



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-1059/10  
RAC:kjf:jf

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

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

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

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*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.

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*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 (9) of the statutes is amended to read:



1           20.923 (9) ASSISTANT DEPUTY SECRETARY AND EXECUTIVE ASSISTANTS. Salaries for  
2 assistant deputy secretaries and executive assistants appointed under ss. 15.05 (3)  
3 and 15.06 (4m) shall be set by the appointing authority. The salary for an assistant  
4 deputy secretary or an executive assistant appointed under s. 15.05 (3) or 15.06 (4m),  
5 other than the salary for the executive assistant to the director of the technical  
6 college system, may not exceed the maximum of the salary range 2 ranges below the  
7 salary range for the executive salary group to which the department or agency head  
8 is assigned. The position of administrative assistant to the lieutenant governor shall  
9 be treated as are executive assistants for pay purposes under this subsection. ~~The~~  
10 ~~salary for the executive assistant appointed under s. 230.04 (16) shall be set by the~~  
11 ~~appointing authority. The salary for that position may not exceed the maximum of~~  
12 ~~the salary range 2 ranges below the salary range for the executive salary group to~~  
13 ~~which the appointing authority is assigned.~~

14           **SECTION 50.** 20.923 (18) (a) of the statutes is amended to read:

15           20.923 (18) (a) The ~~office~~ division of state ~~employment relations~~ personnel  
16 management in the department of administration shall determine what positions in  
17 the classified service are comparable positions to the unclassified positions of 3 sales  
18 representatives of prison industries and one sales manager of prison industries who  
19 are appointed under s. 303.01 (10). For each such unclassified position, the ~~office~~  
20 division of state ~~employment relations~~ personnel management in the department of  
21 administration shall determine the minimum salary for each comparable position in  
22 the classified service and shall set an amount equal to that minimum salary as the  
23 salary for that unclassified position.

24           **SECTION 51.** 36.09 (1) (j) of the statutes, as affected by 2011 Wisconsin Act 32,  
25 is amended to read:

1           36.09 (1) (j) Except where such matters are a subject of bargaining with a  
2 certified representative of a collective bargaining unit under s. 111.91, the board  
3 shall establish salaries for persons prior to July 1 of each year for the next fiscal year,  
4 and shall designate the effective dates for payment of the new salaries. In the first  
5 year of the biennium, payments of the salaries established for the preceding year  
6 shall be continued until the biennial budget bill is enacted. If the budget is enacted  
7 after July 1, payments shall be made following enactment of the budget to satisfy the  
8 obligations incurred on the effective dates, as designated by the board, for the new  
9 salaries, subject only to the appropriation of funds by the legislature and s. 20.928  
10 (3). This paragraph does not limit the authority of the board to establish salaries for  
11 new appointments. The board may not increase the salaries of employees under this  
12 paragraph unless the salary increase conforms to the proposal as approved under s.  
13 230.12 (3) (e) or the board authorizes the salary increase to correct salary inequities  
14 under par. (h), to fund job reclassifications or promotions, or to recognize competitive  
15 factors. The granting of salary increases to recognize competitive factors does not  
16 obligate inclusion of the annualized amount of the increases in the appropriations  
17 under s. 20.285 (1) for subsequent fiscal bienniums. No later than October 1 of each  
18 year, the board shall report to the joint committee on finance and the secretary of  
19 administration and ~~director of the office~~ administrator of the division of state  
20 ~~employment relations personnel management in the department of administration~~  
21 concerning the amounts of any salary increases granted to recognize competitive  
22 factors, and the institutions at which they are granted, for the 12-month period  
23 ending on the preceding June 30.

24           **SECTION 52.** 40.05 (4) (ag) 1. of the statutes is amended to read:

1           40.05 (4) (ag) 1. For insured part-time employees other than employees  
2 specified in s. 40.02 (25) (b) 2., including those in project positions as defined in s.  
3 230.27 (1), who are appointed to work less than 1,044 hours per year, an amount  
4 determined annually by the ~~director of the office~~ administrator of the division of state  
5 ~~employment relations~~ personnel management in the department of administration  
6 under par. (ah).

7           **SECTION 53.** 40.05 (4) (ag) 2. of the statutes is amended to read:

8           40.05 (4) (ag) 2. For eligible employees not specified in subd. 1. and s. 40.02 (25)  
9 (b) 2., an amount not more than 88 percent of the average premium cost of plans  
10 offered in each tier under s. 40.51 (6), as determined annually by the ~~director~~  
11 administrator of the office division of state ~~employment relations~~ personnel  
12 management in the department of administration under par. (ah).

13           **SECTION 54.** 40.05 (4) (ah) 1. of the statutes is amended to read:

14           40.05 (4) (ah) 1. Annually, the ~~director of the office~~ administrator of the division  
15 of state ~~employment relations~~ personnel management in the department of  
16 administration shall establish the amount that employees are required to pay for  
17 health insurance premiums in accordance with the maximum employer payments  
18 under par. (ag).

19           **SECTION 55.** 40.05 (4g) (a) 4. of the statutes is amended to read:

20           40.05 (4g) (a) 4. Has received a military leave of absence under s. 230.32 (3) (a)  
21 or 230.35 (3), under a collective bargaining agreement under subch. V of ch. 111 or  
22 under rules promulgated by the ~~director of the office~~ administrator of the division of  
23 ~~state employment relations~~ personnel management in the department of  
24 administration or is eligible for reemployment with the state under s. 321.64 after  
25 completion of his or her service in the U.S. armed forces.

1           **SECTION 56.** 40.06 (1) (dm) of the statutes is amended to read:

2           40.06 (1) (dm) Each determination by a department head regarding the  
3 classification of a state employee as a protective occupation participant shall be  
4 reviewed by the ~~office~~ division of state employment relations personnel management  
5 in the department of administration. A state employee's name may not be certified  
6 to the fund as a protective occupation participant under par. (d) until the ~~office~~  
7 division of state employment relations personnel management in the department of  
8 administration approves the determination.

9           **SECTION 57.** 40.515 (1) of the statutes is amended to read:

10          40.515 (1) In addition to the health care coverage plans offered under s. 40.51  
11 (6), beginning on January 1, 2015, the group insurance board shall offer to all state  
12 employees the option of receiving health care coverage through a high-deductible  
13 health plan and the establishment of a health savings account. Under this option,  
14 each employee shall receive health care coverage through a high-deductible health  
15 plan. The state shall make contributions into each employee's health savings  
16 account in an amount specified by the ~~director of the office~~ administrator of the  
17 division of state employment relations personnel management in the department of  
18 administration under s. 40.05 (4) (ah) 4. In designing a high-deductible health plan,  
19 the group insurance board shall ensure that the plan may be used in conjunction with  
20 a health savings account.

21          **SECTION 58.** 40.52 (3) of the statutes is amended to read:

22          40.52 (3) The group insurance board, after consulting with the board of regents  
23 of the University of Wisconsin System, shall establish the terms of a health insurance  
24 plan for graduate assistants, for teaching assistants, and for employees-in-training  
25 designated by the board of regents, who are employed on at least a one-third

1 full-time basis and for teachers who are employed on at least a one-third full-time  
2 basis by the University of Wisconsin System with an expected duration of  
3 employment of at least 6 months but less than one year. Annually, the ~~director of the~~  
4 office administrator of the division of state employment relations personnel  
5 management in the department of administration shall establish the amount that  
6 the employer is required to pay in premium costs under this subsection.

7 **SECTION 59.** 45.82 (2) of the statutes is amended to read:

8 45.82 (2) The department of veterans affairs shall award a grant annually to  
9 a county that meets the standards developed under this section and employs a county  
10 veterans service officer who, if chosen after August 9, 1989, is chosen from a list of  
11 candidates who have taken a civil service examination for the position of county  
12 veterans service officer developed and administered by the ~~division~~ bureau of merit  
13 recruitment and selection in the ~~office of state employment relations~~ department of  
14 administration, or is appointed under a civil service competitive examination  
15 procedure under s. 59.52 (8) or ch. 63. The grant shall be \$8,500 for a county with  
16 a population of less than 20,000, \$10,000 for a county with a population of 20,000 to  
17 45,499, \$11,500 for a county with a population of 45,500 to 74,999, and \$13,000 for  
18 a county with a population of 75,000 or more. The department of veterans affairs  
19 shall use the most recent Wisconsin official population estimates prepared by the  
20 demographic services center when making grants under this subsection.

21 **SECTION 60.** 46.29 (3) (d) of the statutes is amended to read:

22 46.29 (3) (d) The ~~director of the office~~ administrator of the division of state  
23 employment relations personnel management in the department of administration.

24 **SECTION 61.** 49.78 (5) of the statutes is amended to read:

1           49.78 (5) PERSONNEL EXAMINATIONS. Statewide examinations to ascertain  
2           qualifications of applicants in any county department administering aid to families  
3           with dependent children shall be given by the ~~administrator of the division~~ director  
4           of the bureau of merit recruitment and selection in the ~~office of state employment~~  
5           ~~relations~~ department of administration. The ~~office of state employment relations~~  
6           department of administration shall be reimbursed for actual expenditures incurred  
7           in the performance of its functions under this section from the appropriations  
8           available to the department of children and families for administrative  
9           expenditures.

10           **SECTION 62.** 59.26 (8) (a) of the statutes is amended to read:

11           59.26 (8) (a) In any county with a population of less than 500,000, the board,  
12           by ordinance, may fix the number of deputy sheriffs to be appointed in that county  
13           at not less than that number required by sub. (1) (a) and (b) and may set the salary  
14           of those deputies. Subject to sub. (10), the board may provide by ordinance that  
15           deputy sheriff positions be filled by appointment by the sheriff from a list of all  
16           persons with the 3 highest scores for each position based on a competitive  
17           examination. Such competitive examinations may be by a county civil service  
18           commission or by the ~~division~~ bureau of merit recruitment and selection in the ~~office~~  
19           ~~of state employment relations~~ department of administration at the option of the  
20           board and it shall so provide by ordinance. The ~~division~~ bureau of merit recruitment  
21           and selection ~~in the office of state employment relations~~ shall, upon request of the  
22           board, conduct such examination according to the methods used in examinations for  
23           the state civil service and shall certify an eligible list of the names of all persons with  
24           the 3 highest scores on that examination for each position to the sheriff of that county  
25           who shall, subject to sub. (10), make an appointment from that list to fill the position

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

16 **SECTION 63.** 70.99 (3) (a) of the statutes is amended to read:

17 70.99 (3) (a) The ~~office~~ division of ~~state employment relations~~ personnel  
18 management in the department of administration shall recommend a reasonable  
19 salary range for the county assessor for each county based upon pay for comparable  
20 work or qualifications in that county. If, by contractual agreement under s. 66.0301,  
21 2 or more counties join to employ one county assessor with the approval of the  
22 secretary of revenue, the ~~office~~ division of ~~state employment relations~~ personnel  
23 management shall recommend a reasonable salary range for the county assessor  
24 under the agreement. The department of revenue shall assist the county in

1 establishing the budget for the county assessor's offices, including the number of  
2 personnel and their qualifications, based on the anticipated workload.

3 **SECTION 64.** 73.09 (5) of the statutes is amended to read:

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

11 **SECTION 65.** 111.81 (5) of the statutes is created to read:

12 111.81 (5) "Division" means the division of personnel management in the  
13 department of administration.

14 **SECTION 66.** 111.81 (14) of the statutes is repealed.

15 **SECTION 67.** 111.815 (1) and (2) of the statutes, as affected by 2013 Wisconsin  
16 Act 166, are amended to read:

17 111.815 (1) In the furtherance of this subchapter, the state shall be considered  
18 as a single employer and employment relations policies and practices throughout the  
19 state service shall be as consistent as practicable. The ~~office~~ division shall negotiate  
20 and administer collective bargaining agreements. To coordinate the employer  
21 position in the negotiation of agreements, the ~~office~~ division shall maintain close  
22 liaison with the legislature relative to the negotiation of agreements and the fiscal  
23 ramifications of those agreements. Except with respect to the collective bargaining  
24 units specified in s. 111.825 (1r) and (1t), the ~~office~~ division is responsible for the  
25 employer functions of the executive branch under this subchapter, and shall



1 coordinate its collective bargaining activities with operating state agencies on  
2 matters of agency concern. The legislative branch shall act upon those portions of  
3 tentative agreements negotiated by the ~~office~~ division that require legislative action.  
4 With respect to the collective bargaining units specified in s. 111.825 (1r), the Board  
5 of Regents of the University of Wisconsin System is responsible for the employer  
6 functions under this subchapter. With respect to the collective bargaining units  
7 specified in s. 111.825 (1t), the chancellor of the University of Wisconsin–Madison is  
8 responsible for the employer functions under this subchapter. With respect to the  
9 collective bargaining unit specified in s. 111.825 (1r) (ef), the governing board of the  
10 charter school established by contract under s. 118.40 (2r) (cm), 2013 stats., is  
11 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.

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

19 **SECTION 68.** 111.815 (3) of the statutes is amended to read:

20 111.815 (3) With regard to collective bargaining activities involving employees  
21 who are assistant district attorneys, the ~~director of the office~~ administrator of the  
22 division shall maintain close liaison with the secretary of administration.

23 **SECTION 69.** 111.83 (3) (a) of the statutes is amended to read:

1           111.83 (3) (a) Whenever a question arises concerning the representation of  
2 employees in a collective bargaining unit the commission shall determine the  
3 representative thereof by taking a secret ballot of the employees and certifying in  
4 writing the results thereof to the interested parties and to the ~~director of the office~~  
5 administrator of the division. There shall be included on any ballot for the election  
6 of representatives the names of all labor organizations having an interest in  
7 representing the employees participating in the election as indicated in petitions  
8 filed with the commission. The name of any existing representative shall be included  
9 on the ballot without the necessity of filing a petition. The commission may exclude  
10 from the ballot one who, at the time of the election, stands deprived of his or her rights  
11 under this subchapter by reason of a prior adjudication of his or her having engaged  
12 in an unfair labor practice. The ballot shall be so prepared as to permit a vote against  
13 representation by anyone named on the ballot. The commission's certification of the  
14 results of any election is conclusive as to the findings included therein unless  
15 reviewed under s. 111.07 (8).

16           **SECTION 70.** 111.86 (2) of the statutes is amended to read:

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

24           **SECTION 71.** 111.89 (1) of the statutes is amended to read:

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

7           **SECTION 72.** 111.91 (4) of the statutes, as affected by 2011 Wisconsin Act 32, is  
8 amended to read:

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

18           **SECTION 73.** 111.915 of the statutes is amended to read:

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

1           **SECTION 74.** 111.92 (1) (a) 1. of the statutes, as affected by 2011 Wisconsin Act  
2 32, is amended to read:

3           111.92 (1) (a) 1. Any tentative agreement reached between the ~~office~~ division  
4 and any labor organization representing a collective bargaining unit specified in s.  
5 111.825 (1) or (2) (d) or (e) shall, after official ratification by the labor organization,  
6 be submitted by the ~~office~~ division to the joint committee on employment relations,  
7 which shall hold a public hearing before determining its approval or disapproval.

8           **SECTION 75.** 227.10 (3) (e) of the statutes is amended to read:

9           227.10 (3) (e) Nothing in this subsection prohibits the ~~administrator~~ director  
10 of the ~~division~~ bureau of merit recruitment and selection in the ~~office of state~~  
11 ~~employment relations~~ department of administration from promulgating rules  
12 relating to expanded certification under s. 230.25 (1n).

13           **SECTION 76.** 227.47 (2) of the statutes is amended to read:

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

25           **SECTION 77.** 230.02 of the statutes is amended to read:

1           **230.02 Liberal construction of statutes.** Statutes applicable to the office  
2           division and bureau shall be construed liberally in aid of the purposes declared in s.  
3           230.01.

4           **SECTION 78.** 230.03 (5) of the statutes is created to read:

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

7           **SECTION 79.** 230.03 (9e) of the statutes is amended to read:

8           230.03 (9e) “Director” means the director of the office bureau.

9           **SECTION 80.** 230.03 (10) of the statutes is amended to read:

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

12          **SECTION 81.** 230.03 (10w) of the statutes is repealed.

13          **SECTION 82.** 230.04 (title) of the statutes is amended to read:

14          **230.04 (title) Powers and duties of the director administrator.**

15          **SECTION 83.** 230.04 (1) of the statutes is amended to read:

16          230.04 (1) The ~~director~~ administrator is charged with the effective  
17          administration of this chapter. All powers and duties, necessary to that end, which  
18          are not exclusively vested by statute in the commission, the division of equal rights,  
19          the ~~administrator~~ director or appointing authorities, are reserved to the director.

20          **SECTION 84.** 230.04 (1m) of the statutes is amended to read:

21          230.04 (1m) The ~~director~~ administrator may delegate, in writing, any of his or  
22          her functions set forth in this chapter to an appointing authority, within prescribed  
23          standards if the ~~director~~ administrator finds that the agency has personnel  
24          management capabilities to perform such functions effectively and has indicated its  
25          approval and willingness to accept such responsibility by written agreement. If the

1 ~~director~~ administrator determines that any agency is not performing such delegated  
2 function within prescribed standards, the ~~director~~ administrator shall forthwith  
3 withdraw such delegated function. Subject to the approval of the joint committee on  
4 finance, the ~~director~~ administrator may order transferred to the ~~office~~ division from  
5 the agency to which delegation was made such agency staff and other resources as  
6 necessary to perform such functions if increased staff was authorized to that agency  
7 as a consequence of such delegation or if the ~~office~~ division reduced staff or shifted  
8 staff to new responsibilities as a result of such delegation. Any delegatory action  
9 taken under s. 230.09 (2) (a) or (d) or 230.13 (1) by an appointing authority may be  
10 appealed to the commission under s. 230.44 (1) (b). The ~~director~~ administrator shall  
11 be a party in such an appeal.

12 **SECTION 85.** 230.04 (2) of the statutes is amended to read:

13 230.04 (2) The ~~director~~ administrator may utilize the services of technical or  
14 specialized personnel to assist in implementing and maintaining a sound personnel  
15 management program. These services may be obtained from persons inside or  
16 outside of state service.

17 **SECTION 86.** 230.04 (3) of the statutes is amended to read:

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

23 **SECTION 87.** 230.04 (4) of the statutes is amended to read:

24 230.04 (4) The ~~director~~ administrator shall establish and maintain a collective  
25 bargaining capability under s. 111.815 (2).

1           **SECTION 88.** 230.04 (5) of the statutes is amended to read:

2           230.04 (5) The ~~director~~ administrator shall promulgate rules on all matters  
3 relating to the administration of the ~~office~~ division and the performance of the duties  
4 assigned to the ~~director~~ administrator, except on matters relating to those provisions  
5 of subch. II for which responsibility is specifically charged to the ~~administrator~~  
6 director.

7           **SECTION 89.** 230.04 (8) of the statutes is amended to read:

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

10          **SECTION 90.** 230.04 (9) (intro.) of the statutes is amended to read:

11          230.04 (9) (intro.) The ~~director~~ administrator shall do all of the following:

12          **SECTION 91.** 230.04 (9) (f) of the statutes is amended to read:

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

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

19          230.04 (9m) The ~~director~~ administrator shall conduct periodic reviews and  
20 evaluations of the written records of hiring decisions made by appointing authorities  
21 under ss. 230.21 (1m), 230.25 (1p) and 230.27 (2k).

22          **SECTION 93.** 230.04 (9r) (b) (intro.) of the statutes is amended to read:

23          230.04 (9r) (b) (intro.) The ~~director~~ administrator shall keep a record of all of  
24 the following:

25          **SECTION 94.** 230.04 (10) of the statutes is amended to read:

1           230.04 (10) (a) The ~~director~~ administrator may require all agencies and their  
2 officers to comply with the ~~director's~~ administrator's request to furnish current  
3 information pertaining to authorized positions, payroll and related items regarding  
4 civil service and employment relations functions.

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

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

17           **SECTION 95.** 230.04 (11) of the statutes is amended to read:

18           230.04 (11) The ~~director~~ administrator may provide by rule for an understudy  
19 program to assure continuity in selected positions.

20           **SECTION 96.** 230.04 (12) of the statutes is amended to read:

21           230.04 (12) The ~~director~~ administrator shall keep in the ~~office~~ division an  
22 official roster of all permanent classified employees which shall include classification  
23 titles, pay and employment status changes and appropriate dates thereof.

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

25           230.04 (13) (intro.) The ~~director~~ administrator shall do all of the following:



1           **SECTION 98.** 230.04 (14) of the statutes is amended to read:

2           230.04 (14) The ~~director~~ administrator shall establish, by rule, the scope and  
3           minimum requirements of a state employee grievance procedure relating to  
4           conditions of employment.

5           **SECTION 99.** 230.04 (15) of the statutes is amended to read:

6           230.04 (15) The ~~director~~ administrator shall review and either approve or  
7           disapprove each determination by an agency head regarding the classification of a  
8           state employee as a protective occupation participant for purposes of the Wisconsin  
9           retirement system.

10          **SECTION 100.** 230.04 (16) of the statutes is repealed.

11          **SECTION 101.** 230.04 (17) of the statutes is amended to read:

12          230.04 (17) The ~~director~~ administrator shall resolve any dispute raised by a  
13          complaint filed under s. 321.64 (1) (c).

14          **SECTION 102.** 230.04 (18) of the statutes is amended to read:

15          230.04 (18) The ~~director~~ administrator may provide any services and materials  
16          to agencies and may charge the agencies for providing the services and materials.  
17          The ~~director~~ administrator shall establish a methodology for determining the costs  
18          of services and materials charged to state agencies under this subsection. All moneys  
19          received from the charges shall be deposited in the appropriation account under s.  
20          ~~20.545 (1) (k)~~ 20.505 (1) (kz).

21          **SECTION 103.** 230.046 (5) (c) of the statutes is amended to read:

22          230.046 (5) (c) An agreement has been entered into by the trainee and the  
23          appointing authority relative to employment with the state, together with such other  
24          terms and conditions as may be necessary under the rules of the ~~director~~  
25          administrator whenever on-the-job trainees are employed; and

1           **SECTION 104.** 230.046 (7) of the statutes is amended to read:

2           230.046 (7) ESTABLISH INTERNSHIPS. The ~~director~~ administrator shall establish  
3 in the classified service in-service training internships designed to give rigorous  
4 training in public service administration for periods not to exceed 3 years under the  
5 direct supervision of experienced administrators.

6           **SECTION 105.** 230.046 (8) of the statutes is amended to read:

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

12           **SECTION 106.** 230.046 (9) of the statutes is amended to read:

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

18           **SECTION 107.** 230.046 (10) (intro.) of the statutes is amended to read:

19           230.046 (10) FUNCTIONS OF THE ~~OFFICE~~ DIVISION. (intro.) The ~~office~~ division may  
20 do all of the following:

21           **SECTION 108.** 230.047 (8) of the statutes is amended to read:

22           230.047 (8) ADMINISTRATION. The ~~director~~ administrator shall promulgate  
23 rules for the operation and implementation of this section. The rules shall prescribe  
24 the duration, terms and conditions of such interchange.

25           **SECTION 109.** 230.05 of the statutes is amended to read:

1           **230.05 Powers and duties of the ~~administrator~~ director.** (1) All powers  
2 necessary for the effective administration of the duties specified for the  
3 ~~administrator~~ director under this subchapter are reserved to the ~~administrator~~  
4 director.

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

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

24           (3) The ~~administrator~~ director may utilize the services of technical or  
25 specialized personnel to assist in implementing and maintaining a sound merit

1 recruitment and selection program. These services may be obtained from persons  
2 within or without state service.

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

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

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

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

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

1           **(9)** The ~~administrator~~ director may provide any services and materials to  
2 agencies and may charge the agencies for providing the services and materials. All  
3 moneys received from the charges shall be deposited in the appropriation account  
4 under s. ~~20.545 (1) (k)~~ 20.505 (1) (kz).

5           **SECTION 110.** 230.06 (1) (f) of the statutes is amended to read:

6           230.06 (1) (f) Provide the ~~director~~ administrator with the civil service  
7 information required under s. 16.004 (7).

8           **SECTION 111.** 230.06 (1) (g) of the statutes is amended to read:

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

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

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

18           **SECTION 113.** 230.08 (2) (e) 8j. of the statutes is repealed.

19           **SECTION 114.** 230.08 (2) (xr) of the statutes is created to read:

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

23           **SECTION 115.** 230.08 (2) (ya) of the statutes is repealed.

24           **SECTION 116.** 230.08 (4) (c) of the statutes is amended to read:

1           230.08 (4) (c) Any proposal of a board, department or commission, as defined  
2 in par. (a) and s. 15.01 (5), or of the historical society, for a change in the number of  
3 positions enumerated in sub. (2) (e), before being submitted to the legislature, shall  
4 first be submitted by the board, department or commission or by the historical society  
5 for a separate review by the secretary of administration and by the ~~director~~  
6 administrator. The secretary of administration's review shall include information  
7 on the appropriateness of the proposed change with regard to a board's,  
8 department's, commission's or society's current or proposed internal organizational  
9 structure under s. 15.02 (4). The ~~director's~~ administrator's review shall include  
10 information on whether the existing classified or existing or proposed unclassified  
11 division administrator position involved is or would be assigned to pay range 1–18  
12 or above in schedule 1, or a comparable level, of the compensation plan under s.  
13 230.12. The results of these reviews shall be provided by the secretary of  
14 administration and by the ~~director~~ administrator to the joint committee on finance  
15 and the joint committee on employment relations at the same time that the board's,  
16 department's, commission's or society's proposal is presented to either committee.

17           **SECTION 117.** 230.08 (7) of the statutes is amended to read:

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

23           **SECTION 118.** 230.08 (8) of the statutes is amended to read:

1           230.08 (8) AUDITING OF PAYROLLS. The ~~director~~ administrator shall audit the  
2           payrolls of the classified and unclassified service, as necessary, to carry out this  
3           subchapter.

4           **SECTION 119.** 230.09 (1) (intro.) of the statutes is amended to read:

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

12          **SECTION 120.** 230.09 (2) (a) of the statutes is amended to read:

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

18          **SECTION 121.** 230.09 (2) (am) of the statutes is amended to read:

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

1 discretion. The ~~director~~ administrator shall establish, modify or abolish  
2 classifications as the needs of the service require.

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

4 230.09 (2) (b) To accommodate and effectuate the continuing changes in the  
5 classification plan as a result of the classification survey program and otherwise, the  
6 ~~director~~ administrator shall, upon initial establishment of a classification, assign  
7 that class to the appropriate pay rate or range, and may, upon subsequent review,  
8 reassign classes to different pay rates or ranges. The ~~director~~ administrator shall  
9 assign each class to a pay range according to the skill, effort, responsibility and  
10 working conditions required for the class, without regard to whether the class is  
11 occupied primarily by members of a certain gender or racial group. The ~~director~~  
12 administrator shall give notice to appointing authorities to permit them to make  
13 recommendations before final action is taken on any such assignment or  
14 reassignment of classes.

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

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

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



1           230.09 (2) (d) If after review of a filled position the ~~director~~ administrator  
2 reclassifies or reallocates the position, the ~~director~~ administrator shall determine  
3 whether the incumbent shall be regraded or whether the position shall be opened to  
4 other applicants.

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

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

21           **SECTION 126.** 230.09 (3) of the statutes is amended to read:

22           230.09 (3) The ~~director~~ administrator shall establish separate classifications  
23 for career executive positions under s. 230.24 and rules governing the salary  
24 administration of positions in such classifications.

25           **SECTION 127.** 230.12 (1) (a) 3. of the statutes is amended to read:

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

4           **SECTION 128.** 230.12 (1) (c) 2. of the statutes is amended to read:

5           230.12 (1) (c) 2. The ~~director~~ administrator may establish a plan of extra  
6 compensation for work performed during selected hours at an hourly rate or rates  
7 subject to approval of the joint committee on employment relations. Eligibility for  
8 such extra compensation shall be as provided in the compensation plan.

9           **SECTION 129.** 230.12 (1) (d) of the statutes is amended to read:

10          230.12 (1) (d) *Uniforms and safety equipment.* The ~~director~~ administrator, with  
11 approval of the joint committee on employment relations, may establish a schedule  
12 of payments to employees for uniforms or protective clothing and equipment  
13 required to perform their duties.

14          **SECTION 130.** 230.12 (3) (a) of the statutes is amended to read:

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

1 proposal shall also take proper account of prevailing pay rates, costs and standards  
2 of living and the state's employment policies.

3 **SECTION 131.** 230.12 (3) (ad) of the statutes is amended to read:

4 230.12 (3) (ad) *Timing of proposed changes.* Notwithstanding any other  
5 statute, the ~~director~~ administrator may delay timing for announcement or  
6 implementation of any recommended changes in the compensation plan under this  
7 section until after some or all of the collective bargaining agreements under subch.  
8 V of ch. 111 for that biennium are negotiated. Any such action taken under this  
9 paragraph is not appealable under s. 230.44.

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

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

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

1           230.12 (3) (c) *Interim adjustments*. Subject to pars. (a) and (b), the ~~director~~  
2           administrator may propose amendments to one or more parts of the compensation  
3           plan at such times as the needs of the service require.

4           **SECTION 134.** 230.12 (3) (e) 1. of the statutes, as affected by 2011 Wisconsin Act  
5           32, is amended to read:

6           230.12 (3) (e) 1. The ~~director~~ administrator, after receiving recommendations  
7           from the board of regents and the chancellor of the University of Wisconsin–Madison,  
8           shall submit to the joint committee on employment relations a proposal for adjusting  
9           compensation and employee benefits for University of Wisconsin System employees.  
10          The proposal shall be based upon the competitive ability of the board of regents to  
11          recruit and retain qualified faculty and academic staff, data collected as to rates of  
12          pay for comparable work in other public services, universities and commercial and  
13          industrial establishments, recommendations of the board of regents and any special  
14          studies carried on as to the need for any changes in compensation and employee  
15          benefits to cover each year of the biennium. The proposal shall also take proper  
16          account of prevailing pay rates, costs and standards of living and the state’s  
17          employment policies. The proposal for such pay adjustments may contain  
18          recommendations for across–the–board pay adjustments, merit or other  
19          adjustments and employee benefit improvements. Paragraph (b) and sub. (1) (bf)  
20          shall apply to the process for approval of all pay adjustments for University of  
21          Wisconsin System employees. The proposal as approved by the joint committee on  
22          employment relations and the governor shall be based upon a percentage of the  
23          budgeted salary base for University of Wisconsin System employees. The amount  
24          included in the proposal for merit and adjustments other than across–the–board pay  
25          adjustments is available for discretionary use by the board of regents.