

1 **SECTION 150.** 230.16 (1) (am) of the statutes is amended to read:

2 230.16 (1) (am) The ~~administrator~~ director may require in connection with the
3 application such supplementary work history, educational transcripts, statements
4 of physicians or others having knowledge of the applicant, as needed for qualification
5 evaluations.

6 **SECTION 151.** 230.16 (1) (b) of the statutes is amended to read:

7 230.16 (1) (b) The ~~division~~ bureau shall furnish application forms without
8 charge to all persons requesting them.

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

10 230.16 (2) Competitive examinations shall be free and open to all applicants
11 who have fulfilled the preliminary requirements stated in the examination
12 announcement. To assure that all applicants have a fair opportunity to compete,
13 examinations shall be held at such times and places as, in the judgment of the
14 ~~administrator~~ director, most nearly meet the convenience of applicants and needs of
15 the service.

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

17 230.16 (3) The ~~administrator~~ director may appoint boards of examiners of at
18 least 2 persons for the purpose of conducting oral examinations as a part of the
19 examination procedure for certain positions. All board members shall be
20 well-qualified and impartial. All questions asked and answers made in any
21 examination of applicants shall be recorded and made a part of the records of the
22 applicants.

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

24 230.16 (5) In the interest of sound personnel management, consideration of
25 applicants and service to agencies, the ~~administrator~~ director may set a standard for

1 proceeding to subsequent steps in an examination, provided that all applicants are
2 fairly treated and due notice has been given. The standard may be at or above the
3 passing point set by the administrator for any portion of the examination. The
4 ~~administrator~~ director shall utilize appropriate scientific techniques and procedures
5 in administering the selection process, in rating the results of examinations and in
6 determining the relative ratings of the competitors.

7 **SECTION 155.** 230.16 (6) of the statutes is amended to read:

8 230.16 (6) If any applicant is unable to complete the examination in the form
9 presented to the applicant due to a disability, the ~~division~~ bureau shall provide a
10 reader, an appropriate place to take the examination or other similar prerequisites
11 to ensure equality of opportunity in the examination.

12 **SECTION 156.** 230.16 (7m) (b) (intro.) of the statutes is amended to read:

13 230.16 (7m) (b) (intro.) The ~~office~~ division shall accept an application after its
14 due date from a veteran if all of the following apply:

15 **SECTION 157.** 230.16 (7m) (c) of the statutes is amended to read:

16 230.16 (7m) (c) Within 30 days after acceptance of an application under par.
17 (b), the ~~office~~ division shall give the applicant an examination.

18 **SECTION 158.** 230.16 (9) of the statutes is amended to read:

19 230.16 (9) The officials in control of state, municipal and county buildings,
20 upon requisition by the ~~administrator~~ director, shall furnish without charge
21 adequate rooms and building services for the administration of examinations.

22 **SECTION 159.** 230.16 (11) of the statutes is amended to read:

23 230.16 (11) Records of examinations, including a transcript or recorded tape
24 of oral examinations, given under this subchapter shall be retained for at least one

1 year. Inspection of such records shall be regulated by rules of the ~~administrator~~
2 director.

3 SECTION 160. 230.17 of the statutes is amended to read:

4 **230.17 Applicants and eligibles may be barred; bonds may be required.**

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

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

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

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

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

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

21 230.19 (1) The ~~administrator~~ director shall provide employees with reasonable
22 opportunities for career advancement, within a classified service structure designed
23 to achieve and maintain a highly competent work force, with due consideration given
24 to affirmative action.

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

1 230.19 (2) If, in the judgment of the ~~administrator~~ director, the group of
2 applicants best able to meet the requirements for vacancies in positions in the
3 classified service are available within the classified service, the vacancies shall be
4 filled by competition limited to persons in the classified service who are not employed
5 under s. 230.26 or 230.27 and persons with the right of restoration resulting from
6 layoff under s. 230.34 (2), unless it is necessary to go outside the classified service to
7 be consistent with an approved affirmative action plan or program. The
8 ~~administrator~~ director may also limit competition for promotion to the employees of
9 an agency or an employing unit within an agency if the resulting group of applicants
10 would fairly represent the proportion of members of racial and ethnic, gender or
11 disabled groups in the relevant labor pool for the state.

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

13 230.21 (1) Subject to s. 230.275, the ~~administrator~~ director may, to meet the
14 needs of the service, establish separate recruitment, examination and certification
15 procedures for filling positions in unskilled labor and service classes.

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

17 230.21 (1m) (a) (intro.) If the ~~administrator~~ director uses the method of random
18 certification to determine which applicants for an unskilled labor or service position
19 will receive further consideration for the position, the administrator shall do all of
20 the following:

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

22 230.21 (1m) (b) If the ~~administrator~~ director uses the method of random
23 certification to determine which applicants for an unskilled labor or service position
24 will receive further consideration for the position and the appointing authority does
25 not select a veteran or a person the hiring of whom would serve affirmative action

1 purposes, the appointing authority shall make and retain a written record of the
2 appointing authority's reasons for selecting the person who was appointed. The
3 appointing authority shall make the written records available to the office division
4 and annually submit a report to the office division summarizing the reasons
5 contained in the written records.

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

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

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

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

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

20 **230.213 Affirmative action procedures for corrections positions.** The
21 ~~administrator~~ director may, to meet affirmative action objectives, establish such
22 recruitment, examination and certification procedures for positions in the
23 department of corrections as will enable the department of corrections to increase the
24 number of employees of a specified gender or a specified racial or ethnic group in
25 those positions. The ~~administrator~~ director shall design the procedures to obtain a

1 work force in the department of corrections that reflects the relevant labor pool. The
2 ~~administrator~~ director may determine the relevant labor pool from the population
3 of the state or of a particular geographic area of the state, whichever is more
4 appropriate for achieving the affirmative action objective.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 230.25 (1n) (a) (intro.) After certifying names under subs. (1), (1g) and (1m),
7 the ~~administrator~~ director may engage in expanded certification by doing one or
8 more of the following:

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

10 230.25 (1n) (b) The ~~administrator~~ director may certify names under par. (a) 1.
11 or 2. only if an agency requests expanded certification in order to comply with an
12 approved affirmative action plan or program. The ~~administrator~~ director may certify
13 names under par. (a) 3. only if an agency requests expanded certification in order to
14 hire persons with a disability.

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

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

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

1 230.25 (2) (a) When certifying names to appointing authorities under this
2 section, the ~~administrator~~ director shall specify whether the certification includes
3 qualifying veterans or persons the hiring of whom would serve affirmative action
4 purposes, without divulging the names of those individuals. The ~~administrator~~
5 director shall not disclose any applicant's test score, with or without the addition of
6 veterans preference points under s. 230.16 (7), to the appointing authority.

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

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

18 230.25 (3) (b) The ~~administrator~~ director may allow a register to expire after
19 3 months, but only after considering the impact of such an action on the policy of this
20 state to provide for equal employment opportunity and to take affirmative action, as
21 specified in s. 230.01 (2).

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

23 230.25 (4) (a) The ~~administrator~~ director may establish a new and separate
24 register for a specific position or class only when in the ~~administrator's~~ director's

1 judgment there is no appropriate existing register from which appointments may be
2 made.

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

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

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

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

16 230.26 (1) The ~~administrator~~ director may provide by rule for selection and
17 appointment for limited term appointments, which are provisional appointments or
18 appointments for less than 1,044 hours per year.

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

20 230.26 (1m) An appointing authority may not appoint a person who is not a
21 state resident to a limited term appointment unless approved by the ~~administrator~~
22 director.

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

24 230.26 (2) If there are urgent reasons for filling a vacancy in any position in
25 the classified service and the ~~administrator~~ director is unable to certify to the

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

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

12 230.26 (5) If the ~~administrator~~ director determines that an agency is not in
13 compliance with the requirements of, or rules related to, sub. (1), (1m) or (2)
14 regarding a particular employee, the ~~administrator~~ director shall direct the
15 appointing authority to terminate the employee.

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

17 230.27 (1m) (b) The ~~administrator~~ director may waive the prohibition under
18 par. (a) if there is a critical need for employees in a specific classification or position
19 or a critical shortage of residents of this state possessing the skills or qualifications
20 required for a position.

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

22 230.27 (2) Subject to s. 230.275, the ~~administrator~~ director may provide by rule
23 for the selection and appointment of a person to a project position.

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

1 230.27 (2k) If an appointing authority selects, for a project position, a person
2 who is not a veteran or is not a person the hiring of whom would serve affirmative
3 action purposes, the appointing authority shall make and retain a written record of
4 the appointing authority's reasons for selecting the person who was appointed. The
5 appointing authority shall make the written records available to the ~~office~~ division
6 and annually submit a report to the ~~office~~ division summarizing the reasons
7 contained in the written records. The ~~office~~ division shall annually prepare a report
8 summarizing, for each agency, the information submitted by appointing authorities
9 under this subsection.

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

11 230.275 (1) (d) The appointing authority notifies the ~~administrator~~ director in
12 writing that the position is to be filled with a disabled veteran on a noncompetitive
13 basis.

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

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

1 and an opportunity to be heard, that such employee was appointed as a result of
2 fraud or error.

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

4 230.28 (1) (b) The ~~administrator~~ director may authorize a longer probationary
5 period not to exceed 2 years for any administrative, technical or professional
6 position, in order to provide the appointing authority assurance that the employee
7 has had adequate exposure to the various responsibilities which are a part of the
8 position or classification.

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

10 230.28 (1) (bm) (intro.) At the request of an appointing authority and an
11 employee, the ~~administrator~~ director may authorize, at any time before the
12 completion of the probationary period, an extended probationary period of up to one
13 additional year for an individual with a disability, as defined in s. 111.32 (8), who is
14 the employee to allow the employee to do any of the following:

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

16 230.28 (1) (c) Upon request by the appointing authority, the ~~administrator~~
17 director may waive any portion of the lengthened probationary period but in no case
18 before a 6-month probationary period has been served.

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

20 230.28 (3) If an employee is removed from a position during the probationary
21 period, and the ~~administrator~~ director determines that the person is suitable for
22 appointment to another position, the person's name may be restored to the list from
23 which it was certified.

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

1 230.28 (4) A person reinstated in an employing unit other than one in which
2 the person previously served in permanent status in the class in which the person
3 is being reinstated, an employee who transfers from one employing unit to another,
4 an employee who moves to a different employing unit in conjunction with a voluntary
5 demotion, and a person who had not obtained permanent status in class in a
6 supervisory or management position prior to appointment to another supervisory or
7 management position, may be required by the appointing authority to serve a
8 probationary period. Provisions for the duration of such probationary period shall
9 be provided in the rules of the ~~administrater~~ director.

10 **SECTION 199.** 230.29 of the statutes is amended to read:

11 **230.29 Transfers.** A transfer may be made from one position to another only
12 if specifically authorized by the ~~administrater~~ director.

13 **SECTION 200.** 230.30 (1) of the statutes is amended to read:

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

1 **SECTION 201.** 230.31 (1) (b) of the statutes is amended to read:

2 230.31 (1) (b) For a 3–year period from the date of separation, if on layoff status,
3 the person shall be placed, in inverse order of layoff, on an appropriate mandatory
4 restoration register for the unit used for layoff and on a restoration register for the
5 agency from which the person was laid off. Use of such registers shall be subject to
6 the rules of the ~~administrator~~ director.

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

8 230.31 (2) The ~~administrator~~ director may also provide for the reinstatement
9 of persons who have served in seasonal and sessional employment and for persons
10 who separate from a position while serving a probationary period.

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

12 230.315 (1) (c) The employee has received a military leave of absence under s.
13 230.32 (3) (a) or 230.35 (3), under a collective bargaining agreement under subch. V
14 of ch. 111, or under rules promulgated by the ~~office of employment relations~~ division
15 or is eligible for reemployment with the state under s. 321.64 after completion of his
16 or her service in the U.S. armed forces.

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

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

23 (b) Any classified employee who leaves state service for civilian employment
24 in response to a specific request or order of the federal government or any of its
25 agencies in connection with manpower redistribution and utilization shall, under

1 this section, make written application to the appointing authority for civilian leave
2 of absence presenting such specific request or order of the federal government as
3 supporting evidence. Such civilian leave shall be allowed by the appointing
4 authority and its terms, which shall conform to the rules of the director, shall be in
5 writing. Notice of such leave from state service shall be made in writing by the
6 appointing authority to the ~~director~~ administrator for purposes of record.

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

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

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

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

21 230.32 (5) The restoration of classified former employees of the state shall be
22 governed by this section and by the rules of the ~~administrator~~ director.

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

24 230.33 (2) A person appointed to an unclassified position by an appointing
25 authority other than an appointing authority described under sub. (1), to a

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

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

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

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

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

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

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

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

2 230.34 (3) The appointing authority shall confer with the ~~administrator~~
3 director relative to a proposed layoff a reasonable time before the effective date
4 thereof in order to assure compliance with the rules.

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

6 230.34 (4) Resignations shall be regulated by the rules of the ~~director~~
7 administrator.

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

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

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

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

1 designated in s. 19.42 (10) (L) or 20.923 (4), (7), (8), or (9) or authorized under s.
2 230.08 (2) (e), continuous service shall be established in accordance with rules of the
3 ~~director~~ administrator.

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

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

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

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

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

24 230.35 (3) (d) Employees of the state are entitled to reasonable paid leaves of
25 absence to compete in promotional examinations and interviews. The ~~director~~

1 administrator shall promulgate rules governing the lengths of time allowable for
2 such leaves, their frequency and the provisions for their use.

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

4 230.35 (3) (e) 2. e. The leave of absence conforms with any rules of the ~~director~~
5 administrator regarding leaves of absence to provide specialized disaster relief
6 services.

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

8 230.35 (3) (e) 5. The ~~director~~ administrator may promulgate any rules
9 necessary to implement this paragraph.

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

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

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

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

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

25 230.40 (6) The ~~administrator~~ director shall administer this section.

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

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

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

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

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

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

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

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

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

2 230.44 (4) (bm) Upon request of an employee who files an appeal of the decision
3 of the ~~director~~ administrator made under s. 230.09 (2) (a) or (d), the appeal shall be
4 heard by a commissioner or attorney employed by the commission serving as
5 arbitrator under rules promulgated for this purpose by the commission. In such an
6 arbitration, the arbitrator shall orally render a decision at the conclusion of the
7 hearing affirming, modifying or rejecting the decision of the ~~director~~ administrator.
8 The decision of the arbitrator is final and is not subject to review by the commission.
9 An arbitrator's decision may not be cited as precedent in any other proceeding before
10 the commission or before any court. The arbitrator shall promptly file his or her
11 decision with the commission. The decision of the arbitrator shall stand as the
12 decision of the commission. The decision of the commission is subject to review under
13 ss. 227.53 to 227.57 only on the ground that the decision was procured by corruption,
14 fraud or undue means or that the arbitrator or the commission exceeded the
15 arbitrator's or the commission's power. The record of a proceeding under this
16 paragraph shall be transcribed as provided in s. 227.44 (8).

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

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

1 affirmative action. The council shall report at least once per year to the governor and
2 the legislature.

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

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

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

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

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

23 233.10 (3) (c) 4. Grant to the carry-over employee military leave, treatment of
24 military leave, jury service leave and voting leave in accordance with s. 230.35 (3)
25 and (4) (e) and, to the extent applicable, rules of the ~~office~~ division of state

1 ~~employment relations~~ personnel management in the department of administration
2 governing such leaves for employees in the classified service as of the last day of the
3 employee's employment as a state employee if the employee was entitled to those
4 benefits on that day.

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

6 233.10 (4) Notwithstanding the requirement that an employee be a state
7 employee, a carry-over employee of the authority who was employed in a position in
8 the classified service immediately prior to beginning employment with the authority
9 shall, from June 29, 1996, to June 30, 1997, have the same transfer rights under s.
10 230.29 and the rules of the ~~office~~ division of state employment relations personnel
11 management in the department of administration governing transfers as a person
12 who holds a position in the classified service.

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

14 301.03 (5h) Develop, with the assistance of the ~~office~~ division of state
15 employment relations personnel management in the department of administration,
16 a policy for staff assignments that shall consider an employee's seniority when
17 assigning shifts.

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

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

1 institution is located, whichever population is greater. The ~~administrator~~ director
2 of the ~~division~~ bureau of merit recruitment and selection in the department of
3 administration shall provide guidelines for the administration of this selection
4 procedure.

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

6 321.64 (1) (c) If a dispute arises regarding a classified employee of the state
7 relating to the provisions of par. (a), the complaint shall be filed with the ~~director~~
8 administrator of the ~~office~~ division of ~~state-employment-relations~~ personnel
9 management. A decision of the ~~director~~ administrator of the ~~office~~ division of state
10 employment-relations personnel management in the department of administration
11 may be reviewed under ch. 227.

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

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

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

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

13 **SECTION 9140. Nonstatutory provisions; State Employment Relations,**
14 **Office of.**

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

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

19 (b) *Positions and employees.* On the effective date of this paragraph, all
20 positions and all incumbent employees in the classified service of the state civil
21 service holding those positions in the office of state employment relations are
22 transferred to the department of administration, except for 6.95 PR FTE positions,
23 funded from the appropriation under s. 20.545 (1) (k), 2013 stats., that are identified
24 by the secretary of administration.

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

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

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

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

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

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

3 (END)

Champagne, Rick

From: Waterman, Mickie D - DOA <Mickie.Waterman@wisconsin.gov>
Sent: Tuesday, January 27, 2015 3:48 PM
To: Champagne, Rick
Cc: Kraus, Jennifer - DOA
Subject: FW: OSER Stat Lang Draft
Attachments: OSER Reorg Bill 1-27-15.pdf

Hi Rick,

Please make the below changes to the OSER draft:

1. Section 9 – 15.107(3) provide that the Council on Affirmative Action is created, again, in the Department of Administration. Pursuant to Section 15.105(29)(d), Wis. Stats., this Council always has been a part of OSER. Thus, it would seem that the restructure should create the Council as part of the Division of Personnel Management. This Council works very closely with what is now OSER's Division of Affirmative Action (and what will be the DPM's Bureau of Affirmative Action). Thus, it is functionally necessary for the Council to be directly affiliated with the new Division.
2. There are several instances in the draft bill where the necessary changes from OSER Director → Division Administrator and from DMRS Administrator → Bureau Director were not made. Please see attached, which contains yellow highlights indicating the places that appear to be errors on the following pages: 28, 31, 36 (2 instances), 54, and 67.

Let me know if you have questions.

Thanks,
Mickie

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

LRB Draft Number: 15-1059/6

Drafting Attorney: Richard A. Champagne
Phone: (608) 266-9930
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The document can be found in the Stat Language site on SharePoint.