

1 **SECTION 152.** 230.16 (2) of the statutes is amended to read:

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

8 **SECTION 153.** 230.16 (3) of the statutes is amended to read:

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

15 **SECTION 154.** 230.16 (5) of the statutes is amended to read:

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

24 **SECTION 155.** 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.

5 **SECTION 156.** 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:

8 **SECTION 157.** 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.

11 **SECTION 158.** 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.

15 **SECTION 159.** 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.

20 **SECTION 160.** 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
23 provided by law, under which an applicant may be refused examination or
24 reexamination, or an eligible refused certification. These conditions shall be based
25 on sufficient reason and shall reflect sound technical personnel management

1 practices and those standards of conduct, deportment and character necessary and
2 demanded to the orderly, efficient and just operation of the state service.

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

17 (3) When any position to be filled involves fiduciary responsibility, the
18 appointing authority shall conduct a criminal history background check before
19 offering employment to an applicant for the position. If otherwise permitted by law,
20 the appointing authority may require the appointee to furnish bond or other security,
21 and shall notify the ~~administrator~~ director of the amount and other details thereof.
22 Any surety company authorized to do business in this state shall be a sufficient
23 security on any such bond.

24 SECTION 161. 230.18 of the statutes is amended to read:

1 **230.18 Discrimination prohibited.** No question in any form of application
2 or in any examination may be so framed as to elicit information concerning the
3 partisan political or religious opinions or affiliations of any applicant nor may any
4 inquiry be made concerning such opinions or affiliations and all disclosures thereof
5 shall be discountenanced except that the ~~administrator~~ director may evaluate the
6 competence and impartiality of applicants for positions such as clinical chaplain in
7 a state institutional program. No discriminations may be exercised in the
8 recruitment, application, examination or hiring process against or in favor of any
9 person because of the person's political or religious opinions or affiliations or because
10 of age, sex, disability, race, color, sexual orientation, national origin or ancestry
11 except as otherwise provided.

12 **SECTION 162.** 230.19 (1) of the statutes is amended to read:

13 **230.19 (1)** The ~~administrator~~ director shall provide employees with reasonable
14 opportunities for career advancement, within a classified service structure designed
15 to achieve and maintain a highly competent work force, with due consideration given
16 to affirmative action.

17 **SECTION 163.** 230.19 (2) of the statutes is amended to read:

18 **230.19 (2)** If, in the judgment of the ~~administrator~~ director, the group of
19 applicants best able to meet the requirements for vacancies in positions in the
20 classified service are available within the classified service, the vacancies shall be
21 filled by competition limited to persons in the classified service who are not employed
22 under s. 230.26 or 230.27 and persons with the right of restoration resulting from
23 layoff under s. 230.34 (2), unless it is necessary to go outside the classified service to
24 be consistent with an approved affirmative action plan or program. The
25 ~~administrator~~ director may also limit competition for promotion to the employees of

1 an agency or an employing unit within an agency if the resulting group of applicants
2 would fairly represent the proportion of members of racial and ethnic, gender or
3 disabled groups in the relevant labor pool for the state.

4 **SECTION 164.** 230.21 (1) of the statutes is amended to read:

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

8 **SECTION 165.** 230.21 (1m) (a) (intro.) of the statutes is amended to read:

9 230.21 (1m) (a) (intro.) If the ~~administrator~~ director uses the method of random
10 certification to determine which applicants for an unskilled labor or service position
11 will receive further consideration for the position, the administrator shall do all of
12 the following:

13 **SECTION 166.** 230.21 (1m) (b) of the statutes is amended to read:

14 230.21 (1m) (b) If the ~~administrator~~ director uses the method of random
15 certification to determine which applicants for an unskilled labor or service position
16 will receive further consideration for the position and the appointing authority does
17 not select a veteran or a person the hiring of whom would serve affirmative action
18 purposes, the appointing authority shall make and retain a written record of the
19 appointing authority's reasons for selecting the person who was appointed. The
20 appointing authority shall make the written records available to the ~~office~~ division
21 and annually submit a report to the ~~office~~ division summarizing the reasons
22 contained in the written records.

23 **SECTION 167.** 230.21 (2) of the statutes is amended to read:

24 230.21 (2) The ~~administrator~~ director may designate classifications in which
25 applicants are in critically short supply and may develop such recruitment,

1 examination and certification processes as will provide agencies with prompt
2 certification when qualified applicants can be found, provided that due notice has
3 been given and proper competitive standards have been maintained.

4 **SECTION 168.** 230.21 (3) of the statutes is amended to read:

5 230.21 (3) The ~~administrator~~ director shall designate classifications in prison
6 industries in the department of corrections as critical positions requiring expeditious
7 hiring and shall develop such recruitment, examination and certification processes
8 as will provide the department with prompt certification when qualified applicants
9 can be found, provided that due notice has been given and proper competitive
10 standards have been maintained.

11 **SECTION 169.** 230.213 of the statutes is amended to read:

12 **230.213 Affirmative action procedures for corrections positions.** The
13 ~~administrator~~ director may, to meet affirmative action objectives, establish such
14 recruitment, examination and certification procedures for positions in the
15 department of corrections as will enable the department of corrections to increase the
16 number of employees of a specified gender or a specified racial or ethnic group in
17 those positions. The ~~administrator~~ director shall design the procedures to obtain a
18 work force in the department of corrections that reflects the relevant labor pool. The
19 ~~administrator~~ director may determine the relevant labor pool from the population
20 of the state or of a particular geographic area of the state, whichever is more
21 appropriate for achieving the affirmative action objective.

22 **SECTION 170.** 230.215 (3) (a) of the statutes is amended to read:

23 230.215 (3) (a) An agency may, with the approval of the ~~director~~ administrator
24 and with the approval of the secretary of administration under s. 16.50, restructure
25 budgeted permanent positions as such positions become vacant or if an employee

1 voluntarily requests a job-sharing or permanent part-time employment
2 opportunity. No employee occupying a full-time permanent position may be
3 involuntarily terminated, demoted, transferred or reassigned in order to restructure
4 that position for permanent part-time employment and no such employee may be
5 required to accept a permanent part-time position as a condition of continued
6 employment.

7 **SECTION 171.** 230.215 (3) (b) of the statutes is amended to read:

8 230.215 (3) (b) If the ~~director~~ administrator, upon review of the report
9 submitted under sub. (4), determines that an agency's past or proposed actions
10 relating to permanent part-time employment opportunities do not adequately
11 reflect the policy under sub. (1) (e), the ~~director~~ administrator may recommend
12 procedures designed to enable the agency to effect such policy.

13 **SECTION 172.** 230.215 (4) of the statutes is amended to read:

14 230.215 (4) **REPORTS.** Each agency, in complying with s. 15.04 (1) (d), shall
15 include a report on the progress or failure of the plans of such agency in achieving
16 the policies stated under sub. (1) and shall submit a copy of such report to the ~~director~~
17 administrator.

18 **SECTION 173.** 230.22 of the statutes is amended to read:

19 **230.22 Entry professional selection.** (1) The ~~director~~ administrator may
20 establish by rule an entry professional class program for use in a wide range of entry
21 professional positions.

22 (2) In connection with this program the ~~director~~ administrator may establish
23 separate classifications and corresponding pay provisions to provide agencies an
24 entry professional program, through which they can compete on campuses and in the
25 labor market for the best available applicants.

1 (3) Subject to s. 230.275, the ~~administrator~~ director may establish separate
2 recruitment, evaluation and certification procedures for certain entry professional
3 positions. Vacancies in entry professional positions may be limited to persons with
4 a degree from an institution of higher education, as defined in s. 108.02 (18), or a
5 degree under an associate degree program, as defined in s. 38.01 (1).

6 (4) The ~~administrator~~ director may provide for cooperative programs leading
7 to eligibility for permanent appointment in order to enable institutions of higher
8 education and agencies to attract and train the highest caliber of undergraduate or
9 graduate students for government employment.

10 **SECTION 174.** 230.24 (1) of the statutes is amended to read:

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

24 **SECTION 175.** 230.24 (1m) of the statutes is amended to read:

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

5 **SECTION 176.** 230.25 (1) of the statutes is amended to read:

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

18 **SECTION 177.** 230.25 (1g) of the statutes is amended to read:

19 230.25 (1g) For every position to be filled by promotion from a promotional
20 register, the ~~administrator~~ director shall, after certifying names under sub. (1),
21 additionally certify the name of the highest ranked disabled veteran whose disability
22 is at least 70%.

23 **SECTION 178.** 230.25 (1n) (a) (intro.) of the statutes is amended to read:

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

4 **SECTION 179.** 230.25 (1n) (b) of the statutes is amended to read:

5 230.25 (1n) (b) The ~~administrator~~ director may certify names under par. (a) 1.
6 or 2. only if an agency requests expanded certification in order to comply with an
7 approved affirmative action plan or program. The ~~administrator~~ director may certify
8 names under par. (a) 3. only if an agency requests expanded certification in order to
9 hire persons with a disability.

10 **SECTION 180.** 230.25 (1p) of the statutes is amended to read:

11 230.25 (1p) If an appointing authority appoints a person certified under this
12 section and the person is not a veteran, the spouse of a veteran or a person the hiring
13 of whom would serve affirmative action purposes, the appointing authority shall
14 make and retain a written record of the appointing authority's reasons for selecting
15 the person who was appointed. The appointing authority shall make the written
16 records available to the ~~office~~ division and annually submit a report to the ~~office~~
17 division summarizing the reasons contained in the written records. The ~~office~~
18 division shall annually prepare a report summarizing, for each agency, the reasons
19 contained in the records prepared by appointing authorities under this subsection.

20 **SECTION 181.** 230.25 (2) of the statutes is amended to read:

21 230.25 (2) (a) When certifying names to appointing authorities under this
22 section, the ~~administrator~~ director shall specify whether the certification includes
23 qualifying veterans or persons the hiring of whom would serve affirmative action
24 purposes, without divulging the names of those individuals. The ~~administrator~~

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

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

13 **SECTION 182.** 230.25 (3) (b) of the statutes is amended to read:

14 230.25 (3) (b) The ~~administrator~~ director may allow a register to expire after
15 3 months, but only after considering the impact of such an action on the policy of this
16 state to provide for equal employment opportunity and to take affirmative action, as
17 specified in s. 230.01 (2).

18 **SECTION 183.** 230.25 (4) of the statutes is amended to read:

19 230.25 (4) (a) The ~~administrator~~ director may establish a new and separate
20 register for a specific position or class only when in the ~~administrator's~~ director's
21 judgment there is no appropriate existing register from which appointments may be
22 made.

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

1 **SECTION 184.** 230.25 (5) of the statutes is amended to read:

2 230.25 (5) Notwithstanding sub. (2) (a), if an appointing authority elects to
3 appoint a disabled veteran to a vacant position on a noncompetitive basis under s.
4 230.275 and the appointing authority has requested a certification for the position,
5 the ~~administrator~~ director shall provide the appointing authority the names of all
6 disabled veterans certified for appointment to the position and who satisfy the
7 condition specified in s. 230.275 (1) (a) and the names of all such disabled veterans
8 who are on any other employment register that is identified by the appointing
9 authority.

10 **SECTION 185.** 230.26 (1) of the statutes is amended to read:

11 230.26 (1) The ~~administrator~~ director may provide by rule for selection and
12 appointment for limited term appointments, which are provisional appointments or
13 appointments for less than 1,044 hours per year.

14 **SECTION 186.** 230.26 (1m) of the statutes is amended to read:

15 230.26 (1m) An appointing authority may not appoint a person who is not a
16 state resident to a limited term appointment unless approved by the ~~administrator~~
17 director.

18 **SECTION 187.** 230.26 (2) of the statutes is amended to read:

19 230.26 (2) If there are urgent reasons for filling a vacancy in any position in
20 the classified service and the ~~administrator~~ director is unable to certify to the
21 appointing authority, upon requisition by the latter, a list of persons eligible for
22 appointment from an appropriate employment register, the appointing authority
23 may nominate a person to the administrator for noncompetitive examination. If the
24 nominee is certified by the ~~administrator~~ director as qualified, the nominee may be
25 appointed provisionally to fill the vacancy until an appointment can be made from

1 a register established after announcement of competition for the position, except
2 that no provisional appointment may be continued for more than 45 working days
3 after the date of certification from the register. Successive appointments may not be
4 made under this subsection. This subsection does not apply to a person appointed
5 to a vacant position in the classified service under s. 230.275.

6 **SECTION 188.** 230.26 (5) of the statutes is amended to read:

7 230.26 (5) If the ~~administrator~~ director determines that an agency is not in
8 compliance with the requirements of, or rules related to, sub. (1), (1m) or (2)
9 regarding a particular employee, the ~~administrator~~ director shall direct the
10 appointing authority to terminate the employee.

11 **SECTION 189.** 230.27 (1m) (b) of the statutes is amended to read:

12 230.27 (1m) (b) The ~~administrator~~ director may waive the prohibition under
13 par. (a) if there is a critical need for employees in a specific classification or position
14 or a critical shortage of residents of this state possessing the skills or qualifications
15 required for a position.

16 **SECTION 190.** 230.27 (2) of the statutes is amended to read:

17 230.27 (2) Subject to s. 230.275, the ~~administrator~~ director may provide by rule
18 for the selection and appointment of a person to a project position.

19 **SECTION 191.** 230.27 (2k) of the statutes is amended to read:

20 230.27 (2k) If an appointing authority selects, for a project position, a person
21 who is not a veteran or is not a person the hiring of whom would serve affirmative
22 action purposes, the appointing authority shall make and retain a written record of
23 the 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
25 and annually submit a report to the ~~office~~ division summarizing the reasons

1 contained in the written records. The ~~office~~ division shall annually prepare a report
2 summarizing, for each agency, the information submitted by appointing authorities
3 under this subsection.

4 **SECTION 192.** 230.275 (1) (d) of the statutes is amended to read:

5 230.275 (1) (d) The appointing authority notifies the ~~administrator~~ director in
6 writing that the position is to be filled with a disabled veteran on a noncompetitive
7 basis.

8 **SECTION 193.** 230.28 (1) (a) of the statutes is amended to read:

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

21 **SECTION 194.** 230.28 (1) (b) of the statutes is amended to read:

22 230.28 (1) (b) The ~~administrator~~ director may authorize a longer probationary
23 period not to exceed 2 years for any administrative, technical or professional
24 position, in order to provide the appointing authority assurance that the employee

1 has had adequate exposure to the various responsibilities which are a part of the
2 position or classification.

3 **SECTION 195.** 230.28 (1) (bm) (intro.) of the statutes is amended to read:

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

9 **SECTION 196.** 230.28 (1) (c) of the statutes is amended to read:

10 230.28 (1) (c) Upon request by the appointing authority, the ~~administrator~~
11 director may waive any portion of the lengthened probationary period but in no case
12 before a 6-month probationary period has been served.

13 **SECTION 197.** 230.28 (3) of the statutes is amended to read:

14 230.28 (3) If an employee is removed from a position during the probationary
15 period, and the ~~administrator~~ director determines that the person is suitable for
16 appointment to another position, the person's name may be restored to the list from
17 which it was certified.

18 **SECTION 198.** 230.28 (4) of the statutes is amended to read:

19 230.28 (4) A person reinstated in an employing unit other than one in which
20 the person previously served in permanent status in the class in which the person
21 is being reinstated, an employee who transfers from one employing unit to another,
22 an employee who moves to a different employing unit in conjunction with a voluntary
23 demotion, and a person who had not obtained permanent status in class in a
24 supervisory or management position prior to appointment to another supervisory or
25 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.

3 **SECTION 199.** 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.

6 **SECTION 200.** 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.

19 **SECTION 201.** 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
23 agency from which the person was laid off. Use of such registers shall be subject to
24 the rules of the ~~administrator~~ director.

25 **SECTION 202.** 230.31 (2) of the statutes is amended to read:

1 230.31 (2) The ~~administrator~~ director may also provide for the reinstatement
2 of persons who have served in seasonal and sessional employment and for persons
3 who separate from a position while serving a probationary period.

4 **SECTION 203.** 230.315 (1) (c) of the statutes is amended to read:

5 230.315 (1) (c) The employee has received a military leave of absence under s.
6 230.32 (3) (a) or 230.35 (3), under a collective bargaining agreement under subch. V
7 of ch. 111, or under rules promulgated by the ~~office of employment relations~~ division
8 or is eligible for reemployment with the state under s. 321.64 after completion of his
9 or her service in the U.S. armed forces.

10 **SECTION 204.** 230.32 (3) of the statutes is amended to read:

11 230.32 (3) (a) Any classified employee who leaves state service and enters the
12 armed forces of the United States shall, under this section, be granted written
13 military leave of absence by the appointing authority. Notice of such leave from state
14 service and the terms of any such leave shall be given in writing by the appointing
15 authority to the ~~director~~ administrator for purposes of record.

16 (b) Any classified employee who leaves state service for civilian employment
17 in response to a specific request or order of the federal government or any of its
18 agencies in connection with manpower redistribution and utilization shall, under
19 this section, make written application to the appointing authority for civilian leave
20 of absence presenting such specific request or order of the federal government as
21 supporting evidence. Such civilian leave shall be allowed by the appointing
22 authority and its terms, which shall conform to the rules of the director, shall be in
23 writing. Notice of such leave from state service shall be made in writing by the
24 appointing authority to the ~~director~~ administrator for purposes of record.

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

4 **SECTION 205.** 230.32 (4) of the statutes is amended to read:

5 230.32 (4) Any person appointed to fill the position of an employee on such
6 military or civilian leave shall be designated as a substitute or replacement employee
7 and upon the return and reemployment of the original employee the substitute
8 employee shall be transferred to a similar position with the same employing agency
9 if one is available, or if not, he or she shall be eligible for reinstatement or have the
10 right of restoration in accordance with this subchapter and the rules of the
11 ~~administrator~~ director. The status of any person who is appointed to fill the place
12 of an employee on military or civilian leave under this section shall be governed by
13 the rules of the ~~administrator~~ director pursuant thereto.

14 **SECTION 206.** 230.32 (5) of the statutes is amended to read:

15 230.32 (5) The restoration of classified former employees of the state shall be
16 governed by this section and by the rules of the ~~administrator~~ director.

17 **SECTION 207.** 230.33 (2) of the statutes is amended to read:

18 230.33 (2) A person appointed to an unclassified position by an appointing
19 authority other than an appointing authority described under sub. (1), to a
20 department other than the one in which the person was a classified employee may
21 be granted a leave of absence without pay at the option of the person's former
22 appointing authority in accordance with the leave of absence provisions in the rules
23 of the ~~director~~ administrator. An employee granted a leave of absence shall have the
24 same restoration rights and reinstatement privileges as under sub. (1m). If not

1 granted a leave of absence, the employee shall be entitled only to the reinstatement
2 privileges under sub. (1m).

3 **SECTION 208.** 230.34 (1) (c) of the statutes is amended to read:

4 230.34 (1) (c) The ~~director~~ administrator shall establish guidelines for uniform
5 application of this authority among the various agencies.

6 **SECTION 209.** 230.34 (2) (b) of the statutes is amended to read:

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

12 **SECTION 210.** 230.34 (2m) of the statutes is amended to read:

13 230.34 (2m) Employees in positions funded by nonstate funds made available
14 contingent on special employee eligibility requirements such as length of prior
15 unemployment, specific occupational disadvantages or need for remedial work
16 experience, shall be exempt from inclusion with the employees whose positions are
17 in classes considered for layoff under sub. (2). In the case of reduction in force in such
18 nonstate funded positions, layoffs and layoff procedures established pursuant to the
19 rules of the ~~administrator~~ director may be limited to employees whose positions are
20 dependent upon specific funding contingencies.

21 **SECTION 211.** 230.34 (3) of the statutes is amended to read:

22 230.34 (3) The appointing authority shall confer with the ~~administrator~~
23 director relative to a proposed layoff a reasonable time before the effective date
24 thereof in order to assure compliance with the rules.

25 **SECTION 212.** 230.34 (4) of the statutes is amended to read:

1 230.34 (4) Resignations shall be regulated by the rules of the ~~director~~
2 administrator.

3 **SECTION 213.** 230.35 (1) (d) of the statutes is amended to read:

4 230.35 (1) (d) Annual leaves of absence shall not be cumulative except under
5 sub. (1p) and except that unused annual leave shall, subject to the rules of the
6 ~~director~~ administrator, be used in the year following the one in which it was earned,
7 but no employee shall lose any unused annual leave because the employee's work
8 responsibilities prevented the usage of the unused annual leave during the first 6
9 months of the year following the year in which it was earned.

10 **SECTION 214.** 230.35 (1m) (f) of the statutes is amended to read:

11 230.35 (1m) (f) The continuous service of an employee eligible for annual leave
12 under this subsection shall not be considered interrupted if the employee was on an
13 approved leave of absence to participate in providing specialized disaster relief
14 services or if the employee leaves the service and is reemployed by the state in
15 another position covered under this subsection. Employees appointed to career
16 executive positions under s. 230.24 or positions designated in s. 19.42 (10) (L) or
17 20.923 (4), (7), (8), or (9) or authorized under s. 230.08 (2) (e) are not subject to the
18 continuous service requirements under sub. (1) (g) if they are reemployed in any of
19 those positions, regardless of the duration of their absence. If the employees are
20 reemployed in a position other than a career executive position or a position
21 designated in s. 19.42 (10) (L) or 20.923 (4), (7), (8), or (9) or authorized under s.
22 230.08 (2) (e), continuous service shall be established in accordance with rules of the
23 ~~director~~ administrator.

24 **SECTION 215.** 230.35 (2) of the statutes is amended to read:

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

12 **SECTION 216.** 230.35 (2r) (b) of the statutes is amended to read:

13 230.35 (2r) (b) The ~~director~~ administrator may establish, by rule, a
14 catastrophic leave program that permits employees to donate certain types and
15 amounts of leave credits to other employees who have been absent from pay status
16 because of a catastrophic need for which there is no paid leave benefits or
17 replacement income available. The ~~director~~ administrator shall determine the types
18 and amounts of leave credits that may be donated.

19 **SECTION 217.** 230.35 (3) (d) of the statutes is amended to read:

20 230.35 (3) (d) Employees of the state are entitled to reasonable paid leaves of
21 absence to compete in promotional examinations and interviews. The ~~director~~
22 administrator shall promulgate rules governing the lengths of time allowable for
23 such leaves, their frequency and the provisions for their use.

24 **SECTION 218.** 230.35 (3) (e) 2. e. of the statutes is amended to read:

1 230.35 (3) (e) 2. e. The leave of absence conforms with any rules of the ~~director~~
2 administrator regarding leaves of absence to provide specialized disaster relief
3 services.

4 **SECTION 219.** 230.35 (3) (e) 5. of the statutes is amended to read:

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

7 **SECTION 220.** 230.35 (5) (b) of the statutes is amended to read:

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

14 **SECTION 221.** 230.37 (1) of the statutes is amended to read:

15 230.37 (1) In cooperation with appointing authorities the ~~director~~
16 administrator shall establish an employee performance evaluation program to
17 provide a continuing record of employee development and, when applicable, to serve
18 as a basis for pertinent personnel actions. Similar evaluations shall be conducted
19 during the probationary period but may not infringe upon the authority of the
20 appointing authority to retain or dismiss employees during the probationary period.

21 **SECTION 222.** 230.40 (6) of the statutes is amended to read:

22 230.40 (6) The ~~administrator~~ director shall administer this section.

23 **SECTION 223.** 230.43 (5) of the statutes is amended to read:

24 230.43 (5) TAXPAYERS' SUITS. The right of any taxpayer to bring any action to
25 restrain the payment of compensation to any person appointed to or holding any

1 office or place of employment in violation of this subchapter shall not be limited or
2 denied by reason of the fact that the office or place of employment has been classified
3 as, or determined to be, not subject to competitive examination; however, any
4 judgment or injunction in any such action shall be prospective only, and shall not
5 affect payments already made or due to such persons by the proper disbursing
6 officers, in accordance with the rules of the ~~director~~ administrator in force at the time
7 of such payments.

8 **SECTION 224.** 230.44 (1) (a) of the statutes is amended to read:

9 230.44 (1) (a) *Decision made or delegated by ~~administrator~~ director.* Appeal of
10 a personnel decision under this subchapter made by the ~~administrator~~ director or by
11 an appointing authority under authority delegated by the ~~administrator~~ director
12 under s. 230.05 (2).

13 **SECTION 225.** 230.44 (1) (b) of the statutes is amended to read:

14 230.44 (1) (b) *Decision made or delegated by ~~director~~ administrator.* Appeal of
15 a personnel decision under s. 230.09 (2) (a) or (d) or 230.13 (1) made by the ~~director~~
16 administrator or by an appointing authority under authority delegated by the
17 ~~director~~ administrator under s. 230.04 (1m).

18 **SECTION 226.** 230.44 (1) (dm) of the statutes is amended to read:

19 230.44 (1) (dm) *Noncompetitive appointment of certain disabled veterans.* A
20 personnel action under s. 230.275 by an appointing authority that is alleged to be
21 illegal or an abuse of discretion. The ~~administrator~~ director and the ~~office~~ division
22 may not be a party to any such appeal.

23 **SECTION 227.** 230.44 (4) (bm) of the statutes is amended to read:

24 230.44 (4) (bm) Upon request of an employee who files an appeal of the decision
25 of the ~~director~~ administrator made under s. 230.09 (2) (a) or (d), the appeal shall be

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

14 **SECTION 228.** 230.46 of the statutes is amended to read:

15 **230.46 Duties of council on affirmative action.** The council on affirmative
16 action ~~in the office~~ shall serve in a direct advisory capacity to the ~~director~~
17 administrator and as part of that relationship shall evaluate the progress of
18 affirmative action programs throughout the civil service system, seek compliance
19 with state and federal regulations and recommend improvements in the state's
20 affirmative action efforts as an employer. In carrying out its responsibilities, the
21 council may recommend legislation, consult with agency personnel and other
22 interested persons, conduct hearings and take other appropriate action to promote
23 affirmative action. The council shall report at least once per year to the governor and
24 the legislature.

25 **SECTION 229.** 230.48 (2) of the statutes is amended to read:

1 230.48 (2) PERSONNEL, FACILITIES AND EQUIPMENT. The ~~office~~ administrator shall
2 appoint, under the classified service, a secretary and such other employees as are
3 necessary to carry out the duties of the state employees suggestion board, and shall
4 provide such facilities and equipment as that board requires for the proper
5 performance of its work. The state employees suggestion board may request and
6 shall receive from any state department any assistance that it requires.

7 **SECTION 230.** 230.90 (2) of the statutes is amended to read:

8 230.90 (2) An employee may bring an action in circuit court against his or her
9 employer or employer's agent, including this state, if the employer or employer's
10 agent retaliates, by engaging in a disciplinary action, against the employee because
11 the employee exercised his or her rights under the first amendment to the U.S.
12 constitution or article I, section 3, of the Wisconsin constitution by lawfully disclosing
13 information or because the employer or employer's agent believes the employee so
14 exercised his or her rights. The employee shall bring the action within 2 years after
15 the action allegedly occurred or after the employee learned of the action, whichever
16 occurs last. No employee may bring an action against the ~~office~~ division of state
17 employment relations ^{pr} in the department of administration as an employer's agent.

18 **SECTION 231.** 233.10 (3) (c) 4. of the statutes is amended to read:

19 233.10 (3) (c) 4. Grant to the carry-over employee military leave, treatment of
20 military leave, jury service leave and voting leave in accordance with s. 230.35 (3)
21 and (4) (e) and, to the extent applicable, rules of the ~~office~~ division of state
22 employment relations ^{pr} in the department of administration governing such leaves for
23 employees in the classified service as of the last day of the employee's employment
24 as a state employee if the employee was entitled to those benefits on that day.

25 **SECTION 232.** 233.10 (4) of the statutes is amended to read:

1 233.10 (4) Notwithstanding the requirement that an employee be a state
2 employee, a carry-over employee of the authority who was employed in a position in
3 the classified service immediately prior to beginning employment with the authority
4 shall, from June 29, 1996, to June 30, 1997, have the same transfer rights under s.
5 230.29 and the rules of the ~~office~~ division of state employment relations in the
6 department of administration governing transfers as a person who holds a position
7 in the classified service.

8 **SECTION 233.** 301.03 (5h) of the statutes is amended to read:

9 301.03 (5h) Develop, with the assistance of the ~~office~~ division of state
10 employment relations in the department of administration, a policy for staff
11 assignments that shall consider an employee's seniority when assigning shifts.

12 **SECTION 234.** 301.16 (1o) (b) of the statutes is amended to read:

13 301.16 (1o) (b) In the selection of classified service employees of the institution
14 specified in par. (a), the appointing authority shall, whenever possible, use the
15 expanded certification program under rules of the ~~administrator of the division~~
16 director of the bureau of merit recruitment and selection in the ~~office of state~~
17 employment relations department of administration to ensure that employees of the
18 institution reflect the general population of either the county in which the institution
19 is located or the most populous county contiguous to the county in which the
20 institution is located, whichever population is greater. The ~~administrator~~ director
21 of the ~~division~~ bureau of merit recruitment and selection in the department of
22 administration shall provide guidelines for the administration of this selection
23 procedure.

24 **SECTION 235.** 321.64 (1) (c) of the statutes is amended to read:

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1 321.64 (1) (c) If a dispute arises regarding a classified employee of the state
2 relating to the provisions of par. (a), the complaint shall be filed with the ~~director~~
3 administrator of the office division of state employment relations. A decision of the
4 ~~director administrator of the office division of state employment relations~~ in the
5 department of administration may be reviewed under ch. 227.

6 SECTION 236. 938.538 (6m) (b) of the statutes is amended to read:

7 938.538 (6m) (b) In the selection of classified service employees for a juvenile
8 correctional facility authorized under 1993 Wisconsin Act 377, section 9108 (1) (a),
9 the appointing authority shall make every effort to use the expanded certification
10 program under s. 230.25 (1n) or rules of the ~~administrator~~ director of the ~~division~~
11 bureau of merit recruitment and selection in the office of state employment relations
12 department of administration to ensure that the percentage of employees who are
13 minority group members approximates the percentage of the juveniles placed at that
14 juvenile correctional facility who are minority group members. The ~~administrator~~
15 ~~of the division~~ director of the bureau of merit recruitment and selection in the office
16 ~~of state employment relations~~ shall provide guidelines for the administration of the
17 selection procedure.

18 SECTION 237. 978.12 (1) (c) of the statutes is amended to read:

19 978.12 (1) (c) *Assistant district attorneys*. Assistant district attorneys shall be
20 employed outside the classified service. For purposes of salary administration, the
21 ~~director of the office~~ administrator of the division of state employment relations in
22 the department of administration shall establish one or more classifications for
23 assistant district attorneys in accordance with the classification or classifications
24 allocated to assistant attorneys general. Except as provided in ss. 111.93 (3) (b) and
25 230.12 (10), the salaries of assistant district attorneys shall be established and

1 adjusted in accordance with the state compensation plan for assistant attorneys
2 general whose positions are allocated to the classification or classifications
3 established by the ~~director of the office~~ administrator of the division of state
4 employment relations in the department of administration.

5 **SECTION 9140. Nonstatutory provisions; State Employment Relations,**
6 **Office of.**

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

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

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

15 (c) *Employee status.* Employees transferred under paragraph (b) have all the
16 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
17 statutes in the department of administration that they enjoyed in the office of state
18 employment relations immediately before the transfer. Notwithstanding section
19 230.28 (4) of the statutes, no employee so transferred who has attained permanent
20 status in class is required to serve a probationary period.

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

24 (e) *Pending matters.* Any matter pending with the office of state employment
25 relations on the effective date of this paragraph is transferred to the department of

1 administration. All materials submitted to or actions taken by the office of state
2 employment relations are considered as having been submitted to or taken by the
3 department of administration.

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

9 (g) *Rules and orders.* All rules promulgated by the office of state employment
10 relations in effect on the effective date of this paragraph remain in effect until their
11 specified expiration dates or until amended or repealed by the department of
12 administration. All orders issued by the office of state employment relations in effect
13 on the effective date of this paragraph remain in effect until their specified expiration
14 dates or until modified or rescinded by the department of administration.

15 (END)

Champagne, Rick

From: Waterman, Mickie D - DOA <Mickie.Waterman@wisconsin.gov>
Sent: Monday, January 26, 2015 10:26 AM
To: Champagne, Rick
Cc: Kraus, Jennifer - DOA
Subject: FW: Restructure of Office of State Employment Relations

Hi Rick,

As we discussed on the phone, please adjust pages 4 & 29 to note that the bureau is in the division.

Thanks,
Mickie

From: Christopher.Connor@wisconsin.gov [mailto:Christopher.Connor@wisconsin.gov]
Sent: Saturday, January 24, 2015 5:10 PM
To: Waterman, Mickie D - DOA
Cc: Kraus, Jennifer - DOA; Grinde, Kirsten - DOA; Connor, Christopher B - DOA
Subject: Restructure of Office of State Employment Relations

We have received an LRB draft for DOA Tracking Code: BB0384

LRB Draft Number: 15-1059/5

Drafting Attorney: Richard A. Champagne
Phone: (608) 266-9930
E-mail: rick.champagne@legis.wisconsin.gov

The document can be found in the Stat Language site on SharePoint.

Please Note: All new drafts are marked "OUT" and Final = "No" by default. Please update these fields in this record and related drafts as soon as you know if they are "IN" or Final.

Thanks,

Chris