

1 **SECTION 21.** 230.16 (title) of the statutes is amended to read:

2 **230.16 (title) Applications and selection processes examinations.**

3 **SECTION 22.** 230.16 (1) (a) of the statutes is amended to read:

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

8 **SECTION 23.** 230.16 (1) (ap) of the statutes is repealed.

9 **SECTION 24.** 230.16 (2) of the statutes is amended to read:

10 230.16 (2) The selection process for a position in the civil service Competitive
11 examinations shall be free and open to all applicants who have fulfilled the
12 preliminary requirements stated in the position examination announcement. To
13 assure that all applicants have a fair opportunity to compete, competitive procedures
14 examinations shall be scheduled in a manner that most nearly meet the convenience
15 of applicants and needs of the service, as determined by the director.

16 **SECTION 25.** 230.16 (3) of the statutes is amended to read:

17 230.16 (3) The director may appoint boards of evaluators examiners of at least
18 2 persons, ~~one of which is selected by the bureau and one of which is a representative~~
19 ~~of the appointing authority,~~ for the purpose of conducting oral evaluations
20 examinations as a part of the hiring examination procedure for certain positions. All
21 evaluators board members shall be well-qualified and impartial. All questions
22 asked and answers made in any oral evaluation examination of applicants shall be
23 recorded and made a part of the applicant's records.

24 **SECTION 26.** 230.16 (4) of the statutes is amended to read:

1 230.16 (4) All ~~selection criteria~~ examinations, including minimum training
2 and experience requirements, for positions in the classified service shall be
3 job-related in compliance with appropriate validation standards and shall be subject
4 to the approval of the director. All relevant experience, whether paid or unpaid, shall
5 satisfy experience requirements.

6 **SECTION 27.** 230.16 (5) of the statutes is amended to read:

7 230.16 (5) In the interest of sound personnel management, consideration of
8 applicants, and service to agencies, the director may set a standard for proceeding
9 to subsequent steps in ~~the selection process~~ an examination, provided that all
10 applicants are fairly treated and due notice has been given. The standard may be
11 at or above the passing point set by the director for any portion of the examination.

12 The director shall utilize appropriate scientific techniques and procedures in
13 administering the selection process, in rating the results of ~~any evaluations used in~~
14 ~~the selection process~~ examinations, and in determining the relative ratings of the
15 competitors.

16 **SECTION 28.** 230.16 (6) of the statutes is amended to read:

17 230.16 (6) If any applicant is unable to complete ~~an evaluation that is used in~~
18 ~~the selection process~~ the examination in the form presented to the applicant due to
19 a disability, the bureau shall provide necessary accommodations to ensure equality
20 of opportunity in the ~~selection process~~ examination.

21 **SECTION 29.** 230.16 (7m) (b) 4. of the statutes is amended to read:

22 230.16 (7m) (b) 4. The ~~appointing authority has not extended interviews~~
23 examination for the position ~~or filled the position at the time the application is~~
24 received is a written, nonessay examination that is scored by a machine.

25 **SECTION 30.** 230.16 (7m) (c) of the statutes is created to read:

1 230.16 (7m) (c) Within 30 days after acceptance of an application under par.
2 (b), the administrator shall give the applicant an examination.

3 **SECTION 31.** 230.16 (9) of the statutes is created to read:

4 230.16 (9) The officials in control of state, municipal, and county buildings,
5 upon requisition by the administrator, shall furnish without charge adequate rooms
6 and building services for the administration of examinations.

7 **SECTION 32.** 230.16 (10) of the statutes is amended to read:

8 230.16 (10) Every reasonable precaution shall be taken to prevent any
9 unauthorized person from gaining any knowledge of the nature or content of
10 ~~competitive procedures in the selection process~~ the examination that is not available
11 to every applicant.

12 **SECTION 33.** 230.16 (11) of the statutes is amended to read:

13 230.16 (11) Records of ~~applicants~~ examinations shall be retained for at least
14 one year. Inspection of such records shall be regulated by rules of the director.

15 **SECTION 34.** 230.17 (1) of the statutes is amended to read:

16 230.17 (1) The director shall provide by rule, the conditions, not otherwise
17 provided by law, under which an eligible applicant may be refused examination or
18 reexamination, or an eligible refused certification. These conditions shall be based
19 on sufficient reason and shall reflect sound technical personnel management
20 practices and those standards of conduct, deportment, and character necessary and
21 demanded to the orderly, efficient, and just operation of the state service.

22 **SECTION 35.** 230.17 (2) of the statutes is amended to read:

23 230.17 (2) If the director refuses to examine an applicant, or after examination
24 to certify an eligible, as provided in this section, the director, if requested by the
25 applicant so rejected within 10 days of the date of receipt of the notice of rejection,

1 shall give the applicant a full and explicit statement of the exact cause of such refusal
2 to examine or certify. Applicants may appeal to the commission the decision of the
3 director to refuse to examine or certify under s. 230.44 (1) (a). Upon request of an
4 applicant or an eligible for a civil service position who has a disability, the
5 department of health services shall obtain from the director a detailed description
6 of all duties entailed by such position and shall determine and report its findings to
7 the director, as to the ability of the applicant, or eligible, to perform the duties of such
8 position. Such findings shall be conclusive as to the qualifications of any applicant,
9 or eligible, so examined. A notice of rejection shall notify an applicant or eligible of
10 his or her rights under this subsection.

11 **SECTION 36.** 230.18 of the statutes is amended to read:

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

23 **SECTION 37.** 230.19 of the statutes is repealed and recreated to read:

24 **230.19 Promotion. (1)** The administrator shall provide employees with
25 reasonable opportunities for career advancement, within a classified service

1 structure designed to achieve and maintain a highly competent work force, with due
2 consideration given to affirmative action.

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

14 (3) A person with the right of restoration resulting from layoff under s. 230.34
15 (2) may compete only for a position under sub. (2) for which he or she could have
16 competed had the layoff not occurred.

17 **SECTION 38.** 230.21 (1) of the statutes is amended to read:

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

21 **SECTION 39.** 230.21 (2) of the statutes is amended to read:

22 230.21 (2) The director may designate classifications in which applicants are
23 in critically short supply and may develop such recruitment, examination, and
24 certification processes as will provide agencies with prompt certification when

1 qualified applicants can be found, provided that due notice has been given and proper
2 competitive standards have been maintained.

3 **SECTION 40.** 230.21 (3) of the statutes is amended to read:

4 230.21 (3) The director shall designate classifications in prison industries in
5 the department of corrections as critical positions requiring expeditious hiring and
6 shall develop such recruitment, examination, and certification processes as will
7 provide the department with prompt certification when qualified applicants can be
8 found, provided that due notice has been given and proper competitive standards
9 have been maintained.

10 **SECTION 41.** 230.213 of the statutes is amended to read:

11 **230.213 Affirmative action procedures for corrections positions.** The
12 director may, to meet affirmative action objectives, establish such recruitment,
13 examination, and certification procedures for positions in the department of
14 corrections as will enable the department of corrections to increase the number of
15 employees of a specified gender or a specified racial or ethnic group in those positions.
16 The director shall design the procedures to obtain a work force in the department of
17 corrections that reflects the relevant labor pool. The director may determine the
18 relevant labor pool from the population of the state or of a particular geographic area
19 of the state, whichever is more appropriate for achieving the affirmative action
20 objective.

21 **SECTION 42.** 230.24 (1) of the statutes is amended to read:

22 230.24 (1) The administrator may by rule develop a career executive program
23 that emphasizes excellence in administrative skills in order to provide agencies with
24 a pool of highly qualified executive candidates, to provide outstanding
25 administrative employees a broad opportunity for career advancement, and to

1 provide for the mobility of such employees among the agencies and units of state
2 government for the most advantageous use of their managerial and administrative
3 skills. To accomplish the purpose of this program, the director may provide policies
4 and standards for recruitment, examination, probation, employment register
5 control, certification, transfer, promotion, and reemployment, and the director may
6 provide policies and standards for classification and salary administration, separate
7 from procedures established for other employment. The administrator shall
8 determine the positions which may be filled from career executive employment
9 registers.

10 **SECTION 43.** 230.24 (2) of the statutes is repealed and recreated to read:

11 230.24 (2) A vacancy in a career executive position may be filled through an
12 open competitive examination, a competitive promotional examination or by
13 restricting competition to employees in career executive positions in order to achieve
14 and maintain a highly competent work force in career executive positions, with due
15 consideration given to affirmative action. The appointing authority shall consider
16 the guidelines under s. 230.19 when deciding how to fill a vacancy under this
17 paragraph.

18 **SECTION 44.** 230.25 (1) of the statutes is amended to read:

19 230.25 (1) Appointing authorities shall give written notice to the director of any
20 vacancy to be filled in any position in the classified service. The director shall certify,
21 under this subchapter and the rules of the director, from the register of eligibles
22 appropriate for the kind and type of employment, the grade and class in which the
23 position is classified, any number of names at the head thereof. In determining the
24 number of names to certify, the director shall use statistical methods and personnel
25 management principles that are designed to maximize the number of certified names

1 that are appropriate for filling the specific position vacancy. Up to 2 persons
2 considered for appointment 3 times and not selected may be removed from the
3 register for each 3 appointments made. Certification under this subsection shall be
4 made before granting any preference under s. 230.16 (7).

5 **SECTION 45.** 230.25 (1g) of the statutes is repealed and recreated to read:

6 230.25 (1g) For every position to be filled by promotion from a promotional
7 register, the administrator shall, after certifying names under sub. (1), additionally
8 certify the name of the highest ranked disabled veteran whose disability is at least
9 70 percent.

10 **SECTION 46.** 230.25 (1m) of the statutes is repealed and recreated to read:

11 230.25 (1m) After certifying names under sub. (1), additional names shall be
12 certified in rank order of those who with the combination of veterans preference
13 points awarded under s. 230.16 (7) and examination score earn a total score equal
14 to or higher than the lowest score of those certified on the basis of examination only.
15 The number of veterans or spouses of veterans added to the list may not exceed the
16 number of names certified under sub. (1).

17 **SECTION 47.** 230.25 (2) (a) of the statutes is amended to read:

18 230.25 (2) (a) When certifying names to appointing authorities under this
19 section, the director shall specify whether the certification includes qualifying
20 veterans or persons the hiring of whom would serve affirmative action purposes,
21 without divulging the names of those individuals. The director shall not disclose any
22 applicant's test score, with or without the addition of veterans preference points
23 under s. 230.16 (7), to the appointing authority.

24 **SECTION 48.** 230.25 (2) (am) of the statutes is repealed.

25 **SECTION 49.** 230.25 (2) (b) of the statutes is amended to read:

1 230.25 (2) (b) Unless otherwise provided in this subchapter or the rules of the
2 director, appointments shall be made by appointing authorities to all positions in the
3 classified service from among those certified to them in accordance with this section.
4 Appointments shall be made within ~~30~~ 60 days after the date of certification unless
5 an exception is made by the director. If an appointing authority does not make an
6 appointment within ~~30~~ 60 days after certification, he or she shall immediately report
7 in writing to the director the reasons therefor. If the director determines that the
8 failure to make an appointment is not justified under the merit system, the director
9 shall issue an order directing that an appointment be made.

10 **SECTION 50.** 230.25 (3) (a) of the statutes is amended to read:

11 230.25 (3) (a) Subject to par. (b), the term of eligibility on original entrance and
12 promotional registers is 6 months and thereafter the register expires but may be
13 reactivated by the administrator for up to 3 years from the date of the establishment
14 of the register. Except as provided in ss. 230.28 and 230.34, the eligibility of
15 individuals for reinstatement is 5 years and the eligibility of individuals for
16 restoration is 3 years.

17 **SECTION 51.** 230.26 (2) of the statutes is amended to read:

18 230.26 (2) If there are urgent reasons for filling a vacancy in any position in
19 the classified service and the director is unable to certify to the appointing authority,
20 upon requisition by the latter, a list of persons eligible for appointment from an
21 appropriate employment register, the appointing authority may nominate a person
22 to the director for noncompetitive examination. If the nominee is certified by the
23 director as qualified, the nominee may be appointed provisionally to fill the vacancy
24 until an appointment can be made from a register established after announcement
25 of competition for the position, except that no provisional appointment may be

1 continued for more than 45 working days after the date of certification from the
2 register. Successive appointments may not be made under this subsection. This
3 subsection does not apply to a person appointed to a vacant position in the classified
4 service under s. 230.275.

5 **SECTION 52.** 230.26 (4) of the statutes is amended to read:

6 230.26 (4) Fringe benefits specifically authorized by statutes, with the
7 exception of deferred compensation plan participation under subch. VII of ch. 40,
8 worker's compensation, unemployment insurance, group insurance, retirement, and
9 social security coverage, shall be denied employees hired under this section. Such
10 employees may not be considered permanent employees and do not qualify for
11 tenure, vacation, paid holidays, sick leave, performance awards, or the right to
12 compete in promotional processes examinations.

13 **SECTION 53.** 230.28 (1) (a) of the statutes is amended to read:

14 230.28 (1) (a) All original and all promotional appointments to permanent,
15 sessional and seasonal positions, with the exception of those positions designated as
16 supervisor or management under s. 111.81, in the classified service shall be for a
17 probationary period of ~~one year~~ 6 months, but the director at the request of the
18 appointing authority and in accordance with related rules may extend any such
19 period for a maximum of ~~12~~ 3 additional months. Dismissal may be made at any time
20 during such periods. Upon such dismissal, the appointing authority shall report to
21 the director and to the employee removed, the dismissal and the reason therefor. The
22 director may remove an employee during the employee's probationary period if the
23 director finds, after giving notice and an opportunity to be heard, that such employee
24 was appointed as a result of fraud or error.

25 **SECTION 54.** 230.28 (1) (am) of the statutes is amended to read:

1 230.28 (1) (am) All probationary periods for employees in supervisory or
2 management positions are one year, ~~but the director at the request of the appointing~~
3 ~~authority may extend any such period for a maximum of 12 additional months unless~~
4 ~~waived after 6 months under par. (c). The waiver under par. (c) may be exercised for~~
5 ~~an employee in a supervisory position only if the employee has successfully~~
6 ~~completed a supervisory development program under s. 230.046 (2). However,~~
7 persons who transfer or are reinstated to supervisory or management positions
8 consistent with conditions under sub. (4) and who had previously obtained
9 permanent status in class in a supervisory or management position prior to the
10 transfer or reinstatement shall serve a probationary period in accordance with sub.
11 (4).

12 **SECTION 55.** 230.28 (1) (c) of the statutes is amended to read:

13 230.28 (1) (c) Upon request by the appointing authority, the director may waive
14 any portion of ~~a the~~ lengthened probationary period but in no case before a ~~one-year~~
15 6-month probationary period has been served.

16 **SECTION 56.** 230.28 (6) of the statutes is created to read:

17 230.28 (6) A person with a right of restoration resulting from layoff under s.
18 230.34 (2) who competes for promotion to a position under s. 230.19 (3) and is
19 appointed shall serve a probationary period under sub. (1). If the appointing
20 authority terminates the employee during the probationary period, the person shall
21 return to his or her former layoff status.

22 **SECTION 57.** 230.31 (1) (intro.) of the statutes is amended to read:

23 230.31 (1) (intro.) Any person who has held a position and obtained permanent
24 status in a class under the civil service law and rules and who has separated from
25 the service ~~before July 1, 2016~~, without any delinquency or misconduct on his or her

1 part but owing to reasons of economy or otherwise shall be granted the following
2 considerations:

3 **SECTION 58.** 230.31 (2) of the statutes is created to read:

4 230.31 (2) The administrator may also provide for the reinstatement of persons
5 who have served in seasonal and sessional employment and for persons who separate
6 from a position while serving a probationary period.

7 **SECTION 59.** 230.31 (3) of the statutes is repealed.

8 **SECTION 60.** 230.32 (4) of the statutes is amended to read:

9 230.32 (4) Any person appointed to fill the position of an employee on such
10 military or civilian leave shall be designated as a substitute or replacement employee
11 and upon the return and reemployment of the original employee the substitute
12 employee shall be transferred to a similar position with the same employing agency
13 if one is available, or if not, he or she shall be eligible for reinstatement or have the
14 right of restoration in accordance with this subchapter and the rules of the director.
15 The status of any person who is appointed to fill the place of an employee on military
16 or civilian leave under this section shall be governed by the rules of the director
17 pursuant thereto.

18 **SECTION 61.** 230.34 (1) (a) (intro.) of the statutes is renumbered 230.34 (1) (a)
19 and amended to read:

20 230.34 (1) (a) An employee with permanent status in class or an employee who
21 has served with the state as an assistant district attorney or an assistant state public
22 defender for a continuous period of 12 months or more may be removed, suspended
23 without pay, discharged, reduced in base pay, or demoted only for just cause. ~~It is just~~
24 ~~cause to remove, suspend without pay, discharge, reduce the base pay of, or demote~~
25 ~~an employee for work performance or personal conduct that is inadequate,~~

1 ~~unsuitable, or inferior, as determined by the appointing authority, but only after~~
2 ~~imposing progressive discipline that complies with the administrator's standards~~
3 ~~under s. 230.04 (13m). It is just cause to remove, suspend without pay, discharge,~~
4 ~~reduce the base pay of, or demote an employee without imposing progressive~~
5 ~~discipline for any of the following conduct:~~

6 **SECTION 62.** 230.34 (1) (a) 1. to 9. of the statutes are repealed.

7 **SECTION 63.** 230.34 (1) (am) of the statutes is amended to read:

8 230.34 (1) (am) If an employee fails to report for work as scheduled or to contact
9 his or her supervisor, the appointing authority may discipline the employee. If an
10 employee fails to report for work as scheduled, or to contact his or her supervisor for
11 a minimum of ~~3~~ 5 consecutive working days during a calendar year, the appointing
12 authority shall consider the employee's position abandoned and may discipline the
13 employee or treat the employee as having resigned his or her position. If the
14 appointing authority decides to treat the position abandonment as a resignation, the
15 appointing authority shall notify the employee in writing that the employee is being
16 treated as having effectively resigned as of the end of the last day worked.

17 **SECTION 64.** 230.34 (2) (intro.) of the statutes is amended to read:

18 230.34 (2) (intro.) Employees with permanent status in class in permanent,
19 sessional and seasonal positions in the classified service and employees serving a
20 probationary period in such positions after promotion or transfer may be laid off
21 because of a reduction in force due to a stoppage or lack of work or funds or owing to
22 material changes in duties or organization but only after all original appointment
23 probationary and limited term employees in the classes used for layoff, are
24 terminated.

25 **SECTION 65.** 230.34 (2) (a) of the statutes is repealed and recreated to read:

1 230.34 (2) (a) The order of layoff of such employees may be determined by
2 seniority or performance or a combination thereof or by other factors.

3 **SECTION 66.** 230.34 (2) (b) of the statutes is repealed and recreated to read:

4 230.34 (2) (b) The director shall promulgate rules governing layoffs and
5 appeals therefrom and alternative procedures in lieu of layoff to include voluntary
6 and involuntary demotion and the exercise of a displacing right to a comparable or
7 lower class, as well as the subsequent employee right of restoration or eligibility for
8 reinstatement.

9 **SECTION 67.** 230.35 (3) (d) of the statutes is amended to read:

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

14 **SECTION 68.** 230.37 (1) of the statutes is amended to read:

15 230.37 (1) In cooperation with appointing authorities the administrator shall
16 establish an employee performance evaluation program to provide a continuing
17 record of employee development and, when applicable, to serve as a basis for
18 pertinent personnel actions. ~~Under the employee performance evaluation program~~
19 ~~established under this subsection, the administrator shall require each appointing~~
20 ~~authority to conduct at least an annual performance evaluation of each employee~~
21 ~~appointed by the appointing authority.~~ Similar evaluations shall be conducted
22 during the probationary period but may not infringe upon the authority of the
23 appointing authority to retain or dismiss employees during the probationary period.

24 **SECTION 69.** 230.40 (3) of the statutes is created to read:

1 230.40 (3) A person who separates from the classified service to fill an elective
2 position shall have reinstatement privileges for 5 years following termination from
3 the classified service or for one year following termination from the elective position,
4 whichever is longer.

5 **SECTION 70.** 230.43 (1) (title) of the statutes is amended to read:

6 230.43 (1) (title) ~~HIRING PROCESS; OBSTRUCTION~~ OBSTRUCTION OR FALSIFICATIONS
7 OF EXAMINATIONS.

8 **SECTION 71.** 230.43 (1) (am) of the statutes is amended to read:

9 230.43 (1) (am) Willfully defeats, deceives or obstructs any person in respect
10 of the rights of ~~application~~ examination or registration under this subchapter or any
11 rules prescribed pursuant thereto.

12 **SECTION 72.** 230.43 (1) (b) of the statutes is amended to read:

13 230.43 (1) (b) Willfully or corruptly, falsely marks, grades, estimates, or reports
14 upon an ~~application or resume~~ examination, or proper standing of any person
15 ~~evaluated~~ examined, registered, or certified, pursuant to this subchapter, or aids in
16 so doing.

17 **SECTION 73.** 230.43 (1) (c) of the statutes is amended to read:

18 230.43 (1) (c) Willfully or corruptly makes any false representations concerning
19 the same, or concerning an ~~applicant~~ the person examined.

20 **SECTION 74.** 230.43 (1) (d) of the statutes is amended to read:

21 230.43 (1) (d) Willfully or corruptly furnishes any person any special or secret
22 information for the purpose of either improving or injuring the prospects or chances
23 of any persons so ~~evaluated~~ examined, registered, or certified, being appointed,
24 employed, or promoted.

25 **SECTION 75.** 230.43 (1) (e) of the statutes is amended to read:

1 230.43 (1) (e) Personates any other person, or permits or aids in any manner
2 any other person to personate him or her in connection with any examination,
3 registration, application, or request to be ~~evaluated~~ examined or registered.

4 **SECTION 76.** 230.43 (5) of the statutes is amended to read:

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

14 **SECTION 77.** 230.44 (1) (c) of the statutes is amended to read:

15 230.44 (1) (c) *Demotion, layoff, suspension or discharge.* If an employee has
16 permanent status in class, or an employee has served with the state as an assistant
17 district attorney or an assistant state public defender for a continuous period of 12
18 months or more, the employee may appeal a demotion, layoff, suspension, discharge
19 or reduction in base pay to the commission as the final step in the state employee
20 grievance ~~process~~ procedure established under s. ~~230.445~~ 230.04 (14), if the appeal
21 alleges that the decision was not based on just cause.

22 **SECTION 78.** 230.44 (1) (e) of the statutes is amended to read:

23 230.44 (1) (e) *Discretionary performance awards.* This subsection does not
24 apply to decisions of an appointing authority relating to discretionary performance
25 awards under s. 230.12 (5) ~~or under the discretionary merit award program~~

1 established under s. 230.04 (19), including the evaluation methodology and results
2 used to determine the award or the amount awarded.

3 **SECTION 79.** 230.445 of the statutes is repealed.

4 **SECTION 80.** 321.65 (3) (g) of the statutes is amended to read:

5 321.65 (3) (g) *Veterans preferences.* The right of a person to reemployment
6 under this subsection does not entitle the person to retention, preference, or
7 displacement rights over any person who has a superior claim under s. 45.03 (4),
8 62.13 (4) (d), 63.08 (1) (f) ~~or (fm)~~, 63.37, 63.39 (2m), 66.0509 (1), 230.15 (2m), 230.16
9 ~~(7) or (7m)~~, 230.21 (1m), 230.25, or 230.275.”.

10 **32.** Page 8, line 12: before that line insert:

11 “**SECTION 7b.** 111.01 of the statutes is created to read:

12 **111.01 Declaration of policy.** The public policy of the state as to employment
13 relations and collective bargaining, in the furtherance of which this subchapter is
14 enacted, is declared to be as follows:

15 (1) It recognizes that there are 3 major interests involved, namely: the public,
16 the employee, and the employer. These 3 interests are to a considerable extent
17 interrelated. It is the policy of the state to protect and promote each of these interests
18 with due regard to the situation and to the rights of the others.

19 (2) Industrial peace, regular and adequate income for the employee, and
20 uninterrupted production of goods and services are promotive of all of these
21 interests. They are largely dependent upon the maintenance of fair, friendly, and
22 mutually satisfactory employment relations and the availability of suitable
23 machinery for the peaceful adjustment of whatever controversies may arise. It is
24 recognized that certain employers, including farmers, farmer cooperatives, and

1 unincorporated farmer cooperative associations, in addition to their general
2 employer problems, face special problems arising from perishable commodities and
3 seasonal production which require adequate consideration. It is also recognized that
4 whatever may be the rights of disputants with respect to each other in any
5 controversy regarding employment relations, they should not be permitted, in the
6 conduct of their controversy, to intrude directly into the primary rights of 3rd parties
7 to earn a livelihood, transact business, and engage in the ordinary affairs of life by
8 any lawful means and free from molestation, interference, restraint, or coercion.

9 (3) Negotiations of terms and conditions of work should result from voluntary
10 agreement between employer and employee. For the purpose of such negotiation an
11 employee has the right, if the employee desires, to associate with others in organizing
12 and bargaining collectively through representatives of the employee's own choosing,
13 without intimidation or coercion from any source.

14 (4) It is the policy of the state, in order to preserve and promote the interests
15 of the public, the employee, and the employer alike, to establish standards of fair
16 conduct in employment relations and to provide a convenient, expeditious, and
17 impartial tribunal by which these interests may have their respective rights and
18 obligations adjudicated. While limiting individual and group rights of aggression
19 and defense, the state substitutes processes of justice for the more primitive methods
20 of trial by combat.

21 **SECTION 7d.** 111.04 (1) and (2) of the statutes are consolidated, renumbered
22 111.04 and amended to read:

23 **111.04 Rights of employees.** Employees shall have the right of
24 self-organization and the right to form, join, or assist labor organizations, to bargain
25 collectively through representatives of their own choosing, and to engage in lawful,

1 concerted activities for the purpose of collective bargaining or other mutual aid or
2 protection. ~~(2)~~ Employees shall also have the right to refrain from self-organization;
3 forming, joining, or assisting labor organizations; bargaining collectively through
4 representatives; or engaging in activities for the purpose of collective bargaining or
5 other mutual aid or protection.

6 **SECTION 7e.** 111.04 (3) of the statutes is repealed.

7 **SECTION 7f.** 111.06 (1) (c) of the statutes is amended to read:

8 111.06 (1) (c) To encourage or discourage membership in any labor
9 organization, employee agency, committee, association, or representation plan by
10 discrimination in regard to hiring, tenure, or other terms or conditions of
11 employment except in a collective bargaining unit where an all-union, fair-share,
12 or maintenance of membership agreement is in effect. An employer may enter into
13 an all-union agreement with the voluntarily recognized representative of the
14 employees in a collective bargaining unit, where at least a majority of such employees
15 voting have voted affirmatively, by secret ballot, in favor of the all-union agreement
16 in a referendum conducted by the commission, except that where the bargaining
17 representative has been certified by either the commission or the national labor
18 relations board as the result of a representation election, no referendum is required
19 to authorize the entry into an all-union agreement. An authorization of an all-union
20 agreement continues, subject to the right of either party to the all-union agreement
21 to petition the commission to conduct a new referendum on the subject. Upon receipt
22 of the petition, if the commission determines there is reasonable ground to believe
23 that the employees concerned have changed their attitude toward the all-union
24 agreement, the commission shall conduct a referendum. If the continuance of the
25 all-union agreement is supported on a referendum by a vote at least equal to that

1 provided in this paragraph for its initial authorization, it may continue, subject to
2 the right to petition for a further vote by the procedure under this paragraph. If the
3 continuance of the all-union agreement is not supported on a referendum, it
4 terminates at the expiration of the contract of which it is then a part or at the end
5 of one year from the date of the announcement by the commission of the result of the
6 referendum, whichever is earlier. The commission shall declare any all-union
7 agreement terminated whenever it finds that the labor organization involved has
8 unreasonably refused to receive as a member any employee of such employer. An
9 interested person may, as provided in s. 111.07, request the commission to perform
10 this duty.

11 **SECTION 7g.** 111.06 (1) (e) of the statutes is amended to read:

12 111.06 (1) (e) To bargain collectively with the representatives of less than a
13 majority of the employer's employees in a collective bargaining unit, or to enter into
14 an all-union agreement except in the manner provided in par. (c).

15 **SECTION 7h.** 111.06 (1) (i) of the statutes is amended to read:

16 111.06 (1) (i) To deduct labor organization dues or assessments from an
17 employee's earnings, unless the employer has been presented with an individual
18 order therefor, signed by the employee personally, and terminable by the employee
19 giving to the employer at least 30 days' written notice of the termination.—~~This~~
20 ~~paragraph applies to the extent permitted under federal law unless there is an~~
21 all-union, fair-share, or maintenance of membership agreement in effect. The
22 employer shall give notice to the labor organization of receipt of a notice of
23 termination.

24 **SECTION 7i.** 111.06 (1) (m) of the statutes is created to read:

1 111.06 (1) (m) To fail to give the notice of intention to engage in a lockout
2 provided in s. 111.115 (2).

3 **SECTION 11t.** 947.20 of the statutes is repealed.”.

4 **33.** Page 8, line 12: before that line insert:

5 “**SECTION 7c.** 111.39 (4) (d) of the statutes is amended to read:

6 111.39 (4) (d) The department shall serve a certified copy of the findings and
7 order on the respondent, the order to have the same force as other orders of the
8 department and be enforced as provided in s. 103.005. The department shall also
9 serve a certified copy of the findings and order on the complainant, together with a
10 notice advising the complainant about the right to seek, and the time for seeking,
11 review by the commission under sub. (5); about the right to bring, and the time for
12 bringing, an action for judicial review under s. 111.395; and about the right to bring,
13 and the time for bringing, an action under s. 111.397 (1) (a). Any person aggrieved
14 by noncompliance with the order may have the order enforced specifically by suit in
15 equity. If the examiner finds that the respondent has not engaged in discrimination,
16 unfair honesty testing, or unfair genetic testing as alleged in the complaint, the
17 ~~department shall serve a certified copy of the examiner’s findings served on the~~
18 ~~complainant, together with~~ shall be accompanied by an order dismissing the
19 complaint.

20 **SECTION 7g.** 111.39 (5) (b) of the statutes is amended to read:

21 111.39 (5) (b) ~~If no petition is filed~~ the respondent or complainant does not file
22 a petition under par. (a) within 21 days from the date that a copy of the findings and
23 ~~order of the examiner is mailed to the last-known address of the respondent served~~
24 on that party, the findings and order shall be considered final for purposes of

1 enforcement under sub. (4) (d). If a timely petition is filed, the commission, on review,
2 may either affirm, reverse, or modify the findings or order in whole or in part, or set
3 aside the findings and order and remand to the department for further proceedings.
4 Such actions shall be based on a review of the evidence submitted. If the commission
5 is satisfied that a respondent or complainant has been prejudiced because of
6 exceptional delay in the receipt of a copy of any findings and order, ~~it~~ the commission
7 may extend the time another 21 days for filing the petition with the department.

8 **SECTION 7n.** 111.39 (5) (d) of the statutes is created to read:

9 111.39 (5) (d) The commission shall serve a certified copy of the commission's
10 decision on the respondent. The commission shall also serve a certified copy of the
11 commission's decision on the complainant, together with a notice advising the
12 complainant about the right to bring, and the time for bringing, an action for judicial
13 review under s. 111.395 and about the right to bring, and the time for bringing, an
14 action under s. 111.397 (1) (a).

15 **SECTION 7r.** 111.397 of the statutes is created to read:

16 **111.397 Civil action.** (1) (a) Except as provided in this paragraph, the
17 department or a person alleged or found to have been discriminated against or
18 subjected to unfair honesty testing or unfair genetic testing may bring an action in
19 circuit court requesting the relief described in sub. (2) (a) against any employer, labor
20 organization, or employment agency that is alleged or found to have engaged in that
21 discrimination, unfair honesty testing, or unfair genetic testing. The department or
22 a person alleged or found to have been discriminated against or subjected to unfair
23 honesty testing or unfair genetic testing may not bring an action under this
24 paragraph against any local governmental unit, as defined in s. 19.42 (7u), or against
25 any employer, labor organization, or employment agency employing fewer than 15

1 individuals for each working day in each of 20 or more calendar weeks in the current
2 or preceding year.

3 (b) If a petition for judicial review of the findings and order of the commission
4 concerning the same violation as the violation giving rise to the action under par. (a)
5 is filed, the circuit court shall consolidate the proceeding for judicial review and the
6 action under par. (a).

7 (c) A person alleged or found to have been discriminated against or subjected
8 to unfair honesty testing or unfair genetic testing is not required to file a complaint
9 under s. 111.39 or seek review under s. 111.395 in order for the department or the
10 person to bring an action under par. (a).

11 **(2)** (a) Subject to pars. (b) and (c), in an action under sub. (1) (a), if the circuit
12 court finds that discrimination, unfair honesty testing, or unfair genetic testing has
13 occurred, or if such a finding has been made by an examiner or the commission and
14 not been further appealed, the circuit court may order any relief that an examiner
15 would be empowered to order under s. 111.39 (4) (c) after a hearing on a complaint
16 filed under s. 111.39. In addition, the circuit court shall order the defendant to pay
17 to the person discriminated against or subjected to unfair honesty testing or unfair
18 genetic testing any other compensatory damages, and punitive damages under s.
19 895.043 that the circuit court or jury finds appropriate, plus reasonable costs and
20 attorney fees incurred in the action. If any relief was ordered under s. 111.39 or
21 111.395, the circuit court shall specify whether the relief ordered under this
22 paragraph is in addition to or replaces the relief ordered under s. 111.39 or 111.395.
23 The sum of the amount of compensatory damages for future economic losses and for
24 pain and suffering, emotional distress, mental anguish, loss of enjoyment of life, and

1 other noneconomic losses and the amount of punitive damages that a circuit court
2 may order may not exceed the following:

3 1. In the case of a defendant that employs 100 or fewer employees for each
4 working day in each of 20 or more calendar weeks in the current or preceding year,
5 \$50,000.

6 2. In the case of a defendant that employs more than 100 but fewer than 201
7 employees for each working day in each of 20 or more calendar weeks in the current
8 or preceding year, \$100,000.

9 3. In the case of a defendant that employs more than 200 but fewer than 501
10 employees for each working day in each of 20 or more calendar weeks in the current
11 or preceding year, \$200,000.

12 4. In the case of a defendant that employs more than 500 employees for each
13 working day in each of 20 or more calendar weeks in the current or preceding year,
14 \$300,000.

15 (b) If the circuit court orders any payment under par. (a) because of a violation
16 of s. 111.321, 111.37, or 111.372 by an individual employed by an employer, the
17 employer of that individual is liable for the payment.

18 (c) 1. In this paragraph, "consumer price index" means the average of the
19 consumer price index for all urban consumers, U.S. city average, as determined by
20 the bureau of labor statistics of the federal department of labor.

21 2. Except as provided in this subdivision, beginning on July 1, 2019, and on
22 each July 1 after that, the department shall adjust the amounts specified in par. (a)
23 1., 2., 3., and 4. by calculating the percentage difference between the consumer price
24 index for the 12-month period ending on December 31 of the preceding year and the
25 consumer price index for the 12-month period ending on December 31 of the year

1 before the preceding year and adjusting those amounts by that percentage
2 difference. The department shall publish the adjusted amounts calculated under
3 this subdivision in the Wisconsin Administrative Register, and the adjusted amounts
4 shall apply to actions commenced under sub. (1) (a) beginning on July 1 of the year
5 of publication. This subdivision does not apply if the consumer price index for the
6 12-month period ending on December 31 of the preceding year did not increase over
7 the consumer price index for the 12-month period ending on December 31 of the year
8 before the preceding year.

9 **SECTION 7w.** 814.04 (intro.) of the statutes is amended to read:

10 **814.04 Items of costs.** (intro.) Except as provided in ss. 93.20, 100.195 (5m)
11 (b), 100.30 (5m), 106.50 (6) (i) and (6m) (a), 111.397 (2) (a), 115.80 (9), 767.553 (4) (d),
12 769.313, 802.05, 814.245, 895.035 (4), 895.044, 895.443 (3), 895.444 (2), 895.445 (3),
13 895.446 (3), 895.506, 943.212 (2) (b), 943.245 (2) (d), 943.51 (2) (b), and 995.10 (3),
14 when allowed costs shall be as follows:"

15 **34.** Page 8, line 14: after that line insert:

16 **"SECTION 12m. Nonstatutory provisions.**

17 (1) PREDICTABLE WORK SCHEDULES FOR RETAIL, FOOD SERVICE, AND CLEANING
18 EMPLOYEES; TRANSITIONAL PROVISIONS. No later than the effective date of this
19 subsection, an employer, as defined in section 103.035 (1) (e) of the statutes, shall
20 provide each service employee, as defined in section 103.035 (1) (L) of the statutes,
21 with a written copy of the service employee's work schedule, as defined in section
22 103.035 (1) (o) of the statutes. That work schedule is considered a work schedule
23 provided to a service employee under section 103.035 (3) (a) 2. of the statutes for all
24 purposes under section 103.035 of the statutes, including that the employer shall

1 post a copy of the work schedule as provided in section 103.035 (3) (a) 3. of the
2 statutes and, if the employer changes that work schedule, section 103.035 (3) (a) 2.
3 of the statutes applies to that change.”.

4 **35.** Page 8, line 14: after that line insert:

5 **“SECTION 12m. Nonstatutory provisions.**

6 (1) **PROPOSED PERMANENT RULES.** The department of workforce development
7 shall submit in proposed form the rules required under section 103.105 (11) (b) of the
8 statutes to the legislative council staff under section 227.15 (1) of the statutes no
9 later than the first day of the 4th month beginning after the effective date of this
10 subsection.

11 (2) **RULE-MAKING EXCEPTIONS FOR PERMANENT RULES.**

12 (a) Notwithstanding section 227.135 (2) of the statutes, the department of
13 workforce development is not required to present the statement of the scope of the
14 rules required under section 103.105 (11) (b) of the statutes to the governor for
15 approval.

16 (b) Notwithstanding section 227.185 of the statutes, the department of
17 workforce development is not required to present the rules required under section
18 103.105 (11) (b) of the statutes in final draft form to the governor for approval.

19 (c) Notwithstanding section 227.137 (2) of the statutes, the department of
20 workforce development is not required to prepare an economic impact analysis for
21 the rules required under section 103.105 (11) (b) of the statutes.

22 (d) Notwithstanding sections 227.14 (2g) and 227.19 (3) (e) of the statutes, the
23 department of workforce development is not required to submit the proposed rules
24 required under section 103.105 (11) (b) of the statutes to the small business

1 regulatory review board and is not required to prepare a final regulatory flexibility
2 analysis for those rules.

3 (3) EMERGENCY RULES. Using the procedure under section 227.24 of the statutes,
4 the department of workforce development shall promulgate the rules required under
5 section 103.105 (11) (b) of the statutes for the period before the effective date of the
6 permanent rules promulgated under section 103.105 (11) (b) of the statutes but not
7 to exceed the period authorized under section 227.24 (1) (c) of the statutes, subject
8 to extension under section 227.24 (2) of the statutes. Notwithstanding section 227.24
9 (1) (a), (2) (b), and (3) of the statutes, the department is not required to provide
10 evidence that promulgating a rule under this subsection as an emergency rule is
11 necessary for the preservation of public peace, health, safety, or welfare and is not
12 required to provide a finding of an emergency for a rule promulgated under this
13 subsection. Notwithstanding section 227.24 (1) (e) 1d. and 1g. of the statutes, the
14 department is not required to prepare a statement of the scope of the rules
15 promulgated under this subsection or present the rules to the governor for
16 approval.”

17 **36.** Page 8, line 17: after that line insert:

18 “(2) The treatment of sections 103.035 and 111.322 (2m) (a) and (b) of the
19 statutes and SECTION 12m of this act first apply to an employee who is covered by a
20 collective bargaining agreement that contains provisions inconsistent with section
21 103.035 of the statutes on the day on which the collective bargaining agreement
22 expires or is extended, modified, or renewed, whichever occurs first.

23 **SECTION 13m. Effective dates.** (This act takes effect on the ^{first} day after
24 publication, except as follows:

60 "0

of the 6th
month
beginning

1 (1) The treatment of sections 103.035 and 111.322 (2m) (a) and (b) of the
2 statutes and SECTIONS 12m and 13 (2) of this act take effect on the first day of the 6th
3 month beginning after publication.”

4 **37.** Page 8, line 17: after that line insert: *le*

5 “(2m) The treatment of section 66.0145 of the statutes and the creation of
6 section 16.754 (2) (a) of the statutes first apply to purchases made in the fiscal year
7 that begins in the year after this subsection takes effect.

8 (3m) The treatment of section 16.754 (2m) of the statutes first applies to
9 responses made and bids submitted in the fiscal year that begins in the year after
10 this subsection takes effect.”

11 **38.** Page 8, line 17: after that line insert:

12 “(1m) HIRING PREFERENCES FOR VETERANS. The treatment of sections 63.08 (1)
13 (fm) and 230.25 (1g) and (1m) of the statutes first applies to a position that is posted
14 on the effective date of this subsection. *e*

15 (2m) PROBATIONARY PERIODS. The treatment of section 230.28 (1) (a), (am), and
16 (c) of the statutes first applies to a probationary period that begins on the effective
17 date of this subsection. *2*

18 (3m) STANDARDS FOR ADVERSE EMPLOYMENT ACTIONS. The treatment of section
19 230.34 (1) (a) (intro.) and (am) of the statutes first applies to employee discipline for
20 conduct that occurs on the effective date of this subsection.

21 (4m) GRIEVANCE PROCEDURES. The treatment of section 230.44 (1) (c) of the
22 statutes first applies to an action taken against an employee on the effective date of
23 this subsection.

1 (5m) REINSTATEMENT PRIVILEGES, SEPARATION FROM CLASSIFIED SERVICE. The
2 treatment of section 230.40 (3) of the statutes first applies to a person who separates
3 from the classified service on the effective date of this subsection.”.

4 **39.** Page 8, line 17: after that line insert:

5 “(2) The treatment of sections 103.135, 106.54 (11), and 111.322 (2m) (a) and
6 (b) of the statutes first applies to an employee who is affected by a collective
7 bargaining agreement that contains provisions inconsistent with this act on the day
8 on which the collective bargaining agreement expires or is extended, modified, or
9 renewed, whichever occurs first. ^{or} _o

10 **SECTION 13m. Effective dates.** This act takes effect on the day after
11 publication, except as follows:

12 (1) The treatment of sections 103.135, 106.54 (11), and 111.322 (2m) (a) and (b)
13 of the statutes takes effect on the first day of the 6th month beginning after
14 publication.”.

15 **40.** Page 8, line 17: after that line insert:

16 “(2m) The treatment of sections 16.75 (1p), 16.855 (1p), 66.0901 (1) (ae) and
17 (am), (6), (6m), and (6s) of the statutes first applies to bids or proposals solicited on
18 the effective date of this subsection.”.

19 **41.** Page 8, line 17: after that line insert:

20 “(2) The treatment of sections 111.39 (4) (d) and (5) (b) and (d), 111.397, and
21 814.04 (intro.) of the statutes first applies to acts of employment discrimination,
22 unfair honesty testing, or unfair genetic testing committed on the effective date of
23 this subsection.”.

24 **42.** Page 8, line 17: after that line insert:



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBa2388/1
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SENATE AMENDMENT ,
TO ASSEMBLY BILL 748

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 9: after "state;" insert "the provision by employers to employees
3 of written disclosure statements of the terms of employment; various changes
4 pertaining to wage claims; occupational or professional licensing of employers that
5 owe wages under wage claim judgments; making an appropriation;".

6 **2.** At the appropriate places, insert all of the following:

7 "SECTION 1. 20.445 (1) (gs) of the statutes is created to read:

8 20.445 (1) (gs) *Wage claim surcharges.* All moneys received from surcharges
9 collected under s. 109.11 (4), for the administration of ch. 109.

10 **SECTION 2.** 103.34 (6) (d) of the statutes is amended to read:

11 103.34 (6) (d) A traveling sales crew worker who is owed compensation may file
12 a wage claim with the department under s. 109.09 (1) (a) or may bring an action
13 under s. 109.03 (5) without first filing a wage claim with the department.

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1 **SECTION 3.** 103.35 of the statutes is renumbered 103.35 (2) and amended to
2 read:

3 103.35 (2) ~~No state office, department, board, examining board, affiliated~~
4 ~~credentialing board, commission, council or independent agency in the executive~~
5 ~~branch, the legislature or the courts may, as a condition for receiving an occupational~~
6 ~~or professional certificate, license, permit or registration, require the submission of~~
7 ~~information by the applicant which is not essential for the determination of licensing~~
8 ~~agency may require an applicant for issuance or renewal of a license to submit any~~
9 ~~information that is not essential for the licensing agency to determine the applicant's~~
10 ~~eligibility for the issuance or renewal of the certificate, license, permit or~~
11 ~~registration. Information which. A licensing agency may request information that~~
12 ~~is not essential for the licensing agency to determine an applicant's eligibility for~~
13 ~~issuance or renewal may be requested of a license, but the licensing agency shall~~
14 ~~notify the applicant shall be notified in a prominent place on or accompanying the~~
15 request that she or he is not required to provide such information.

16 **SECTION 4.** 103.35 (1) of the statutes is created to read:

17 103.35 (1) In this section:

18 (a) "License" means an occupational or professional certificate, license, permit,
19 or registration.

20 (b) "Licensing agency" means a state office, department, board, examining
21 board, affiliated credentialing board, commission, council, or independent agency in
22 the executive branch, the legislature, or the courts.

23 **SECTION 5.** 103.35 (3) of the statutes is created to read:

24 103.35 (3) A licensing agency shall require an applicant for issuance or renewal
25 of a license to disclose whether there are any judgments under s. 109.03 (5) or 109.09

1 (1) against the applicant that the applicant has not paid. A licensing agency shall
2 use the circuit court automated information systems established under s. 758.19 (4)
3 to verify the applicant's disclosure. If there are any judgments under s. 109.03 (5)
4 or 109.09 (1) against the applicant that the applicant has not paid, the licensing
5 agency shall determine that the applicant is ineligible for issuance or renewal of the
6 license, unless the applicant demonstrates that the applicant has the willingness
7 and ability to pay the judgment.

8 **SECTION 6.** 103.40 of the statutes is created to read:

9 **103.40 Terms of employment; disclosure statement.** (1) DISCLOSURE
10 STATEMENT REQUIRED. An employer shall provide an employee with a written
11 statement disclosing the terms of employment at the time the employee is hired, on
12 January 1 of each year in which the employee is employed by the employer, and not
13 less than 7 days before the effective date of any change in the terms of employment.
14 The written disclosure statement shall be in English and, if the employee has limited
15 English proficiency, in the employee's native language. The written disclosure
16 statement shall include all of the following information:

17 (a) The full name, mailing address, and telephone number of the employer.

18 (b) The remuneration to be paid to the employee, the frequency of payment of
19 that remuneration, and, if that remuneration is paid as an hourly wage, the hourly
20 basic rate of pay to be paid to the employee.

21 (c) The circumstances under which the employee will be paid at a rate that is
22 higher than the hourly basic rate of pay for working in excess of an established
23 number of hours per day, per week, or per month or for working on designated nights,
24 weekends, or holidays.

1 (d) A description of any other economic benefits that the employer will provide,
2 including health insurance benefits, paid sick leave, vacation pay, holiday pay,
3 pension or other retirement benefits, personal protective equipment that is required
4 for the performance of the employee's work, worker's compensation coverage, or
5 unemployment insurance, whether an employee contribution will be required for
6 those benefits, and, if so, the amount of that employee contribution.

7 **(2) WAIVER PROHIBITED.** Any agreement between an employer and an employee
8 purporting to waive or modify the written disclosure statement requirement under
9 sub. (1) or any term of employment specified in such a statement is void.

10 **(3) NONCOMPLIANCE; ENFORCEMENT.** (a) Any employer that fails to provide a
11 written disclosure statement to an employee as required under sub. (1) or that fails
12 to comply with the terms of employment specified in a written disclosure statement
13 provided to an employee under sub. (1) is liable to the employee for all of the
14 following:

15 1. All actual damages, including any wage claim or wage deficiency, sustained
16 by the employee as a result of the employer's failure to provide that statement or to
17 comply with those terms.

18 2. Liquidated damages of not more than \$50 for each working day that the
19 employer fails to provide that statement or to comply with those terms or, if
20 applicable, the increased wages payable under s. 109.11 (2) (a) or (b), whichever is
21 greater.

22 3. Reasonable costs and attorney fees, notwithstanding s. 814.04.

23 (b) In addition to the liability specified in par. (a) 1. to 3., the department or the
24 circuit court may order an employer that fails to provide a written disclosure
25 statement to an employee as required under sub. (1) or that fails to comply with the

1 terms of employment specified in a written disclosure statement provided to an
2 employee under sub. (1) to take such action as will effectuate the purpose of this
3 section.

4 (c) An employee who is affected by a violation of par. (a) may file a wage claim
5 with the department under s. 109.09 (1) (a) or may bring an action under s. 109.03
6 (5) without first filing a wage claim with the department under s. 109.09 (1) (a).
7 Section 111.322 applies to any discharge or other discriminatory acts arising in
8 connection with any proceeding under this section.

9 **SECTION 7.** 109.01 (3m) of the statutes is created to read:

10 109.01 (3m) "Wage claim" includes a claim under s. 103.40 (3) (c) that an
11 employer has failed to provide a written disclosure statement to an employee as
12 required under s. 103.40 (1) or has failed to comply with the terms of employment
13 specified in a written disclosure statement provided to an employee under s. 103.40
14 (1).

15 **SECTION 8.** 109.03 (5) of the statutes is amended to read:

16 109.03 (5) ENFORCEMENT. Except as provided in sub. (1), no employer may by
17 special contract with employees or by any other means secure exemption from this
18 section. Each employee shall have a right of action against any employer for the full
19 amount of the employee's wages due on each regular pay day as provided in this
20 section and for interest on that amount and increased wages as provided in s. 109.11
21 (2), in any court of competent jurisdiction. An employee may bring an action under
22 this subsection on his or her own behalf and on behalf of other employees similarly
23 situated who consent in writing to being parties to the action. Such a consent shall
24 be filed with the court. An employee may bring an action against an employer under
25 this subsection without first filing a wage claim with the department under s. 109.09

1 (1) (a). An employee who brings an action against an employer under this subsection
2 shall have a lien upon all property of the employer, real or personal, located in this
3 state as described in s. 109.09 (2).

4 **SECTION 9.** 109.09 (1) of the statutes, as affected by 2017 Wisconsin Act 59, is
5 renumbered 109.09 (1) (a) and amended to read:

6 109.09 (1) (a) The department shall investigate and attempt equitably to adjust
7 controversies between employers and employees as to alleged wage claims. An
8 employee may file a wage claim under this paragraph on his or her own behalf and
9 on behalf of other employees similarly situated who consent in writing to being
10 parties to the claim. Such a consent shall be filed with the department. The
11 department may receive and investigate any wage claim that is filed with the
12 department, or received by the department under s. 109.10 (4), no later than ~~2~~ 4
13 years after the date the wages are due. ~~The department may, after~~ After receiving
14 a wage claim, the department may investigate any wages due from the employer
15 against whom the claim is filed to any employee during the period commencing ~~2~~
16 4 years before the date the claim is filed.

17 (b) The department shall enforce this chapter and s. 66.0903, 2013 stats., s.
18 103.49, 2013 stats., s. 229.8275, 2013 stats., and s. 16.856, 2015 stats., and ss. 103.02,
19 103.40, 103.82, and 104.12. In pursuance of this duty, the department may sue the
20 employer on behalf of the employee to collect any wage claim or wage deficiency and
21 ss. 109.03 (6) and 109.11 (2) and (3) shall apply to such actions. Except for actions
22 under s. 109.10, the department may refer such an action to the district attorney of
23 the county in which the violation ~~occurs~~ occurred for prosecution and collection and
24 the district attorney shall commence an action in the circuit court having appropriate
25 jurisdiction. Any number of wage claims or wage deficiencies against the same

1 employer may be joined in a single proceeding, but the court may order separate
2 trials or hearings.

3 (c) In actions that are referred to a district attorney under ~~this subsection~~ par.
4 (b), any taxable costs recovered by the district attorney shall be paid into the general
5 fund of the county in which the violation occurs and used by that county to meet its
6 financial responsibility under s. 978.13 (2) (b) for the operation of the office of the
7 district attorney who prosecuted the action.

8 **SECTION 10.** 109.09 (2) (a) of the statutes is amended to read:

9 109.09 (2) (a) The department of workforce development, under its authority
10 under sub. (1) (b) to maintain actions for the benefit of employees, or an employee
11 who brings an action under s. 109.03 (5) shall have a lien upon all property of the
12 employer, real or personal, located in this state for the full amount of any wage claim
13 or wage deficiency.

14 **SECTION 11.** 109.09 (2) (b) 3. of the statutes is amended to read:

15 109.09 (2) (b) 3. The department of workforce development or employee must
16 file the notice under subd. 1. or 2. within ~~2~~ 4 years after the date on which the wages
17 were due. The notice shall specify the nature of the claim and the amount claimed,
18 describe the property upon which the claim is made, and state that the person filing
19 the notice claims a lien on that property.

20 **SECTION 12.** 109.09 (2) (c) 2. of the statutes is amended to read:

21 109.09 (2) (c) 2. Except as provided in this subdivision, a lien under par. (a) does
22 not take precedence over a lien of a commercial lending institution against the
23 employer that originates before the lien under par. (a) takes effect. Subject to subd.
24 3., a lien under par. (a) takes precedence over a lien of a commercial lending
25 institution against the employer that originates before the lien under par. (a) takes

1 effect only as to the first \$3,000 of unpaid wages covered under the lien that are
2 earned by an employee within the 6 months preceding the date on which the
3 employee files the wage claim under sub. (1) (a) or brings the action under s. 109.03
4 (5) or the date on which the department receives the wage claim under s. 109.10 (4)
5 (a), whichever is applicable.

6 **SECTION 13.** 109.11 (title) of the statutes is amended to read:

7 **109.11 (title) Penalties and surcharge.**

8 **SECTION 14.** 109.11 (1) (a) of the statutes is amended to read:

9 109.11 (1) (a) In adjusting a controversy between an employer and an employee
10 as to an alleged wage claim filed with the department under s. 109.09 (1) (a), the
11 department may compromise and settle that wage claim for such sum as may be
12 agreed upon between the department, the employee, and the employer plus interest
13 on that sum at the rate of 2 percent per month for each month that the wages were
14 due and unpaid and the surcharge specified in sub. (4).

15 **SECTION 15.** 109.11 (1) (b) of the statutes is renumbered 109.11 (1) (b) 1. and
16 amended to read:

17 109.11 (1) (b) 1. If the department finds that a wage claim is valid, the
18 department may instruct the employer against whom the wage claim is filed to audit
19 his or her payroll records to determine whether the employer may be liable for any
20 other wage claims that are of the same type as the wage claim that prompted the
21 audit instruction. If after the requested completion date of the audit the department
22 receives a wage claim against the employer that is of the same type as the wage claim
23 that prompted the audit instruction and if the department determines that the
24 subsequent wage claim is valid, the department may audit the employer's payroll

1 records to determine whether the employer may be liable for any other wage claims
2 that are of the same type as the wage claim that prompted the audit instruction.

3 2. For any valid wage claim that is filed against an employer after the
4 department has instructed the employer to audit his or her payroll records under ~~this~~
5 ~~paragraph~~ subd. 1. and that is of the same type as the wage claim that prompted the
6 audit instruction and for any valid wage claim that is discovered as a result of the
7 department's audit under ~~this paragraph~~ subd. 1. and that is of the same type as the
8 wage claim that prompted the audit instruction, the department shall require the
9 employer to pay, in addition to the amount of wages due and unpaid, increased wages
10 of not more than 50 percent of the amount of wages due and unpaid, interest on the
11 amount of wages due and unpaid at the rate of 2 percent per month for each month
12 that the wages were due and unpaid, and the surcharge specified in sub. (4), unless
13 the employer shows the department that payment of the increased wages, interest,
14 or surcharge would cause extreme hardship. The department shall require an
15 employer to make that payment without regard to whether the employer's failure to
16 pay the wages due and unpaid was intentional or unintentional.

17 **SECTION 16.** 109.11 (1) (c) of the statutes is amended to read:

18 109.11 (1) (c) If an employer does not agree to compromise and settle a wage
19 claim under this subsection, the department may refer the wage claim to a district
20 attorney under s. 109.09 (1) (b) or to the department of justice under s. 109.10 (3) for
21 commencement of an action in circuit court to collect the amount of wages due and
22 unpaid plus interest on that amount at the rate of 2 percent per month for each month
23 that the wages were due and unpaid, increased wages as specified in sub. (2) (b), and
24 the surcharge specified in sub. (4).

25 **SECTION 17.** 109.11 (2) (a) of the statutes is amended to read:

1 109.11 (2) (a) In a wage claim action that is commenced by an employee before
2 the department has completed its investigation under s. 109.09 (1) (a) and its
3 attempts to compromise and settle the wage claim under sub. (1), a circuit court may
4 order the employer to pay to the employee, in addition to the amount of wages due
5 and unpaid and in addition to or in lieu of the criminal penalties specified in sub. (3),
6 increased wages of not more than ~~50~~ 100 percent of the amount of wages due and
7 unpaid, interest on the amount of wages due and unpaid at the rate of 2 percent per
8 month for each month that the wages were due and unpaid, the surcharge specified
9 in sub. (4), and, notwithstanding s. 814.04, reasonable costs and attorney fees. A
10 circuit court may order an employer to make that payment without regard to
11 whether the employer's failure to pay the wages due and unpaid was intentional or
12 unintentional.

13 **SECTION 18.** 109.11 (2) (b) of the statutes is amended to read:

14 109.11 (2) (b) In a wage claim action that is commenced after the department
15 has completed its investigation under s. 109.09 (1) (a) and its attempts to settle and
16 compromise the wage claim under sub. (1), a circuit court may order the employer
17 to pay to the employee, in addition to the amount of wages due and unpaid to an
18 employee and in addition to or in lieu of the criminal penalties specified in sub. (3),
19 increased wages of not more than ~~100~~ 200 percent of the amount of those wages due
20 and unpaid, interest on the amount of wages due and unpaid at the rate of 2 percent
21 per month for each month that the wages were due and unpaid, the surcharge
22 specified in sub. (4), and, notwithstanding s. 814.04, reasonable costs and attorney
23 fees. A circuit court may order an employer to make that payment without regard
24 to whether the employer's failure to pay the wages due and unpaid was intentional
25 or unintentional.

1 **SECTION 19.** 109.11 (4) of the statutes is created to read:

2 109.11 (4) **SURCHARGE.** In addition to the amounts payable under sub. (1) (a)
3 or (b) or (2) (a) or (b), the department shall require, or a circuit court shall order, an
4 employer who fails to pay wages that are due and payable to an employee to pay to
5 the department or circuit court a surcharge of \$500 for a first violation, \$750 for a
6 2nd violation, and \$1,000 for a 3rd or subsequent violation. If the surcharge is
7 required by the department, the department shall collect the surcharge, deposit the
8 surcharge in the general fund, and credit the surcharge to the appropriation account
9 under s. 20.445 (1) (gs). If the surcharge is ordered by the circuit court, the clerk of
10 circuit court shall collect the surcharge and transmit the surcharge to the county
11 treasurer under s. 59.40 (2) (m), the county treasurer shall pay the surcharge to the
12 secretary of administration under s. 59.25 (3) (f) 2., and the secretary of
13 administration shall deposit the surcharge in the general fund and credit the
14 surcharge to the appropriation account under s. 20.445 (1) (gs).

15 **SECTION 20.** 111.322 (2m) (a) of the statutes is amended to read:

16 111.322 (2m) (a) The individual files a complaint or attempts to enforce any
17 right under s. 103.02, 103.10, 103.11, 103.13, 103.28, 103.32, 103.34, 103.40,
18 103.455, 104.12, 109.03, 109.07, 109.075, 109.09, 146.997, or 995.55, or ss. 101.58 to
19 101.599 or 103.64 to 103.82.

20 **SECTION 21.** 111.322 (2m) (b) of the statutes is amended to read:

21 111.322 (2m) (b) The individual testifies or assists in any action or proceeding
22 held under or to enforce any right under s. 103.02, 103.10, 103.11, 103.13, 103.28,
23 103.32, 103.34, 103.40, 103.455, 104.12, 109.03, 109.07, 109.075, 109.09, 146.997, or
24 995.55, or ss. 101.58 to 101.599 or 103.64 to 103.82.

25 **SECTION 22.** 814.75 (28) of the statutes is created to read:

1 814.75 (28) The wage claim surcharge under s. 109.11 (4).

2 **SECTION 23.** 893.44 (1) of the statutes is amended to read:

3 893.44 (1) Any action to recover unpaid salary, wages or other compensation
4 for personal services, except actions to recover fees for professional services and
5 except as provided in sub. (2), shall be commenced within ~~2~~ 4 years after the cause
6 of action accrues or be barred.

7 **SECTION 24.** 893.44 (2) of the statutes is amended to read:

8 893.44 (2) An action to recover wages under s. 109.09 shall be commenced
9 within ~~2~~ 4 years after the claim is filed with the department of workforce
10 development or be barred.”.

11 **3.** Page 8, line 17: after that line insert:

12 “(2m) The treatment of sections 109.09 (1) (with respect to the receipt and
13 investigation of a wage claim) and (2) (b) 3., 109.11 (1) (a), (b), and (c), (2) (a) and (b),
14 and (4), and 893.44 (1) and (2) of the statutes first applies to wages earned on the
15 effective date of this subsection.

16 (3m) The treatment of sections 109.03 (5) and 109.09 (1) (with respect to the
17 filing of a wage claim) of the statutes first applies to a wage claim action commenced
18 or a wage claim filed on the effective date of this subsection.

19 (4m) The treatment of sections 103.40 and 109.01 (3m) of the statutes first
20 applies to an employee hired on, or a change in a term of employment effective 7 days
21 after, the effective date of this subsection.

22 (5m) The treatment of section 103.35 (3) of the statutes first applies to an
23 application for issuance or renewal of a professional or occupational license filed on
24 the effective date of this subsection. !

