



State of Wisconsin
2015 - 2016 LEGISLATURE



LRB-1059/2
RAC:kjf:jj

DOA:.....Waterman, BB0384 – Restructure of Office of State Employment Relations

FOR 2015-2017 BUDGET -- NOT READY FOR INTRODUCTION

1/12

change on p. 77

Don't Gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

Under current law, the Office of State Employment Relations (OSER) administers the state civil service and is attached to DOA for administrative purposes. Within OSER there is a Division of Merit Recruitment and Selection. This bill restructures OSER into a Division of Personnel Management in DOA, managed by an unclassified division administrator, and restructures the Division of Merit Recruitment and Selection, managed by an unclassified director, into a Bureau of Merit Recruitment and Selection within DOA.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

2 SECTION 1. 13.121 (4) of the statutes is amended to read:

3 13.121 (4) INSURANCE. For the purpose of premium determinations under s.

4 40.05 (4) and (5) each member of the legislature shall accrue sick leave at a rate

1 equivalent to a percentage of time worked recommended for such positions by the
2 ~~director of the office~~ administrator of the division of state employment relations
3 personnel management in the department of administration and approved by the
4 joint committee on employment relations in the same manner as compensation for
5 such positions is determined under s. 20.923. This percentage of time worked shall
6 be applied to the sick leave accrual rate established under s. 230.35 (2). The approved
7 percentage shall be incorporated into the compensation plan under s. 230.12 (1).

8 **SECTION 2.** 13.123 (1) (a) 1. of the statutes is amended to read:

9 13.123 (1) (a) 1. Any member of the legislature who has signified, by affidavit
10 filed with the department of administration, the necessity of establishing a
11 temporary residence at the state capital for the period of any regular or special
12 legislative session shall be entitled to an allowance for expenses incurred for food and
13 lodging for each day that he or she is in Madison on legislative business, but not
14 including any Saturday or Sunday unless the legislator is in actual attendance on
15 such day at a session of the legislature or a meeting of a standing committee of which
16 the legislator is a member. The amount of the allowance for each biennial session
17 shall be 90% of the per diem rate for travel for federal government business within
18 the city of Madison, as established by the federal general services administration.
19 For the purpose of determining the amount of the allowance, the ~~director of the office~~
20 administrator of the division of state employment relations personnel management
21 in the department of administration shall certify to the chief clerk of each house the
22 federal per diem rate in effect on December 1, or the first business day thereafter if
23 December 1 is not a business day, in each even-numbered year. Each legislator shall
24 file an affidavit with the chief clerk of his or her house certifying the specific dollar

1 amount within the authorized allowance the member wishes to receive. Such
2 affidavit, when filed, shall remain in effect for the biennial session.

3 **SECTION 3.** 13.20 (2) of the statutes is amended to read:

4 13.20 (2) PAY RANGES; DURATION OF EMPLOYMENT. All legislative employees shall
5 be paid in accordance with the compensation and classification plan for employees
6 in the classified civil service within ranges approved by the joint committee on
7 legislative organization. ~~The director of the office of state employment relations~~
8 administrator of the division of personnel management in the department of
9 administration shall make recommendations concerning a compensation and
10 classification schedule for legislative employees if requested to do so by the joint
11 committee on legislative organization or by the committee on organization of either
12 house. If the joint committee does not approve pay ranges for legislative employees,
13 the committee on organization of either house may approve pay ranges for its
14 employees. Appointments shall be made for the legislative session, unless earlier
15 terminated by the appointing officer.

16 **SECTION 4.** 15.103 (6m) of the statutes is created to read:

17 15.103 (6m) DIVISION OF PERSONNEL MANAGEMENT. There is created in the
18 department of administration a division of personnel management. The
19 administrator shall serve at the pleasure of the secretary of administration.

20 **SECTION 5.** 15.105 (title) of the statutes is amended to read:

21 **15.105 (title) Same; attached boards, commissions, bureaus, and**
22 **offices.**

23 **SECTION 6.** 15.105 (6) of the statutes is created to read:

24 15.105 (6) BUREAU OF MERIT RECRUITMENT AND SELECTION. There is created in the
25 department of administration a bureau of merit recruitment and selection. The

1 director of the bureau of merit recruitment and selection shall be nominated by the
2 governor, and with the advice and consent of the senate appointed for a 5-year term,
3 under the unclassified service from a register of at least 5 names certified to the
4 governor by the administrator of the division of personnel management in the
5 department. The administrator shall prepare and conduct an examination for the
6 position of director according to the requirements for classified positions under
7 subch. II of ch. 230. The director may be renominated by the governor, and with the
8 advice and consent of the senate reappointed.

9 **SECTION 7.** 15.105 (6m) of the statutes is created to read:

10 15.105 (6m) STATE EMPLOYEES SUGGESTION BOARD. There is created in the
11 department of administration a state employees suggestion board consisting of 3
12 persons, at least one of whom shall be a state officer or employee, appointed for
13 4-year terms.

14 **SECTION 8.** 15.105 (29) of the statutes is repealed.

15 **SECTION 9.** 15.107 (3) of the statutes is created to read:

16 15.107 (3) COUNCIL ON AFFIRMATIVE ACTION. There is created in the department
17 of administration a council on affirmative action consisting of 15 members appointed
18 for 3-year terms. A majority of members shall be public members and a majority of
19 members shall be minority persons, women, or persons with disabilities, appointed
20 with consideration to the appropriate representation of each group. The president
21 of the senate, the speaker of the assembly, the minority leader of the senate, and the
22 minority leader of the assembly each shall appoint one member and the remaining
23 members shall be appointed by the governor.

24 **SECTION 10.** 15.16 (1) (intro.) of the statutes is amended to read:

1 15.16 (1) EMPLOYEE TRUST FUNDS BOARD. (intro.) The employee trust funds
2 board shall consist of the governor or the governor's designee on the group insurance
3 board, the ~~director of the office~~ administrator of the division of state employment
4 relations personnel management in the department of administration or the
5 ~~director's~~ administrator's designee and 11 persons appointed or elected for 4-year
6 terms as follows:

7 **SECTION 11.** 15.165 (2) of the statutes is amended to read:

8 15.165 (2) GROUP INSURANCE BOARD. There is created in the department of
9 employee trust funds a group insurance board. The board shall consist of the
10 governor, the attorney general, the secretary of administration, the ~~director of the~~
11 ~~office~~ administrator of the division of state employment relations personnel
12 management in the department of administration, and the commissioner of
13 insurance or their designees, and 6 persons appointed for 2-year terms, of whom one
14 shall be an insured participant in the Wisconsin Retirement System who is not a
15 teacher, one shall be an insured participant in the Wisconsin Retirement System who
16 is a teacher, one shall be an insured participant in the Wisconsin Retirement System
17 who is a retired employee, one shall be an insured employee of a local unit of
18 government, and one shall be the chief executive or a member of the governing body
19 of a local unit of government that is a participating employer in the Wisconsin
20 Retirement System.

21 **SECTION 12.** 16.004 (7) (a) of the statutes is amended to read:

22 16.004 (7) (a) The secretary shall establish and maintain a personnel
23 management information system which shall be used to furnish the governor, the
24 legislature and the ~~office~~ division of state employment relations personnel
25 management in the department with current information pertaining to authorized

1 positions, payroll and related items for all civil service employees, except employees
2 of the office of the governor, the courts and judicial branch agencies, and the
3 legislature and legislative service agencies. It is the intent of the legislature that the
4 University of Wisconsin System provide position and other information to the
5 department and the legislature, which includes appropriate data on each position,
6 facilitates accountability for each authorized position and traces each position over
7 time. Nothing in this paragraph may be interpreted as limiting the authority of the
8 board of regents of the University of Wisconsin System to allocate and reallocate
9 positions by funding source within the legally authorized levels.

10 **SECTION 13.** 16.004 (16) of the statutes is repealed.

11 **SECTION 14.** 16.40 (18) of the statutes is amended to read:

12 **16.40 (18) REQUIRE AGENCIES TO PROVIDE COPIES.** Require each state agency, at
13 the time that the agency submits a request to the department for an increased
14 appropriation to be provided in an executive budget bill which is necessitated by the
15 compensation plan under s. 230.12 or a collective bargaining agreement approved
16 under s. 111.92, to provide a copy of the request to the ~~director of the office~~
17 administrator of the division of state employment relations personnel management
18 in the department and the joint committee on employment relations.

19 **SECTION 15.** 16.415 (1) of the statutes is amended to read:

20 **16.415 (1)** Neither the secretary nor any other fiscal officer of this state may
21 draw, sign, or issue, or authorize the drawing, signing, or issuing of any warrant on
22 any disbursing officer of the state to pay any compensation to any person in the
23 classified service of the state unless an estimate, payroll, or account for such
24 compensation, containing the names of every person to be paid, bears the certificate
25 of the appointing authority that each person named in the estimate, payroll, or

1 account has been appointed, employed, or subject to any other personnel transaction
2 in accordance with, and that the pay for the person has been established in
3 accordance with, the law, compensation plan, or applicable collective bargaining
4 agreement, and applicable rules of the ~~director of the office~~ administrator of the
5 division of state employment relations personnel management in the department
6 and the ~~administrator of the division~~ director of the bureau of merit recruitment and
7 selection in the ~~office of state employment relations~~ department then in effect.

8 **SECTION 16.** 16.415 (3) of the statutes is amended to read:

9 16.415 (3) Any sums paid contrary to this section may be recovered from any
10 appointing authority making such appointments in contravention of law or of the
11 rules promulgated pursuant thereto, or from any appointing authority signing or
12 countersigning or authorizing the signing or countersigning of any warrant for the
13 payment of the same, or from the sureties on the official bond of any such appointing
14 authority, in an action in the circuit court for any county within the state, maintained
15 by the ~~director of the office~~ administrator of the division of state employment
16 relations personnel management in the department, or by a citizen resident therein,
17 who is assessed for, and liable to pay, or within one year before the commencement
18 of the action has paid, a state, city or county tax within this state. All moneys
19 recovered in any action brought under this section when collected, shall be paid into
20 the state treasury except that if a citizen taxpayer is plaintiff in any such action he
21 or she shall be entitled to receive for personal use the taxable cost of such action and
22 5% of the amount recovered as attorney fees.

23 **SECTION 17.** 16.50 (3) (f) of the statutes is amended to read:

24 16.50 (3) (f) At the request of the ~~director of the office~~ administrator of the
25 division of state employment relations personnel management in the department,

1 the secretary of administration may authorize the temporary creation of pool or
2 surplus positions under any source of funds if the director determines that
3 temporary positions are necessary to maintain adequate staffing levels for high
4 turnover classifications, in anticipation of attrition, to fill positions for which
5 recruitment is difficult. Surplus or pool positions authorized by the secretary shall
6 be reported quarterly to the joint committee on finance in conjunction with the report
7 required under s. 16.54 (8).

8 **SECTION 18.** 19.45 (11) (a) of the statutes, as affected by 2011 Wisconsin Act 32,
9 is amended to read:

10 19.45 (11) (a) ~~The administrator of the division~~ director of the bureau of merit
11 recruitment and selection in the ~~office of state employment relations~~ department of
12 administration shall, with the board's advice, promulgate rules to implement a code
13 of ethics for classified and unclassified state employees except state public officials
14 subject to this subchapter, personnel in the University of Wisconsin System, and
15 officers and employees of the judicial branch.

16 **SECTION 19.** 20.545 (intro.) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

17 **SECTION 20.** 20.545 (1) (title) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

18 **SECTION 21.** 20.545 (1) (i) of the statutes is renumbered 20.505 (1) (ic).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

19 **SECTION 22.** 20.545 (1) (j) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

20 **SECTION 23.** 20.545 (1) (jm) of the statutes is renumbered 20.505 (1) (jc).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1 **SECTION 24.** 20.545 (1) (k) of the statutes is renumbered 20.505 (1) (ki) and
2 amended to read:

3 20.505 (1) (ki) *General program operations.* The amounts in the schedule to
4 administer state employment relations functions and the civil service system under
5 subch. V of ch. 111 and ch. 230, to pay awards under s. 230.48, and to defray the
6 expenses of the state employees suggestion board. All moneys received from state
7 agencies for materials and services provided by the ~~office~~ division of state
8 employment relations personnel management in the department of administration
9 shall be credited to this appropriation.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

10 **SECTION 25.** 20.545 (1) (ka) of the statutes is renumbered 20.505 (1) (kn).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

11 **SECTION 26.** 20.545 (1) (km) of the statutes is renumbered 20.505 (1) (ks).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

12 **SECTION 27.** 20.545 (1) (m) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

13 **SECTION 28.** 20.545 (1) (pz) of the statutes is renumbered 20.505 (1) (pr).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

14 **SECTION 29.** 20.901 (1) (b) of the statutes is amended to read:

15 20.901 (1) (b) Notwithstanding ss. 230.047 and 230.29, in the case of an
16 emergency which is the result of natural or human causes, state agencies may
17 cooperate to maintain required state services through the temporary interchange of
18 employees. The interchange of employees may be of 2 types: where an appointing

1 authority declares an emergency in writing to the governor; or where the governor
2 or his or her designee declares an emergency. If an appointing authority declares an
3 emergency, the interchange of employees is voluntary on the part of those employees
4 designated by the sending state agency as available for interchange. If the governor
5 or his or her designee declares an emergency, the governor may require a temporary
6 interchange of employees. An emergency which is declared by an appointing
7 authority may not exceed 72 hours unless an extension is approved by the governor
8 or his or her designee. An employee who is assigned temporary interchange duties
9 may be required to perform work which is not normally performed by the employee
10 or described in his or her position classification. An interchange employee shall be
11 paid at the rate of pay for the employee's permanent job unless otherwise authorized
12 by the ~~director of the office~~ administrator of the division of state employment
13 ~~relations~~ personnel management in the department of administration. State
14 agencies receiving employees on interchanges shall keep appropriate records and
15 reimburse the sending state agencies for authorized salaries and expenses. The
16 ~~director of the office~~ administrator of the division of state employment relations
17 personnel management in the department of administration may institute
18 temporary pay administration policies as required to facilitate the handling of such
19 declared emergencies.

20 SECTION 30. 20.916 (2) of the statutes is amended to read:

21 20.916 (2) REIMBURSEMENT OF JOB APPLICANTS. Subject to rules of the ~~director~~
22 ~~of the office~~ administrator of the division of state employment relations personnel
23 management in the department of administration, reimbursement may be made to
24 applicants for all or part of actual and necessary travel expenses incurred in
25 connection with oral examination and employment interviews.

1 **SECTION 31.** 20.916 (4) (a) of the statutes is amended to read:

2 20.916 (4) (a) If any state agency determines that the duties of any employee
3 require the use of an automobile, it may authorize such employee to use a privately
4 owned automobile in the employee's work for the state, and reimburse the employee
5 for such use at a rate set at least biennially by the ~~office~~ division of state employment
6 relations personnel management in the department of administration under sub. (8),
7 subject to the approval of the joint committee on employment relations.

8 **SECTION 32.** 20.916 (4m) (b) of the statutes is amended to read:

9 20.916 (4m) (b) Except as otherwise provided in this paragraph, if any state
10 agency determines that an employee's duties require the use of a motor vehicle, and
11 use of a privately owned motor vehicle is authorized by the agency under similar
12 circumstances, the agency shall authorize the employee to use a privately owned
13 motorcycle for the employee's duties and shall reimburse the employee for the use
14 of the motorcycle at rates determined at least biennially by the ~~director of the office~~
15 administrator of the division of state employment relations personnel management
16 in the department of administration under sub. (8), subject to the approval of the
17 joint committee on employment relations. No state agency may authorize an
18 employee to use or reimburse an employee for the use of a privately owned motorcycle
19 under this paragraph if more than one individual is transported on the motorcycle.
20 All allowances for the use of a motorcycle shall be paid upon approval and
21 certification of the amounts payable by the head of the state agency for which the
22 employee performs duties to the department of administration.

23 **SECTION 33.** 20.916 (5) (a) of the statutes is amended to read:

24 20.916 (5) (a) If the use of a privately owned or chartered aircraft is more
25 efficient and economical for the conduct of state business than commercial

1 transportation, the head of a state agency may authorize an employee to charter an
2 aircraft with or without a pilot; and may authorize any member or employee to use
3 a privately owned aircraft and reimburse the member or employee for such use of a
4 privately owned aircraft at a rate set at least biennially by the ~~office~~ division of state
5 employment relations personnel management in the department of administration
6 under sub. (8), subject to the approval of the joint committee on employment
7 relations.

8 SECTION 34. 20.916 (8) (a) of the statutes is amended to read:

9 20.916 (8) (a) The ~~director of the office~~ administrator of the division of state
10 employment relations personnel management in the department of administration
11 shall recommend to the joint committee on employment relations uniform travel
12 schedule amounts for travel by state officers and employees whose compensation is
13 established under s. 20.923 or 230.12. Such amounts shall include maximum
14 permitted amounts for meal and lodging costs, other allowable travel expenses under
15 sub. (9) (d), and portage tips, except as authorized under s. 16.53 (12) (c). In lieu
16 of the maximum permitted amounts for expenses under sub. (9) (b), (c), and (d), the
17 ~~director~~ administrator may recommend to the committee a per diem amount and
18 method of reimbursement for any or all expenses under sub. (9) (b), (c), and (d).

19 SECTION 35. 20.916 (9) (d) of the statutes is amended to read:

20 20.916 (9) (d) *Other allowable travel expenses.* Employees shall be reimbursed
21 for actual, reasonable, and necessary expenses, including specifically laundry,
22 telephone, facsimile, portage, and tips, when traveling on state business, but not
23 to exceed any limitations or maximums established by the ~~director of the office~~
24 administrator of the division of state employment relations personnel management
25 in the department of administration under sub. (8) and s. 16.53 (12) (c).

1 **SECTION 36.** 20.916 (9) (f) 1. of the statutes is amended to read:

2 20.916 (9) (f) 1. ‘Scheduled air travel.’ Reimbursement for air travel shall be
3 limited to the lowest appropriate airfare, as determined by the ~~director of the office~~
4 administrator of the division of state employment relations personnel management
5 in the department of administration. An employee may be reimbursed for air travel
6 at a rate other than the lowest appropriate airfare only if the employee submits a
7 written explanation of the reasonableness of the expense.

8 **SECTION 37.** 20.916 (9) (f) 3. of the statutes is amended to read:

9 20.916 (9) (f) 3. ‘Reimbursement.’ Receipt limits for all claims for
10 reimbursement of transportation expense shall be established by the ~~director of the~~
11 office administrator of the division of state employment relations personnel
12 management in the department of administration in the compensation plan under
13 s. 230.12.

14 **SECTION 38.** 20.917 (1) (c) of the statutes is amended to read:

15 20.917 (1) (c) Payment for moving expenses may be granted to a person
16 reporting to his or her first place of employment or reporting upon reemployment
17 after leaving the civil service, if payment is recommended by the appointing
18 authority and approved in writing by the ~~director of the office~~ administrator of the
19 division of state employment relations personnel management in the department of
20 administration prior to the time when the move is made.

21 **SECTION 39.** 20.917 (1) (d) of the statutes is amended to read:

22 20.917 (1) (d) Payment may not be granted if the distance between the old and
23 new residences of the employee is less than a minimum distance established by the
24 ~~director of the office~~ administrator of the division of state employment relations

1 personnel management in the department of administration for payment of moving
2 expenses.

3 SECTION 40. 20.917 (2) (a) of the statutes is amended to read:

4 20.917 (2) (a) The ~~director of the office~~ administrator of the division of state
5 ~~employment relations~~ personnel management in the department of administration
6 may establish a maximum amount for payment of any employee moving costs under
7 sub. (1) (a) to (c). This amount shall be submitted for the approval of the joint
8 committee on employment relations in the manner provided in s. 20.916 (8), and
9 upon approval shall become a part of the compensation plan under s. 230.12 (1).

10 SECTION 41. 20.917 (3) (a) 1. of the statutes is amended to read:

11 20.917 (3) (a) 1. Lodging allowances shall be in accordance with the schedule
12 established by the ~~director of the office~~ administrator of the division of state
13 ~~employment relations~~ personnel management in the department of administration,
14 but may not exceed the rate established under s. 13.123 (1) (a) 1.

15 SECTION 42. 20.917 (3) (a) 2. of the statutes is amended to read:

16 20.917 (3) (a) 2. Lodging allowance payments are subject to prior approval in
17 writing by the ~~director of the office~~ administrator of the division of state ~~employment~~
18 ~~relations~~ personnel management in the department of administration.

19 SECTION 43. 20.917 (5) (b) of the statutes is amended to read:

20 20.917 (5) (b) Payments under this subsection are in addition to any payments
21 made under sub. (1). Payments under this subsection may be made only with the
22 prior written approval of the ~~director of the office~~ administrator of the division of
23 ~~state employment relations~~ personnel management in the department of
24 administration.

25 SECTION 44. 20.917 (6) of the statutes is amended to read:

1 20.917 (6) ~~The director of the office~~ administrator of the division of state
2 ~~employment relations personnel management in the department of administration~~
3 may, in writing, delegate to an appointing authority the authority to approve
4 reimbursement for moving expenses under sub. (1) (c), a temporary lodging
5 allowance under sub. (3) (a) 2. or expenses under sub. (5) (b).

6 **SECTION 45.** 20.923 (4) (intro.) of the statutes is amended to read:

7 20.923 (4) STATE AGENCY POSITIONS. (intro.) State agency heads, the
8 ~~administrator of the division~~ director of the bureau of merit recruitment and
9 selection in the ~~office of state employment relations~~ department of administration
10 and commission chairpersons and members shall be identified and limited in
11 number in accordance with the standardized nomenclature contained in this
12 subsection, and shall be assigned to the executive salary groups listed in pars. (a) to
13 (h). Except for positions specified in pars. (c) 3m. and (g) 1e. and sub. (12), all
14 unclassified division administrator positions enumerated under s. 230.08 (2) (e)
15 shall be assigned, when approved by the joint committee on employment relations,
16 by the ~~director of the office~~ administrator of the division of ~~state employment~~
17 ~~relations personnel management in the department of administration~~ to one of 10
18 executive salary groups. The joint committee on employment relations, by majority
19 vote of the full committee, may amend recommendations for initial position
20 assignments and changes in assignments to the executive salary groups submitted
21 by the ~~director of the office~~ administrator of the division of ~~state employment~~
22 ~~relations personnel management in the department of administration~~. All division
23 administrator assignments and amendments to assignments of administrator
24 positions approved by the committee shall become part of the compensation plan.
25 Whenever a new unclassified division administrator position is created, the

1 appointing authority may set the salary for the position until the joint committee on
2 employment relations approves assignment of the position to an executive salary
3 group. If the committee approves assignment of the position to an executive salary
4 group having a salary range minimum or maximum inconsistent with the salary
5 paid to the incumbent at the time of such approval, the incumbent's salary shall be
6 adjusted by the appointing authority to conform with the committee's action,
7 effective on the date of that action. Positions are assigned as follows:

8 **SECTION 46.** 20.923 (4) (c) 3m. of the statutes is amended to read:

9 20.923 (4) (c) 3m. Administration, department of; ~~office~~ division of state
10 ~~employment relations division; personnel management; bureau~~ of merit recruitment
11 and selection: administrator.

12 **SECTION 47.** 20.923 (4) (f) 1. of the statutes is amended to read:

13 20.923 (4) (f) 1. Administration, department of; ~~office~~ division of state
14 ~~employment relations director; personnel management; administrator.~~

15 **SECTION 48.** 20.923 (7) (intro.) of the statutes is amended to read:

16 20.923 (7) WISCONSIN TECHNICAL COLLEGE SYSTEM SENIOR EXECUTIVE POSITIONS.
17 (intro.) The salary range for the director and the executive assistant of the Wisconsin
18 Technical College System shall be contained in the recommendations of the ~~director~~
19 ~~of the office~~ administrator of the division of state ~~employment relations~~ personnel
20 management in the department of administration under s. 230.12 (3) (e). The board
21 of the Wisconsin Technical College System shall set the salaries for these positions
22 within the range to which the positions are assigned to recognize merit, to permit
23 orderly salary progression, and to recognize competitive factors. The salary of any
24 incumbent in the positions identified in pars. (a) and (b) may not exceed the

1 maximum of the salary range for the group to which the position is assigned. The
2 positions are assigned as follows:

3 **SECTION 49.** 20.923 (8) of the statutes is amended to read:

4 20.923 (8) DEPUTIES. Salaries for deputies appointed pursuant to ss. 13.94 (3)
5 (b), 15.04 (2), ~~230.04 (16)~~, and 551.601 (1) shall be set by the appointing authority.
6 The salary shall not exceed the maximum of the salary range one range below the
7 salary range of the executive salary group to which the department or agency head
8 is assigned. The positions of assistant secretary of state, assistant state treasurer
9 and associate director of the historical society shall be treated as unclassified
10 deputies for pay purposes under this subsection. The salary of the deputy director
11 of the office of business development in the department of administration is assigned
12 to executive salary group 2.

13 **SECTION 50.** 20.923 (9) of the statutes is amended to read:

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

1 ~~the salary range 2 ranges below the salary range for the executive salary group to~~
2 ~~which the appointing authority is assigned.~~

3 **SECTION 51.** 20.923 (18) (a) of the statutes is amended to read:

4 20.923 (18) (a) The ~~office~~ division of state employment relations personnel
5 management in the department of administration shall determine what positions in
6 the classified service are comparable positions to the unclassified positions of 3 sales
7 representatives of prison industries and one sales manager of prison industries who
8 are appointed under s. 303.01 (10). For each such unclassified position, the ~~office~~
9 division of state employment relations personnel management in the department of
10 administration shall determine the minimum salary for each comparable position in
11 the classified service and shall set an amount equal to that minimum salary as the
12 salary for that unclassified position.

13 **SECTION 52.** 36.09 (1) (j) of the statutes, as affected by 2011 Wisconsin Act 32,
14 is amended to read:

15 36.09 (1) (j) Except where such matters are a subject of bargaining with a
16 certified representative of a collective bargaining unit under s. 111.91, the board
17 shall establish salaries for persons prior to July 1 of each year for the next fiscal year,
18 and shall designate the effective dates for payment of the new salaries. In the first
19 year of the biennium, payments of the salaries established for the preceding year
20 shall be continued until the biennial budget bill is enacted. If the budget is enacted
21 after July 1, payments shall be made following enactment of the budget to satisfy the
22 obligations incurred on the effective dates, as designated by the board, for the new
23 salaries, subject only to the appropriation of funds by the legislature and s. 20.928
24 (3). This paragraph does not limit the authority of the board to establish salaries for
25 new appointments. The board may not increase the salaries of employees under this

1 paragraph unless the salary increase conforms to the proposal as approved under s.
2 230.12 (3) (e) or the board authorizes the salary increase to correct salary inequities
3 under par. (h), to fund job reclassifications or promotions, or to recognize competitive
4 factors. The granting of salary increases to recognize competitive factors does not
5 obligate inclusion of the annualized amount of the increases in the appropriations
6 under s. 20.285 (1) for subsequent fiscal bienniums. No later than October 1 of each
7 year, the board shall report to the joint committee on finance and the secretary of
8 administration and ~~director of the office~~ administrator of the division of state
9 employment relations personnel management in the department of administration
10 concerning the amounts of any salary increases granted to recognize competitive
11 factors, and the institutions at which they are granted, for the 12-month period
12 ending on the preceding June 30.

13 **SECTION 53.** 40.05 (4) (ag) 1. of the statutes is amended to read:

14 40.05 (4) (ag) 1. For insured part-time employees other than employees
15 specified in s. 40.02 (25) (b) 2., including those in project positions as defined in s.
16 230.27 (1), who are appointed to work less than 1,044 hours per year, an amount
17 determined annually by the ~~director of the office~~ administrator of the division of state
18 employment relations personnel management in the department of administration
19 under par. (ah).

20 **SECTION 54.** 40.05 (4) (ag) 2. of the statutes is amended to read:

21 40.05 (4) (ag) 2. For eligible employees not specified in subd. 1. and s. 40.02 (25)
22 (b) 2., an amount not more than 88 percent of the average premium cost of plans
23 offered in each tier under s. 40.51 (6), as determined annually by the ~~director~~
24 administrator of the ~~office~~ division of state ~~employment relations personnel~~
25 management in the department of administration under par. (ah).

1 **SECTION 55.** 40.05 (4) (ah) 1. of the statutes is amended to read:

2 40.05 (4) (ah) 1. Annually, the ~~director of the office~~ administrator of the division
3 of state ~~employment relations~~ personnel management in the department of
4 administration shall establish the amount that employees are required to pay for
5 health insurance premiums in accordance with the maximum employer payments
6 under par. (ag).

7 **SECTION 56.** 40.05 (4g) (a) 4. of the statutes is amended to read:

8 40.05 (4g) (a) 4. Has received a military leave of absence under s. 230.32 (3) (a)
9 or 230.35 (3), under a collective bargaining agreement under subch. V of ch. 111 or
10 under rules promulgated by the ~~director of the office~~ administrator of the division of
11 ~~state employment relations~~ personnel management in the department of
12 administration or is eligible for reemployment with the state under s. 321.64 after
13 completion of his or her service in the U.S. armed forces.

14 **SECTION 57.** 40.06 (1) (dm) of the statutes is amended to read:

15 40.06 (1) (dm) Each determination by a department head regarding the
16 classification of a state employee as a protective occupation participant shall be
17 reviewed by the ~~office~~ division of state employment relations personnel management
18 in the department of administration. A state employee's name may not be certified
19 to the fund as a protective occupation participant under par. (d) until the ~~office~~
20 division of state employment relations personnel management in the department of
21 administration approves the determination.

22 **SECTION 58.** 40.515 (1) of the statutes is amended to read:

23 40.515 (1) In addition to the health care coverage plans offered under s. 40.51
24 (6), beginning on January 1, 2015, the group insurance board shall offer to all state
25 employees the option of receiving health care coverage through a high-deductible

1 health plan and the establishment of a health savings account. Under this option,
2 each employee shall receive health care coverage through a high-deductible health
3 plan. The state shall make contributions into each employee's health savings
4 account in an amount specified by the ~~director of the office~~ administrator of the
5 division of state employment relations personnel management in the department of
6 administration under s. 40.05 (4) (ah) 4. In designing a high-deductible health plan,
7 the group insurance board shall ensure that the plan may be used in conjunction with
8 a health savings account.

9 **SECTION 59.** 40.52 (3) of the statutes is amended to read:

10 40.52 (3) The group insurance board, after consulting with the board of regents
11 of the University of Wisconsin System, shall establish the terms of a health insurance
12 plan for graduate assistants, for teaching assistants, and for employees-in-training
13 designated by the board of regents, who are employed on at least a one-third
14 full-time basis and for teachers who are employed on at least a one-third full-time
15 basis by the University of Wisconsin System with an expected duration of
16 employment of at least 6 months but less than one year. Annually, the ~~director of the~~
17 office administrator of the division of state employment relations personnel
18 management in the department of administration shall establish the amount that
19 the employer is required to pay in premium costs under this subsection.

20 **SECTION 60.** 45.82 (2) of the statutes is amended to read:

21 45.82 (2) The department shall award a grant annually to a county that meets
22 the standards developed under this section and employs a county veterans service
23 officer who, if chosen after August 9, 1989, is chosen from a list of candidates who
24 have taken a civil service examination for the position of county veterans service
25 officer developed and administered by the ~~division~~ bureau of merit recruitment and

1 selection in the ~~office of state employment relations~~ department of administration,
2 or is appointed under a civil service competitive examination procedure under s.
3 59.52 (8) or ch. 63. The grant shall be \$8,500 for a county with a population of less
4 than 20,000, \$10,000 for a county with a population of 20,000 to 45,499, \$11,500 for
5 a county with a population of 45,500 to 74,999, and \$13,000 for a county with a
6 population of 75,000 or more. The department of veterans affairs shall use the most
7 recent Wisconsin official population estimates prepared by the demographic services
8 center when making grants under this subsection.

9 **SECTION 61.** 46.29 (3) (d) of the statutes is amended to read:

10 46.29 (3) (d) The ~~director of the office~~ administrator of the division of state
11 employment relations personnel management in the department of administration.

12 **SECTION 62.** 49.78 (5) of the statutes is amended to read:

13 49.78 (5) PERSONNEL EXAMINATIONS. Statewide examinations to ascertain
14 qualifications of applicants in any county department administering aid to families
15 with dependent children shall be given by the ~~administrator of the division~~ director
16 of the bureau of merit recruitment and selection in the ~~office of state employment~~
17 relations department of administration. The ~~office of state employment relations~~
18 department of administration shall be reimbursed for actual expenditures incurred
19 in the performance of its functions under this section from the appropriations
20 available to the department of children and families for administrative
21 expenditures.

22 **SECTION 63.** 59.26 (8) (a) of the statutes is amended to read:

23 59.26 (8) (a) In any county with a population of less than 500,000, the board,
24 by ordinance, may fix the number of deputy sheriffs to be appointed in that county
25 at not less than that number required by sub. (1) (a) and (b) and may set the salary

1 of those deputies. Subject to sub. (10), the board may provide by ordinance that
2 deputy sheriff positions be filled by appointment by the sheriff from a list of all
3 persons with the 3 highest scores for each position based on a competitive
4 examination. Such competitive examinations may be by a county civil service
5 commission or by the ~~division~~ bureau of merit recruitment and selection in the ~~office~~
6 ~~of state employment relations~~ department of administration at the option of the
7 board and it shall so provide by ordinance. The ~~division~~ bureau of merit recruitment
8 and selection ~~in the office of state employment relations~~ shall, upon request of the
9 board, conduct such examination according to the methods used in examinations for
10 the state civil service and shall certify an eligible list of the names of all persons with
11 the 3 highest scores on that examination for each position to the sheriff of that county
12 who shall, subject to sub. (10), make an appointment from that list to fill the position
13 within 10 days after he or she receives the eligible list. The county for which such
14 examination is conducted shall pay the cost of that examination. If a civil service
15 commission is decided upon for the selection of deputy sheriffs, then ss. 63.01 to 63.17
16 shall apply so far as consistent with this subsection, except ss. 63.03, 63.04 and 63.15
17 and except the provision governing minimum compensation of the commissioners.
18 The ordinance or an amending ordinance may provide for employee grievance
19 procedures and disciplinary actions, for hours of work, for tours of duty according to
20 seniority and for other administrative regulations. Any board provision consistent
21 with this paragraph and existing on July 25, 1951, is validated. If the sheriff fills a
22 deputy sheriff position by promotion, the sheriff shall, subject to sub. (10), make the
23 appointment to the position from a list of 3 deputy sheriffs who receive the highest
24 scores in a competitive examination. Such competitive examinations may be by a
25 county civil service commission or by the ~~division~~ bureau of merit recruitment and

1 selection ~~in the office of state employment relations~~ at the option of the board and
2 it shall so provide by ordinance.

3 **SECTION 64.** 70.99 (3) (a) of the statutes is amended to read:

4 70.99 (3) (a) The ~~office~~ division of state employment relations personnel
5 management in the department of administration shall recommend a reasonable
6 salary range for the county assessor for each county based upon pay for comparable
7 work or qualifications in that county. If, by contractual agreement under s. 66.0301,
8 2 or more counties join to employ one county assessor with the approval of the
9 secretary of revenue, the ~~office~~ division of state employment relations personnel
10 management shall recommend a reasonable salary range for the county assessor
11 under the agreement. The department of revenue shall assist the county in
12 establishing the budget for the county assessor's offices, including the number of
13 personnel and their qualifications, based on the anticipated workload.

14 **SECTION 65.** 73.09 (2) of the statutes is amended to read:

15 73.09 (2) DEPARTMENT OF REVENUE ASSESSMENT PERSONNEL. The requirements
16 established for local assessment personnel under sub. (1) shall also apply to
17 department of revenue assessment personnel commencing on January 1, 1981. The
18 ~~office~~ division of state employment relations personnel management in the
19 department of administration with the assistance of the department of revenue shall
20 determine the position classifications for which certification shall apply within the
21 department of revenue. The first level of certification shall be obtained within 100
22 days of the employee's appointment. The department of revenue in consultation with
23 the ~~office~~ division of state employment relations personnel management shall
24 establish requirements for obtaining higher levels of assessor certification.

25 **SECTION 66.** 73.09 (5) of the statutes is amended to read:

1 73.09 (5) EXAMINATIONS. As provided in subs. (1) and (2), the department of
2 revenue, assisted by the ~~division~~ bureau of merit recruitment and selection in the
3 ~~office of state employment relations~~ department of administration, shall prepare and
4 administer examinations for each level of certification. Persons applying for an
5 examination under this subsection shall submit a \$20 examination fee with their
6 application. Certification shall be granted to each person who passes the
7 examination for that level.

8 **SECTION 67.** 111.81 (5) of the statutes is created to read:

9 111.81 (5) “Division” means the division of personnel management in the
10 department of administration.

11 **SECTION 68.** 111.81 (14) of the statutes is repealed.

12 **SECTION 69.** 111.815 (1) and (2) of the statutes, as affected by 2013 Wisconsin
13 Act 166, are amended to read:

14 111.815 (1) In the furtherance of this subchapter, the state shall be considered
15 as a single employer and employment relations policies and practices throughout the
16 state service shall be as consistent as practicable. The ~~office~~ division shall negotiate
17 and administer collective bargaining agreements. To coordinate the employer
18 position in the negotiation of agreements, the ~~office~~ division shall maintain close
19 liaison with the legislature relative to the negotiation of agreements and the fiscal
20 ramifications of those agreements. Except with respect to the collective bargaining
21 units specified in s. 111.825 (1r) and (1t), the ~~office~~ division is responsible for the
22 employer functions of the executive branch under this subchapter, and shall
23 coordinate its collective bargaining activities with operating state agencies on
24 matters of agency concern. The legislative branch shall act upon those portions of
25 tentative agreements negotiated by the ~~office~~ division that require legislative action.

1 With respect to the collective bargaining units specified in s. 111.825 (1r), the Board
2 of Regents of the University of Wisconsin System is responsible for the employer
3 functions under this subchapter. With respect to the collective bargaining units
4 specified in s. 111.825 (1t), the chancellor of the University of Wisconsin–Madison is
5 responsible for the employer functions under this subchapter. With respect to the
6 collective bargaining unit specified in s. 111.825 (1r) (ef), the governing board of the
7 charter school established by contract under s. 118.40 (2r) (cm) is responsible for the
8 employer functions under this subchapter.

9 (2) ~~The director of the office~~ administrator of the division shall, together with
10 the appointing authorities or their representatives, represent the state in its
11 responsibility as an employer under this subchapter except with respect to
12 negotiations in the collective bargaining units specified in s. 111.825 (1r) and (1t).
13 ~~The director of the office~~ administrator of the division shall establish and maintain,
14 wherever practicable, consistent employment relations policies and practices
15 throughout the state service.

16 SECTION 70. 111.815 (3) of the statutes is amended to read:

17 111.815 (3) With regard to collective bargaining activities involving employees
18 who are assistant district attorneys, the ~~director of the office~~ administrator of the
19 division shall maintain close liaison with the secretary of administration.

20 SECTION 71. 111.83 (3) (a) of the statutes is amended to read:

21 111.83 (3) (a) Whenever a question arises concerning the representation of
22 employees in a collective bargaining unit the commission shall determine the
23 representative thereof by taking a secret ballot of the employees and certifying in
24 writing the results thereof to the interested parties and to the ~~director of the office~~
25 administrator of the division. There shall be included on any ballot for the election

1 of representatives the names of all labor organizations having an interest in
2 representing the employees participating in the election as indicated in petitions
3 filed with the commission. The name of any existing representative shall be included
4 on the ballot without the necessity of filing a petition. The commission may exclude
5 from the ballot one who, at the time of the election, stands deprived of his or her rights
6 under this subchapter by reason of a prior adjudication of his or her having engaged
7 in an unfair labor practice. The ballot shall be so prepared as to permit a vote against
8 representation by anyone named on the ballot. The commission's certification of the
9 results of any election is conclusive as to the findings included therein unless
10 reviewed under s. 111.07 (8).

11 **SECTION 72.** 111.86 (2) of the statutes is amended to read:

12 111.86 (2) The ~~office~~ division shall charge a state department or agency the
13 employer's share of the cost related to grievance arbitration under sub. (1) for any
14 arbitration that involves one or more employees of the state department or agency.
15 Each state department or agency so charged shall pay the amount that the ~~office~~
16 division charges from the appropriation account or accounts used to pay the salary
17 of the grievant. Funds received under this subsection shall be credited to the
18 appropriation account under s. ~~20.545 (1) (km)~~ 20.505 (1) (ks).

19 **SECTION 73.** 111.89 (1) of the statutes is amended to read:

20 111.89 (1) Upon establishing that a strike is in progress, the employer may
21 either seek an injunction or file an unfair labor practice charge with the commission
22 under s. 111.84 (2) (e) or both. It is the responsibility of the ~~office~~ division to decide
23 whether to seek an injunction or file an unfair labor practice charge. The existence
24 of an administrative remedy does not constitute grounds for denial of injunctive
25 relief.

1 **SECTION 74.** 111.91 (4) of the statutes, as affected by 2011 Wisconsin Act 32, is
2 amended to read:

3 111.91 (4) ~~The director of the office~~ administrator of the division, in connection
4 with the development of tentative collective bargaining agreements to be submitted
5 under s. 111.92 (1) (a) 1., shall endeavor to obtain tentative agreements with each
6 recognized or certified labor organization representing employees or supervisors of
7 employees specified in s. 111.81 (7) (a) and with each certified labor organization
8 representing employees specified in s. 111.81 (7) (b) to (e) which do not contain any
9 provision for the payment to any employee of a cumulative or noncumulative amount
10 of compensation in recognition of or based on the period of time an employee has been
11 employed by the state.

12 **SECTION 75.** 111.915 of the statutes is amended to read:

13 **111.915 Labor proposals.** ~~The director of the office~~ administrator of the
14 division shall notify and consult with the joint committee on employment relations,
15 in such form and detail as the committee requests, regarding substantial changes in
16 wages, employee benefits, personnel management, and program policy contract
17 provisions to be included in any contract proposal to be offered to any labor
18 organization by the state or to be agreed to by the state before such proposal is
19 actually offered or accepted.

20 **SECTION 76.** 111.92 (1) (a) 1. of the statutes, as affected by 2011 Wisconsin Act
21 32, is amended to read:

22 111.92 (1) (a) 1. Any tentative agreement reached between the ~~office~~ division
23 and any labor organization representing a collective bargaining unit specified in s.
24 111.825 (1) or (2) (d) or (e) shall, after official ratification by the labor organization,

1 be submitted by the office to the joint committee on employment relations, which
2 shall hold a public hearing before determining its approval or disapproval.

3 **SECTION 77.** 227.10 (3) (e) of the statutes is amended to read:

4 227.10 (3) (e) Nothing in this subsection prohibits the ~~administrator~~ director
5 of the ~~division~~ bureau of merit recruitment and selection in the ~~office of state~~
6 ~~employment relations~~ department of administration from promulgating rules
7 relating to expanded certification under s. 230.25 (1n).

8 **SECTION 78.** 227.47 (2) of the statutes is amended to read:

9 227.47 (2) Except as otherwise provided in this subsection, a proposed or final
10 decision of the employment relations commission, hearing examiner or arbitrator
11 concerning an appeal of the decision of the ~~director of the office~~ administrator of the
12 division of state employment relations personnel management in the department of
13 administration made under s. 230.09 (2) (a) or (d) shall not be accompanied by
14 findings of fact or conclusions of law. If within 30 days after the commission issues
15 a decision in such an appeal either party files a petition for judicial review of the
16 decision under s. 227.53 and files a written notice with the commission that the party
17 has filed such a petition, the commission shall issue written findings of fact and
18 conclusions of law within 90 days after receipt of the notice. The court shall stay the
19 proceedings pending receipt of the findings and conclusions.

20 **SECTION 79.** 230.02 of the statutes is amended to read:

21 **230.02 Liberal construction of statutes.** Statutes applicable to the ~~office~~
22 division and bureau shall be construed liberally in aid of the purposes declared in s.
23 230.01.

24 **SECTION 80.** 230.03 (5) of the statutes is created to read:

1 230.03 (5) “Bureau” means the bureau of merit recruitment and selection in
2 the department of administration.

3 SECTION 81. 230.03 (9e) of the statutes is amended to read:

4 230.03 (9e) “Director” means the director of the ~~office~~ bureau.

5 SECTION 82. 230.03 (10) of the statutes is amended to read:

6 230.03 (10) “Division” means the division of ~~merit recruitment and selection~~
7 in the office personnel management in the department of administration.

8 SECTION 83. 230.03 (10w) of the statutes is repealed.

9 SECTION 84. 230.04 (title) of the statutes is amended to read:

10 **230.04 (title) Powers and duties of the ~~director~~ administrator.**

11 SECTION 85. 230.04 (1) of the statutes is amended to read:

12 230.04 (1) The ~~director~~ administrator is charged with the effective
13 administration of this chapter. All powers and duties, necessary to that end, which
14 are not exclusively vested by statute in the commission, the division of equal rights,
15 the ~~administrator~~ director or appointing authorities, are reserved to the director.

16 SECTION 86. 230.04 (1m) of the statutes is amended to read:

17 230.04 (1m) The ~~director~~ administrator may delegate, in writing, any of his or
18 her functions set forth in this chapter to an appointing authority, within prescribed
19 standards if the ~~director~~ administrator finds that the agency has personnel
20 management capabilities to perform such functions effectively and has indicated its
21 approval and willingness to accept such responsibility by written agreement. If the
22 ~~director~~ administrator determines that any agency is not performing such delegated
23 function within prescribed standards, the ~~director~~ administrator shall forthwith
24 withdraw such delegated function. Subject to the approval of the joint committee on
25 finance, the ~~director~~ administrator may order transferred to the ~~office~~ division from

1 the agency to which delegation was made such agency staff and other resources as
2 necessary to perform such functions if increased staff was authorized to that agency
3 as a consequence of such delegation or if the ~~office~~ division reduced staff or shifted
4 staff to new responsibilities as a result of such delegation. Any delegatory action
5 taken under s. 230.09 (2) (a) or (d) or 230.13 (1) by an appointing authority may be
6 appealed to the commission under s. 230.44 (1) (b). The ~~director~~ administrator shall
7 be a party in such an appeal.

8 **SECTION 87.** 230.04 (2) of the statutes is amended to read:

9 230.04 (2) The ~~director~~ administrator may utilize the services of technical or
10 specialized personnel to assist in implementing and maintaining a sound personnel
11 management program. These services may be obtained from persons inside or
12 outside of state service.

13 **SECTION 88.** 230.04 (3) of the statutes is amended to read:

14 230.04 (3) The ~~director~~ administrator may issue enforceable orders on all
15 matters relating to the administration, enforcement and effect of this chapter and
16 the rules prescribed thereunder except on matters relating to the provisions of subch.
17 III or to those provisions of subch. II for which responsibility is specifically charged
18 to the administrator.

19 **SECTION 89.** 230.04 (4) of the statutes is amended to read:

20 230.04 (4) The ~~director~~ administrator shall establish and maintain a collective
21 bargaining capability under s. 111.815 (2).

22 **SECTION 90.** 230.04 (5) of the statutes is amended to read:

23 230.04 (5) The ~~director~~ administrator shall promulgate rules on all matters
24 relating to the administration of the ~~office~~ division and the performance of the duties
25 assigned to the ~~director~~ administrator, except on matters relating to those provisions

1 of subch. II for which responsibility is specifically charged to the ~~administrator~~
2 director.

3 **SECTION 91.** 230.04 (8) of the statutes is amended to read:

4 230.04 (8) The ~~director~~ administrator shall establish an employee performance
5 evaluation program under s. 230.37 (1).

6 **SECTION 92.** 230.04 (9) (intro.) of the statutes is amended to read:

7 230.04 (9) (intro.) The ~~director~~ administrator shall do all of the following:

8 **SECTION 93.** 230.04 (9) (f) of the statutes is amended to read:

9 230.04 (9) (f) Establish an affirmative action subunit. The affirmative action
10 subunit shall advise and assist the director, the administrator, and agency heads on
11 establishing policies and programs to ensure appropriate affirmative action. The
12 subunit shall advise and assist the ~~director~~ administrator in monitoring such
13 programs and shall provide staff to the council on affirmative action.

14 **SECTION 94.** 230.04 (9m) of the statutes is amended to read:

15 230.04 (9m) The ~~director~~ administrator shall conduct periodic reviews and
16 evaluations of the written records of hiring decisions made by appointing authorities
17 under ss. 230.21 (1m), 230.25 (1p) and 230.27 (2k).

18 **SECTION 95.** 230.04 (9r) (b) (intro.) of the statutes is amended to read:

19 230.04 (9r) (b) (intro.) The ~~director~~ administrator shall keep a record of all of
20 the following:

21 **SECTION 96.** 230.04 (10) of the statutes is amended to read:

22 230.04 (10) (a) The ~~director~~ administrator may require all agencies and their
23 officers to comply with the ~~director's~~ administrator's request to furnish current
24 information pertaining to authorized positions, payroll and related items regarding
25 civil service and employment relations functions.

1 (b) The ~~director~~ administrator shall request from each agency and each agency
2 shall furnish to the ~~director~~ administrator relevant racial, ethnic, gender and
3 disability information on every new employee hired by the agency including limited
4 term, project, seasonal and sessional employees. The ~~director~~ administrator shall
5 maintain the data to permit a periodic review of the agency's affirmative action plan
6 accomplishments.

7 (c) The ~~director~~ administrator shall request from each agency and each agency
8 shall furnish to the ~~director~~ administrator relevant information regarding the prior
9 military service, if any, of every new employee hired by the agency including limited
10 term, project, seasonal and sessional employees. The ~~director~~ administrator shall
11 maintain the data to permit a periodic review of the progress being made to provide
12 employment opportunities in civil service for veterans and disabled veterans.

13 **SECTION 97.** 230.04 (11) of the statutes is amended to read:

14 230.04 (11) The ~~director~~ administrator may provide by rule for an understudy
15 program to assure continuity in selected positions.

16 **SECTION 98.** 230.04 (12) of the statutes is amended to read:

17 230.04 (12) The ~~director~~ administrator shall keep in the ~~office~~ division an
18 official roster of all permanent classified employees which shall include classification
19 titles, pay and employment status changes and appropriate dates thereof.

20 **SECTION 99.** 230.04 (13) (intro.) of the statutes is amended to read:

21 230.04 (13) (intro.) The ~~director~~ administrator shall do all of the following:

22 **SECTION 100.** 230.04 (14) of the statutes is amended to read:

23 230.04 (14) The ~~director~~ administrator shall establish, by rule, the scope and
24 minimum requirements of a state employee grievance procedure relating to
25 conditions of employment.

1 **SECTION 101.** 230.04 (15) of the statutes is amended to read:

2 230.04 (15) The ~~director~~ administrator shall review and either approve or
3 disapprove each determination by an agency head regarding the classification of a
4 state employee as a protective occupation participant for purposes of the Wisconsin
5 retirement system.

6 **SECTION 102.** 230.04 (16) of the statutes is repealed.

7 **SECTION 103.** 230.04 (17) of the statutes is amended to read:

8 230.04 (17) The ~~director~~ administrator shall resolve any dispute raised by a
9 complaint filed under s. 321.64 (1) (c).

10 **SECTION 104.** 230.04 (18) of the statutes is amended to read:

11 230.04 (18) The ~~director~~ administrator may provide any services and materials
12 to agencies and may charge the agencies for providing the services and materials.
13 The ~~director~~ administrator shall establish a methodology for determining the costs
14 of services and materials charged to state agencies under this subsection. All moneys
15 received from the charges shall be deposited in the appropriation account under s.
16 ~~20.545 (1) (k)~~ 20.505 (1) (ki).

17 **SECTION 105.** 230.046 (5) (c) of the statutes is amended to read:

18 230.046 (5) (c) An agreement has been entered into by the trainee and the
19 appointing authority relative to employment with the state, together with such other
20 terms and conditions as may be necessary under the rules of the ~~director~~
21 administrator whenever on-the-job trainees are employed; and

22 **SECTION 106.** 230.046 (7) of the statutes is amended to read:

23 230.046 (7) **ESTABLISH INTERNSHIPS.** The ~~director~~ administrator shall establish
24 in the classified service in-service training internships designed to give rigorous

1 training in public service administration for periods not to exceed 3 years under the
2 direct supervision of experienced administrators.

3 **SECTION 107.** 230.046 (8) of the statutes is amended to read:

4 230.046 (8) COOPERATE FOR SCHOLARSHIP LOANS. To stimulate the interest of
5 qualified students of exceptional merit in government career service, the ~~director~~
6 administrator shall cooperate with the board of regents of the University of
7 Wisconsin System in providing opportunities for recipients of public service
8 scholarship loans to secure employment under the internship plan.

9 **SECTION 108.** 230.046 (9) of the statutes is amended to read:

10 230.046 (9) TUITION REFUND PROGRAM. The ~~director~~ administrator may
11 establish by rule in the classified service a tuition refund program to supplement
12 departmental training, to encourage employee job-related development and, upon
13 satisfactory completion of training under this program to refund to the employee, an
14 amount not to exceed the cost of tuition and necessary fees.

15 **SECTION 109.** 230.046 (10) (intro.) of the statutes is amended to read:

16 230.046 (10) FUNCTIONS OF THE ~~OFFICE~~ DIVISION. (intro.) The ~~office~~ division may
17 do all of the following:

18 **SECTION 110.** 230.047 (8) of the statutes is amended to read:

19 230.047 (8) ADMINISTRATION. The ~~director~~ administrator shall promulgate
20 rules for the operation and implementation of this section. The rules shall prescribe
21 the duration, terms and conditions of such interchange.

22 **SECTION 111.** 230.05 of the statutes is amended to read:

23 **230.05 Powers and duties of the ~~administrator~~ director.** (1) All powers
24 necessary for the effective administration of the duties specified for the

1 ~~administrator~~ director under this subchapter are reserved to the ~~administrator~~
2 director.

3 (2) (a) Except as provided under par. (b), the ~~administrator~~ director may
4 delegate, in writing, any of his or her functions set forth in this subchapter to an
5 appointing authority, within prescribed standards if the ~~administrator~~ director finds
6 that the agency has personnel management capabilities to perform such functions
7 effectively and has indicated its approval and willingness to accept such
8 responsibility by written agreement. If the ~~administrator~~ director determines that
9 any agency is not performing such delegated function within prescribed standards,
10 the administrator shall withdraw such delegated function. The ~~administrator~~
11 director may order transfer to the ~~division~~ bureau from the agency to which
12 delegation was made such agency staff and other resources as necessary to perform
13 such functions if increased staff was authorized to that agency as a consequence of
14 such delegation or if the ~~division~~ bureau reduced staff or shifted staff to new
15 responsibilities as a result of such delegation subject to the approval of the joint
16 committee on finance. Any delegatory action taken under this subsection by any
17 appointing authority may be appealed to the commission under s. 230.44 (1) (a). The
18 ~~administrator~~ director shall be a party in such appeal.

19 (b) The ~~administrator~~ director is prohibited from delegating any of his or her
20 final responsibility for the monitoring and oversight of the merit recruitment and
21 selection program under this subchapter.

22 (3) The ~~administrator~~ director may utilize the services of technical or
23 specialized personnel to assist in implementing and maintaining a sound merit
24 recruitment and selection program. These services may be obtained from persons
25 within or without state service.

1 (4) The ~~administrator~~ director may issue enforceable orders on all matters
2 relating to the administration, enforcement and effect of the provisions of this
3 subchapter for which responsibility is specifically charged to the administrator and
4 the rules prescribed thereunder. Any action brought against the appointing
5 authority for failure to comply with the order of the ~~administrator~~ director shall be
6 brought and served within 60 days after the date on which the ~~administrator's~~
7 director's order was issued. Such orders may be appealed to the commission under
8 s. 230.44 (1) (a).

9 (5) The ~~administrator~~ director shall promulgate rules for the effective
10 operation of the provisions of this subchapter for which responsibility is specifically
11 charged to the ~~administrator~~ director. Notice of the contents of such rules and any
12 modifications thereof shall be given to appointing authorities affected thereby, and
13 such rules and modifications shall also be printed for public distribution.

14 (6) The ~~administrator~~ director may seek the prior advice and counsel of agency
15 heads in the formulation of policies and procedures concerning the duties specified
16 for the ~~administrator~~ director under this subchapter.

17 (7) The ~~administrator~~ director shall use techniques and procedures designed
18 to certify eligible applicants to any vacant permanent position within 45 days after
19 the filing of an appropriate request by an appointing authority.

20 (8) The ~~administrator~~ director may provide any personnel services to nonstate
21 governmental units and may charge the nonstate governmental units for providing
22 the services.

23 (9) The ~~administrator~~ director may provide any services and materials to
24 agencies and may charge the agencies for providing the services and materials. All

1 moneys received from the charges shall be deposited in the appropriation account
2 under s. ~~20.545 (1) (k)~~ 20.505 (1) (ki).

3 **SECTION 112.** 230.06 (1) (f) of the statutes is amended to read:

4 230.06 (1) (f) Provide the ~~director~~ administrator with the civil service
5 information required under s. 16.004 (7).

6 **SECTION 113.** 230.06 (1) (g) of the statutes is amended to read:

7 230.06 (1) (g) Prepare an affirmative action plan which complies with the
8 standards established by the ~~director~~ administrator under s. 230.04 (9) (a) and which
9 sets goals and outlines steps for incorporating affirmative action and principles
10 supporting affirmative action into the procedures and policies of his or her agency.

11 **SECTION 114.** 230.06 (1) (L) of the statutes is amended to read:

12 230.06 (1) (L) Provide information about the employment of each severely
13 disabled employee for the ~~director's~~ administrator's report under s. 230.04 (9r)
14 within 30 days after the disabled employee is appointed, and at other times at the
15 request of the ~~director~~ administrator.

16 **SECTION 115.** 230.08 (2) (e) 1. of the statutes is amended to read:

17 230.08 (2) (e) 1. Administration — ~~13~~ 15.

18 **SECTION 116.** 230.08 (2) (e) 8j. of the statutes is repealed.

19 **SECTION 117.** 230.08 (2) (ya) of the statutes is repealed.

20 **SECTION 118.** 230.08 (4) (c) of the statutes is amended to read:

21 230.08 (4) (c) Any proposal of a board, department or commission, as defined
22 in par. (a) and s. 15.01 (5), or of the historical society, for a change in the number of
23 positions enumerated in sub. (2) (e), before being submitted to the legislature, shall
24 first be submitted by the board, department or commission or by the historical society
25 for a separate review by the secretary of administration and by the ~~director~~

1 administrator. The secretary of administration's review shall include information
2 on the appropriateness of the proposed change with regard to a board's,
3 department's, commission's or society's current or proposed internal organizational
4 structure under s. 15.02 (4). The ~~director's~~ administrator's review shall include
5 information on whether the existing classified or existing or proposed unclassified
6 division administrator position involved is or would be assigned to pay range 1–18
7 or above in schedule 1, or a comparable level, of the compensation plan under s.
8 230.12. The results of these reviews shall be provided by the secretary of
9 administration and by the ~~director~~ administrator to the joint committee on finance
10 and the joint committee on employment relations at the same time that the board's,
11 department's, commission's or society's proposal is presented to either committee.

12 **SECTION 119.** 230.08 (7) of the statutes is amended to read:

13 230.08 (7) EXCEPTIONAL EMPLOYMENT SITUATIONS. The ~~administrator~~ director
14 shall provide, by rule, for exceptional methods and kinds of employment to meet the
15 needs of the service during periods of disaster or national emergency, and for other
16 exceptional employment situations such as to employ the mentally disabled, the
17 physically disabled and the disadvantaged.

18 **SECTION 120.** 230.08 (8) of the statutes is amended to read:

19 230.08 (8) AUDITING OF PAYROLLS. The ~~director~~ administrator shall audit the
20 payrolls of the classified and unclassified service, as necessary, to carry out this
21 subchapter.

22 **SECTION 121.** 230.09 (1) (intro.) of the statutes is amended to read:

23 230.09 (1) (intro.) The ~~director~~ administrator shall ascertain and record the
24 duties, responsibilities and authorities of, and establish grade levels and
25 classifications for, all positions in the classified service. Each classification so

1 established shall include all positions which are comparable with respect to
2 authority, responsibility and nature of work required. Each classification shall be
3 established to include as many positions as are reasonable and practicable. In
4 addition, each class shall:

5 **SECTION 122.** 230.09 (2) (a) of the statutes is amended to read:

6 230.09 (2) (a) After consultation with the appointing authorities, the ~~director~~
7 administrator shall allocate each position in the classified service to an appropriate
8 class on the basis of its duties, authority, responsibilities or other factors recognized
9 in the job evaluation process. The ~~director~~ administrator may reclassify or reallocate
10 positions on the same basis.

11 **SECTION 123.** 230.09 (2) (am) of the statutes is amended to read:

12 230.09 (2) (am) The ~~director~~ administrator shall maintain and improve the
13 classification plan to meet the needs of the service, using methods and techniques
14 which may include personnel management surveys, individual position reviews,
15 occupational group classification surveys, or other appropriate methods of position
16 review. Such reviews may be initiated by the ~~director~~ administrator after taking into
17 consideration the recommendations of the appointing authority, or at his or her own
18 discretion. The ~~director~~ administrator shall establish, modify or abolish
19 classifications as the needs of the service require.

20 **SECTION 124.** 230.09 (2) (b) of the statutes is amended to read:

21 230.09 (2) (b) To accommodate and effectuate the continuing changes in the
22 classification plan as a result of the classification survey program and otherwise, the
23 ~~director~~ administrator shall, upon initial establishment of a classification, assign
24 that class to the appropriate pay rate or range, and may, upon subsequent review,
25 reassign classes to different pay rates or ranges. The ~~director~~ administrator shall

1 assign each class to a pay range according to the skill, effort, responsibility and
2 working conditions required for the class, without regard to whether the class is
3 occupied primarily by members of a certain gender or racial group. The ~~director~~
4 administrator shall give notice to appointing authorities to permit them to make
5 recommendations before final action is taken on any such assignment or
6 reassignment of classes.

7 **SECTION 125.** 230.09 (2) (c) of the statutes is amended to read:

8 230.09 (2) (c) If anticipated changes in program or organization will
9 significantly affect the assignment of duties or responsibilities to positions, the
10 appointing authority shall, whenever practicable, confer with the ~~director~~
11 administrator within a reasonable time prior to the reorganization or changes in
12 program to formulate methods to fill positions which are newly established or
13 modified to the extent that reclassification of the position is appropriate. In all cases,
14 appointing authorities shall give written notice to the ~~director~~ administrator and
15 employee of changes in the assignment of duties or responsibilities to a position when
16 the changes in assignment may affect the classification of the position.

17 **SECTION 126.** 230.09 (2) (d) of the statutes is amended to read:

18 230.09 (2) (d) If after review of a filled position the ~~director~~ administrator
19 reclassifies or reallocates the position, the ~~director~~ administrator shall determine
20 whether the incumbent shall be regraded or whether the position shall be opened to
21 other applicants.

22 **SECTION 127.** 230.09 (2) (g) of the statutes is amended to read:

23 230.09 (2) (g) When filling a new or vacant position, if the ~~director~~
24 administrator determines that the classification for a position is different than that
25 provided for by the legislature as established by law or in budget determinations, or

1 as authorized by the joint committee on finance under s. 13.10, or as specified by the
2 governor creating positions under s. 16.505 (1) (c) or (2), or is different than that of
3 the previous incumbent, the ~~director~~ administrator shall notify the ~~administrator~~
4 director and the secretary of administration. The ~~administrator~~ director shall
5 withhold action on the selection and certification process for filling the position. The
6 secretary of administration shall review the position to determine that sufficient
7 funds exist for the position and that the duties and responsibilities of the proposed
8 position reflect the intent of the legislature as established by law or in budget
9 determinations, the intent of the joint committee on finance acting under s. 13.10,
10 the intent of the governor creating positions under s. 16.505 (1) (c) or (2). The
11 ~~administrator~~ director may not proceed with the selection and certification process
12 until the secretary of administration has authorized the position to be filled.

13 **SECTION 128.** 230.09 (3) of the statutes is amended to read:

14 230.09 (3) The ~~director~~ administrator shall establish separate classifications
15 for career executive positions under s. 230.24 and rules governing the salary
16 administration of positions in such classifications.

17 **SECTION 129.** 230.12 (1) (a) 3. of the statutes is amended to read:

18 230.12 (1) (a) 3. Provisions for administration of the compensation plan and
19 salary transactions shall be provided, as determined by the ~~director~~ administrator,
20 in either the rules of the ~~director~~ administrator or the compensation plan.

21 **SECTION 130.** 230.12 (1) (c) 2. of the statutes is amended to read:

22 230.12 (1) (c) 2. The ~~director~~ administrator may establish a plan of extra
23 compensation for work performed during selected hours at an hourly rate or rates
24 subject to approval of the joint committee on employment relations. Eligibility for
25 such extra compensation shall be as provided in the compensation plan.

1 **SECTION 131.** 230.12 (1) (d) of the statutes is amended to read:

2 230.12 (1) (d) *Uniforms and safety equipment.* The ~~director~~ administrator, with
3 approval of the joint committee on employment relations, may establish a schedule
4 of payments to employees for uniforms or protective clothing and equipment
5 required to perform their duties.

6 **SECTION 132.** 230.12 (3) (a) of the statutes is amended to read:

7 230.12 (3) (a) *Submission to the joint committee on employment relations.* The
8 ~~director~~ administrator shall submit to the joint committee on employment relations
9 a proposal for any required changes in the compensation plan. The proposal shall
10 include the amounts and methods for within range pay progression, for pay
11 transactions, and for performance awards. The proposal shall be based upon
12 experience in recruiting for the service, the principle of providing pay equity
13 regardless of gender or race, data collected as to rates of pay for comparable work in
14 other public services and in commercial and industrial establishments,
15 recommendations of agencies and any special studies carried on as to the need for
16 any changes in the compensation plan to cover each year of the biennium. The
17 proposal shall also take proper account of prevailing pay rates, costs and standards
18 of living and the state's employment policies.

19 **SECTION 133.** 230.12 (3) (ad) of the statutes is amended to read:

20 230.12 (3) (ad) *Timing of proposed changes.* Notwithstanding any other
21 statute, the ~~director~~ administrator may delay timing for announcement or
22 implementation of any recommended changes in the compensation plan under this
23 section until after some or all of the collective bargaining agreements under subch.
24 V of ch. 111 for that biennium are negotiated. Any such action taken under this
25 paragraph is not appealable under s. 230.44.

1 **SECTION 134.** 230.12 (3) (b) of the statutes is amended to read:

2 230.12 (3) (b) *Public hearing on the proposal; adoption of plan.* The ~~director~~
3 administrator shall submit the proposal for any required changes in the
4 compensation plan to the joint committee on employment relations. The committee
5 shall hold a public hearing on the proposal. The proposal, as may be modified by the
6 joint committee on employment relations together with the unchanged provisions of
7 the current compensation plan, shall, for the ensuing fiscal year or until a new or
8 modified plan is adopted under this subsection, constitute the state's compensation
9 plan. Any modification of the ~~director's~~ administrator's proposed changes in the
10 compensation plan by the joint committee on employment relations may be
11 disapproved by the governor within 10 calendar days. A vote of 6 members of the
12 joint committee on employment relations is required to set aside any such
13 disapproval of the governor.

14 **SECTION 135.** 230.12 (3) (c) of the statutes is amended to read:

15 230.12 (3) (c) *Interim adjustments.* Subject to pars. (a) and (b), the ~~director~~
16 administrator may propose amendments to one or more parts of the compensation
17 plan at such times as the needs of the service require.

18 **SECTION 136.** 230.12 (3) (e) 1. of the statutes, as affected by 2011 Wisconsin Act
19 32, is amended to read:

20 230.12 (3) (e) 1. The ~~director~~ administrator, after receiving recommendations
21 from the board of regents and the chancellor of the University of Wisconsin–Madison,
22 shall submit to the joint committee on employment relations a proposal for adjusting
23 compensation and employee benefits for University of Wisconsin System employees.
24 The proposal shall be based upon the competitive ability of the board of regents to
25 recruit and retain qualified faculty and academic staff, data collected as to rates of

1 pay for comparable work in other public services, universities and commercial and
2 industrial establishments, recommendations of the board of regents and any special
3 studies carried on as to the need for any changes in compensation and employee
4 benefits to cover each year of the biennium. The proposal shall also take proper
5 account of prevailing pay rates, costs and standards of living and the state's
6 employment policies. The proposal for such pay adjustments may contain
7 recommendations for across-the-board pay adjustments, merit or other
8 adjustments and employee benefit improvements. Paragraph (b) and sub. (1) (bf)
9 shall apply to the process for approval of all pay adjustments for University of
10 Wisconsin System employees. The proposal as approved by the joint committee on
11 employment relations and the governor shall be based upon a percentage of the
12 budgeted salary base for University of Wisconsin System employees. The amount
13 included in the proposal for merit and adjustments other than across-the-board pay
14 adjustments is available for discretionary use by the board of regents.

15 **SECTION 137.** 230.12 (3) (e) 2. of the statutes is amended to read:

16 230.12 (3) (e) 2. The ~~director~~ administrator, after receiving recommendations
17 from the board of the Technical College System, shall submit to the joint committee
18 on employment relations a proposal for adjusting compensation and employee
19 benefits for employees under s. 20.923 (7). The proposal shall include the salary
20 ranges and adjustments to the salary ranges for the general senior executive salary
21 groups established under s. 20.923 (7). Paragraph (b) and sub. (1) (bf) shall apply
22 to the process for approval of all pay adjustments for such employees. The proposal
23 as approved by the joint committee on employment relations and the governor shall
24 be based upon a percentage of the budgeted salary base for such employees under s.
25 20.923 (7).