
2 the statutes first applies to an offer of employment made on the effective date of this
3 subsection.

4 (3) PROBATIONARY PERIODS. The treatment of section 230.28 (1) (a), (am), and (c)
5 of the statutes first applies to a probationary period that begins on the effective date
6 of this subsection.

7 (4) STANDARDS FOR ADVERSE EMPLOYMENT ACTIONS AGAINST EMPLOYEES. The
8 treatment of section 230.34 (1) (a) and (am) of the statutes and the creation of section
9 230.34 (1) (a) 1. to 9. of the statutes first apply to employee discipline for conduct that
10 occurs on the effective date of this subsection.

11 (5) GRIEVANCE PROCESS FOR ADVERSE EMPLOYMENT ACTIONS AGAINST EMPLOYEES.
12 The treatment of section 230.44 (1) (c) of the statutes and the creation of section
13 230.445 of the statutes first apply to an adverse employment action, as defined in
14 section 230.445 (1) (a) of the statutes, as created by this act, taken against an
15 employee on the effective date of this subsection.

16 (6) REINSTATEMENT PRIVILEGES; SEPARATION FROM THE CLASSIFIED SERVICE TO FILL
17 AN ELECTIVE POSITION. The treatment of section 230.40 (3) of the statutes first applies
18 to a person who separates from the classified service on the effective date of this
19 subsection.

20 **SECTION 99. Effective dates.** This act takes effect on July 1, 2016, except as
21 follows:

22 (1) STUDY OF THE STATE CIVIL SERVICE SYSTEM. SECTION 97 (1) of this act takes
23 effect on the day after publication.

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)**