



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-1059/8  
RAC:kjfrs

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

**FOR 2015-2017 BUDGET — NOT READY FOR INTRODUCTION**

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

*Analysis by the Legislative Reference Bureau*

**STATE GOVERNMENT**

**OTHER STATE GOVERNMENT**

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

**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.

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

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

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

2           13.121 (4) INSURANCE. For the purpose of premium determinations under s.  
3 40.05 (4) and (5) each member of the legislature shall accrue sick leave at a rate  
4 equivalent to a percentage of time worked recommended for such positions by the  
5 ~~director of the office~~ administrator of the division of state ~~employment relations~~  
6 personnel management in the department of administration and approved by the  
7 joint committee on employment relations in the same manner as compensation for  
8 such positions is determined under s. 20.923. This percentage of time worked shall  
9 be applied to the sick leave accrual rate established under s. 230.35 (2). The approved  
10 percentage shall be incorporated into the compensation plan under s. 230.12 (1).

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

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

1 December 1 is not a business day, in each even-numbered year. Each legislator shall  
2 file an affidavit with the chief clerk of his or her house certifying the specific dollar  
3 amount within the authorized allowance the member wishes to receive. Such  
4 affidavit, when filed, shall remain in effect for the biennial session.

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

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

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

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

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

23 15.105 (title) **Same; attached boards, commissions, bureaus, and**  
24 **offices.**

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

1           **15.105 (6) BUREAU OF MERIT RECRUITMENT AND SELECTION.** There is created in the  
2 division of personnel management in the department of administration a bureau of  
3 merit recruitment and selection. The director of the bureau shall serve at the  
4 pleasure of the secretary of administration.

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

6           **15.105 (6m) STATE EMPLOYEES SUGGESTION BOARD.** There is created in the  
7 department of administration a state employees suggestion board consisting of 3  
8 persons, at least one of whom shall be a state officer or employee, appointed for  
9 4-year terms.

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

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

12          **15.107 (3) COUNCIL ON AFFIRMATIVE ACTION.** There is created in the division of  
13 personnel management in the department of administration a council on affirmative  
14 action consisting of 15 members appointed for 3-year terms. A majority of members  
15 shall be public members and a majority of members shall be minority persons,  
16 women, or persons with disabilities, appointed with consideration to the appropriate  
17 representation of each group. The president of the senate, the speaker of the  
18 assembly, the minority leader of the senate, and the minority leader of the assembly  
19 each shall appoint one member and the remaining members shall be appointed by  
20 the governor.

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

22          **15.16 (1) EMPLOYEE TRUST FUNDS BOARD.** (intro.) The employee trust funds  
23 board shall consist of the governor or the governor's designee on the group insurance  
24 board, the ~~director of the office~~ administrator of the division of state employment  
25 ~~relations~~ personnel management in the department of administration or the

1     director's administrator's designee and 11 persons appointed or elected for 4-year  
2     terms as follows:

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

4             **15.165 (2) GROUP INSURANCE BOARD.** There is created in the department of  
5     employee trust funds a group insurance board. The board shall consist of the  
6     governor, the attorney general, the secretary of administration, the ~~director of the~~  
7     ~~office administrator of the division of state employment relations personnel~~  
8     ~~management in the department of administration~~, and the commissioner of  
9     insurance or their designees, and 6 persons appointed for ~~2-year~~ 4-year terms, of  
10    whom one shall be an insured participant in the Wisconsin Retirement System who  
11    is not a teacher, one shall be an insured participant in the Wisconsin Retirement  
12    System who is a teacher, one shall be an insured participant in the Wisconsin  
13    Retirement System who is a retired employee, one shall be an insured employee of  
14    a local unit of government, and one shall be the chief executive or a member of the  
15    governing body of a local unit of government that is a participating employer in the  
16    Wisconsin Retirement System.

      \*\*\*\*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.

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

18            **16.004 (7) (a)** The secretary shall establish and maintain a personnel  
19    management information system which shall be used to furnish the governor, the  
20    legislature and the ~~office division of state employment relations personnel~~  
21    ~~management in the department~~ with current information pertaining to authorized  
22    positions, payroll and related items for all civil service employees, except employees  
23    of the office of the governor, the courts and judicial branch agencies, and the

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

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

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

10 **16.40 (18) REQUIRE AGENCIES TO PROVIDE COPIES.** Require each state agency, at  
11 the time that the agency submits a request to the department for an increased  
12 appropriation to be provided in an executive budget bill which is necessitated by the  
13 compensation plan under s. 230.12 or a collective bargaining agreement approved  
14 under s. 111.92, to provide a copy of the request to the ~~director of the office~~  
15 administrator of the division of state employment relations personnel management  
16 in the department and the joint committee on employment relations.

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

18 **16.415 (1)** Neither the secretary nor any other fiscal officer of this state may  
19 draw, sign, or issue, or authorize the drawing, signing, or issuing of any warrant on  
20 any disbursing officer of the state to pay any compensation to any person in the  
21 classified service of the state unless an estimate, payroll, or account for such  
22 compensation, containing the names of every person to be paid, bears the certificate  
23 of the appointing authority that each person named in the estimate, payroll, or  
24 account has been appointed, employed, or subject to any other personnel transaction  
25 in accordance with, and that the pay for the person has been established in

1 accordance with, the law, compensation plan, or applicable collective bargaining  
2 agreement, and applicable rules of the ~~director of the office~~ administrator of the  
3 division of state employment relations personnel management in the department  
4 and the ~~administrator of the division~~ director of the bureau of merit recruitment and  
5 selection in the ~~office of state employment relations~~ department then in effect.

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

7 16.415 (3) Any sums paid contrary to this section may be recovered from any  
8 appointing authority making such appointments in contravention of law or of the  
9 rules promulgated pursuant thereto, or from any appointing authority signing or  
10 countersigning or authorizing the signing or countersigning of any warrant for the  
11 payment of the same, or from the sureties on the official bond of any such appointing  
12 authority, in an action in the circuit court for any county within the state, maintained  
13 by the ~~director of the office~~ administrator of the division of state employment  
14 relations personnel management in the department, or by a citizen resident therein,  
15 who is assessed for, and liable to pay, or within one year before the commencement  
16 of the action has paid, a state, city or county tax within this state. All moneys  
17 recovered in any action brought under this section when collected, shall be paid into  
18 the state treasury except that if a citizen taxpayer is plaintiff in any such action he  
19 or she shall be entitled to receive for personal use the taxable cost of such action and  
20 5% of the amount recovered as attorney fees.

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

22 16.50 (3) (f) At the request of the ~~director of the office~~ administrator of the  
23 division of state employment relations personnel management in the department,  
24 the secretary of administration may authorize the temporary creation of pool or  
25 surplus positions under any source of funds if the director determines that

1 temporary positions are necessary to maintain adequate staffing levels for high  
2 turnover classifications, in anticipation of attrition, to fill positions for which  
3 recruitment is difficult. Surplus or pool positions authorized by the secretary shall  
4 be reported quarterly to the joint committee on finance in conjunction with the report  
5 required under s. 16.54 (8).

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

8 19.45 (11) (a) ~~The administrator of the division~~ director of the bureau of merit  
9 recruitment and selection in the ~~office of state employment relations~~ department of  
10 administration shall, with the board's advice, promulgate rules to implement a code  
11 of ethics for classified and unclassified state employees except state public officials  
12 subject to this subchapter, personnel in the University of Wisconsin System, and  
13 officers and employees of the judicial branch.

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

13          **SECTION 28.** 20.545 (1) (pz) of the statutes is repealed.

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

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

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

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

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

20 20.916 (2) REIMBURSEMENT OF JOB APPLICANTS. Subject to rules of the ~~director~~  
21 ~~of the office~~ administrator of the division of state employment relations personnel  
22 management in the department of administration, reimbursement may be made to  
23 applicants for all or part of actual and necessary travel expenses incurred in  
24 connection with oral examination and employment interviews.

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

1           20.916 (4) (a) If any state agency determines that the duties of any employee  
2 require the use of an automobile, it may authorize such employee to use a privately  
3 owned automobile in the employee's work for the state, and reimburse the employee  
4 for such use at a rate set at least biennially by the office division of state employment  
5 relations personnel management in the department of administration under sub. (8),  
6 subject to the approval of the joint committee on employment relations.

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

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

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

23           20.916 (5) (a) If the use of a privately owned or chartered aircraft is more  
24 efficient and economical for the conduct of state business than commercial  
25 transportation, the head of a state agency may authorize an employee to charter an

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

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

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

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

19 20.916 (9) (d) *Other allowable travel expenses.* Employees shall be reimbursed  
20 for actual, reasonable, and necessary expenses, including specifically laundry,  
21 telephone, facsimile, portage, and tips, when traveling on state business, but not  
22 to exceed any limitations or maximums established by the ~~director of the office~~  
23 administrator of the division of state ~~employment relations personnel management~~  
24 in the department of administration under sub. (8) and s. 16.53 (12) (c).

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

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

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

8           20.916 (9) (f) 3. ‘Reimbursement.’ Receipt limits for all claims for  
9 reimbursement of transportation expense shall be established by the ~~director of the~~  
10 ~~office~~ administrator of the division of state employment relations personnel  
11 management in the department of administration in the compensation plan under  
12 s. 230.12.

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

14           20.917 (1) (c) Payment for moving expenses may be granted to a person  
15 reporting to his or her first place of employment or reporting upon reemployment  
16 after leaving the civil service, if payment is recommended by the appointing  
17 authority and approved in writing by the ~~director of the office~~ administrator of the  
18 division of state employment relations personnel management in the department of  
19 administration prior to the time when the move is made.

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

21           20.917 (1) (d) Payment may not be granted if the distance between the old and  
22 new residences of the employee is less than a minimum distance established by the  
23 ~~director of the office~~ administrator of the division of state employment relations  
24 personnel management in the department of administration for payment of moving  
25 expenses.

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

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

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

9           20.917 (3) (a) 1. Lodging allowances shall be in accordance with the schedule  
10 established by the ~~director of the office~~ administrator of the division of state  
11 ~~employment relations personnel management in the department of administration,~~  
12 but may not exceed the rate established under s. 13.123 (1) (a) 1.

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

14           20.917 (3) (a) 2. Lodging allowance payments are subject to prior approval in  
15 writing by the ~~director of the office~~ administrator of the division of state ~~employment~~  
16 ~~relations personnel management in the department of administration.~~

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

18           20.917 (5) (b) Payments under this subsection are in addition to any payments  
19 made under sub. (1). Payments under this subsection may be made only with the  
20 prior written approval of the ~~director of the office~~ administrator of the division of  
21 ~~state employment relations personnel management in the department of~~  
22 administration.

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

24           20.917 (6) The ~~director of the office~~ administrator of the division of state  
25 ~~employment relations personnel management in the department of administration~~

1 may, in writing, delegate to an appointing authority the authority to approve  
2 reimbursement for moving expenses under sub. (1) (c), a temporary lodging  
3 allowance under sub. (3) (a) 2. or expenses under sub. (5) (b).

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

5 20.923 (4) STATE AGENCY POSITIONS. (intro.) State agency heads, the  
6 ~~administrator of the division~~ director of the bureau of merit recruitment and  
7 ~~selection in the office of state employment relations~~ department of administration  
8 and commission chairpersons and members shall be identified and limited in  
9 number in accordance with the standardized nomenclature contained in this  
10 subsection, and shall be assigned to the executive salary groups listed in pars. (a) to  
11 (h). Except for positions specified in pars. (c) 3m. and (g) 1e. and sub. (12), all  
12 unclassified division administrator positions enumerated under s. 230.08 (2) (e)  
13 shall be assigned, when approved by the joint committee on employment relations,  
14 by the ~~director of the office~~ administrator of the division of ~~state employment~~  
15 ~~relations~~ personnel management in the department of administration to one of 10  
16 executive salary groups. The joint committee on employment relations, by majority  
17 vote of the full committee, may amend recommendations for initial position  
18 assignments and changes in assignments to the executive salary groups submitted  
19 by the ~~director of the office~~ administrator of the division of ~~state employment~~  
20 ~~relations~~ personnel management in the department of administration. All division  
21 administrator assignments and amendments to assignments of administrator  
22 positions approved by the committee shall become part of the compensation plan.  
23 Whenever a new unclassified division administrator position is created, the  
24 appointing authority may set the salary for the position until the joint committee on  
25 employment relations approves assignment of the position to an executive salary

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

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

7 20.923 (4) (c) 3m. Administration, department of; ~~office~~ division of state  
8 ~~employment relations; division personnel management; bureau~~ of merit recruitment  
9 and selection: administrator.

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

11 20.923 (4) (f) 1. Administration, department of; ~~office~~ division of state  
12 ~~employment relations; director~~ personnel management; administrator.

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

14 20.923 (7) WISCONSIN TECHNICAL COLLEGE SYSTEM SENIOR EXECUTIVE POSITIONS.  
15 (intro.) The salary range for the director and the executive assistant of the Wisconsin  
16 Technical College System shall be contained in the recommendations of the ~~director~~  
17 ~~of the office~~ administrator of the division of state-employment relations personnel  
18 management in the department of administration under s. 230.12 (3) (e). The board  
19 of the Wisconsin Technical College System shall set the salaries for these positions  
20 within the range to which the positions are assigned to recognize merit, to permit  
21 orderly salary progression, and to recognize competitive factors. The salary of any  
22 incumbent in the positions identified in pars. (a) and (b) may not exceed the  
23 maximum of the salary range for the group to which the position is assigned. The  
24 positions are assigned as follows:

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



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

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

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

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

1           20.923 (18) (a) The ~~office~~ division of ~~state employment relations~~ personnel  
2 management in the department of administration shall determine what positions in  
3 the classified service are comparable positions to the unclassified positions of 3 sales  
4 representatives of prison industries and one sales manager of prison industries who  
5 are appointed under s. 303.01 (10). For each such unclassified position, the ~~office~~  
6 division of ~~state employment relations~~ personnel management in the department of  
7 administration shall determine the minimum salary for each comparable position in  
8 the classified service and shall set an amount equal to that minimum salary as the  
9 salary for that unclassified position.

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

12           36.09 (1) (j) Except where such matters are a subject of bargaining with a  
13 certified representative of a collective bargaining unit under s. 111.91, the board  
14 shall establish salaries for persons prior to July 1 of each year for the next fiscal year,  
15 and shall designate the effective dates for payment of the new salaries. In the first  
16 year of the biennium, payments of the salaries established for the preceding year  
17 shall be continued until the biennial budget bill is enacted. If the budget is enacted  
18 after July 1, payments shall be made following enactment of the budget to satisfy the  
19 obligations incurred on the effective dates, as designated by the board, for the new  
20 salaries, subject only to the appropriation of funds by the legislature and s. 20.928  
21 (3). This paragraph does not limit the authority of the board to establish salaries for  
22 new appointments. The board may not increase the salaries of employees under this  
23 paragraph unless the salary increase conforms to the proposal as approved under s.  
24 230.12 (3) (e) or the board authorizes the salary increase to correct salary inequities  
25 under par. (h), to fund job reclassifications or promotions, or to recognize competitive

1 factors. The granting of salary increases to recognize competitive factors does not  
2 obligate inclusion of the annualized amount of the increases in the appropriations  
3 under s. 20.285 (1) for subsequent fiscal bienniums. No later than October 1 of each  
4 year, the board shall report to the joint committee on finance and the secretary of  
5 administration and ~~director of the office~~ administrator of the division of state  
6 ~~employment relations personnel management in the department of administration~~  
7 concerning the amounts of any salary increases granted to recognize competitive  
8 factors, and the institutions at which they are granted, for the 12-month period  
9 ending on the preceding June 30.

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

11 40.05 (4) (ag) 1. For insured part-time employees other than employees  
12 specified in s. 40.02 (25) (b) 2., including those in project positions as defined in s.  
13 230.27 (1), who are appointed to work less than 1,044 hours per year, an amount  
14 determined annually by the ~~director of the office~~ administrator of the division of state  
15 ~~employment relations personnel management in the department of administration~~  
16 under par. (ah).

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

18 40.05 (4) (ag) 2. For eligible employees not specified in subd. 1. and s. 40.02 (25)  
19 (b) 2., an amount not more than 88 percent of the average premium cost of plans  
20 offered in each tier under s. 40.51 (6), as determined annually by the ~~director~~  
21 administrator of the ~~office~~ division of state ~~employment relations personnel~~  
22 management in the department of administration under par. (ah).

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

24 40.05 (4) (ah) 1. Annually, the ~~director of the office~~ administrator of the division  
25 of state ~~employment relations personnel management in the department of~~

1 administration shall establish the amount that employees are required to pay for  
2 health insurance premiums in accordance with the maximum employer payments  
3 under par. (ag).

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

5 40.05 (4g) (a) 4. Has received a military leave of absence under s. 230.32 (3) (a)  
6 or 230.35 (3), under a collective bargaining agreement under subch. V of ch. 111 or  
7 under rules promulgated by the ~~director of the office~~ administrator of the division of  
8 ~~state employment relations~~ personnel management in the department of  
9 administration or is eligible for reemployment with the state under s. 321.64 after  
10 completion of his or her service in the U.S. armed forces.

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

12 40.06 (1) (dm) Each determination by a department head regarding the  
13 classification of a state employee as a protective occupation participant shall be  
14 reviewed by the ~~office~~ division of state employment relations personnel management  
15 in the department of administration. A state employee's name may not be certified  
16 to the fund as a protective occupation participant under par. (d) until the ~~office~~  
17 division of state employment relations personnel management in the department of  
18 administration approves the determination.

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

20 40.515 (1) In addition to the health care coverage plans offered under s. 40.51  
21 (6), beginning on January 1, 2015, the group insurance board shall offer to all state  
22 employees the option of receiving health care coverage through a high-deductible  
23 health plan and the establishment of a health savings account. Under this option,  
24 each employee shall receive health care coverage through a high-deductible health  
25 plan. The state shall make contributions into each employee's health savings

1 account in an amount specified by the ~~director of the office~~ administrator of the  
2 division of state employment relations personnel management in the department of  
3 administration under s. 40.05 (4) (ah) 4. In designing a high-deductible health plan,  
4 the group insurance board shall ensure that the plan may be used in conjunction with  
5 a health savings account.

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

7 40.52 (3) The group insurance board, after consulting with the board of regents  
8 of the University of Wisconsin System, shall establish the terms of a health insurance  
9 plan for graduate assistants, for teaching assistants, and for employees-in-training  
10 designated by the board of regents, who are employed on at least a one-third  
11 full-time basis and for teachers who are employed on at least a one-third full-time  
12 basis by the University of Wisconsin System with an expected duration of  
13 employment of at least 6 months but less than one year. Annually, the ~~director of the~~  
14 office administrator of the division of state employment relations personnel  
15 management in the department of administration shall establish the amount that  
16 the employer is required to pay in premium costs under this subsection.

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

18 45.82 (2) The department of veterans affairs shall award a grant annually to  
19 a county that meets the standards developed under this section and employs a county  
20 veterans service officer who, if chosen after August 9, 1989, is chosen from a list of  
21 candidates who have taken a civil service examination for the position of county  
22 veterans service officer developed and administered by the ~~division~~ bureau of merit  
23 recruitment and selection in the ~~office of state employment relations~~ department of  
24 administration, or is appointed under a civil service competitive examination  
25 procedure under s. 59.52 (8) or ch. 63. The grant shall be \$8,500 for a county with

1 a population of less than 20,000, \$10,000 for a county with a population of 20,000 to  
2 45,499, \$11,500 for a county with a population of 45,500 to 74,999, and \$13,000 for  
3 a county with a population of 75,000 or more. The department of veterans affairs  
4 shall use the most recent Wisconsin official population estimates prepared by the  
5 demographic services center when making grants under this subsection.

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

7 46.29 (3) (d) ~~The director of the office~~ administrator of the division of state  
8 ~~employment relations~~ personnel management in the department of administration.

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

10 49.78 (5) PERSONNEL EXAMINATIONS. Statewide examinations to ascertain  
11 qualifications of applicants in any county department administering aid to families  
12 with dependent children shall be given by the ~~administrator of the division~~ director  
13 of the bureau of merit recruitment and selection in the ~~office of state employment~~  
14 ~~relations~~ department of administration. The ~~office of state employment relations~~  
15 department of administration shall be reimbursed for actual expenditures incurred  
16 in the performance of its functions under this section from the appropriations  
17 available to the department of children and families for administrative  
18 expenditures.

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

20 59.26 (8) (a) In any county with a population of less than 500,000, the board,  
21 by ordinance, may fix the number of deputy sheriffs to be appointed in that county  
22 at not less than that number required by sub. (1) (a) and (b) and may set the salary  
23 of those deputies. Subject to sub. (10), the board may provide by ordinance that  
24 deputy sheriff positions be filled by appointment by the sheriff from a list of all  
25 persons with the 3 highest scores for each position based on a competitive

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

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

1           70.99 (3) (a) The ~~office~~ division of state ~~employment relations~~ personnel  
2 management in the department of administration shall recommend a reasonable  
3 salary range for the county assessor for each county based upon pay for comparable  
4 work or qualifications in that county. If, by contractual agreement under s. 66.0301,  
5 2 or more counties join to employ one county assessor with the approval of the  
6 secretary of revenue, the ~~office~~ division of state ~~employment relations~~ personnel  
7 management shall recommend a reasonable salary range for the county assessor  
8 under the agreement. The department of revenue shall assist the county in  
9 establishing the budget for the county assessor's offices, including the number of  
10 personnel and their qualifications, based on the anticipated workload.

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

12           73.09 (2) DEPARTMENT OF REVENUE ASSESSMENT PERSONNEL. The requirements  
13 established for local assessment personnel under sub. (1) shall also apply to  
14 department of revenue assessment personnel commencing on January 1, 1981. The  
15 ~~office~~ division of state ~~employment relations~~ personnel management in the  
16 department of administration with the assistance of the department of revenue shall  
17 determine the position classifications for which certification shall apply within the  
18 department of revenue. The first level of certification shall be obtained within 100  
19 days of the employee's appointment. The department of revenue in consultation with  
20 the ~~office~~ division of state ~~employment relations~~ personnel management shall  
21 establish requirements for obtaining higher levels of assessor certification.

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

23           73.09 (5) EXAMINATIONS. As provided in subs. (1) and (2), the department of  
24 revenue, assisted by the ~~division~~ bureau of merit recruitment and selection in the  
25 ~~office of state employment relations~~ department of administration, shall prepare and



1 administer examinations for each level of certification. Persons applying for an  
2 examination under this subsection shall submit a \$20 examination fee with their  
3 application. Certification shall be granted to each person who passes the  
4 examination for that level.

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

6 111.81 (5) “Division” means the division of personnel management in the  
7 department of administration.

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

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

11 111.815 (1) In the furtherance of this subchapter, the state shall be considered  
12 as a single employer and employment relations policies and practices throughout the  
13 state service shall be as consistent as practicable. The ~~office~~ division shall negotiate  
14 and administer collective bargaining agreements. To coordinate the employer  
15 position in the negotiation of agreements, the ~~office~~ division shall maintain close  
16 liaison with the legislature relative to the negotiation of agreements and the fiscal  
17 ramifications of those agreements. Except with respect to the collective bargaining  
18 units specified in s. 111.825 (1r) and (1t), the ~~office~~ division is responsible for the  
19 employer functions of the executive branch under this subchapter, and shall  
20 coordinate its collective bargaining activities with operating state agencies on  
21 matters of agency concern. The legislative branch shall act upon those portions of  
22 tentative agreements negotiated by the ~~office~~ division that require legislative action.  
23 With respect to the collective bargaining units specified in s. 111.825 (1r), the Board  
24 of Regents of the University of Wisconsin System is responsible for the employer  
25 functions under this subchapter. With respect to the collective bargaining units

1 specified in s. 111.825 (1t), the chancellor of the University of Wisconsin–Madison is  
2 responsible for the employer functions under this subchapter. With respect to the  
3 collective bargaining unit specified in s. 111.825 (1r) (ef), the governing board of the  
4 charter school established by contract under s. 118.40 (2r) (cm), 2013 stats., is  
5 responsible for the employer functions under this subchapter.

\*\*\*\*NOTE: This is reconciled s. 111.815 (1). This SECTION has been affected by drafts  
with the following LRB numbers: –1059/7 and –0333.

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

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

14 111.815 (3) With regard to collective bargaining activities involving employees  
15 who are assistant district attorneys, the ~~director of the office~~ administrator of the  
16 division shall maintain close liaison with the secretary of administration.

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

18 111.83 (3) (a) Whenever a question arises concerning the representation of  
19 employees in a collective bargaining unit the commission shall determine the  
20 representative thereof by taking a secret ballot of the employees and certifying in  
21 writing the results thereof to the interested parties and to the ~~director of the office~~  
22 administrator of the division. There shall be included on any ballot for the election  
23 of representatives the names of all labor organizations having an interest in

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

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

11 111.86 (2) The office division shall charge a state department or agency the  
12 employer's share of the cost related to grievance arbitration under sub. (1) for any  
13 arbitration that involves one or more employees of the state department or agency.  
14 Each state department or agency so charged shall pay the amount that the office  
15 division charges from the appropriation account or accounts used to pay the salary  
16 of the grievant. Funds received under this subsection shall be credited to the  
17 appropriation account under s. ~~20.545-(1)-(km)~~ 20.505 (1) (ks).

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

19 111.89 (1) Upon establishing that a strike is in progress, the employer may  
20 either seek an injunction or file an unfair labor practice charge with the commission  
21 under s. 111.84 (2) (e) or both. It is the responsibility of the office division to decide  
22 whether to seek an injunction or file an unfair labor practice charge. The existence  
23 of an administrative remedy does not constitute grounds for denial of injunctive  
24 relief.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 **SECTION 115.** 230.08 (2) (e) 8j. of the statutes is repealed.

17 **SECTION 116.** 230.08 (2) (xr) of the statutes is created to read:

18 230.08 (2) (xr) The administrator of the division of personnel management and  
19 the director of the bureau of merit recruitment and selection in the department of  
20 administration.

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

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

23 230.08 (4) (c) Any proposal of a board, department or commission, as defined  
24 in par. (a) and s. 15.01 (5), or of the historical society, for a change in the number of  
25 positions enumerated in sub. (2) (e), before being submitted to the legislature, shall

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

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

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

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

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

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

1           230.09 (1) (intro.) The ~~director~~ administrator shall ascertain and record the  
2 duties, responsibilities and authorities of, and establish grade levels and  
3 classifications for, all positions in the classified service. Each classification so  
4 established shall include all positions which are comparable with respect to  
5 authority, responsibility and nature of work required. Each classification shall be  
6 established to include as many positions as are reasonable and practicable. In  
7 addition, each class shall:

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

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

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

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

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

24           230.09 (2) (b) To accommodate and effectuate the continuing changes in the  
25 classification plan as a result of the classification survey program and otherwise, the



1     ~~director~~ administrator shall, upon initial establishment of a classification, assign  
2     that class to the appropriate pay rate or range, and may, upon subsequent review,  
3     reassign classes to different pay rates or ranges. The ~~director~~ administrator shall  
4     assign each class to a pay range according to the skill, effort, responsibility and  
5     working conditions required for the class, without regard to whether the class is  
6     occupied primarily by members of a certain gender or racial group. The ~~director~~  
7     administrator shall give notice to appointing authorities to permit them to make  
8     recommendations before final action is taken on any such assignment or  
9     reassignment of classes.

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

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

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

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

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

1           230.09 (2) (g) When filling a new or vacant position, if the ~~director~~  
2 administrator determines that the classification for a position is different than that  
3 provided for by the legislature as established by law or in budget determinations, or  
4 as authorized by the joint committee on finance under s. 13.10, or as specified by the  
5 governor creating positions under s. 16.505 (1) (c) or (2), or is different than that of  
6 the previous incumbent, the ~~director~~ administrator shall notify the ~~administrator~~  
7 director and the secretary of administration. The ~~administrator~~ director shall  
8 withhold action on the selection and certification process for filling the position. The  
9 secretary of administration shall review the position to determine that sufficient  
10 funds exist for the position and that the duties and responsibilities of the proposed  
11 position reflect the intent of the legislature as established by law or in budget  
12 determinations, the intent of the joint committee on finance acting under s. 13.10,  
13 the intent of the governor creating positions under s. 16.505 (1) (c) or (2). The  
14 ~~administrator~~ director may not proceed with the selection and certification process  
15 until the secretary of administration has authorized the position to be filled.

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

17           230.09 (3) The ~~director~~ administrator shall establish separate classifications  
18 for career executive positions under s. 230.24 and rules governing the salary  
19 administration of positions in such classifications.

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

21           230.12 (1) (a) 3. Provisions for administration of the compensation plan and  
22 salary transactions shall be provided, as determined by the ~~director~~ administrator,  
23 in either the rules of the ~~director~~ administrator or the compensation plan.

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