



State of Wisconsin
2015 - 2016 LEGISLATURE

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SENATE AMENDMENT 1,
TO SENATE BILL 285

October 12, 2015 - Offered by Senator ROTH.

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~~
13 ~~any part of the probationary period under s. 230.28 (1) (c) may not be granted before~~

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10-20

Ins
11-5



Ins 11-5 cont.
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1 ~~completion of the development program.~~ The program shall include such subjects
2 as state personnel policies, grievance handling, discipline, performance evaluation,
3 understanding the concerns of state employees with children, the supervisor's role
4 in management and the concept of the total quality leadership process, including
5 quality improvement through participatory management.

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

7 *90* **SECTION 17m.** 230.05 (10) of the statutes is created to read:

8 230.05 (10) The director shall establish standards for what constitutes a
9 serious violation of the code of ethics for purposes of s. 230.34 (1) (a) 9.

Ins 11-10

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

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

14 "230.13 (3) (b) The ~~director~~ administrator and the ~~administrator~~ director may
15 provide any agency with".

16 **7.** Page 13, line 23: delete "resumes" and substitute "selection processes".

17 **8.** Page 14, line 11: delete "administrator" and substitute "director".

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

19 *10* "230.16 (2) Competitive examinations The selection process for a position in
20 the civil service shall be free and open to all applicants who have fulfilled the
21 preliminary requirements stated in the examination position announcement. To
22 assure that all".

Ins 14-21

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:

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21-5

4 ⁹⁰SECTION 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 ⁹⁰SECTION 56m. 230.25 (1g) of the statutes, as affected by 2015 Wisconsin Act
15 55, is amended to read:

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22-2

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:



INS 22-2
cont.

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 (d) 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).

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cont*

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."

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27-3*

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~~

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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".

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*Ins
36-21*

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

INS
37-3

2 ⁹“(2m) HIRING PREFERENCES FOR VETERANS AND SPOUSES OF VETERANS. The
3 treatment of section 230.25 (1g) of the statutes, the creation of section 230.25 (1m)
4 (a) to (d) and (2) (am) of the statutes, and the renumbering and amendment of
5 sections 230.16 (7) and 230.25 (1m) of the statutes first apply to a position that is
6 posted on the effective date of this subsection.”

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

8 **27.** Page 38, line 2: after that line insert:

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38-2

9 ⁹“(2) SHARED SERVICES PLANS. The treatment of 2015 Wisconsin Act 55, section
10 9101 (5n) (a), (b), and (c) takes effect on the day after publication.”

11

(END)

ANALYSIS

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 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 the 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. This substitute amendment requires the DOA secretary to submit plans for assuming responsibility for services related to human resources for all agencies in the executive branch and for assuming responsibility for administering 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.

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

Knepp, Fern

From: Champagne, Rick
Sent: Friday, October 16, 2015 11:22 AM
To: Knepp, Fern
Subject: FW: Senate Substitute Amendment to SB 285
Attachments: LRB a0867_1.pdf

From: Mikalsen, Mike
Sent: Friday, October 16, 2015 11:21 AM
To: Champagne, Rick <Rick.Champagne@legis.wisconsin.gov>
Subject: Senate Substitute Amendment to SB 285

Rick,

We have one additional change to the substitute amendment to SB 285 that was requested last night. Please include the provisions of this simple amendment (attached).

Mike Mikalsen
Chief of Staff
Senator Steve Nass
IInd State Senate District
(608) 266-2635

From: Fiocchi, Tim
Sent: Thursday, October 15, 2015 4:58 PM
To: Vick, Jason <Jason.Vick@legis.wisconsin.gov>; Mikalsen, Mike <Mike.Mikalsen@legis.wisconsin.gov>
Subject: Amendment to SB 285

Tim Fiocchi
Chief of Staff, Senator Jerry Petrowski
29th Senate District
(608) 266-2502

Parisi, Lori

From: Sen.Nass
Sent: Monday, October 19, 2015 9:18 AM
To: LRB.Legal
Subject: RE: Draft review: LRB s0137/P1

Please prepare for introduction in the Senate.

From: LRB.Legal
Sent: Friday, October 16, 2015 11:50 AM
To: Sen.Nass <Sen.Nass@legis.wisconsin.gov>
Subject: Draft review: LRB s0137/P1

Following is the PDF version of draft LRB s0137/P1.