

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

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

6 230.12 (1) (d) *Uniforms and safety equipment.* The ~~director~~ administrator, with
7 approval of the joint committee on employment relations, may establish a schedule
8 of payments to employees for uniforms or protective clothing and equipment
9 required to perform their duties.

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

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

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

24 230.12 (3) (ad) *Timing of proposed changes.* Notwithstanding any other
25 statute, the ~~director~~ administrator may delay timing for announcement or

1 implementation of any recommended changes in the compensation plan under this
2 section until after some or all of the collective bargaining agreements under subch.
3 V of ch. 111 for that biennium are negotiated. Any such action taken under this
4 paragraph is not appealable under s. 230.44.

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

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

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

19 230.12 (3) (c) *Interim adjustments.* Subject to pars. (a) and (b), the ~~director~~
20 administrator may propose amendments to one or more parts of the compensation
21 plan at such times as the needs of the service require.

22 **SECTION 136.** 230.12 (3) (e) 1. of the statutes, as affected by 2011 Wisconsin Act
23 32, is amended to read:

24 230.12 (3) (e) 1. The ~~director~~ administrator, after receiving recommendations
25 from the board of regents and the chancellor of the University of Wisconsin–Madison,

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

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

20 230.12 (3) (e) 2. The ~~director~~ administrator, after receiving recommendations
21 from the board of the Technical College System, shall submit to the joint committee
22 on employment relations a proposal for adjusting compensation and employee
23 benefits for employees under s. 20.923 (7). The proposal shall include the salary
24 ranges and adjustments to the salary ranges for the general senior executive salary
25 groups established under s. 20.923 (7). Paragraph (b) and sub. (1) (bf) shall apply

1 to the process for approval of all pay adjustments for such employees. The proposal
2 as approved by the joint committee on employment relations and the governor shall
3 be based upon a percentage of the budgeted salary base for such employees under s.
4 20.923 (7).

5 **SECTION 138.** 230.12 (4) of the statutes is amended to read:

6 230.12 (4) COMPENSATION PLAN IMPLEMENTATION PROVISIONS. (a) When an
7 approved compensation plan or an amendment thereto becomes effective, required
8 individual pay adjustments shall be made in accordance with determinations made
9 by the ~~director~~ administrator to implement the approved plan.

10 (b) The ~~director~~ administrator may, without prior approval of the joint
11 committee on employment relations, determine the circumstances under which it is
12 appropriate for an appointing authority to grant, and authorize an appointing
13 authority to grant, a general wage or parity adjustment, or appropriate portion
14 thereof, previously approved by the committee under this section to employees who
15 did not receive the adjustment on the effective date of the adjustment set forth in the
16 plan. No general wage or parity adjustment may become effective for any employee
17 prior to the effective date of the individual employee transaction, but the ~~director~~
18 administrator may authorize an appointing authority to grant a lump sum payment
19 to an employee to reflect any wage or parity adjustment that the employee did not
20 receive during the period between the effective date of the adjustment set forth in the
21 plan and the effective date of the individual employee transaction.

22 **SECTION 139.** 230.12 (5) (c) of the statutes is amended to read:

23 230.12 (5) (c) *Increase limits.* Unless otherwise defined in the pay schedule the
24 total amount for all such within range increases shall not exceed the amount for such

1 increases specified and approved by the joint committee on employment relations in
2 its action on the ~~director's~~ administrator's proposal for such increases.

3 **SECTION 140.** 230.12 (7m) of the statutes is amended to read:

4 **230.12 (7m) PAY ADJUSTMENT FILING REQUIREMENTS.** Except as provided in the
5 rules of the ~~director~~ administrator and in the compensation plan, pay increases shall
6 be made only on the dates prescribed under sub. (8). Appointing authorities shall at
7 such times each year as specified by the secretary file with the ~~director~~ administrator
8 and with the secretary of administration a list of employees showing their then
9 existing pay rates and their proposed new pay rates.

10 **SECTION 141.** 230.12 (9) of the statutes is amended to read:

11 **230.12 (9) HEALTH INSURANCE PREMIUM CREDITS.** The ~~director~~ administrator may
12 recommend to the joint committee on employment relations a program,
13 administered by the department of employee trust funds, that provides health
14 insurance premium credits to employees whose compensation is established under
15 this section or s. 20.923 (2) or (3). The health insurance premium credits shall be
16 used for the purchase of health insurance for a retired employee, or the retired
17 employee's surviving insured dependents; for an eligible employee under s. 40.02
18 (25) (b) 6e., or the eligible employee's surviving insured dependents; for an employee
19 who is laid off, but who is not on a temporary, school year, seasonal, or sessional
20 layoff, and his or her surviving insured dependents; and for the surviving insured
21 dependents of an employee who dies while employed by the state, and shall be based
22 on the employee's years of continuous service, accumulated unused sick leave and
23 any other factor recommended by the director. Credits granted under the program
24 to an employee who is laid off shall be available until the credits are exhausted, the
25 employee is reemployed by the state, or 5 years have elapsed from the date of layoff,

1 whichever occurs first. The approval process for the program is the same as that
2 provided under sub. (3) (b) and the program shall be incorporated into the
3 compensation plan under sub. (1).

4 **SECTION 142.** 230.14 (4) of the statutes is amended to read:

5 230.14 (4) The ~~administrator~~ director may charge an agency a fee to announce
6 any vacancy to be filled in a classified or unclassified position in that agency. Funds
7 received under this subsection shall be credited to the appropriation account under
8 s. ~~20.545 (1) (ka)~~ 20.505 (1) (kn).

9 **SECTION 143.** 230.147 (3) of the statutes is amended to read:

10 230.147 (3) Notwithstanding subs. (1) and (2), the state fair park board shall
11 make every reasonable effort to employ in permanent full-time equivalent positions
12 persons who, at the time determined under sub. (4), receive aid under s. 49.19 or
13 benefits under s. 49.147 (3) to (5). The state fair park board shall consult with the
14 ~~office~~ division to assure that its efforts under this subsection comply with ch. 230.

15 **SECTION 144.** 230.15 (1) of the statutes is amended to read:

16 230.15 (1) Subject to the restriction under s. 230.143, appointments to, and
17 promotions in, the classified service shall be made only according to merit and
18 fitness, which shall be ascertained so far as practicable by competitive examination.
19 The ~~administrator~~ director may waive competitive examination for appointments
20 made under subs. (1m) and (2) and shall waive competitive examination for
21 appointments made under sub. (2m).

22 **SECTION 145.** 230.15 (1m) (b) (intro.) of the statutes is amended to read:

23 230.15 (1m) (b) (intro.) Whenever a position is included in the classified service
24 under par. (a), the ~~director~~ administrator shall determine all of the following:

25 **SECTION 146.** 230.15 (1m) (c) of the statutes is amended to read:

1 230.15 (1m) (c) 1. Whenever a position is included in the classified service
2 under par. (a), the ~~administrator~~ director may waive the requirement for competitive
3 examination under sub. (1) with respect to the position and certify the incumbent
4 employee for appointment to the position in accordance with subd. 2.

5 2. The ~~administrator~~ director may certify an incumbent employee as eligible
6 for appointment under subd. 1. if the ~~administrator~~ director determines on the basis
7 of sound personnel management practices that the incumbent is qualified for the
8 position included in the classified service.

9 3. If an employee is appointed after being certified under subd. 2., the
10 ~~administrator~~ director shall determine the employee's probationary status under s.
11 230.28, except that the employee shall receive credit toward his or her probationary
12 period for the time that the employee had been employed in the position immediately
13 prior to appointment.

14 **SECTION 147.** 230.15 (2) of the statutes is amended to read:

15 230.15 (2) If a vacancy occurs in a position in the classified service when
16 peculiar and exceptional qualifications of a scientific, professional, or educational
17 character are required, and if presented with satisfactory evidence that for specified
18 reasons competition in such special cases is impracticable, and that the position can
19 best be filled by the selection of some designated person of high and recognized
20 attainments in such qualities, the ~~administrator~~ director may waive competition
21 requirements unless the vacancy is to be filled by promotion.

22 **SECTION 148.** 230.15 (2m) of the statutes is amended to read:

23 230.15 (2m) If a vacancy occurs in a position in the classified service and the
24 ~~administrator~~ director is notified by an appointing authority that the position is to

1 be filled by a disabled veteran under s. 230.275, the ~~administrator~~ director shall
2 waive all competition requirements for filling the position.

3 **SECTION 149.** 230.16 (1) (a) of the statutes is amended to read:

4 230.16 (1) (a) The ~~administrator~~ director shall require persons applying for
5 admission to any examination under this subchapter or under the rules of the
6 ~~administrator~~ director to file an application with the ~~division~~ bureau a reasonable
7 time prior to the proposed examination.

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

9 230.16 (1) (am) The ~~administrator~~ director may require in connection with the
10 application such supplementary work history, educational transcripts, statements
11 of physicians or others having knowledge of the applicant, as needed for qualification
12 evaluations.

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

14 230.16 (1) (b) The ~~division~~ bureau shall furnish application forms without
15 charge to all persons requesting them.

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

17 230.16 (2) Competitive examinations shall be free and open to all applicants
18 who have fulfilled the preliminary requirements stated in the examination
19 announcement. To assure that all applicants have a fair opportunity to compete,
20 examinations shall be held at such times and places as, in the judgment of the
21 ~~administrator~~ director, most nearly meet the convenience of applicants and needs of
22 the service.

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

24 230.16 (3) The ~~administrator~~ director may appoint boards of examiners of at
25 least 2 persons for the purpose of conducting oral examinations as a part of the

1 examination procedure for certain positions. All board members shall be
2 well-qualified and impartial. All questions asked and answers made in any
3 examination of applicants shall be recorded and made a part of the records of the
4 applicants.

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

6 230.16 (5) In the interest of sound personnel management, consideration of
7 applicants and service to agencies, the ~~administrator~~ director may set a standard for
8 proceeding to subsequent steps in an examination, provided that all applicants are
9 fairly treated and due notice has been given. The standard may be at or above the
10 passing point set by the ~~administrator~~ director for any portion of the examination.
11 The ~~administrator~~ director shall utilize appropriate scientific techniques and
12 procedures in administering the selection process, in rating the results of
13 examinations and in determining the relative ratings of the competitors.

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

15 230.16 (6) If any applicant is unable to complete the examination in the form
16 presented to the applicant due to a disability, the ~~division~~ bureau shall provide a
17 reader, an appropriate place to take the examination or other similar prerequisites
18 to ensure equality of opportunity in the examination.

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

20 230.16 (7m) (b) (intro.) The ~~office~~ division shall accept an application after its
21 due date from a veteran if all of the following apply:

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

23 230.16 (7m) (c) Within 30 days after acceptance of an application under par.
24 (b), the ~~office~~ division shall give the applicant an examination.

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

1 230.16 (9) The officials in control of state, municipal and county buildings,
2 upon requisition by the ~~administrator~~ director, shall furnish without charge
3 adequate rooms and building services for the administration of examinations.

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

5 230.16 (11) Records of examinations, including a transcript or recorded tape
6 of oral examinations, given under this subchapter shall be retained for at least one
7 year. Inspection of such records shall be regulated by rules of the ~~administrator~~
8 director.

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

10 **230.17 Applicants and eligibles may be barred; bonds may be required.**

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

17 (2) If the ~~administrator~~ director refuses to examine an applicant, or after an
18 examination to certify an eligible, as provided in this section, the ~~administrator~~
19 director, if requested by the applicant so rejected within 10 days of the date of receipt
20 of the notice of rejection, shall give the applicant a full and explicit statement of the
21 exact cause of such refusal to examine or to certify. Applicants may appeal to the
22 commission the decision of the ~~administrator~~ director to refuse to examine or certify
23 under s. 230.44 (1) (a). Upon request of an applicant or an eligible for a civil service
24 position who has a disability, the department of health services shall obtain from the
25 ~~administrator~~ director a detailed description of all duties entailed by such position

1 and shall determine and report its findings to the ~~administrator~~ director, as to the
2 ability of the applicant, or eligible, to perform the duties of such position. Such
3 findings shall be conclusive as to the qualifications of any applicant, or eligible, so
4 examined. A notice of rejection shall notify an applicant or eligible of his or her rights
5 under this subsection.

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

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

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

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

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

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

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

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

18 230.21 (1) Subject to s. 230.275, the ~~administrator~~ director may, to meet the
19 needs of the service, establish separate recruitment, examination and certification
20 procedures for filling positions in unskilled labor and service classes.

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

22 230.21 (1m) (a) (intro.) If the ~~administrator~~ director uses the method of random
23 certification to determine which applicants for an unskilled labor or service position
24 will receive further consideration for the position, the ~~administrator~~ director shall
25 do all of the following:

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

2 230.21 (1m) (b) If the ~~administrator~~ director uses the method of random
3 certification to determine which applicants for an unskilled labor or service position
4 will receive further consideration for the position and the appointing authority does
5 not select a veteran or a person the hiring of whom would serve affirmative action
6 purposes, the appointing authority shall make and retain a written record of the
7 appointing authority's reasons for selecting the person who was appointed. The
8 appointing authority shall make the written records available to the ~~office~~ division
9 and annually submit a report to the ~~office~~ division summarizing the reasons
10 contained in the written records.

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

12 230.21 (2) The ~~administrator~~ director may designate classifications in which
13 applicants are in critically short supply and may develop such recruitment,
14 examination and certification processes as will provide agencies with prompt
15 certification when qualified applicants can be found, provided that due notice has
16 been given and proper competitive standards have been maintained.

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

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

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

1 **230.213 Affirmative action procedures for corrections positions.** The
2 administrator director may, to meet affirmative action objectives, establish such
3 recruitment, examination and certification procedures for positions in the
4 department of corrections as will enable the department of corrections to increase the
5 number of employees of a specified gender or a specified racial or ethnic group in
6 those positions. The administrator director shall design the procedures to obtain a
7 work force in the department of corrections that reflects the relevant labor pool. The
8 administrator director may determine the relevant labor pool from the population
9 of the state or of a particular geographic area of the state, whichever is more
10 appropriate for achieving the affirmative action objective.

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

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

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

22 **230.215 (3) (b)** If the ~~director~~ administrator, upon review of the report
23 submitted under sub. (4), determines that an agency's past or proposed actions
24 relating to permanent part-time employment opportunities do not adequately

1 reflect the policy under sub. (1) (e), the ~~director~~ administrator may recommend
2 procedures designed to enable the agency to effect such policy.

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

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

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

9 **230.22 Entry professional selection.** (1) The ~~director~~ administrator may
10 establish by rule an entry professional class program for use in a wide range of entry
11 professional positions.

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

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

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

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

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

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

15 230.24 (1m) The policy established by the ~~administrator~~ director under sub.
16 (1) that deals with probation shall provide the option of extending the probationary
17 period for individuals with disabilities, as defined in s. 111.32 (8), who are employees
18 in a manner consistent with s. 230.28 (1) (bm).

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

20 230.25 (1) Appointing authorities shall give written notice to the ~~administrator~~
21 director of any vacancy to be filled in any position in the classified service. The
22 ~~administrator~~ director shall certify, under this subchapter and the rules of the
23 ~~administrator~~ director, from the register of eligibles appropriate for the kind and
24 type of employment, the grade and class in which the position is classified, any
25 number of names at the head thereof. In determining the number of names to certify,

1 the ~~administrator~~ director shall use statistical methods and personnel management
2 principles that are designed to maximize the number of certified names that are
3 appropriate for filling the specific position vacancy. Up to 2 persons considered for
4 appointment 3 times and not selected may be removed from the register for each 3
5 appointments made. Certification under this subsection shall be made before
6 granting any preference under s. 230.16 (7).

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

8 230.25 (1g) For every position to be filled by promotion from a promotional
9 register, the ~~administrator~~ director shall, after certifying names under sub. (1),
10 additionally certify the name of the highest ranked disabled veteran whose disability
11 is at least 70%.

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

13 230.25 (1n) (a) (intro.) After certifying names under subs. (1), (1g) and (1m),
14 the ~~administrator~~ director may engage in expanded certification by doing one or
15 more of the following:

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

17 230.25 (1n) (b) The ~~administrator~~ director may certify names under par. (a) 1.
18 or 2. only if an agency requests expanded certification in order to comply with an
19 approved affirmative action plan or program. The ~~administrator~~ director may certify
20 names under par. (a) 3. only if an agency requests expanded certification in order to
21 hire persons with a disability.

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

23 230.25 (1p) If an appointing authority appoints a person certified under this
24 section and the person is not a veteran, the spouse of a veteran or a person the hiring
25 of whom would serve affirmative action purposes, the appointing authority shall

SECTION 180

1 make and retain a written record of the appointing authority's reasons for selecting
2 the person who was appointed. The appointing authority shall make the written
3 records available to the ~~office~~ division and annually submit a report to the ~~office~~
4 division summarizing the reasons contained in the written records. The ~~office~~
5 division shall annually prepare a report summarizing, for each agency, the reasons
6 contained in the records prepared by appointing authorities under this subsection.

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

8 230.25 (2) (a) When certifying names to appointing authorities under this
9 section, the ~~administrator~~ director shall specify whether the certification includes
10 qualifying veterans or persons the hiring of whom would serve affirmative action
11 purposes, without divulging the names of those individuals. The ~~administrator~~
12 director shall not disclose any applicant's test score, with or without the addition of
13 veterans preference points under s. 230.16 (7), to the appointing authority.

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

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

1 230.25 (3) (b) The ~~administrator~~ director may allow a register to expire after
2 3 months, but only after considering the impact of such an action on the policy of this
3 state to provide for equal employment opportunity and to take affirmative action, as
4 specified in s. 230.01 (2).

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

6 230.25 (4) (a) The ~~administrator~~ director may establish a new and separate
7 register for a specific position or class only when in the ~~administrator's~~ director's
8 judgment there is no appropriate existing register from which appointments may be
9 made.

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

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

14 230.25 (5) Notwithstanding sub. (2) (a), if an appointing authority elects to
15 appoint a disabled veteran to a vacant position on a noncompetitive basis under s.
16 230.275 and the appointing authority has requested a certification for the position,
17 the ~~administrator~~ director shall provide the appointing authority the names of all
18 disabled veterans certified for appointment to the position and who satisfy the
19 condition specified in s. 230.275 (1) (a) and the names of all such disabled veterans
20 who are on any other employment register that is identified by the appointing
21 authority.

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

23 230.26 (1) The ~~administrator~~ director may provide by rule for selection and
24 appointment for limited term appointments, which are provisional appointments or
25 appointments for less than 1,044 hours per year.

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

2 **230.26 (1m)** An appointing authority may not appoint a person who is not a
3 state resident to a limited term appointment unless approved by the ~~administrator~~
4 director.

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

6 **230.26 (2)** If there are urgent reasons for filling a vacancy in any position in
7 the classified service and the ~~administrator~~ director is unable to certify to the
8 appointing authority, upon requisition by the latter, a list of persons eligible for
9 appointment from an appropriate employment register, the appointing authority
10 may nominate a person to the ~~administrator~~ director for noncompetitive
11 examination. If the nominee is certified by the ~~administrator~~ director as qualified,
12 the nominee may be appointed provisionally to fill the vacancy until an appointment
13 can be made from a register established after announcement of competition for the
14 position, except that no provisional appointment may be continued for more than 45
15 working days after the date of certification from the register. Successive
16 appointments may not be made under this subsection. This subsection does not
17 apply to a person appointed to a vacant position in the classified service under s.
18 230.275.

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

20 **230.26 (5)** If the ~~administrator~~ director determines that an agency is not in
21 compliance with the requirements of, or rules related to, sub. (1), (1m) or (2)
22 regarding a particular employee, the ~~administrator~~ director shall direct the
23 appointing authority to terminate the employee.

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

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

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

6 230.27 (2) Subject to s. 230.275, the ~~administrator~~ director may provide by rule
7 for the selection and appointment of a person to a project position.

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

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

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

19 230.275 (1) (d) The appointing authority notifies the ~~administrator~~ director in
20 writing that the position is to be filled with a disabled veteran on a noncompetitive
21 basis.

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

23 230.28 (1) (a) All original and all promotional appointments to permanent,
24 sessional and seasonal positions, with the exception of those positions designated as
25 supervisor or management under s. 111.81, in the classified service shall be for a

1 probationary period of 6 months, but the ~~administrator~~ director at the request of the
2 appointing authority and in accordance with the rules related thereto may extend
3 any such period for a maximum of 3 additional months. Dismissal may be made at
4 any time during such periods. Upon such dismissal, the appointing authority shall
5 report to the ~~administrator~~ director and to the employee removed, the dismissal and
6 the reason therefor. The ~~administrator~~ director may remove an employee during the
7 employee's probationary period if the ~~administrator~~ director finds, after giving notice
8 and an opportunity to be heard, that such employee was appointed as a result of
9 fraud or error.

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

11 230.28 (1) (b) The ~~administrator~~ director may authorize a longer probationary
12 period not to exceed 2 years for any administrative, technical or professional
13 position, in order to provide the appointing authority assurance that the employee
14 has had adequate exposure to the various responsibilities which are a part of the
15 position or classification.

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

17 230.28 (1) (bm) (intro.) At the request of an appointing authority and an
18 employee, the ~~administrator~~ director may authorize, at any time before the
19 completion of the probationary period, an extended probationary period of up to one
20 additional year for an individual with a disability, as defined in s. 111.32 (8), who is
21 the employee to allow the employee to do any of the following:

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

23 230.28 (1) (c) Upon request by the appointing authority, the ~~administrator~~
24 director may waive any portion of the lengthened probationary period but in no case
25 before a 6-month probationary period has been served.

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

2 230.28 (3) If an employee is removed from a position during the probationary
3 period, and the ~~administrator~~ director determines that the person is suitable for
4 appointment to another position, the person's name may be restored to the list from
5 which it was certified.

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

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

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

17 **230.29 Transfers.** A transfer may be made from one position to another only
18 if specifically authorized by the ~~administrator~~ director.

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

20 230.30 (1) Each agency shall constitute an employing unit for purposes of
21 personnel transactions, except where appropriate functional, organizational or
22 geographic breakdowns exist within the agency and except as provided in sub. (2).
23 These breakdowns may constitute a separate employing unit for one or more types
24 of personnel transactions under an overall employing unit plan if requested by the
25 appointing authority of that agency and approved by the ~~administrator~~ director. If

1 the ~~administrator~~ director determines, after conferring with the appointing
2 authority of the employing agency, that an employing unit is or has become
3 inappropriate to carry out sound personnel management practices due to factors
4 including, but not limited to, the size or isolated location of portions of the employing
5 unit, the ~~administrator~~ director may revise the employing unit structure of the
6 agency to effect the remedy required.

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

8 230.31 (1) (b) For a 3-year period from the date of separation, if on layoff status,
9 the person shall be placed, in inverse order of layoff, on an appropriate mandatory
10 restoration register for the unit used for layoff and on a restoration register for the
11 agency from which the person was laid off. Use of such registers shall be subject to
12 the rules of the ~~administrator~~ director.

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

14 230.31 (2) The ~~administrator~~ director may also provide for the reinstatement
15 of persons who have served in seasonal and sessional employment and for persons
16 who separate from a position while serving a probationary period.

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

18 230.315 (1) (c) The employee has received a military leave of absence under s.
19 230.32 (3) (a) or 230.35 (3), under a collective bargaining agreement under subch. V
20 of ch. 111, or under rules promulgated by the ~~office of employment relations~~ division
21 or is eligible for reemployment with the state under s. 321.64 after completion of his
22 or her service in the U.S. armed forces.

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

24 230.32 (3) (a) Any classified employee who leaves state service and enters the
25 armed forces of the United States shall, under this section, be granted written

1 military leave of absence by the appointing authority. Notice of such leave from state
2 service and the terms of any such leave shall be given in writing by the appointing
3 authority to the ~~director~~ administrator for purposes of record.

4 (b) Any classified employee who leaves state service for civilian employment
5 in response to a specific request or order of the federal government or any of its
6 agencies in connection with manpower redistribution and utilization shall, under
7 this section, make written application to the appointing authority for civilian leave
8 of absence presenting such specific request or order of the federal government as
9 supporting evidence. Such civilian leave shall be allowed by the appointing
10 authority and its terms, which shall conform to the rules of the ~~director~~
11 administrator, shall be in writing. Notice of such leave from state service shall be
12 made in writing by the appointing authority to the ~~director~~ administrator for
13 purposes of record.

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

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

18 230.32 (4) Any person appointed to fill the position of an employee on such
19 military or civilian leave shall be designated as a substitute or replacement employee
20 and upon the return and reemployment of the original employee the substitute
21 employee shall be transferred to a similar position with the same employing agency
22 if one is available, or if not, he or she shall be eligible for reinstatement or have the
23 right of restoration in accordance with this subchapter and the rules of the
24 ~~administrator~~ director. The status of any person who is appointed to fill the place

1 of an employee on military or civilian leave under this section shall be governed by
2 the rules of the ~~administrator~~ director pursuant thereto.

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

4 230.32 (5) The restoration of classified former employees of the state shall be
5 governed by this section and by the rules of the ~~administrator~~ director.

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

7 230.33 (2) A person appointed to an unclassified position by an appointing
8 authority other than an appointing authority described under sub. (1), to a
9 department other than the one in which the person was a classified employee may
10 be granted a leave of absence without pay at the option of the person's former
11 appointing authority in accordance with the leave of absence provisions in the rules
12 of the ~~director~~ administrator. An employee granted a leave of absence shall have the
13 same restoration rights and reinstatement privileges as under sub. (1m). If not
14 granted a leave of absence, the employee shall be entitled only to the reinstatement
15 privileges under sub. (1m).

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

17 230.34 (1) (c) The ~~director~~ administrator shall establish guidelines for uniform
18 application of this authority among the various agencies.

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

20 230.34 (2) (b) The ~~administrator~~ director shall promulgate rules governing
21 layoffs and appeals therefrom and alternative procedures in lieu of layoff to include
22 voluntary and involuntary demotion and the exercise of a displacing right to a
23 comparable or lower class, as well as the subsequent employee right of restoration
24 or eligibility for reinstatement.

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

1 230.34 (2m) Employees in positions funded by nonstate funds made available
2 contingent on special employee eligibility requirements such as length of prior
3 unemployment, specific occupational disadvantages or need for remedial work
4 experience, shall be exempt from inclusion with the employees whose positions are
5 in classes considered for layoff under sub. (2). In the case of reduction in force in such
6 nonstate funded positions, layoffs and layoff procedures established pursuant to the
7 rules of the ~~administrator~~ director may be limited to employees whose positions are
8 dependent upon specific funding contingencies.

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

10 230.34 (3) The appointing authority shall confer with the ~~administrator~~
11 director relative to a proposed layoff a reasonable time before the effective date
12 thereof in order to assure compliance with the rules.

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

14 230.34 (4) Resignations shall be regulated by the rules of the ~~director~~
15 administrator.

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

17 230.35 (1) (d) Annual leaves of absence shall not be cumulative except under
18 sub. (1p) and except that unused annual leave shall, subject to the rules of the
19 ~~director~~ administrator, be used in the year following the one in which it was earned,
20 but no employee shall lose any unused annual leave because the employee's work
21 responsibilities prevented the usage of the unused annual leave during the first 6
22 months of the year following the year in which it was earned.

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

24 230.35 (1m) (f) The continuous service of an employee eligible for annual leave
25 under this subsection shall not be considered interrupted if the employee was on an

1 approved leave of absence to participate in providing specialized disaster relief
2 services or if the employee leaves the service and is reemployed by the state in
3 another position covered under this subsection. Employees appointed to career
4 executive positions under s. 230.24 or positions designated in s. 19.42 (10) (L) or
5 20.923 (4), (7), (8), or (9) or authorized under s. 230.08 (2) (e) are not subject to the
6 continuous service requirements under sub. (1) (g) if they are reemployed in any of
7 those positions, regardless of the duration of their absence. If the employees are
8 reemployed in a position other than a career executive position or a position
9 designated in s. 19.42 (10) (L) or 20.923 (4), (7), (8), or (9) or authorized under s.
10 230.08 (2) (e), continuous service shall be established in accordance with rules of the
11 ~~direector~~ administrator.

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

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

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

1 230.35 (2r) (b) The ~~director~~ administrator may establish, by rule, a
2 catastrophic leave program that permits employees to donate certain types and
3 amounts of leave credits to other employees who have been absent from pay status
4 because of a catastrophic need for which there is no paid leave benefits or
5 replacement income available. The ~~director~~ administrator shall determine the types
6 and amounts of leave credits that may be donated.

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

8 230.35 (3) (d) Employees of the state are entitled to reasonable paid leaves of
9 absence to compete in promotional examinations and interviews. The ~~director~~
10 administrator shall promulgate rules governing the lengths of time allowable for
11 such leaves, their frequency and the provisions for their use.

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

13 230.35 (3) (e) 2. e. The leave of absence conforms with any rules of the ~~director~~
14 administrator regarding leaves of absence to provide specialized disaster relief
15 services.

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

17 230.35 (3) (e) 5. The ~~director~~ administrator may promulgate any rules
18 necessary to implement this paragraph.

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

20 230.35 (5) (b) The standard basis of employment shall be divided into 5 work
21 days of 8 hours each except as provided under s. 230.215 (5), and except that when
22 the conditions of employment cannot be satisfied by adhering to this division or when
23 the public would not be inconvenienced, deviations may be permitted upon
24 recommendation of the appointing authority and subsequent approval by the
25 ~~director~~ administrator.

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

2 230.37 (1) In cooperation with appointing authorities the ~~director~~
3 administrator shall establish an employee performance evaluation program to
4 provide a continuing record of employee development and, when applicable, to serve
5 as a basis for pertinent personnel actions. Similar evaluations shall be conducted
6 during the probationary period but may not infringe upon the authority of the
7 appointing authority to retain or dismiss employees during the probationary period.

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

9 230.40 (6) The ~~administrator~~ director shall administer this section.

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

11 230.43 (5) **TAXPAYERS' SUITS.** The right of any taxpayer to bring any action to
12 restrain the payment of compensation to any person appointed to or holding any
13 office or place of employment in violation of this subchapter shall not be limited or
14 denied by reason of the fact that the office or place of employment has been classified
15 as, or determined to be, not subject to competitive examination; however, any
16 judgment or injunction in any such action shall be prospective only, and shall not
17 affect payments already made or due to such persons by the proper disbursing
18 officers, in accordance with the rules of the ~~director~~ administrator in force at the time
19 of such payments.

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

21 230.44 (1) (a) *Decision made or delegated by* ~~administrator~~ director. Appeal of
22 a personnel decision under this subchapter made by the ~~administrator~~ director or by
23 an appointing authority under authority delegated by the ~~administrator~~ director
24 under s. 230.05 (2).

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

1 230.44 (1) (b) *Decision made or delegated by ~~direeter~~ administrator*. Appeal of
2 a personnel decision under s. 230.09 (2) (a) or (d) or 230.13 (1) made by the ~~direeter~~
3 administrator or by an appointing authority under authority delegated by the
4 ~~direeter~~ administrator under s. 230.04 (1m).

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

6 230.44 (1) (dm) *Noncompetitive appointment of certain disabled veterans.* A
7 personnel action under s. 230.275 by an appointing authority that is alleged to be
8 illegal or an abuse of discretion. The ~~administrator~~ director and the office division
9 may not be a party to any such appeal.

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

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

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

2 **230.46 Duties of council on affirmative action.** The council on affirmative
3 action ~~in the office~~ shall serve in a direct advisory capacity to the ~~director~~
4 administrator and as part of that relationship shall evaluate the progress of
5 affirmative action programs throughout the civil service system, seek compliance
6 with state and federal regulations and recommend improvements in the state's
7 affirmative action efforts as an employer. In carrying out its responsibilities, the
8 council may recommend legislation, consult with agency personnel and other
9 interested persons, conduct hearings and take other appropriate action to promote
10 affirmative action. The council shall report at least once per year to the governor and
11 the legislature.

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

13 **230.48 (2) PERSONNEL, FACILITIES AND EQUIPMENT.** ~~The office~~ administrator shall
14 appoint, under the classified service, a secretary and such other employees as are
15 necessary to carry out the duties of the state employees suggestion board, and shall
16 provide such facilities and equipment as that board requires for the proper
17 performance of its work. The state employees suggestion board may request and
18 shall receive from any state department any assistance that it requires.

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

20 **230.90 (2)** An employee may bring an action in circuit court against his or her
21 employer or employer's agent, including this state, if the employer or employer's
22 agent retaliates, by engaging in a disciplinary action, against the employee because
23 the employee exercised his or her rights under the first amendment to the U.S.
24 constitution or article I, section 3, of the Wisconsin constitution by lawfully disclosing
25 information or because the employer or employer's agent believes the employee so

1 exercised his or her rights. The employee shall bring the action within 2 years after
2 the action allegedly occurred or after the employee learned of the action, whichever
3 occurs last. No employee may bring an action against the office division of state
4 ~~employment relations~~ personnel management in the department of administration
5 as an employer's agent.

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

7 233.10 (3) (c) 4. Grant to the carry-over employee military leave, treatment of
8 military leave, jury service leave and voting leave in accordance with s. 230.35 (3)
9 and (4) (e) and, to the extent applicable, rules of the office division of state
10 ~~employment relations~~ personnel management in the department of administration
11 governing such leaves for employees in the classified service as of the last day of the
12 employee's employment as a state employee if the employee was entitled to those
13 benefits on that day.

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

15 233.10 (4) Notwithstanding the requirement that an employee be a state
16 employee, a carry-over employee of the authority who was employed in a position in
17 the classified service immediately prior to beginning employment with the authority
18 shall, from June 29, 1996, to June 30, 1997, have the same transfer rights under s.
19 230.29 and the rules of the office division of state ~~employment relations~~ personnel
20 management in the department of administration governing transfers as a person
21 who holds a position in the classified service.

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

23 301.03 (5h) Develop, with the assistance of the office division of state
24 ~~employment relations~~ personnel management in the department of administration,

1 a policy for staff assignments that shall consider an employee's seniority when
2 assigning shifts.

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

4 301.16 (1o) (b) In the selection of classified service employees of the institution
5 specified in par. (a), the appointing authority shall, whenever possible, use the
6 expanded certification program under rules of the ~~administrator of the division~~
7 director of the bureau of merit recruitment and selection in the ~~office of state~~
8 ~~employment relations~~ department of administration to ensure that employees of the
9 institution reflect the general population of either the county in which the institution
10 is located or the most populous county contiguous to the county in which the
11 institution is located, whichever population is greater. The ~~administrator~~ director
12 of the ~~division~~ bureau of merit recruitment and selection in the department of
13 administration shall provide guidelines for the administration of this selection
14 procedure.

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

16 321.64 (1) (c) If a dispute arises regarding a classified employee of the state
17 relating to the provisions of par. (a), the complaint shall be filed with the ~~director~~
18 administrator of the ~~office~~ division of ~~state employment relations~~ personnel
19 management. A decision of the ~~director~~ administrator of the ~~office~~ division of state
20 ~~employment relations~~ personnel management in the department of administration
21 may be reviewed under ch. 227.

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

23 938.538 (6m) (b) In the selection of classified service employees for a juvenile
24 correctional facility authorized under 1993 Wisconsin Act 377, section 9108 (1) (a),
25 the appointing authority shall make every effort to use the expanded certification

1 program under s. 230.25 (1n) or rules of the ~~administrator~~ director of the ~~division~~
2 bureau of merit recruitment and selection in the ~~office of state employment relations~~
3 department of administration to ensure that the percentage of employees who are
4 minority group members approximates the percentage of the juveniles placed at that
5 juvenile correctional facility who are minority group members. The ~~administrator~~
6 ~~of the division~~ director of the bureau of merit recruitment and selection ~~in the office~~
7 ~~of state employment relations~~ shall provide guidelines for the administration of the
8 selection procedure.

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

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

22 **SECTION 9112. Nonstatutory provisions; Employee Trust Funds.**

23 (1) TERMS OF APPOINTED MEMBERS OF THE GROUP INSURANCE BOARD.
24 Notwithstanding section 15.165 (2) of the statutes, as affected by this act, the
25 following members of the group insurance board shall be appointed for 2-year terms,

1 expiring on May 1 of the next succeeding odd-numbered year, and their successors
2 shall be appointed for 4-year terms as provided under section 15.165 (2) of the
3 statutes, as affected by this act:

4 (a) The insured participant in the Wisconsin Retirement System who is not a
5 teacher.

6 (b) The insured participant in the Wisconsin Retirement System who is a
7 teacher.

8 (c) The insured participant in the Wisconsin Retirement System who is a
9 retired employee.

10 **SECTION 9140. Nonstatutory provisions; State Employment Relations,**
11 **Office of.**

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

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

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

22 (c) *Employee status.* Employees transferred under paragraph (b) have all the
23 rights and the same status under chapter 230 of the statutes in the department of
24 administration that they enjoyed in the office of state employment relations
25 immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes,

1 no employee so transferred who has attained permanent status in class is required
2 to serve a probationary period.

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

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

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

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

22

(END)

D-Note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1059/8dn ^{9dm}

RAC:cjs:rs

January 29, 2015

KJF

LRB-1242/p4

This draft reconciles LRB-1059/7, LRB-0357/1, and LRB-0992/2. 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.

Joseph T. Kreye
Senior Legislative Attorney
(608) 266-2263
joseph.kreye@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1059/9dn
RAC:kjf:jf

January 29, 2015

This draft reconciles LRB-1059/7, LRB-0357/1, LRB-1242/P4, and LRB-0992/2. 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.

Joseph T. Kreye
Senior Legislative Attorney
(608) 266-2263
joseph.kreye@legis.wisconsin.gov