

2019 DRAFTING REQUEST

Bill

For: **Legislative Fiscal Bureau** Drafter: **mmcgreev**
 By: **Rachel** Secondary Drafters:
 Date: **4/1/2020** May Contact:

Same as LRB:

Submit via email: **YES**
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Pre Topic:

No specific pre topic given

Topic:

(P. 6, DOA, Item 9) State employees do not waive appeal right during PHE

Instructions:

See attached

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|----------------------|----------------------|---------------------|-----------------|-----------------|
| /? | mmcgreev 4/1/2020 | csicilia 4/1/2020 | | | |
| /1 | | | mbarman 4/1/2020 | | |

FE Sent For: **<END>**

Barman, Mike

Subject: RE: More LFB Requests

From: Hanaman, Cathlene <Cathlene.Hanaman@legis.wisconsin.gov>

Sent: Wednesday, April 1, 2020 11:20 AM

To: Champagne, Rick <Rick.Champagne@legis.wisconsin.gov>; Lunder, Erika <Erika.Lunder@legis.wisconsin.gov>; Wheeler, Elizabeth <Elizabeth.Wheeler@legis.wisconsin.gov>; Knepp, Fern <Fern.Knepp@legis.wisconsin.gov>; Gallagher, Michael <Michael.Gallagher@legis.wisconsin.gov>; Dodge, Tamara <Tamara.Dodge@legis.wisconsin.gov>; Walkenhorst Barber, Sarah <Sarah.WalkenhorstBarber@legis.wisconsin.gov>; Paczuski, Konrad <Konrad.Paczuski@legis.wisconsin.gov>; McGreevy, Mary Alice <MaryAlice.McGreevy@legis.wisconsin.gov>; Shovers, Marc <Marc.Shovers@legis.wisconsin.gov>; Pleviak, Krista <Krista.Pleviak@legis.wisconsin.gov>; Gary, Aaron <Aaron.Gary@legis.wisconsin.gov>; Kreye, Joseph <Joseph.Kreye@legis.wisconsin.gov>; Pfothenauer, Mary <Mary.Pfothenauer@legis.wisconsin.gov>; Duchek, Michael <Michael.Duchek@legis.wisconsin.gov>; Shea, Elisabeth <Elisabeth.Shea@legis.wisconsin.gov>; Wyatt, Zachary <Zachary.Wyatt@legis.wisconsin.gov>; Johns, Melinda <Melinda.Johns@legis.wisconsin.gov>

Cc: Jackson, Wendy <Wendy.Jackson@legis.wisconsin.gov>

Subject: RE: More LFB Requests

Please, in addition to anything else you put in the topic line, include the language below ("Pg. 5, DOA, item 6" for instance).

Using the LFB Summary of the Governor's bill, please draft the following items for the LFB:

http://docs.legis.wisconsin.gov/misc/lfb/misc/109_summary_of_provisions_of_lrb_5904_1_and_lrb_5920_p2_3_24_20.pdf

Pg. 6, DOA, Item 9

Cathlene can coordinate and make sure drafts are accounted for.

Rick

INSERT ANALYSIS

EMPLOYMENT

Suspension of certain time limits and in-person meetings for grievance process during public health emergency

Under the bill, a state employee does not waive his or her right to appeal an adverse employment decision if the employee does not timely file the complaint or appeal during a public health emergency. Under current law, an employee waives such right if the employee does not timely file.

Under the bill, an appointing authority is not required to hold an in-person meeting with a state employee who has filed an employment grievance during a public health emergency.

INSERT

SECTION 1. 323.2915 of the statutes is created to read:

323.2915 State civil service grievance procedures. (1) Notwithstanding s. 230.445 (2) and (3), an employee does not waive his or her right to appeal an adverse employment decision if the employee does not timely file the complaint or appeal during a state of emergency related to a public health emergency declared under s. 323.10. The tolling period under s. 230.445 (3) (a) 1. begins 14 days after the termination of such declared public health emergency or extension.

(2) Notwithstanding s. 230.445 (3) (a) 2., an appointing authority or his or her designee is not required to meet with a complainant in person during a state of emergency related to a public health emergency declared under s. 323.10 when conducting an investigation under s. 230.445 (3) (a) (2).



2019 BILL

1 **AN ACT** *to create* 323.2915 of the statutes; **relating to:** non-waiver of appeals
2 rights by state employees during declared public health emergency.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

Suspension of certain time limits and in-person meetings for grievance process during public health emergency

Under the bill, a state employee does not waive his or her right to appeal an adverse employment decision if the employee does not timely file the complaint or appeal during a public health emergency. Under current law, an employee waives such right if the employee does not timely file.

Under the bill, an appointing authority is not required to hold an in-person meeting with a state employee who has filed an employment grievance during a public health emergency.

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

3 **SECTION 1.** 323.2915 of the statutes is created to read:
4 **323.2915 State civil service grievance procedures.** (1) Notwithstanding
5 s. 230.445 (2) and (3), an employee does not waive his or her right to appeal an

BILL**SECTION 1**

1 adverse employment decision if the employee does not timely file the complaint or
2 appeal during a state of emergency related to a public health emergency declared
3 under s. 323.10. The tolling period under s. 230.445 (3) (a) 1. begins 14 days after
4 the termination of such declared public health emergency or extension.

5 (2) Notwithstanding s. 230.445 (3) (a) 2., an appointing authority or his or her
6 designee is not required to meet with a complainant in person during a state of
7 emergency related to a public health emergency declared under s. 323.10 when
8 conducting an investigation under s. 230.445 (3) (a) (2).

9

(END)