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

applicants and service to agencies, the administrator director may set a standard for

proceeding to subsequent steps in an examination, provided that all applicants are
fairly treated and due notice has been given. The standard may be at or above the
passing point set by the administrator director for any portion of the examination.
The administrator director shall utilize appropriate scientific techniques and
procedures in administering the selection process, in rating the results of
examinations and in determining the relative ratings of the competitors.
SECTION 155. 230.16 (6) of the statutes is amended to read:
230.16 (6) If any applicant is unable to complete the examination in the form
presented to the applicant due to a disability, the division bureau shall provide a
reader, an appropriate place to take the examination or other similar prerequisites
to ensure equality of opportunity in the examination.
SECTION 156. 230.16 (7m) (b) (intro.) of the statutes is amended to read:
230.16 (7m) (b) (intro.) The office division shall accept an application after its
due date from a veteran if all of the following apply:
SECTION 157. 230.16 (7m) (c) of the statutes is amended to read:
230.16 (7m) (c) Within 30 days after acceptance of an application under par.
(b), the office division shall give the applicant an examination.
SECTION 158. 230.16 (9) of the statutes is amended to read:
230.16 (9) The officials in control of state, municipal and county buildings,
upon requisition by the administrator director, shall furnish without charge
adequate rooms and building services for the administration of examinations.
SECTION 159. 230.16 (11) of the statutes is amended to read:
230.16 (11) Records of examinations, including a transcript or recorded tape
of oral examinations, given under this subchapter shall be retained for at least one

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

Section 160. 230.17 of the statutes is amended to read:

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

- (1) The administrator director shall provide by rule, the conditions, not otherwise provided by law, under which an applicant may be refused examination or reexamination, or an eligible refused certification. These conditions shall be based on sufficient reason and shall reflect sound technical personnel management practices and those standards of conduct, deportment and character necessary and demanded to the orderly, efficient and just operation of the state service.
- (2) If the administrator director refuses to examine an applicant, or after an examination to certify an eligible, as provided in this section, the administrator director, if requested by the applicant so rejected within 10 days of the date of receipt of the notice of rejection, shall give the applicant a full and explicit statement of the exact cause of such refusal to examine or to certify. Applicants may appeal to the commission the decision of the administrator director to refuse to examine or certify under s. 230.44 (1) (a). Upon request of an applicant or an eligible for a civil service position who has a disability, the department of health services shall obtain from the administrator director a detailed description of all duties entailed by such position and shall determine and report its findings to the administrator director, as to the ability of the applicant, or eligible, to perform the duties of such position. Such findings shall be conclusive as to the qualifications of any applicant, or eligible, so examined. A notice of rejection shall notify an applicant or eligible of his or her rights under this subsection.

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

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

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

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

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

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

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

Section 164. 230.21 (1) of the statutes is amended to read:

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

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

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

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

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

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

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

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

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

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

Section 169. 230.213 of the statutes is amended to read:

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

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

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

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

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

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

Section 172. 230.215 (4) of the statutes is amended to read:

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

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SECTION 173.	230.22 or	f the statutes	is amended	to rea	ad:
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- **230.22 Entry professional selection.** (1) The director <u>administrator</u> may establish by rule an entry professional class program for use in a wide range of entry professional positions.
- (2) In connection with this program the director administrator may establish separate classifications and corresponding pay provisions to provide agencies an entry professional program, through which they can compete on campuses and in the labor market for the best available applicants.
- (3) Subject to s. 230.275, the administrator director may establish separate recruitment, evaluation and certification procedures for certain entry professional positions. Vacancies in entry professional positions may be limited to persons with a degree from an institution of higher education, as defined in s. 108.02 (18), or a degree under an associate degree program, as defined in s. 38.01 (1).
- (4) The administrator director may provide for cooperative programs leading to eligibility for permanent appointment in order to enable institutions of higher education and agencies to attract and train the highest caliber of undergraduate or graduate students for government employment.

Section 174. 230.24 (1) of the statutes is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 183. 230.25 (4) of the statutes is amended to read:

230.25 (4) (a) The administrator director may establish a new and separate 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	<u>director</u> .
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

the classified service and the administrator director is unable to certify to the

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

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

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

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

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

Section 190. 230.27 (2) of the statutes is amended to read:

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

Section 191. 230.27 (2k) of the statutes is amended to read:

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

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

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

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

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

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and an opportunity to be h	neard, that	such employee	was appointed a	s a result of
fraud or error.				

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

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

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

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

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

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

Section 197. 230.28 (3) of the statutes is amended to read:

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

Section 198. 230.28 (4) of the statutes is amended to read:

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

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

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

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

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

Section 201. 230.31 (1) (b) of the statutes is amended	to read:
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230.31 (1) (b) For a 3-year period from the date of separation, if on layoff status, the person shall be placed, in inverse order of layoff, on an appropriate mandatory restoration register for the unit used for layoff and on a restoration register for the agency from which the person was laid off. Use of such registers shall be subject to the rules of the administrator director.

Section 202. 230.31 (2) of the statutes is amended to read:

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

Section 203. 230.315 (1) (c) of the statutes is amended to read:

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

Section 204. 230.32 (3) of the statutes is amended to read:

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

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

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

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

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

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

Section 206. 230.32 (5) of the statutes is amended to read:

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

Section 207. 230.33 (2) of the statutes is amended to read:

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

Section 208. 230.34 (1) (c) of the statutes is amended to read:

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

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

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

Section 210. 230.34 (2m) of the statutes is amended to read:

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

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

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

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

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

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

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

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

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

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

those positions, regardless of the duration of their absence. If the employees are reemployed in a position other than a career executive position or a position designated in s. 19.42 (10) (L) or 20.923 (4), (7), (8), or (9) or authorized under s. 230.08 (2) (e), continuous service shall be established in accordance with rules of the director administrator.

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

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

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

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

Section 217. 230.35 (3) (d) of the statutes is amended to read:

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

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

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

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

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

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

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

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

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

1	SECTION 222. 230.40 (6) of the statutes is amended to read:
2	230.40 (6) The administrator director shall administer this section.
3	SECTION 223. 230.43 (5) of the statutes is amended to read:
4	230.43 (5) TAXPAYERS' SUITS. The right of any taxpayer to bring any action to
5	restrain the payment of compensation to any person appointed to or holding any
6	office or place of employment in violation of this subchapter shall not be limited or
7	denied by reason of the fact that the office or place of employment has been classified
8	as, or determined to be, not subject to competitive examination; however, any
9	judgment or injunction in any such action shall be prospective only, and shall not
10	affect payments already made or due to such persons by the proper disbursing
11	officers, in accordance with the rules of the director administrator in force at the time
12	of such payments.
13	SECTION 224. 230.44 (1) (a) of the statutes is amended to read:
14	230.44 (1) (a) Decision made or delegated by administrator director. Appeal of
15	a personnel decision under this subchapter made by the administrator director or by
16	an appointing authority under authority delegated by the administrator director
17	under s. 230.05 (2).
18	SECTION 225. 230.44 (1) (b) of the statutes is amended to read:
19	230.44 (1) (b) Decision made or delegated by director administrator. Appeal of
20	a personnel decision under s. 230.09 (2) (a) or (d) or 230.13 (1) made by the director
21	administrator or by an appointing authority under authority delegated by the
22	director administrator under s. 230.04 (1m).
23	SECTION 226. 230.44 (1) (dm) of the statutes is amended to read:
24	230.44 (1) (dm) Noncompetitive appointment of certain disabled veterans. A
25	personnel action under s. 230.275 by an appointing authority that is alleged to be

illegal or an abuse of discretion. The administrator director and the office division may not be a party to any such appeal.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 234. 301.16 (10) (b) of the statutes is amended to read:

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

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employment relations department of administration to ensure that employees of the institution reflect the general population of either the county in which the institution is located or the most populous county contiguous to the county in which the institution is located, whichever population is greater. The administrator director of the division bureau of merit recruitment and selection in the department of administration shall provide guidelines for the administration of this selection procedure.

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

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

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

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

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

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

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

Section 9140. Nonstatutory provisions; State Employment Relations, Office of.

- (1) Elimination of the office of state employment relations.
- (a) Assets and liabilities. On the effective date of this paragraph, the assets and liabilities of the office of state employment relations become the assets and liabilities of the department of administration.
- (b) Positions and employees. On the effective date of this paragraph, all positions and all incumbent employees in the classified service of the state civil service holding those positions in the office of state employment relations are transferred to the department of administration, except for 6.95 PR FTE positions,

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- funded from the appropriation under s. 20.545 (1) (k), 2013 stats., that are identified by the secretary of administration.
 - (c) *Employee status*. Employees transferred under paragraph (b) have all the rights and the same status under chapter 230 of the statutes in the department of administration that they enjoyed in the office of state employment relations immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who has attained permanent status in class is required to serve a probationary period.
 - (d) Tangible personal property. On the effective date of this paragraph, all tangible personal property, including records, of the office of state employment relations is transferred to the department of administration.
 - (e) *Pending matters*. Any matter pending with the office of state employment relations on the effective date of this paragraph is transferred to the department of administration. All materials submitted to or actions taken by the office of state employment relations are considered as having been submitted to or taken by the department of administration.
 - (f) Contracts. All contracts entered into by the office of state employment relations in effect on the effective date of this paragraph remain in effect and are transferred to the department of administration. The department of administration shall carry out any obligations under those contracts unless modified or rescinded by that department to the extent allowed under the contract.
- (g) Rules and orders. All rules promulgated by the office of state employment relations in effect on the effective date of this paragraph remain in effect until their specified expiration dates or until amended or repealed by the department of administration. All orders issued by the office of state employment relations in effect

- 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)

2015–2016 DRAFTING INSERT FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-1059/8insch RAC:...:...

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1	Insert	5-	$_{\rm L3}$

****Note: This is reconciled s. 15.165 (2). This Section has been affected by drafts with the following LRB numbers: -1059/7 and -0357/1.

2

3 Insert 26–4

****Note: This is reconciled s. 111.815 (1). This Section has been affected by drafts with the following LRB numbers: -1059/7 and -0333.

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State of Misconsin 2015 - 2016 LEGISLATURE

LRB-0357/1 RAC:jld:jf

DOA:.....Waterman, BB0102 – Group Insurance Board Terms

FOR 2015-2017 BUDGET -- NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

RETIREMENT AND GROUP INSURANCE

This bill staggers and increases the terms of appointed members of the Group Insurance Board from two years to four years. The terms expire on May 1 of the odd-numbered years.

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

2 Section 1. 15.165 (2) of the statutes is amended to read:

15.165 (2) Group insurance board. There is created in the department of employee trust funds a group insurance board. The board shall consist of the governor, the attorney general, the secretary of administration, the director of the office of state employment relations, and the commissioner of insurance or their designees, and 6 persons appointed for 2-year 4-year terms, of whom one shall be

an insured participant in the Wisconsin Retirement System who is not a teacher, one
shall be an insured participant in the Wisconsin Retirement System who is a teacher,
one shall be an insured participant in the Wisconsin Retirement System who is a
retired employee, one shall be an insured employee of a local unit of government, and
one shall be the chief executive or a member of the governing body of a local unit of
government that is a participating employer in the Wisconsin Retirement System.

Section 9112. Nonstatutory provisions; Employee Trust Funds.

- (1) Terms of appointed members of the group insurance board. Notwithstanding section 15.165 (2) of the statutes, as affected by this act, the following members of the group insurance board shall be appointed for 2-year terms, expiring on May 1 of the next succeeding odd-numbered year, and their successors shall be appointed for 4-year terms as provided under section 15.165 (2) of the statutes, as affected by this act:
- (a) The insured participant in the Wisconsin Retirement System who is not a teacher.
- (b) The insured participant in the Wisconsin Retirement System who is a teacher.
- (c) The insured participant in the Wisconsin Retirement System who is a retired employee.

(END)

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-1059/7dn RAC:kjf:jf

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Jute

and

This draft reconciles LRB-1059/7, LRB-0357/1, LRB-0992/2 and LRB-1242/P2. All of these drafts, except LRB-0357/1 and LRB-0992/2, should continue to appear in the compiled bill. LRB-0357/1 and LRB-0992/2 should be dropped from the compile.

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