

1           230.12 (7m) PAY ADJUSTMENT FILING REQUIREMENTS. Except as provided in the  
2 rules of the ~~director~~ administrator and in the compensation plan, pay increases shall  
3 be made only on the dates prescribed under sub. (8). Appointing authorities shall at  
4 such times each year as specified by the secretary file with the ~~director~~ administrator  
5 and with the secretary of administration a list of employees showing their then  
6 existing pay rates and their proposed new pay rates.

**History:** 1971 c. 55, 125, 215; 1971 c. 270 ss. 20, 27, 28, 30 to 32; 1971 c. 336; Stats. 1971 s. 16.086; 1973 c. 12, 51, 90; 1975 c. 28, 39, 199, 224; 1977 c. 29, 44; 1977 c. 196 ss. 36, 130 (3), (5), (11), 131; 1977 c. 272, 418, 449; Stats. 1977 s. 230.12; 1979 c. 221; 1981 c. 20 s. 2202 (33) (b); 1981 c. 153; 1983 a. 27 ss. 1611am to 1612am, 2200 (15); 1983 a. 140; 1985 a. 29, 34, 42, 119, 332; 1987 a. 33, 83, 340, 399, 403; 1989 a. 39, 56, 117, 119, 124, 153, 336, 359; 1991 a. 269; 1995 a. 37, 88; 1997 a. 14, 237; 1999 a. 42, 102; 2001 a. 16, 29, 35; 2003 a. 33, 91, 117; 2009 a. 28; 2011 a. 10, 32, 238; 2013 a. 20 ss. 2013m to 2015, 2365m, 9448; 2013 a. 207.

7           **SECTION 135.** 230.12 (9) of the statutes is amended to read:

8           230.12 (9) HEALTH INSURANCE PREMIUM CREDITS. The ~~director~~ administrator may  
9 recommend to the joint committee on employment relations a program,  
10 administered by the department of employee trust funds, that provides health  
11 insurance premium credits to employees whose compensation is established under  
12 this section or s. 20.923 (2) or (3). The health insurance premium credits shall be  
13 used for the purchase of health insurance for a retired employee, or the retired  
14 employee's surviving insured dependents; for an eligible employee under s. 40.02  
15 (25) (b) 6e., or the eligible employee's surviving insured dependents; for an employee  
16 who is laid off, but who is not on a temporary, school year, seasonal, or sessional  
17 layoff, and his or her surviving insured dependents; and for the surviving insured  
18 dependents of an employee who dies while employed by the state, and shall be based  
19 on the employee's years of continuous service, accumulated unused sick leave and  
20 any other factor recommended by the director. Credits granted under the program  
21 to an employee who is laid off shall be available until the credits are exhausted, the  
22 employee is reemployed by the state, or 5 years have elapsed from the date of layoff,  
23 whichever occurs first. The approval process for the program is the same as that

1 provided under sub. (3) (b) and the program shall be incorporated into the  
2 compensation plan under sub. (1).

**History:** 1971 c. 55, 125, 215; 1971 c. 270 ss. 20, 27, 28, 30 to 32; 1971 c. 336; Stats. 1971 s. 16.086; 1973 c. 12, 51, 90; 1975 c. 28, 39, 199, 224; 1977 c. 29, 44; 1977 c. 196 ss. 36, 130 (3), (5), (11), 131; 1977 c. 272, 418, 449; Stats. 1977 s. 230.12; 1979 c. 221; 1981 c. 20 s. 2202 (33) (b); 1981 c. 153; 1983 a. 27 ss. 1611am to 1612am, 2200 (15); 1983 a. 140; 1985 a. 29, 34, 42, 119, 332; 1987 a. 33, 83, 340, 399, 403; 1989 a. 39, 56, 117, 119, 124, 153, 336, 359; 1991 a. 269; 1995 a. 37, 88; 1997 a. 14, 237; 1999 a. 42, 102; 2001 a. 16, 29, 35; 2003 a. 33, 91, 117; 2009 a. 28; 2011 a. 10, 32, 238; 2013 a. 20 ss. 2013m to 2015, 2365m, 9448; 2013 a. 207.

3 **SECTION 136.** 230.14 (4) of the statutes is amended to read:

4 230.14 (4) The ~~administrator~~ director may charge an agency a fee to announce  
5 any vacancy to be filled in a classified or unclassified position in that agency. Funds  
6 received under this subsection shall be credited to the appropriation account under  
7 s. ~~20.545 (1) (ka)~~ 20.505 (1) (kn).

**History:** 1977 c. 196; 1981 c. 26; 1987 a. 32; 1991 a. 132; 1995 a. 27; 1997 a. 307; 2003 a. 33; 2013 a. 20.

8 **SECTION 137.** 230.147 (3) of the statutes is amended to read:

9 230.147 (3) Notwithstanding subs. (1) and (2), the state fair park board shall  
10 make every reasonable effort to employ in permanent full-time equivalent positions  
11 persons who, at the time determined under sub. (4), receive aid under s. 49.19 or  
12 benefits under s. 49.147 (3) to (5). The state fair park board shall consult with the  
13 ~~office~~ division to assure that its efforts under this subsection comply with ch. 230.

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

14 **SECTION 138.** 230.15 (1) of the statutes is amended to read:

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

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

21 **SECTION 139.** 230.15 (1m) (b) (intro.) of the statutes is amended to read:

1           230.15 (1m) (b) (intro.) Whenever a position is included in the classified service  
2 under par. (a), the ~~director~~ administrator shall determine all of the following:

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

3           **SECTION 140.** 230.15 (1m) (c) of the statutes is amended to read:

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

8           2. The ~~administrator~~ director may certify an incumbent employee as eligible  
9 for appointment under subd. 1. if the ~~administrator~~ director determines on the basis  
10 of sound personnel management practices that the incumbent is qualified for the  
11 position included in the classified service.

12           3. If an employee is appointed after being certified under subd. 2., the  
13 ~~administrator~~ director shall determine the employee's probationary status under s.  
14 230.28, except that the employee shall receive credit toward his or her probationary  
15 period for the time that the employee had been employed in the position immediately  
16 prior to appointment.

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

17           **SECTION 141.** 230.15 (2) of the statutes is amended to read:

18           230.15 (2) If a vacancy occurs in a position in the classified service when  
19 peculiar and exceptional qualifications of a scientific, professional, or educational  
20 character are required, and if presented with satisfactory evidence that for specified  
21 reasons competition in such special cases is impracticable, and that the position can  
22 best be filled by the selection of some designated person of high and recognized

1 attainments in such qualities, the ~~administrator~~ director may waive competition  
2 requirements unless the vacancy is to be filled by promotion.

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

3 **SECTION 142.** 230.15 (2m) of the statutes is amended to read:

4 230.15 (2m) If a vacancy occurs in a position in the classified service and the  
5 ~~administrator~~ director is notified by an appointing authority that the position is to  
6 be filled by a disabled veteran under s. 230.275, the ~~administrator~~ director shall  
7 waive all competition requirements for filling the position.

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

8 **SECTION 143.** 230.16 (1) (a) of the statutes is amended to read:

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

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

13 **SECTION 144.** 230.16 (1) (am) of the statutes is amended to read:

14 230.16 (1) (am) The ~~administrator~~ director may require in connection with the  
15 application such supplementary work history, educational transcripts, statements  
16 of physicians or others having knowledge of the applicant, as needed for qualification  
17 evaluations.

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

18 **SECTION 145.** 230.16 (1) (b) of the statutes is amended to read:

19 230.16 (1) (b) The ~~division~~ bureau shall furnish application forms without  
20 charge to all persons requesting them.

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

21 **SECTION 146.** 230.16 (2) of the statutes is amended to read:

1           230.16 (2) Competitive examinations shall be free and open to all applicants  
2 who have fulfilled the preliminary requirements stated in the examination  
3 announcement. To assure that all applicants have a fair opportunity to compete,  
4 examinations shall be held at such times and places as, in the judgment of the  
5 ~~administrator~~ director, most nearly meet the convenience of applicants and needs of  
6 the service.

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

7           **SECTION 147.** 230.16 (3) of the statutes is amended to read:

8           230.16 (3) The ~~administrator~~ director may appoint boards of examiners of at  
9 least 2 persons for the purpose of conducting oral examinations as a part of the  
10 examination procedure for certain positions. All board members shall be  
11 well-qualified and impartial. All questions asked and answers made in any  
12 examination of applicants shall be recorded and made a part of the records of the  
13 applicants.

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

14           **SECTION 148.** 230.16 (5) of the statutes is amended to read:

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

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

23           **SECTION 149.** 230.16 (6) of the statutes is amended to read:

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

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

5           **SECTION 150.** 230.16 (7m) (b) (intro.) of the statutes is amended to read:

6           230.16 (7m) (b) (intro.) The ~~office~~ division shall accept an application after its  
7           due date from a veteran if all of the following apply:

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

8           **SECTION 151.** 230.16 (7m) (c) of the statutes is amended to read:

9           230.16 (7m) (c) Within 30 days after acceptance of an application under par.  
10          (b), the ~~office~~ division shall give the applicant an examination.

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

11          **SECTION 152.** 230.16 (9) of the statutes is amended to read:

12          230.16 (9) The officials in control of state, municipal and county buildings,  
13          upon requisition by the ~~administrator~~ director, shall furnish without charge  
14          adequate rooms and building services for the administration of examinations.

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

15          **SECTION 153.** 230.16 (11) of the statutes is amended to read:

16          230.16 (11) Records of examinations, including a transcript or recorded tape  
17          of oral examinations, given under this subchapter shall be retained for at least one  
18          year. Inspection of such records shall be regulated by rules of the ~~administrator~~  
19          director.

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

20          **SECTION 154.** 230.17 of the statutes is amended to read:

21          **230.17 Applicants and eligibles may be barred; bonds may be required.**

22          (1) The ~~administrator~~ director shall provide by rule, the conditions, not otherwise

1 provided by law, under which an applicant may be refused examination or  
2 reexamination, or an eligible refused certification. These conditions shall be based  
3 on sufficient reason and shall reflect sound technical personnel management  
4 practices and those standards of conduct, deportment and character necessary and  
5 demanded to the orderly, efficient and just operation of the state service.

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

20 (3) When any position to be filled involves fiduciary responsibility, the  
21 appointing authority shall conduct a criminal history background check before  
22 offering employment to an applicant for the position. If otherwise permitted by law,  
23 the appointing authority may require the appointee to furnish bond or other security,  
24 and shall notify the ~~administrator~~ director of the amount and other details thereof.

1 Any surety company authorized to do business in this state shall be a sufficient  
2 security on any such bond.

3 **History:** 1971 c. 270; 1977 c. 196 ss. 42, 130 (5); Stats. 1977 s. 230.17; 1983 a. 453; 1995 a. 27 s. 9126 (19); 1999 a. 87; 2005 a. 350; 2007 a. 20 s. 9121 (6) (a).

3 **SECTION 155.** 230.18 of the statutes is amended to read:

4 **230.18 Discrimination prohibited.** No question in any form of application  
5 or in any examination may be so framed as to elicit information concerning the  
6 partisan political or religious opinions or affiliations of any applicant nor may any  
7 inquiry be made concerning such opinions or affiliations and all disclosures thereof  
8 shall be discountenanced except that the ~~administrator~~ director may evaluate the  
9 competence and impartiality of applicants for positions such as clinical chaplain in  
10 a state institutional program. No discriminations may be exercised in the  
11 recruitment, application, examination or hiring process against or in favor of any  
12 person because of the person's political or religious opinions or affiliations or because  
13 of age, sex, disability, race, color, sexual orientation, national origin or ancestry  
14 except as otherwise provided.

15 **History:** 1971 c. 270; 1977 c. 196 s. 43; Stats. 1977 s. 230.18; 1981 c. 112, 391; 1999 a. 87.

15 **SECTION 156.** 230.19 (1) of the statutes is amended to read:

16 **230.19 (1)** The ~~administrator~~ director shall provide employees with reasonable  
17 opportunities for career advancement, within a classified service structure designed  
18 to achieve and maintain a highly competent work force, with due consideration given  
19 to affirmative action.

20 **History:** 1971 c. 270 s. 50; 1977 c. 196 ss. 44, 112; 1983 a. 402; 1987 a. 32; 1989 a. 31; 1999 a. 87.

20 **SECTION 157.** 230.19 (2) of the statutes is amended to read:

21 **230.19 (2)** If, in the judgment of the ~~administrator~~ director, the group of  
22 applicants best able to meet the requirements for vacancies in positions in the  
23 classified service are available within the classified service, the vacancies shall be  
24 filled by competition limited to persons in the classified service who are not employed



1 under s. 230.26 or 230.27 and persons with the right of restoration resulting from  
2 layoff under s. 230.34 (2), unless it is necessary to go outside the classified service to  
3 be consistent with an approved affirmative action plan or program. The  
4 ~~administrator~~ director may also limit competition for promotion to the employees of  
5 an agency or an employing unit within an agency if the resulting group of applicants  
6 would fairly represent the proportion of members of racial and ethnic, gender or  
7 disabled groups in the relevant labor pool for the state.

8 **History:** 1971 c. 270 s. 50; 1977 c. 196 ss. 44, 112; 1983 a. 402; 1987 a. 32; 1989 a. 31; 1999 a. 87.

**SECTION 158.** 230.21 (1) of the statutes is amended to read:

9 230.21 (1) Subject to s. 230.275, the ~~administrator~~ director may, to meet the  
10 needs of the service, establish separate recruitment, examination and certification  
11 procedures for filling positions in unskilled labor and service classes.

12 **History:** 1971 c. 270; 1977 c. 196 ss. 45, 130 (3), (5); Stats. 1977 s. 230.21; 1983 a. 333; 1991 a. 39, 101; 1997 a. 307; 2003 a. 33.

**SECTION 159.** 230.21 (1m) (a) (intro.) of the statutes is amended to read:

13 230.21 (1m) (a) (intro.) If the ~~administrator~~ director uses the method of random  
14 certification to determine which applicants for an unskilled labor or service position  
15 will receive further consideration for the position, the administrator shall do all of  
16 the following:

17 **History:** 1971 c. 270; 1977 c. 196 ss. 45, 130 (3), (5); Stats. 1977 s. 230.21; 1983 a. 333; 1991 a. 39, 101; 1997 a. 307; 2003 a. 33.

**SECTION 160.** 230.21 (1m) (b) of the statutes is amended to read:

18 230.21 (1m) (b) If the ~~administrator~~ director uses the method of random  
19 certification to determine which applicants for an unskilled labor or service position  
20 will receive further consideration for the position and the appointing authority does  
21 not select a veteran or a person the hiring of whom would serve affirmative action  
22 purposes, the appointing authority shall make and retain a written record of the  
23 appointing authority's reasons for selecting the person who was appointed. The  
24 appointing authority shall make the written records available to the office division

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1 and annually submit a report to the ~~office~~ <sup>✓ ✓</sup> division summarizing the reasons  
2 contained in the written records.

3 **History:** 1971 c. 270; 1977 c. 196 ss. 45, 130 (3), (5); Stats. 1977 s. 230.21; 1983 a. 333; 1991 a. 39, 101; 1997 a. 307; 2003 a. 33.

3 **SECTION 161.** 230.21 (2) of the statutes is amended to read:

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

9 **History:** 1971 c. 270; 1977 c. 196 ss. 45, 130 (3), (5); Stats. 1977 s. 230.21; 1983 a. 333; 1991 a. 39, 101; 1997 a. 307; 2003 a. 33.

9 **SECTION 162.** 230.21 (3) of the statutes is amended to read:

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

16 **History:** 1971 c. 270; 1977 c. 196 ss. 45, 130 (3), (5); Stats. 1977 s. 230.21; 1983 a. 333; 1991 a. 39, 101; 1997 a. 307; 2003 a. 33.

16 **SECTION 163.** 230.213 of the statutes is amended to read:

17 **230.213 Affirmative action procedures for corrections positions.** The  
18 ~~administrator~~ <sup>✓ ✓</sup> director may, to meet affirmative action objectives, establish such  
19 recruitment, examination and certification procedures for positions in the  
20 department of corrections as will enable the department of corrections to increase the  
21 number of employees of a specified gender or a specified racial or ethnic group in  
22 those positions. The ~~administrator~~ <sup>✓ ✓</sup> director shall design the procedures to obtain a  
23 work force in the department of corrections that reflects the relevant labor pool. The  
24 ~~administrator~~ <sup>✓ ✓</sup> director may determine the relevant labor pool from the population

1 of the state or of a particular geographic area of the state, whichever is more  
2 appropriate for achieving the affirmative action objective.

3 **History:** 1991 a. 39; 1995 a. 27, 225.

3 **SECTION 164.** 230.215 (3) (a) of the statutes is amended to read:

4 230.215 (3) (a) An agency may, with the approval of the ~~director~~ administrator  
5 and with the approval of the secretary of administration under s. 16.50, restructure  
6 budgeted permanent positions as such positions become vacant or if an employee  
7 voluntarily requests a job-sharing or permanent part-time employment  
8 opportunity. No employee occupying a full-time permanent position may be  
9 involuntarily terminated, demoted, transferred or reassigned in order to restructure  
10 that position for permanent part-time employment and no such employee may be  
11 required to accept a permanent part-time position as a condition of continued  
12 employment.

13 **History:** 1977 c. 196; 1979 c. 175 s. 53; 1979 c. 221; 1987 a. 140; 2003 a. 33.

13 **SECTION 165.** 230.215 (3) (b) of the statutes is amended to read:

14 230.215 (3) (b) If the ~~director~~ administrator, upon review of the report  
15 submitted under sub. (4), determines that an agency's past or proposed actions  
16 relating to permanent part-time employment opportunities do not adequately  
17 reflect the policy under sub. (1) (e), the ~~director~~ administrator may recommend  
18 procedures designed to enable the agency to effect such policy.

19 **History:** 1977 c. 196; 1979 c. 175 s. 53; 1979 c. 221; 1987 a. 140; 2003 a. 33.

19 **SECTION 166.** 230.215 (4) of the statutes is amended to read:

20 230.215 (4) **REPORTS.** Each agency, in complying with s. 15.04 (1) (d), shall  
21 include a report on the progress or failure of the plans of such agency in achieving  
22 the policies stated under sub. (1) and shall submit a copy of such report to the ~~director~~  
23 administrator.

**History:** 1977 c. 196; 1979 c. 175 s. 53; 1979 c. 221; 1987 a. 140; 2003 a. 33.

1           **SECTION 167.** 230.22 of the statutes is amended to read:

2           **230.22 Entry professional selection.** (1) The ~~director~~ <sup>✓</sup> administrator <sup>✓</sup> may  
3 establish by rule an entry professional class program for use in a wide range of entry  
4 professional positions.

5           (2) In connection with this program the ~~director~~ <sup>✓</sup> administrator <sup>✓</sup> may establish  
6 separate classifications and corresponding pay provisions to provide agencies an  
7 entry professional program, through which they can compete on campuses and in the  
8 labor market for the best available applicants.

9           (3) Subject to s. 230.275, the ~~administrator~~ <sup>✓</sup> director <sup>✓</sup> may establish separate  
10 recruitment, evaluation and certification procedures for certain entry professional  
11 positions. Vacancies in entry professional positions may be limited to persons with  
12 a degree from an institution of higher education, as defined in s. 108.02 (18), or a  
13 degree under an associate degree program, as defined in s. 38.01 (1).

14           (4) The ~~administrator~~ <sup>✓</sup> director <sup>✓</sup> may provide for cooperative programs leading  
15 to eligibility for permanent appointment in order to enable institutions of higher  
16 education and agencies to attract and train the highest caliber of undergraduate or  
17 graduate students for government employment.

18 **History:** 1971 c. 270; 1977 c. 196 ss. 46, 113, 130 (5); Stats. 1977 s. 230.22; 1983 a. 27 ss. 1612c to 1612e, 2200 (15); 1991 a. 39; 1997 a. 307; 2003 a. 33.

18           **SECTION 168.** 230.24 (1) of the statutes is amended to read:

19           230.24 (1) The ~~director~~ <sup>✓</sup> administrator <sup>✓</sup> may by rule develop a career executive  
20 program that emphasizes excellence in administrative skills in order to provide  
21 agencies with a pool of highly qualified executive candidates, to provide outstanding  
22 administrative employees a broad opportunity for career advancement and to  
23 provide for the mobility of such employees among the agencies and units of state  
24 government for the most advantageous use of their managerial and administrative

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

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.

8 **SECTION 169.** 230.24 (1m) of the statutes is amended to read:

9 230.24 (1m) The policy established by the ~~administrator~~ director under sub.  
10 (1) that deals with probation shall provide the option of extending the probationary  
11 period for individuals with disabilities, as defined in s. 111.32 (8), who are employees  
12 in a manner consistent with s. 230.28 (1) (bm).

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.

13 **SECTION 170.** 230.25 (1) of the statutes is amended to read:

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

1 appointments made. Certification under this subsection shall be made before  
2 granting any preference under s. 230.16 (7).

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.

3 **SECTION 171.** 230.25 (1g) of the statutes is amended to read:

4 230.25 (1g) For every position to be filled by promotion from a promotional  
5 register, the ~~administrator~~ director shall, after certifying names under sub. (1),  
6 additionally certify the name of the highest ranked disabled veteran whose disability  
7 is at least 70%.

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.

8 **SECTION 172.** 230.25 (1n) (a) (intro.) of the statutes is amended to read:

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

12 **SECTION 173.** 230.25 (1n) (b) of the statutes is amended to read:

13 230.25 (1n) (b) The ~~administrator~~ director may certify names under par. (a) 1.  
14 or 2. only if an agency requests expanded certification in order to comply with an  
15 approved affirmative action plan or program. The ~~administrator~~ director may certify  
16 names under par. (a) 3. only if an agency requests expanded certification in order to  
17 hire persons with a disability.

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.

18 **SECTION 174.** 230.25 (1p) of the statutes is amended to read:

19 230.25 (1p) If an appointing authority appoints a person certified under this  
20 section and the person is not a veteran, the spouse of a veteran or a person the hiring  
21 of whom would serve affirmative action purposes, the appointing authority shall  
22 make and retain a written record of the appointing authority's reasons for selecting

1 the person who was appointed. The appointing authority shall make the written  
2 records available to the office division and annually submit a report to the office  
3 division summarizing the reasons contained in the written records. The office  
4 division shall annually prepare a report summarizing, for each agency, the reasons  
5 contained in the records prepared by appointing authorities under this subsection.

**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.

6 **SECTION 175.** 230.25 (2) of the statutes is amended to read:

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

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

**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.

23 **SECTION 176.** 230.25 (3) (b) of the statutes is amended to read:

1           230.25 (3) (b) The ~~administrator~~ director may allow a register to expire after  
2           3 months, but only after considering the impact of such an action on the policy of this  
3           state to provide for equal employment opportunity and to take affirmative action, as  
4           specified in s. 230.01 (2).

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.

5           **SECTION 177.** 230.25 (4) of the statutes is amended to read:

6           230.25 (4) (a) The ~~administrator~~ director may establish a new and separate  
7           register for a specific position or class only when in the ~~administrator's~~ director's  
8           judgment there is no appropriate existing register from which appointments may be  
9           made.

10           (b) The ~~administrator~~ director may establish separate registers for various  
11           geographic areas of the state if the needs of the service so require, provided proper  
12           publicity has been given of the intent to establish such registers.

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.

13           **SECTION 178.** 230.25 (5) of the statutes is amended to read:

14           230.25 (5) Notwithstanding sub. (2) (a), if an appointing authority elects to  
15           appoint a disabled veteran to a vacant position on a noncompetitive basis under s.  
16           230.275 and the appointing authority has requested a certification for the position,  
17           the ~~administrator~~ director shall provide the appointing authority the names of all  
18           disabled veterans certified for appointment to the position and who satisfy the  
19           condition specified in s. 230.275 (1) (a) and the names of all such disabled veterans  
20           who are on any other employment register that is identified by the appointing  
21           authority.

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.

22           **SECTION 179.** 230.26 (1) of the statutes is amended to read:



1           230.26 (1) The ~~administrator~~ director may provide by rule for selection and  
2           appointment for limited term appointments, which are provisional appointments or  
3           appointments for less than 1,044 hours per year.

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

4           **SECTION 180.** 230.26 (1m) of the statutes is amended to read:

5           230.26 (1m) An appointing authority may not appoint a person who is not a  
6           state resident to a limited term appointment unless approved by the ~~administrator~~  
7           director.

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

8           **SECTION 181.** 230.26 (2) of the statutes is amended to read:

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

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

21          **SECTION 182.** 230.26 (5) of the statutes is amended to read:

22          230.26 (5) If the ~~administrator~~ director determines that an agency is not in  
23          compliance with the requirements of, or rules related to, sub. (1), (1m) or (2)

1 regarding a particular employee, the ~~administrator~~ <sup>✓</sup> director <sup>✓</sup> shall direct the  
2 appointing authority to terminate the employee.

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

3 **SECTION 183.** 230.27 (1m) (b) of the statutes is amended to read:

4 230.27 (1m) (b) The ~~administrator~~ <sup>✓</sup> director <sup>✓</sup> may waive the prohibition under  
5 par. (a) if there is a critical need for employees in a specific classification or position  
6 or a critical shortage of residents of this state possessing the skills or qualifications  
7 required for a position.

**History:** 1977 c. 196; 1979 c. 221; 1981 c. 26, 140; 1983 a. 27, 192; 1985 a. 29; 1991 a. 101; 1997 a. 307; 2003 a. 33.

8 **SECTION 184.** 230.27 (2) of the statutes is amended to read:

9 **230.27 (2)** Subject to s. 230.275, the ~~administrator~~ <sup>ok</sup> director <sup>✓</sup> may provide by rule  
10 for the selection and appointment of a person to a project position.

**History:** 1977 c. 196; 1979 c. 221; 1981 c. 26, 140; 1983 a. 27, 192; 1985 a. 29; 1991 a. 101; 1997 a. 307; 2003 a. 33.

11 **SECTION 185.** 230.27 (2k) of the statutes is amended to read:

12 230.27 (2k) If an appointing authority selects, for a project position, a person  
13 who is not a veteran or is not a person the hiring of whom would serve affirmative  
14 action purposes, the appointing authority shall make and retain a written record of  
15 the appointing authority's reasons for selecting the person who was appointed. The  
16 appointing authority shall make the written records available to the ~~office~~ <sup>✓</sup> division <sup>✓</sup>  
17 and annually submit a report to the ~~office~~ <sup>✓</sup> division <sup>✓</sup> summarizing the reasons  
18 contained in the written records. The ~~office~~ <sup>✓</sup> division <sup>✓</sup> shall annually prepare a report  
19 summarizing, for each agency, the information submitted by appointing authorities  
20 under this subsection.

**History:** 1977 c. 196; 1979 c. 221; 1981 c. 26, 140; 1983 a. 27, 192; 1985 a. 29; 1991 a. 101; 1997 a. 307; 2003 a. 33.

21 **SECTION 186.** 230.275 (1) (d) of the statutes is amended to read:

1           230.275 (1) (d) The appointing authority notifies the ~~administrator~~ director in  
2 writing that the position is to be filled with a disabled veteran on a noncompetitive  
3 basis.

History: 1997 a. 307; 2011 a. 211.

4           **SECTION 187.** 230.28 (1) (a) of the statutes is amended to read:

5           230.28 (1) (a) All original and all promotional appointments to permanent,  
6 sessional and seasonal positions, with the exception of those positions designated as  
7 supervisor or management under s. 111.81, in the classified service shall be for a  
8 probationary period of 6 months, but the ~~administrator~~ director at the request of the  
9 appointing authority and in accordance with the rules related thereto may extend  
10 any such period for a maximum of 3 additional months. Dismissal may be made at  
11 any time during such periods. Upon such dismissal, the appointing authority shall  
12 report to the ~~administrator~~ director and to the employee removed, the dismissal and  
13 the reason therefor. The ~~administrator~~ director may remove an employee during the  
14 employee's probationary period if the ~~administrator~~ director finds, after giving notice  
15 and an opportunity to be heard, that such employee was appointed as a result of  
16 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.

17           **SECTION 188.** 230.28 (1) (b) of the statutes is amended to read:

18           230.28 (1) (b) The ~~administrator~~ director may authorize a longer probationary  
19 period not to exceed 2 years for any administrative, technical or professional  
20 position, in order to provide the appointing authority assurance that the employee  
21 has had adequate exposure to the various responsibilities which are a part of the  
22 position or classification.

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.

23           **SECTION 189.** 230.28 (1) (bm) (intro.) of the statutes is amended to read:

1           230.28 (1) (bm) (intro.) At the request of an appointing authority and an  
2 employee, the administrator <sup>✓</sup> director <sup>✓</sup> may authorize, at any time before the  
3 completion of the probationary period, an extended probationary period of up to one  
4 additional year for an individual with a disability, as defined in s. 111.32 (8), who is  
5 the employee to allow the employee to do any of the following:

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.

6           **SECTION 190.** 230.28 (1) (c) of the statutes is amended to read:

7           230.28 (1) (c) Upon request by the appointing authority, the administrator <sup>✓</sup>  
8 director <sup>✓</sup> may waive any portion of the lengthened probationary period but in no case  
9 before a 6-month 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.

10          **SECTION 191.** 230.28 (3) of the statutes is amended to read:

11          230.28 (3) If an employee is removed from a position during the probationary  
12 period, and the administrator <sup>✓</sup> director <sup>✓</sup> determines that the person is suitable for  
13 appointment to another position, the person's name may be restored to the list from  
14 which it was certified.

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.

15          **SECTION 192.** 230.28 (4) of the statutes is amended to read:

16          230.28 (4) A person reinstated in an employing unit other than one in which  
17 the person previously served in permanent status in the class in which the person  
18 is being reinstated, an employee who transfers from one employing unit to another,  
19 an employee who moves to a different employing unit in conjunction with a voluntary  
20 demotion, and a person who had not obtained permanent status in class in a  
21 supervisory or management position prior to appointment to another supervisory or  
22 management position, may be required by the appointing authority to serve a

1 probationary period. Provisions for the duration of such probationary period shall  
2 be provided in the rules of the ~~administrator~~ director.

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.

3 **SECTION 193.** 230.29 of the statutes is amended to read:

4 **230.29 Transfers.** A transfer may be made from one position to another only  
5 if specifically authorized by the ~~administrator~~ director.

History: 1971 c. 270; 1977 c. 196 ss. 54, 130 (5); Stats. 1977 s. 230.29; 1995 a. 27; 2011 a. 10.

6 **SECTION 194.** 230.30 (1) of the statutes is amended to read:

7 230.30 (1) Each agency shall constitute an employing unit for purposes of  
8 personnel transactions, except where appropriate functional, organizational or  
9 geographic breakdowns exist within the agency and except as provided in sub. (2).  
10 These breakdowns may constitute a separate employing unit for one or more types  
11 of personnel transactions under an overall employing unit plan if requested by the  
12 appointing authority of that agency and approved by the ~~administrator~~ director. If  
13 the ~~administrator~~ director determines, after conferring with the appointing  
14 authority of the employing agency, that an employing unit is or has become  
15 inappropriate to carry out sound personnel management practices due to factors  
16 including, but not limited to, the size or isolated location of portions of the employing  
17 unit, the ~~administrator~~ director may revise the employing unit structure of the  
18 agency to effect the remedy required.

History: 1979 c. 221; 1997 a. 27.

19 **SECTION 195.** 230.31 (1) (b) of the statutes is amended to read:

20 230.31 (1) (b) For a 3-year period from the date of separation, if on layoff status,  
21 the person shall be placed, in inverse order of layoff, on an appropriate mandatory  
22 restoration register for the unit used for layoff and on a restoration register for the

1 agency from which the person was laid off. Use of such registers shall be subject to  
2 the rules of the ~~administrator~~ director.

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

3 **SECTION 196.** 230.31 (2) of the statutes is amended to read:

4 230.31 (2) The ~~administrator~~ director may also provide for the reinstatement  
5 of persons who have served in seasonal and sessional employment and for persons  
6 who separate from a position while serving a probationary period.

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

7 **SECTION 197.** 230.315 (1) (c) of the statutes is amended to read:

8 230.315 (1) (c) The employee has received a military leave of absence under s.  
9 230.32 (3) (a) or 230.35 (3), under a collective bargaining agreement under subch. V  
10 of ch. 111, or under rules promulgated by the ~~office of employment relations~~ division  
11 or is eligible for reemployment with the state under s. 321.64 after completion of his  
12 or her service in the U.S. armed forces.

13 **History:** 2003 a. 162; 2005 a. 22, 469; 2007 a. 200.

13 **SECTION 198.** 230.32 (3) of the statutes is amended to read:

14 230.32 (3) (a) Any classified employee who leaves state service and enters the  
15 armed forces of the United States shall, under this section, be granted written  
16 military leave of absence by the appointing authority. Notice of such leave from state  
17 service and the terms of any such leave shall be given in writing by the appointing  
18 authority to the ~~director~~ administrator for purposes of record.

19 (b) Any classified employee who leaves state service for civilian employment  
20 in response to a specific request or order of the federal government or any of its  
21 agencies in connection with manpower redistribution and utilization shall, under  
22 this section, make written application to the appointing authority for civilian leave  
23 of absence presenting such specific request or order of the federal government as  
24 supporting evidence. Such civilian leave shall be allowed by the appointing

1 authority and its terms, which shall conform to the rules of the director, shall be in  
2 writing. Notice of such leave from state service shall be made in writing by the  
3 appointing authority to the ~~director~~ administrator for purposes of record.

4 (c) All such military or civilian leaves of absence as heretofore may have been  
5 granted are validated and shall be deemed to be sufficient and effective hereunder.  
6 Such leaves shall be recorded with the ~~director~~ administrator.

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

7 **SECTION 199.** 230.32 (4) of the statutes is amended to read:

8 230.32 (4) Any person appointed to fill the position of an employee on such  
9 military or civilian leave shall be designated as a substitute or replacement employee  
10 and upon the return and reemployment of the original employee the substitute  
11 employee shall be transferred to a similar position with the same employing agency  
12 if one is available, or if not, he or she shall be eligible for reinstatement or have the  
13 right of restoration in accordance with this subchapter and the rules of the  
14 ~~administrator~~ director. The status of any person who is appointed to fill the place  
15 of an employee on military or civilian leave under this section shall be governed by  
16 the rules of the ~~administrator~~ director 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. 33, 162; 2005 a. 145; 2007 a. 200.

17 **SECTION 200.** 230.32 (5) of the statutes is amended to read:

18 230.32 (5) The restoration of classified former employees of the state shall be  
19 governed by this section and by the rules of the ~~administrator~~ director.

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

20 **SECTION 201.** 230.33 (2) of the statutes is amended to read:

21 230.33 (2) A person appointed to an unclassified position by an appointing  
22 authority other than an appointing authority described under sub. (1), to a  
23 department other than the one in which the person was a classified employee may

1 be granted a leave of absence without pay at the option of the person's former  
2 appointing authority in accordance with the leave of absence provisions in the rules  
3 of the ~~director~~ administrator. An employee granted a leave of absence shall have the  
4 same restoration rights and reinstatement privileges as under sub. (1m). If not  
5 granted a leave of absence, the employee shall be entitled only to the reinstatement  
6 privileges under sub. (1m).

**History:** 1971 c. 270 s. 69; Stats. 1971 s. 16.27; 1973 c. 12; 1975 c. 189, 421; 1977 c. 196 ss. 56, 130 (5); 1977 c. 273; Stats. 1977 s. 230.33; 1983 a. 27 s. 2200 (15); 1991 a. 269; 1997 a. 307; 1999 a. 102; 2003 a. 33.

7 **SECTION 202.** 230.34 (1) (c) of the statutes is amended to read:

8 230.34 (1) (c) The ~~director~~ administrator shall establish guidelines for uniform  
9 application of this authority among the various agencies.

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

10 **SECTION 203.** 230.34 (2) (b) of the statutes is amended to read:

11 230.34 (2) (b) The ~~administrator~~ director shall promulgate rules governing  
12 layoffs and appeals therefrom and alternative procedures in lieu of layoff to include  
13 voluntary and involuntary demotion and the exercise of a displacing right to a  
14 comparable or lower class, as well as the subsequent employee right of restoration  
15 or eligibility for reinstatement.

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

16 **SECTION 204.** 230.34 (2m) of the statutes is amended to read:

17 230.34 (2m) Employees in positions funded by nonstate funds made available  
18 contingent on special employee eligibility requirements such as length of prior  
19 unemployment, specific occupational disadvantages or need for remedial work  
20 experience, shall be exempt from inclusion with the employees whose positions are  
21 in classes considered for layoff under sub. (2). In the case of reduction in force in such  
22 nonstate funded positions, layoffs and layoff procedures established pursuant to the



1 rules of the ~~administrator~~ director may be limited to employees whose positions are  
2 dependent upon specific funding contingencies.

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

3 **SECTION 205.** 230.34 (3) of the statutes is amended to read:

4 230.34 (3) The appointing authority shall confer with the ~~administrator~~  
5 director relative to a proposed layoff a reasonable time before the effective date  
6 thereof in order to assure compliance with the rules.

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

7 **SECTION 206.** 230.34 (4) of the statutes is amended to read:

8 230.34 (4) Resignations shall be regulated by the rules of the ~~director~~  
9 administrator.

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

10 **SECTION 207.** 230.35 (1) (d) of the statutes is amended to read:

11 230.35 (1) (d) Annual leaves of absence shall not be cumulative except under  
12 sub. (1p) and except that unused annual leave shall, subject to the rules of the  
13 ~~director~~ administrator, be used in the year following the one in which it was earned,  
14 but no employee shall lose any unused annual leave because the employee's work  
15 responsibilities prevented the usage of the unused annual leave during the first 6  
16 months of the year following the year in which it was earned.

**History:** 1971 c. 91, 125, 183, 211, 226; 1971 c. 270 ss. 70, 71, 83, 104; Stats. 1971 s. 16.30; 1973 c. 51, 243; 1975 c. 28, 39, 41; 1975 c. 147 s. 54; 1975 c. 189, 199, 421, 422; 1977 c. 44; 1977 c. 187 s. 135; 1977 c. 196 ss. 56, 118, 130 (3), (5), (12), 131; 1977 c. 273; 1977 c. 418 ss. 726, 727, 924 (13m); Stats. 1977 s. 230.35; 1979 c. 34, 89; 1979 c. 110 s. 60 (11); 1979 c. 221; 1981 c. 20, 96, 140; 1983 a. 27 s. 2200 (15); 1983 a. 30 ss. 4 to 11, 14; 1983 a. 71, 140; 1983 a. 192 ss. 220, 221, 304; 1985 a. 119; 1987 a. 63, 287, 340, 399, 403; 1989 a. 56 s. 259; 1991 a. 39; 1993 a. 12, 47; 1995 a. 37, 178; 1997 a. 118, 307; 1999 a. 42, 85, 101, 125; 2001 a. 16, 109; 2003 a. 22, 33, 117; 2005 a. 21; 2007 a. 106, 142; 2009 a. 28; 2011 a. 10; 2013 a. 123.

17 **SECTION 208.** 230.35 (1m) (f) of the statutes is amended to read:

18 230.35 (1m) (f) The continuous service of an employee eligible for annual leave  
19 under this subsection shall not be considered interrupted if the employee was on an  
20 approved leave of absence to participate in providing specialized disaster relief  
21 services or if the employee leaves the service and is reemployed by the state in  
22 another position covered under this subsection. Employees appointed to career

1 executive positions under s. 230.24 or positions designated in s. 19.42 (10) (L) or  
 2 20.923 (4), (7), (8), or (9) or authorized under s. 230.08 (2) (e) are not subject to the  
 3 continuous service requirements under sub. (1) (g) if they are reemployed in any of  
 4 those positions, regardless of the duration of their absence. If the employees are  
 5 reemployed in a position other than a career executive position or a position  
 6 designated in s. 19.42 (10) (L) or 20.923 (4), (7), (8), or (9) or authorized under s.  
 7 230.08 (2) (e), continuous service shall be established in accordance with rules of the  
 8 ~~director~~ administrator.

**History:** 1971 c. 91, 125, 183, 211, 226; 1971 c. 270 ss. 70, 71, 83, 104; Stats. 1971 s. 16.30; 1973 c. 51, 243; 1975 c. 28, 39, 41; 1975 c. 147 s. 54; 1975 c. 189, 199, 421, 422; 1977 c. 44; 1977 c. 187 s. 135; 1977 c. 196 ss. 56, 118, 130 (3), (5), (12), 131; 1977 c. 273; 1977 c. 418 ss. 726, 727, 924 (13m); Stats. 1977 s. 230.35; 1979 c. 34, 89; 1979 c. 110 s. 60 (11); 1979 c. 221; 1981 c. 20, 96, 140; 1983 a. 27 s. 2200 (15); 1983 a. 30 ss. 4 to 11, 14; 1983 a. 71, 140; 1983 a. 192 ss. 220, 221, 304; 1985 a. 119; 1987 a. 63, 287, 340, 399, 403; 1989 a. 56 s. 259; 1991 a. 39; 1993 a. 12, 47; 1995 a. 37, 178; 1997 a. 118, 307; 1999 a. 42, 85, 101, 125; 2001 a. 16, 109; 2003 a. 22, 33, 117; 2005 a. 21; 2007 a. 106, 142; 2009 a. 28; 2011 a. 10; 2013 a. 123.

9 **SECTION 209.** 230.35 (2) of the statutes is amended to read:

10 **230.35 (2)** Leave of absence with pay owing to sickness and leave of absence  
 11 without pay, other than annual leave and leave under s. 103.10, shall be regulated  
 12 by rules of the ~~director~~ administrator, except that unused sick leave shall accumulate  
 13 from year to year. After July 1, 1973, employees appointed to career executive  
 14 positions under the program established under s. 230.24 or positions designated in  
 15 s. 19.42 (10) (L) or 20.923 (4), (7), (8), and (9) or authorized under s. 230.08 (2) (e) shall  
 16 have any unused sick leave credits restored if they are reemployed in a career  
 17 executive position or in a position under s. 19.42 (10) (L) or 20.923 (4), (7), (8), and  
 18 (9) or authorized under s. 230.08 (2) (e), regardless of the duration of their absence.  
 19 Restoration of unused sick leave credits if reemployment is to a position other than  
 20 those specified above shall be in accordance with rules of the ~~director~~ administrator.

**History:** 1971 c. 91, 125, 183, 211, 226; 1971 c. 270 ss. 70, 71, 83, 104; Stats. 1971 s. 16.30; 1973 c. 51, 243; 1975 c. 28, 39, 41; 1975 c. 147 s. 54; 1975 c. 189, 199, 421, 422; 1977 c. 44; 1977 c. 187 s. 135; 1977 c. 196 ss. 56, 118, 130 (3), (5), (12), 131; 1977 c. 273; 1977 c. 418 ss. 726, 727, 924 (13m); Stats. 1977 s. 230.35; 1979 c. 34, 89; 1979 c. 110 s. 60 (11); 1979 c. 221; 1981 c. 20, 96, 140; 1983 a. 27 s. 2200 (15); 1983 a. 30 ss. 4 to 11, 14; 1983 a. 71, 140; 1983 a. 192 ss. 220, 221, 304; 1985 a. 119; 1987 a. 63, 287, 340, 399, 403; 1989 a. 56 s. 259; 1991 a. 39; 1993 a. 12, 47; 1995 a. 37, 178; 1997 a. 118, 307; 1999 a. 42, 85, 101, 125; 2001 a. 16, 109; 2003 a. 22, 33, 117; 2005 a. 21; 2007 a. 106, 142; 2009 a. 28; 2011 a. 10; 2013 a. 123.

21 **SECTION 210.** 230.35 (2r) (b) of the statutes is amended to read:

1           230.35 (2r) (b) The ~~director~~ administrator may establish, by rule, a  
2 catastrophic leave program that permits employees to donate certain types and  
3 amounts of leave credits to other employees who have been absent from pay status  
4 because of a catastrophic need for which there is no paid leave benefits or  
5 replacement income available. The ~~director~~ administrator shall determine the types  
6 and amounts of leave credits that may be donated.

**History:** 1971 c. 91, 125, 183, 211, 226; 1971 c. 270 ss. 70, 71, 83, 104; Stats. 1971 s. 16.30; 1973 c. 51, 243; 1975 c. 28, 39, 41; 1975 c. 147 s. 54; 1975 c. 189, 199, 421, 422; 1977 c. 44; 1977 c. 187 s. 135; 1977 c. 196 ss. 56, 118, 130 (3), (5), (12), 131; 1977 c. 273; 1977 c. 418 ss. 726, 727, 924 (13m); Stats. 1977 s. 230.35; 1979 c. 34, 89; 1979 c. 110 s. 60 (11); 1979 c. 221; 1981 c. 20, 96, 140; 1983 a. 27 s. 2200 (15); 1983 a. 30 ss. 4 to 11, 14; 1983 a. 71, 140; 1983 a. 192 ss. 220, 221, 304; 1985 a. 119; 1987 a. 63, 287, 340, 399, 403; 1989 a. 56 s. 259; 1991 a. 39; 1993 a. 12, 47; 1995 a. 37, 178; 1997 a. 118, 307; 1999 a. 42, 85, 101, 125; 2001 a. 16, 109; 2003 a. 22, 33, 117; 2005 a. 21; 2007 a. 106, 142; 2009 a. 28; 2011 a. 10; 2013 a. 123.

7           **SECTION 211.** 230.35 (3) (d) of the statutes is amended to read:

8           230.35 (3) (d) Employees of the state are entitled to reasonable paid leaves of  
9 absence to compete in promotional examinations and interviews. The ~~director~~  
10 administrator shall promulgate rules governing the lengths of time allowable for  
11 such leaves, their frequency and the provisions for their use.

**History:** 1971 c. 91, 125, 183, 211, 226; 1971 c. 270 ss. 70, 71, 83, 104; Stats. 1971 s. 16.30; 1973 c. 51, 243; 1975 c. 28, 39, 41; 1975 c. 147 s. 54; 1975 c. 189, 199, 421, 422; 1977 c. 44; 1977 c. 187 s. 135; 1977 c. 196 ss. 56, 118, 130 (3), (5), (12), 131; 1977 c. 273; 1977 c. 418 ss. 726, 727, 924 (13m); Stats. 1977 s. 230.35; 1979 c. 34, 89; 1979 c. 110 s. 60 (11); 1979 c. 221; 1981 c. 20, 96, 140; 1983 a. 27 s. 2200 (15); 1983 a. 30 ss. 4 to 11, 14; 1983 a. 71, 140; 1983 a. 192 ss. 220, 221, 304; 1985 a. 119; 1987 a. 63, 287, 340, 399, 403; 1989 a. 56 s. 259; 1991 a. 39; 1993 a. 12, 47; 1995 a. 37, 178; 1997 a. 118, 307; 1999 a. 42, 85, 101, 125; 2001 a. 16, 109; 2003 a. 22, 33, 117; 2005 a. 21; 2007 a. 106, 142; 2009 a. 28; 2011 a. 10; 2013 a. 123.

12           **SECTION 212.** 230.35 (3) (e) 2. e. of the statutes is amended to read:

13           230.35 (3) (e) 2. e. The leave of absence conforms with any rules of the ~~director~~  
14 administrator regarding leaves of absence to provide specialized disaster relief  
15 services.

**History:** 1971 c. 91, 125, 183, 211, 226; 1971 c. 270 ss. 70, 71, 83, 104; Stats. 1971 s. 16.30; 1973 c. 51, 243; 1975 c. 28, 39, 41; 1975 c. 147 s. 54; 1975 c. 189, 199, 421, 422; 1977 c. 44; 1977 c. 187 s. 135; 1977 c. 196 ss. 56, 118, 130 (3), (5), (12), 131; 1977 c. 273; 1977 c. 418 ss. 726, 727, 924 (13m); Stats. 1977 s. 230.35; 1979 c. 34, 89; 1979 c. 110 s. 60 (11); 1979 c. 221; 1981 c. 20, 96, 140; 1983 a. 27 s. 2200 (15); 1983 a. 30 ss. 4 to 11, 14; 1983 a. 71, 140; 1983 a. 192 ss. 220, 221, 304; 1985 a. 119; 1987 a. 63, 287, 340, 399, 403; 1989 a. 56 s. 259; 1991 a. 39; 1993 a. 12, 47; 1995 a. 37, 178; 1997 a. 118, 307; 1999 a. 42, 85, 101, 125; 2001 a. 16, 109; 2003 a. 22, 33, 117; 2005 a. 21; 2007 a. 106, 142; 2009 a. 28; 2011 a. 10; 2013 a. 123.

16           **SECTION 213.** 230.35 (3) (e) 5. of the statutes is amended to read:

17           230.35 (3) (e) 5. The ~~director~~ administrator may promulgate any rules  
18 necessary to implement this paragraph.

**History:** 1971 c. 91, 125, 183, 211, 226; 1971 c. 270 ss. 70, 71, 83, 104; Stats. 1971 s. 16.30; 1973 c. 51, 243; 1975 c. 28, 39, 41; 1975 c. 147 s. 54; 1975 c. 189, 199, 421, 422; 1977 c. 44; 1977 c. 187 s. 135; 1977 c. 196 ss. 56, 118, 130 (3), (5), (12), 131; 1977 c. 273; 1977 c. 418 ss. 726, 727, 924 (13m); Stats. 1977 s. 230.35; 1979 c. 34, 89; 1979 c. 110 s. 60 (11); 1979 c. 221; 1981 c. 20, 96, 140; 1983 a. 27 s. 2200 (15); 1983 a. 30 ss. 4 to 11, 14; 1983 a. 71, 140; 1983 a. 192 ss. 220, 221, 304; 1985 a. 119; 1987 a. 63, 287, 340, 399, 403; 1989 a. 56 s. 259; 1991 a. 39; 1993 a. 12, 47; 1995 a. 37, 178; 1997 a. 118, 307; 1999 a. 42, 85, 101, 125; 2001 a. 16, 109; 2003 a. 22, 33, 117; 2005 a. 21; 2007 a. 106, 142; 2009 a. 28; 2011 a. 10; 2013 a. 123.

19           **SECTION 214.** 230.35 (5) (b) of the statutes is amended to read:

1           230.35 (5) (b) The standard basis of employment shall be divided into 5 work  
2 days of 8 hours each except as provided under s. 230.215 (5), and except that when  
3 the conditions of employment cannot be satisfied by adhering to this division or when  
4 the public would not be inconvenienced, deviations may be permitted upon  
5 recommendation of the appointing authority and subsequent approval by the  
6 ~~director~~ administrator.

History: 1971 c. 91, 125, 183, 211, 226; 1971 c. 270 ss. 70, 71, 83, 104; Stats. 1971 s. 16.30; 1973 c. 51, 243; 1975 c. 28, 39, 41; 1975 c. 147 s. 54; 1975 c. 189, 199, 421, 422; 1977 c. 44; 1977 c. 187 s. 135; 1977 c. 196 ss. 56, 118, 130 (3), (5), (12), 131; 1977 c. 273; 1977 c. 418 ss. 726, 727, 924 (13m); Stats. 1977 s. 230.35; 1979 c. 34, 89; 1979 c. 110 s. 60 (11); 1979 c. 221; 1981 c. 20, 96, 140; 1983 a. 27 s. 2200 (15); 1983 a. 30 ss. 4 to 11, 14; 1983 a. 71, 140; 1983 a. 192 ss. 220, 221, 304; 1985 a. 119; 1987 a. 63, 287, 340, 399, 403; 1989 a. 56 s. 259; 1991 a. 39; 1993 a. 12, 47; 1995 a. 37, 178; 1997 a. 118, 307; 1999 a. 42, 85, 101, 125; 2001 a. 16, 109; 2003 a. 22, 33, 117; 2005 a. 21; 2007 a. 106, 142; 2009 a. 28; 2011 a. 10; 2013 a. 123.

7           **SECTION 215.** 230.37 (1) of the statutes is amended to read:

8           230.37 (1) In cooperation with appointing authorities the ~~director~~  
9 administrator shall establish an employee performance evaluation program to  
10 provide a continuing record of employee development and, when applicable, to serve  
11 as a basis for pertinent personnel actions. Similar evaluations shall be conducted  
12 during the probationary period but may not infringe upon the authority of the  
13 appointing authority to retain or dismiss employees during the probationary period.

History: 1971 c. 270 ss. 66, 81; Stats. 1971 s. 16.32; 1977 c. 196 ss. 59, 130 (4); 1977 c. 273; Stats. 1977 s. 230.37; 1987 a. 140; 2003 a. 33.

14           **SECTION 216.** 230.40 (6) of the statutes is amended to read:

15           230.40 (6) The ~~administrator~~ director shall administer this section.

History: 1971 c. 270 s. 82; Stats. 1971 s. 16.35; 1973 c. 334; 1977 c. 196 s. 61; 1977 c. 273; Stats. 1977 s. 230.40; 1979 c. 221; 1997 a. 307; 1999 a. 102.

16           **SECTION 217.** 230.43 (5) of the statutes is amended to read:

17           230.43 (5) TAXPAYERS' SUITS. The right of any taxpayer to bring any action to  
18 restrain the payment of compensation to any person appointed to or holding any  
19 office or place of employment in violation of this subchapter shall not be limited or  
20 denied by reason of the fact that the office or place of employment has been classified  
21 as, or determined to be, not subject to competitive examination; however, any  
22 judgment or injunction in any such action shall be prospective only, and shall not  
23 affect payments already made or due to such persons by the proper disbursing

1 officers, in accordance with the rules of the ~~director~~ administrator in force at the time  
2 of such payments.

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

3 **SECTION 218.** 230.44 (1) (a) of the statutes is amended to read:

4 230.44 (1) (a) *Decision made or delegated by ~~administrator~~ director.* Appeal of  
5 a personnel decision under this subchapter made by the ~~administrator~~ director or by  
6 an appointing authority under authority delegated by the ~~administrator~~ director  
7 under s. 230.05 (2).

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

8 **SECTION 219.** 230.44 (1) (b) of the statutes is amended to read:

9 230.44 (1) (b) *Decision made or delegated by ~~director~~ administrator.* Appeal of  
10 a personnel decision under s. 230.09 (2) (a) or (d) or 230.13 (1) made by the ~~director~~  
11 administrator or by an appointing authority under authority delegated by the  
12 ~~director~~ administrator under s. 230.04 (1m).

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

13 **SECTION 220.** 230.44 (1) (dm) of the statutes is amended to read:

14 230.44 (1) (dm) *Noncompetitive appointment of certain disabled veterans.* A  
15 personnel action under s. 230.275 by an appointing authority that is alleged to be  
16 illegal or an abuse of discretion. The ~~administrator~~ director and the ~~office~~ division  
17 may not be a party to any such appeal.

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

18 **SECTION 221.** 230.44 (4) (bm) of the statutes is amended to read:

19 230.44 (4) (bm) Upon request of an employee who files an appeal of the decision  
20 of the ~~director~~ administrator made under s. 230.09 (2) (a) or (d), the appeal shall be heard by a  
21 commissioner or attorney employed by the commission serving as arbitrator under  
22 rules promulgated for this purpose by the commission. In such an arbitration, the

1 arbitrator shall orally render a decision at the conclusion of the hearing affirming,  
 2 modifying or rejecting the decision of the ~~director~~ administrator. The decision of the  
 3 arbitrator is final and is not subject to review by the commission. An arbitrator's  
 4 decision may not be cited as precedent in any other proceeding before the commission  
 5 or before any court. The arbitrator shall promptly file his or her decision with the  
 6 commission. The decision of the arbitrator shall stand as the decision of the  
 7 commission. The decision of the commission is subject to review under ss. 227.53 to  
 8 227.57 only on the ground that the decision was procured by corruption, fraud or  
 9 undue means or that the arbitrator or the commission exceeded the arbitrator's or  
 10 the commission's power. The record of a proceeding under this paragraph shall be  
 11 transcribed as provided in s. 227.44 (8).

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

12 **SECTION 222.** ~~230.45~~ (1e) (c) of the statutes is amended to read:

13 230.45 (1e) (c) Keep minutes of its own proceedings and other official actions  
 14 relating to this chapter. All such records shall, subject to reasonable rules, be open  
 15 to public inspection. Records of the ~~director~~ or the ~~administrator~~ director which are  
 16 confidential shall be kept confidential by the division of equal rights.

History: 1977 c. 196; 1979 c. 221; 1981 c. 334 s. 25 (2); 1981 c. 360; 1983 a. 27, 398, 409; 1987 a. 140, 331; 1987 a. 403 s. 256; 1989 a. 56 s. 259; 1991 a. 39; 1993 a. 16; 1995 a. 27; 1997 a. 131, 216; 1999 a. 176; 2001 a. 26, 38; 2003 a. 33; 2005 a. 25; 2009 a. 212.

17 **SECTION 223.** 230.46 of the statutes is amended to read:

18 **230.46 Duties of council on affirmative action.** The council on affirmative  
 19 action ~~in the office~~ shall serve in a direct advisory capacity to the ~~director~~  
 20 administrator and as part of that relationship shall evaluate the progress of  
 21 affirmative action programs throughout the civil service system, seek compliance  
 22 with state and federal regulations and recommend improvements in the state's  
 23 affirmative action efforts as an employer. In carrying out its responsibilities, the

1 council may recommend legislation, consult with agency personnel and other  
2 interested persons, conduct hearings and take other appropriate action to promote  
3 affirmative action. The council shall report at least once per year to the governor and  
4 the legislature.

History: 1977 c. 196; 1983 a. 27; 2003 a. 33.

5 **SECTION 224.** 230.48 (2) of the statutes is amended to read:

6 230.48 (2) PERSONNEL, FACILITIES AND EQUIPMENT. The ~~office~~ administrator shall  
7 appoint, under the classified service, a secretary and such other employees as are  
8 necessary to carry out the duties of the state employees suggestion board, and shall  
9 provide such facilities and equipment as that board requires for the proper  
10 performance of its work. The state employees suggestion board may request and  
11 shall receive from any state department any assistance that it requires.

History: 1971 c. 270 s. 87; Stats. 1971 s. 16.34; 1977 c. 196 s. 61; Stats. 1977 s. 16.008; 1977 c. 418 s. 36; Stats. 1977 s. 16.006; 1981 c. 20; 1987 a. 142; 1989 a. 31 s. 99;  
Stats. 1989 s. 230.48; 2003 a. 33; 2011 a. 32.

12 **SECTION 225.** 230.90 (2) of the statutes is amended to read:

13 230.90 (2) An employee may bring an action in circuit court against his or her  
14 employer or employer's agent, including this state, if the employer or employer's  
15 agent retaliates, by engaging in a disciplinary action, against the employee because  
16 the employee exercised his or her rights under the first amendment to the U.S.  
17 constitution or article I, section 3, of the Wisconsin constitution by lawfully disclosing  
18 information or because the employer or employer's agent believes the employee so  
19 exercised his or her rights. The employee shall bring the action within 2 years after  
20 the action allegedly occurred or after the employee learned of the action, whichever  
21 occurs last. No employee may bring an action against the ~~office~~ division of state  
22 employment relations in the department of administration as an employer's agent.

History: 1983 a. 409; 1985 a. 135; 1995 a. 27; 1997 a. 237; 2003 a. 33 ss. 2726, 9160; 2005 a. 74; 2005 a. 155 ss. 13, 60; Stats. 2005 s. 230.90; 2013 a. 20.

23 **SECTION 226.** 233.10 (3) (c) 4. of the statutes is amended to read:

1           233.10 (3) (c) 4. Grant to the carry-over employee military leave, treatment of  
2 military leave, jury service leave and voting leave in accordance with s. 230.35 (3)  
3 and (4) (e) and, to the extent applicable, rules of the office division of state  
4 employment relations in the department of administration governing such leaves for  
5 employees in the classified service as of the last day of the employee's employment  
6 as a state employee if the employee was entitled to those benefits on that day.

History: 1995 a. 27; 1997 a. 252; 2001 a. 16, 103; 2003 a. 33 ss. 2441, 2442, 9160; 2007 a. 109; 2011 a. 10.

7           **SECTION 227.** 233.10 (4) of the statutes is amended to read:

8           233.10 (4) Notwithstanding the requirement that an employee be a state  
9 employee, a carry-over employee of the authority who was employed in a position in  
10 the classified service immediately prior to beginning employment with the authority  
11 shall, from June 29, 1996, to June 30, 1997, have the same transfer rights under s.  
12 230.29 and the rules of the office division of state employment relations in the  
13 department of administration governing transfers as a person who holds a position  
14 in the classified service.

History: 1995 a. 27; 1997 a. 252; 2001 a. 16, 103; 2003 a. 33 ss. 2441, 2442, 9160; 2007 a. 109; 2011 a. 10.

15           **SECTION 228.** 301.03 (5h) of the statutes is amended to read:

16           301.03 (5h) Develop, with the assistance of the office division of state  
17 employment relations in the department of administration, a policy for staff  
18 assignments that shall consider an employee's seniority when assigning shifts.

History: 1989 a. 31, 107, 121, 188, 336; 1991 a. 39; 1993 a. 16, 377, 479; 1995 a. 27 ss. 6355, 6356m, 6356p, 9126 (19); 1995 a. 77, 141; 1997 a. 27, 35, 237, 275, 283, 284; 1999 a. 9, 32; 2001 a. 16, 109; 2003 a. 321; 2005 a. 344, 431, 434, 451; 2007 a. 1; 2007 a. 20 ss. 3100g, 9121 (6) (a); 2007 a. 96, 97; 2009 a. 28, 100; 2011 a. 32, 38; 2013 a. 196, 334.

19           **SECTION 229.** 301.16 (1o) (b) of the statutes is amended to read:

20           301.16 (1o) (b) In the selection of classified service employees of the institution  
21 specified in par. (a), the appointing authority shall, whenever possible, use the  
22 expanded certification program under rules of the ~~administrator of the division~~  
23 director of the bureau of merit recruitment and selection in the ~~office of state~~



1 ~~employment relations~~ department of administration to ensure that employees of the  
2 institution reflect the general population of either the county in which the institution  
3 is located or the most populous county contiguous to the county in which the  
4 institution is located, whichever population is greater. The ~~administrator~~ <sup>director</sup> of the  
5 ~~division~~ <sup>bureau</sup> of merit recruitment and selection in the department of administration shall  
6 provide guidelines for the administration of this selection procedure.

**History:** 1979 c. 221; 1981 c. 20, 317, 387; 1983 a. 16; 1983 a. 27 ss. 953p, 953r, 2200 (15); 1985 a. 29; 1987 a. 5; 1989 a. 31 ss. 964, 964m; Stats. 1989 s. 301.16; 1991 a. 39; 1995 a. 27; 1997 a. 27; 1999 a. 9; 2001 a. 16, 103; 2003 a. 33 ss. 2489 to 2490d, 2807, 9160.

7 **SECTION 230.** 321.64 (1) (c) of the statutes is amended to read:

8 321.64 (1) (c) If a dispute arises regarding a classified employee of the state  
9 relating to the provisions of par. (a), the complaint shall be filed with the ~~director~~ <sup>administrator</sup> of  
10 the ~~office~~ <sup>division</sup> of state employment relations. A decision of the ~~director~~ administrator of  
11 the ~~office~~ division of state employment relations in the department of administration  
12 may be reviewed under ch. 227.

**History:** 2005 a. 22; 2007 a. 200 s. 175; Stats. 2007 s. 321.64.

13 **SECTION 231.** 938.538 (6m) (b) of the statutes is amended to read:

14 938.538 (6m) (b) In the selection of classified service employees for a juvenile  
15 correctional facility authorized under 1993 Wisconsin Act 377, section 9108 (1) (a),  
16 the appointing authority shall make every effort to use the expanded certification  
17 program under s. 230.25 (1n) or rules of the ~~administrator~~ <sup>director</sup> of the ~~division~~  
18 bureau of merit recruitment and selection in the ~~office of state employment relations~~  
19 department of administration to ensure that the percentage of employees who are  
20 minority group members approximates the percentage of the juveniles placed at that  
21 juvenile correctional facility who are minority group members. The ~~administrator~~  
22 ~~of the division~~ director of the bureau of merit recruitment and selection ~~in the office~~

1 of ~~state employment relations~~ shall provide guidelines for the administration of the  
2 selection procedure.

3 History: 1995 a. 77, 352; 1997 a. 27, 35; 2001 a. 16, 59; 2003 a. 33 ss. 2733, 9160; 2005 a. 344; 2007 a. 20 ss. 3828, 9121 (6) (a); 2009 a. 28, 94.

3 SECTION 232. 978.12 (1) (c) of the statutes is amended to read:

4 978.12 (1) (c) *Assistant district attorneys.* Assistant district attorneys shall be  
5 employed outside the classified service. For purposes of salary administration, the  
6 ~~director of the office~~ administrator of the division of state employment relations in  
7 the department of administration shall establish one or more classifications for  
8 assistant district attorneys in accordance with the classification or classifications  
9 allocated to assistant attorneys general. Except as provided in ss. 111.93 (3) (b) and  
10 230.12 (10), the salaries of assistant district attorneys shall be established and  
11 adjusted in accordance with the state compensation plan for assistant attorneys  
12 general whose positions are allocated to the classification or classifications  
13 established by the ~~director of the office~~ administrator of the division of state  
14 employment relations in the department of administration.

15 History: 1989 a. 31, 117, 336; 1991 a. 32, 39; 1993 a. 294; 1999 a. 9, 85; 2003 a. 33 ss. 2798, 2800, 9160; 2007 a. 78, 224; 2011 a. 10, 238; 2013 a. 20.

15 SECTION 9122. *Nonstatutory provisions; State Employment Relations,*

16 **Office of.**

17 (1) ELIMINATION OF THE OFFICE OF STATE EMPLOYMENT RELATIONS.

18 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
19 liabilities of the office of state employment relations become the assets and liabilities  
20 of the department of administration.

21 (b) *Positions and employees.* On the effective date of this paragraph, all  
22 positions and all incumbent employees in the classified service of the state civil  
23 service holding those positions in the office of of state employment relations are  
24 transferred to the department of administration.

1           (c) *Employee status.* Employees transferred under paragraph (b) have all the  
2 rights and the same status under subchapter V of chapter 111 and chapter 230 of the  
3 statutes in the department of administration that they enjoyed in the office of state  
4 employment relations immediately before the transfer. Notwithstanding section  
5 230.28 (4) of the statutes, no employee so transferred who has attained permanent  
6 status in class is required to serve a probationary period.

7           (d) *Tangible personal property.* On the effective date of this paragraph, all  
8 tangible personal property, including records, of the office of state employment  
9 relations is transferred to the department of administration.

10          (e) *Pending matters.* Any matter pending with the office of state employment  
11 relations on the effective date of this paragraph is transferred to the department of  
12 administration. All materials submitted to or actions taken by the office of state  
13 employment relations are considered as having been submitted to or taken by the  
14 department of administration.

15          (f) *Contracts.* All contracts entered into by the office of state employment  
16 relations in effect on the effective date of this paragraph remain in effect and are  
17 transferred to the department of administration. The department of administration  
18 shall carry out any obligations under those contracts unless modified or rescinded  
19 by that department to the extent allowed under the contract.

20          (g) *Rules and orders.* All rules promulgated by the office of state employment  
21 relations in effect on the effective date of this paragraph remain in effect until their  
22 specified expiration dates or until amended or repealed by the department of  
23 administration. All orders issued by the office of state employment relations in effect

1 on the effective date of this paragraph <sup>✓</sup> remain in effect until their specified expiration  
2 dates or until modified or rescinded by the department of administration.

3 (END)

2015-2016 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1059/linsRC  
RAC:.....

UPS:  
inserts out of  
order

1 **Insert 9-5:**

2 **SECTION 1.** 20.545 (1) (k) of the statutes is renumbered 20.505 (1) (ki) and  
3 amended to read:

4 20.505 (1) (ki) *General program operations.* The amounts in the schedule to  
5 administer state employment relations functions and the civil service system under  
6 subch. V of ch. 111 and ch. 230, to pay awards under s. 230.48, and to defray the  
7 expenses of the state employees suggestion board. All moneys received from state  
8 agencies for materials and services provided by the office division of state  
9 employment relations in the department of administration shall be credited to this  
10 appropriation.

History: 2003 a. 33 ss. 623 to 630d, 646m, 9160; 2007 a. 20; 2009 a. 28; 2011 a. 10.

11 **Insert 4-16:**

12 **SECTION 2.** 15.105 (29) (b) of the statutes is repealed.

13 **Insert 17-16:**

14 **SECTION 3.** 20.923 (8) of the statutes is amended to read:

15 20.923 (8) DEPUTIES. Salaries for deputies appointed pursuant to ss. 13.94 (3)  
16 (b), 15.04 (2), 230.04 (16), and 551.601 (1) shall be set by the appointing authority.  
17 The salary shall not exceed the maximum of the salary range one range below the  
18 salary range of the executive salary group to which the department or agency head  
19 is assigned. The positions of assistant secretary of state, assistant state treasurer  
20 and associate director of the historical society shall be treated as unclassified  
21 deputies for pay purposes under this subsection. The salary of the deputy director

1 of the office of business development in the department of administration is assigned  
2 to executive salary group 2.

**History:** 1971 c. 18, 125, 164; 1971 c. 270 ss. 98, 104; 1971 c. 307, 321; 1973 c. 90, 156, 243, 333; 1975 c. 28; 1975 c. 39 ss. 236c to 247, 735 (5); 1975 Ex. Order No. 24; 1975 c. 189, 199, 224, 422; 1977 c. 29 ss. 399g to 406d, 1649, 1650m, 1654 (8) (e), 1656 (43); 1977 c. 44; 1977 c. 187 ss. 29, 30, 31, 135; 1977 c. 196 ss. 74 to 76m, 131; 1977 c. 203, 272, 277, 418, 447, 449; Sup. Ct. Order, 88 Wis. 2d xiii (1979); 1979 c. 32 s. 92 (1); 1979 c. 34, 89, 189; 1979 c. 221 ss. 201m to 218, 2202 (13); 1979 c. 361; 1981 c. 20 ss. 587 to 592g, 2202 (33) (b), (c), (56) (a); 1981 c. 96 ss. 16, 67; 1981 c. 121, 127, 347, 353; 1981 c. 390 s. 252; 1983 a. 27, 46, 121, 192, 371, 378; 1985 a. 18, 23; 1985 a. 29 ss. 603 to 607, 3202 (22) (a); 1985 a. 34, 332; 1987 a. 6, 27, 82, 119, 306, 340, 354, 399, 403; 1989 a. 31, 56, 107, 208, 219, 336; 1991 a. 39, 269; 1993 a. 12, 16, 75, 123, 144, 184, 294, 349, 399, 490; 1995 a. 27 ss. 1193 to 1217m, 9130 (4), 9216 (19); 1995 a. 37, 216, 225; 1997 a. 2, 3, 27, 29, 41, 194, 237; 1999 a. 9, 42, 102, 186; 2001 a. 16, 19, 29, 109; 2003 a. 33 ss. 721 to 735m, 9160; 2003 a. 91, 320; 2005 a. 25; 2007 a. 1; 2007 a. 20 ss. 616 to 630, 9121 (6) (a); 2007 a. 196; 2009 a. 28, 180; 2011 a. 10, 32, 38; 2013 a. 20 ss. 492 to 497, 2365m, 9448; 2013 a. 166.

3 **SECTION 4. 20.923 (9)** of the statutes is amended to read:

4 **20.923 (9) ASSISTANT DEPUTY SECRETARY AND EXECUTIVE ASSISTANTS.** Salaries for  
5 assistant deputy secretaries and executive assistants appointed under ss. 15.05 (3)  
6 and 15.06 (4m) shall be set by the appointing authority. The salary for an assistant  
7 deputy secretary or an executive assistant appointed under s. 15.05 (3) or 15.06 (4m),  
8 other than the salary for the executive assistant to the director of the technical  
9 college system, may not exceed the maximum of the salary range 2 ranges below the  
10 salary range for the executive salary group to which the department or agency head  
11 is assigned. The position of administrative assistant to the lieutenant governor shall  
12 be treated as are executive assistants for pay purposes under this subsection. The  
13 ~~salary for the executive assistant appointed under s. 230.04 (16) shall be set by the~~  
14 ~~appointing authority. The salary for that position may not exceed the maximum of~~  
15 ~~the salary range 2 ranges below the salary range for the executive salary group to~~  
16 ~~which the appointing authority is assigned.~~

**History:** 1971 c. 18, 125, 164; 1971 c. 270 ss. 98, 104; 1971 c. 307, 321; 1973 c. 90, 156, 243, 333; 1975 c. 28; 1975 c. 39 ss. 236c to 247, 735 (5); 1975 Ex. Order No. 24; 1975 c. 189, 199, 224, 422; 1977 c. 29 ss. 399g to 406d, 1649, 1650m, 1654 (8) (e), 1656 (43); 1977 c. 44; 1977 c. 187 ss. 29, 30, 31, 135; 1977 c. 196 ss. 74 to 76m, 131; 1977 c. 203, 272, 277, 418, 447, 449; Sup. Ct. Order, 88 Wis. 2d xiii (1979); 1979 c. 32 s. 92 (1); 1979 c. 34, 89, 189; 1979 c. 221 ss. 201m to 218, 2202 (13); 1979 c. 361; 1981 c. 20 ss. 587 to 592g, 2202 (33) (b), (c), (56) (a); 1981 c. 96 ss. 16, 67; 1981 c. 121, 127, 347, 353; 1981 c. 390 s. 252; 1983 a. 27, 46, 121, 192, 371, 378; 1985 a. 18, 23; 1985 a. 29 ss. 603 to 607, 3202 (22) (a); 1985 a. 34, 332; 1987 a. 6, 27, 82, 119, 306, 340, 354, 399, 403; 1989 a. 31, 56, 107, 208, 219, 336; 1991 a. 39, 269; 1993 a. 12, 16, 75, 123, 144, 184, 294, 349, 399, 490; 1995 a. 27 ss. 1193 to 1217m, 9130 (4), 9216 (19); 1995 a. 37, 216, 225; 1997 a. 2, 3, 27, 29, 41, 194, 237; 1999 a. 9, 42, 102, 186; 2001 a. 16, 19, 29, 109; 2003 a. 33 ss. 721 to 735m, 9160; 2003 a. 91, 320; 2005 a. 25; 2007 a. 1; 2007 a. 20 ss. 616 to 630, 9121 (6) (a); 2007 a. 196; 2009 a. 28, 180; 2011 a. 10, 32, 38; 2013 a. 20 ss. 492 to 497, 2365m, 9448; 2013 a. 166.

17 **SECTION 5. 40.05 (4) (ag) 2.** of the statutes is amended to read:

18 **40.05 (4) (ag) 2.** For eligible employees not specified in subd. 1. and s. 40.02 (25)  
19 (b) 2., an amount not more than 88 percent of the average premium cost of plans  
20 offered in each tier under s. 40.51 (6), as determined annually by the director

- 1 administrator of the ~~office~~ division of state employment relations in the department
- 2 of administration under par. (ah).

**History:** 1981 c. 96, 274, 278, 386; 1983 a. 9 s. 6; 1983 a. 27, 30; 1983 a. 46 ss. 2 to 4, 7; 1983 a. 140; 1983 a. 141 ss. 7 to 12, 20; 1983 a. 290, 504, 538; 1985 a. 29, 119, 135, 225; 1987 a. 27, 83, 107, 309, 356, 363; 1987 a. 403 s. 256; 1989 a. 13, 14, 31, 119, 122, 166, 182, 189, 230, 336, 355, 359; 1991 a. 32, 39, 107, 113, 141, 152, 189, 269; 1995 a. 27, 81, 88, 89, 240, 302; 1997 a. 35, 58, 149; 1999 a. 9, 11, 13, 104; 2001 a. 16; 2003 a. 33 ss. 1004 to 1015, 9160; 2003 a. 69, 117; 2005 a. 22, 153; 2007 a. 20, 131, 200, 226; 2009 a. 15, 28; 2011 a. 10, 32; 2013 a. 20, 166.

## Champagne, Rick

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**From:** Waterman, Mickie D - DOA <Mickie.Waterman@wisconsin.gov>  
**Sent:** Friday, January 09, 2015 1:28 PM  
**To:** Champagne, Rick  
**Subject:** RE: Statutory Language Drafting Request - BB0384

Hi Rick,

Can you call me when you have a chance? Your number has been busy for a while ☺  
Would like to discuss the below issues related to the OSER restructure draft.

Thanks,  
Mickie

- ✓ 1. Change name to Division of Personnel Management (not Division of State Employment Relations)
- ✓ 2. Change 15.103 (6m) to "The administrator shall serve at the pleasure of the secretary of DOA" instead of governor. (we want to be explicit that the administrator will report to the secretary of DOA)
- ✓ 3. Non-stat that 10 OSER positions, as determined by the secretary of DOA, shall be deleted on the effective date of the bill.
- ✓ 4. Non-stat that the agency shall become a division of DOA on the day after the effective date of the bill (so that #3 happens before #4)
- ✓ 5. Question from below email.... How does it work for the incumbents if we are deleting unclassified positions and creating classified positions to replace them? For example, we will have one person that has a classified surplus position, so she can either bump back to that or else apply for the new position...correct? How about someone that is in an unclassified position, but doesn't have a position to bump back to? Do we need to address this stuff in the non-stat language?

---

**From:** Waterman, Mickie D - DOA  
**Sent:** Wednesday, January 07, 2015 10:21 AM  
**To:** Champagne, Rick - LEGIS  
**Subject:** RE: Statutory Language Drafting Request - BB0384

Hi Rick,

One other question about this....

Thanks,  
Mickie

---

**From:** Champagne, Rick [<mailto:Rick.Champagne@legis.wisconsin.gov>]  
**Sent:** Friday, January 02, 2015 9:16 AM  
**To:** Waterman, Mickie D - DOA  
**Subject:** RE: Statutory Language Drafting Request - BB0384



1. On position counts in Item 1, you can take care of those by reducing authorized positions; nothing needs to be drafted other than to remove statutory references to the positions, etc., which I will do.
2. I will need to know which agencies these folks are transferring from and a way of identifying them, such as positions with certain duties, as identified by the secretary of administration, or something to that effect.
3. I am getting rid of OSER unclassified division administrator count under s. 230.08 (2)(e) 8j.—repealing it-- and instead increasing general DOA count by 2 positions under s. 230.08 (2) (e) 1.

---

**From:** Waterman, Mickie D - DOA [<mailto:Mickie.Waterman@wisconsin.gov>]

**Sent:** Friday, January 02, 2015 9:09 AM

**To:** Champagne, Rick

**Subject:** FW: Statutory Language Drafting Request - BB0384

Hi Rick,

Can we add a few more things in addition to what's in the original request:

1. Want to include a 10 FTE position in OSER reduction specifying the following functions:
  - o Deputy director position
  - o Other unclassified position in director's office
  - o Three positions in Division of Compensation and Labor Relations – Bureau of Labor Relations
  - o Three positions in Division of Merit, Recruitment, and Selection – one from Personnel Partners and two from Workforce Planning and Training
  - o Two positions in Division of Affirmative Action
2. There will be FTE getting transferred into OSER from other agencies, can we make sure they are the incumbents?
3. As mentioned below and also above, we are deleting two unclassified positions and converting three unclassified positions to classified. Two unclassified will remain – the director and the DMRS bureau administrator
4. Effective date – date of budget bill

Thanks,  
Mickie

---

**From:** [mickie.waterman@wisconsin.gov](mailto:mickie.waterman@wisconsin.gov) [<mailto:mickie.waterman@wisconsin.gov>]

**Sent:** Tuesday, December 30, 2014 12:16 PM

**To:** Hanaman, Cathlene - LEGIS

**Cc:** Kraus, Jennifer - DOA; Waterman, Mickie D - DOA; Connor, Christopher B - DOA

**Subject:** Statutory Language Drafting Request - BB0384

Biennial Budget: 2015-17

DOA Tracking Code: BB0384

Topic: OSER restructure

SBO Team: GGCF

SBO Analyst: Waterman, Mickie D - DOA

Phone: (608) 266-3382

E-mail: [mickie.waterman@wisconsin.gov](mailto:mickie.waterman@wisconsin.gov)

Agency Acronym: OSER

Agency Number: 545

Priority: High

Intent:

Convert the Office of State Employment Relations to a division within the Department of Administration. Renumber current OSER appropriations to be within DOA's program 1. Retain chapter 230 powers and duties of the director to be powers and duties of the division administrator. It will retain two unclassified positions - the division administrator and the current division administrator (now bureau director) in charge of merit recruitment selection.

Attachments: False

Please send completed drafts to [SBOSatlanguage@webapps.wi.gov](mailto:SBOSatlanguage@webapps.wi.gov)

## Champagne, Rick

---

**From:** Waterman, Mickie D - DOA <Mickie.Waterman@wisconsin.gov>  
**Sent:** Friday, January 09, 2015 2:57 PM  
**To:** Champagne, Rick  
**Subject:** RE: Statutory Language Drafting Request - BB0384

Hi Rick,

As follow-up to our conversation, the OSER deletions are:

9.95 FTE positions from alpha "k"

And change to numbers 3 and 4 below per your email.

Thanks again for all your help! Congrats on your new position, but I'm so happy you're still working with me this budget!!!

Mickie

---

**From:** Champagne, Rick [mailto:Rick.Champagne@legis.wisconsin.gov]  
**Sent:** Friday, January 09, 2015 2:16 PM  
**To:** Waterman, Mickie D - DOA  
**Subject:** RE: Statutory Language Drafting Request - BB0384

I figured out how to handle items 3 and 4. On page 77, line 14: after "administration" add language that would read ", except for 10.0 PR FTE positions, funded from the appropriations under s. 20.545 (1), 2013 Stats., as determined by the secretary of administration"

---

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**To:** Hanaman, Cathlene - LEGIS  
**Cc:** Kraus, Jennifer - DOA; Waterman, Mickie D - DOA; Connor, Christopher B - DOA  
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SBO Team: GGCF

SBO Analyst: Waterman, Mickie D - DOA  
Phone: (608) 266-3382  
E-mail: [mickie.waterman@wisconsin.gov](mailto:mickie.waterman@wisconsin.gov)

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