

CR 83-181

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CERTIFICATE

JUL 27 1984

1:30 pm
Revisor of Statutes
Bureau)

STATE OF WISCONSIN

BOARD OF VOCATIONAL, TECHNICAL AND ADULT EDUCATION)

SS)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

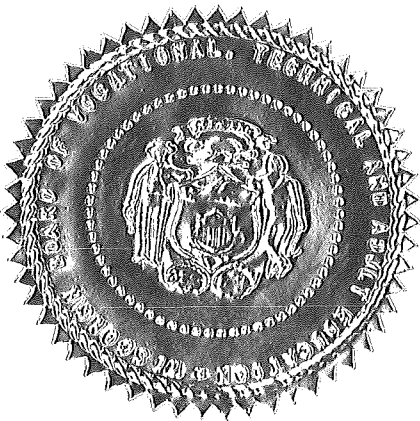
I, Robert P. Sorensen, State Director of the Wisconsin Board of Vocational, Technical and Adult Education, and custodian of the official records of said Board, do hereby certify that the annexed rules repealing Chapter A-V 6 relating to the district budget limitations appeals process and creating rules relating to travel and expense reimbursement, procurement and personnel in vocational, technical and adult education districts (Clearinghouse Rule 83-181) were duly approved and adopted by this Board on July 25, 1984.

I further certify that said copy has been compared by me with the original on file in this board and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Board at Hill Farms State Office Building in the city of Madison, this 26th day of July, 1984.

Robert P. Sorensen

Robert P. Sorensen
State Director



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ORDER OF THE

JUL 27 1984

BOARD OF VOCATIONAL, TECHNICAL Revisor of Statutes
Bureau

AND ADULT EDUCATION REPEALING

AND ADOPTING RULES

To repeal Chapter A-V 6 relating to district budget limitations appeals process and to recreate Chapter A-V 6 relating to travel and expense reimbursement, procurement and personnel in vocational, technical and adult education districts.

ANALYSIS PREPARED BY THE BOARD OF VOCATIONAL, TECHNICAL AND ADULT EDUCATION.

1983 Wisconsin Act 27, section 913i, repealed section 38.29, Stats., relating to the district budget limitations appeals process for vocational, technical and adult education districts. As a result, the Board proposes to repeal this chapter since there is no longer a statutory basis for these rules.

Sections 38.04(14)(a) 1 to 3, Stats., as created by Chapter 269, Laws of 1981, section 6, requires the Board to adopt rules relative to employe and district board member travel and expenses, procurement and personnel, including the district director.

Additionally, section 38.12(7), Stats., requires vocational, technical and adult education district boards to adopt policies on all matters enumerated under section 38.04(14) consistent with the rules adopted by this Board. By recreating Chapter A-V 6, the Board is adopting rules and is setting forth standards for district boards to follow in adopting the policies as required by these new statutory sections.

Section A-V 6.01 sets forth the purpose of these rules and notes the statutory authority for these rules.

Section A-V 6.02 defines certain terminology as used in these rules. While some of these definitions are duplicative of those contained in ch. A-V 1, Wis. Adm. Code, it is the intention of this Board to repeal that Chapter upon adoption of this chapter and chs. A-V 5 and 10 which are currently being drafted.

Section A-V 6.03 contains a general provision requiring district boards' to adopt policies and procedures as required under s. 38.12(7), Stats., and further requires that these district policies and procedures be forwarded to the board within 30 days of their adoption for review and approval by the board.

Section A-V 6.04 sets forth minimum requirements for policies and

procedures adopted by district boards relative to employe and district board member travel and expense reimbursement. This section requires district policies and procedures to, at a minimum, specify those expenses that are reimbursable by the district, specify that reimbursement is permitted only for expenses and travel incurred in performance of an employe's or district board member's official duty, establish uniform travel amounts, specify the circumstances under which travel and expenses in the city where a district school is located are reimbursable, establish a standardized expense voucher, specify the documentation that must accompany the voucher, establish a procedure for auditing vouchers prior to payment and establish a travel authorization procedure.

Section A-V 6.05(1) sets forth definitions relating to the rule on procurement.

Section A-V 6.05(2) sets forth the minimum requirements for policies and procedures adopted by district boards relative to procurement. These policies and procedures shall, at a minimum, identify those employes responsible for administering the procurement policy; establish a procurement code of conduct; require all procurement over \$10,000, and those public construction contracts over \$5,000, to be bid; provide for sole source procurement under limited circumstances; provide for

competitive selection procedures, in lieu of competitive bid requirements, for procuring the services of accountants, physicians, lawyers and other providers of services under limited circumstances; require all purchases between \$3,000 and \$10,000 to be accomplished through solicitation of at least 2 written quotations; establish a procedure for procurements under \$3,000, require aggregation of all purchases from a single contractor within 30 days, or multiple contractors within 30 days where similar supplies, services, equipment or construction are procured; in determining the method of procurement, establish an emergency procurement procedure; require the creation and retention of various records; establish audit and oversight procedures; and require that procurements funded by federal funds be made in accordance with applicable federal regulations.

Section A-V 6.06 sets forth the minimum requirements for policies and procedures on personnel, subject to existing collective bargaining agreements. The policies and procedures adopted by the district shall, at a minimum, establish a code of ethics; establish a procedure for personnel evaluations and actions; delineate the organizational structure; establish a grievance procedure for non-represented employees; require a contract for those individuals listed under s. 38.28(5), Stats.; and establish a system of personnel descriptions.

It should be noted that the rules required under s. 38.04(14)(a) 4, Stats., relative to contracts for services are not contained within ch. A-V 6. They have been addressed in ch. A-V 8, effective September 1, 1983.

Pursuant to authority vested in the Board of Vocational, Technical and Adult Education by sections 38.04(14)(a) and 227.014(2)(a), Stats., the Board of Vocational, Technical and Adult Education hereby adopts rules implementing and interpreting sections 38.04(14)(a) and 38.12(7), Stats., as follows:

1 SECTION 1. Chapter A-V 6 of the Wisconsin
2 Administrative Code is repealed and recreated to read:

3
4 GENERAL DISTRICT POLICIES

5
6 A-V 6.01 PURPOSE. The purpose of this chapter is to
7 establish policies and procedures under s. 38.04(14)(a), Stats.,
8 relating to district employe and district board member travel and
9 expenses, procurement and personnel, and to administratively
10 interpret s. 38.12(7), Stats., requiring district boards to
11 establish written policies under these rules.

12
13 A-V 6.02 DEFINITIONS. In this chapter:

14 (1) "Board" means the board of vocational, technical

1 and adult education.

2 (2) "District" means a vocational, technical and adult
3 education district.

4 (3) "District board" means the district board in charge
5 of the vocational, technical and adult education schools of a
6 district.

7 (4) "District director" means the person employed by a
8 district board under s. 38.12(3)(a) 1, Stats.

9

10 A-V 6.03 GENERAL DISTRICT POLICIES. Each district
11 board shall adopt, subject to review and approval by the board,
12 written policies and procedures on district employe and district
13 board member travel and expenses, procurement, and personnel,
14 including the district director. Policies and procedures, and
15 amendments to policies and procedures, adopted by a district
16 board under this chapter shall be forwarded to the board within
17 30 days of adoption.

18

19 A-V 6.04 EMPLOYE AND DISTRICT BOARD MEMBER TRAVEL AND
20 EXPENSE REIMBURSEMENT. Policies and procedures on travel and
21 expense reimbursement adopted by district boards shall, at a
22 minimum:

23 (1) Specify those expenses incurred by district
24 employes and district board members that are reimbursable by the
25 district.

1 (2) Specify that reimbursement for travel and other
2 expenses incurred by district employes and district board
3 members, in the performance of their official duties, may not
4 exceed the actual, necessary and reasonable expenses as
5 determined under sub (3), except in unusual circumstances when
6 accompanied by a full explanation of the reasonableness of the
7 expense.

8 (3) Establish uniform daily maximum permitted amounts
9 to be reimbursed by the district for meals, lodging costs and
10 portorage tips incurred by district employes and district board
11 members in the performance of their official duties. Separate
12 rates may be established for in-state travel and travel to high
13 cost out-of-state cities.

14 (4) Establish a standardized expense voucher and
15 procedures for submission of the voucher. The expense voucher
16 shall include the dates of travel, the purpose of travel, an
17 itemized listing of all travel and expenses incurred, the method
18 of travel and a statement of any expenses billed directly to the
19 district. The expense voucher shall be signed by the district
20 employe or board member claiming reimbursement, and shall contain
21 a statement that all travel expense items represent the actual,
22 necessary and reasonable expenses incurred in the performance of
23 that person's official duties, and that no portion of the claim
24 was provided free of charge, was previously reimbursed by the
25 district or was reimbursed by a person or organization other than

1 the district.

2 (5) Specify the documentation that shall be submitted
3 with the expense voucher.

4 (6) Establish a procedure for auditing the expense
5 voucher prior to payment.

6 (7) Establish a travel authorization procedure.
7
8

9 A-V 6.05 PROCUREMENT. (1) Definitions. In this
10 section:

11 (a) "Business" means any corporation, partnership,
12 individual, sole proprietorship, joint stock company, joint
13 venture, or any other private legal entity.

14 (b) "Contract" means all types of agreements,
15 regardless of what they may be called, for the procurement or
16 disposal of supplies, services, equipment, or construction.

17 (c) "Contractor" means any person having a contract
18 with the district.

19 (d) "Employee" means an individual who draws a salary or
20 wages from the district, and any noncompensated individual
21 performing services for the district.

22 (e) "Governmental unit" means the state, any county,
23 town, city, village, or other political subdivision or any
24 combination thereof, or any department, division, board or other
25 agency of any of the foregoing.

1 (f) "Person" means any business, individual, union
2 committee, club, other organization, or group of individuals.

3 (g) "Public construction" includes all labor and
4 materials used in the framing or assembling of component parts in
5 the erection, installation, enlargement, alteration, repair,
6 conversion, razing, demolition or removal of any fixed equipment,
7 building or facility.

8 (h) "Procurement" means buying, purchasing, renting,
9 leasing, or otherwise acquiring any supplies, services, equipment
10 or construction, and includes any other activity pertaining to
11 obtaining supplies, services, equipment or construction.

12 (i) "Service" means the furnishing of labor, time, or
13 effort by a contractor, not involving the delivery of a specific
14 end product other than reports which are merely incidental to the
15 required performance. This term shall not include employment
16 agreements or collective bargaining agreements.

17 (2) Policies and Procedures. Policies and procedures
18 on procurement adopted by district boards shall, at a minimum:

19 (a) Identify those employes, by functional title, who
20 are responsible for administering the district's procurement
21 policy.

22 (b) Establish a procurement code of conduct that shall,
23 except as provided under s. 946.13, Stats., prohibit any employe
24 involved in procurement from having a financial interest in any
25 procurement, and prohibit any employe involved in procurement

1 from receiving any gratuity or other financial gain from any
2 contractor.

3 (c) Require that all procurements where the total cost
4 exceeds \$10,000, and public construction under par. (L) where the
5 total cost exceeds \$5,000, be accomplished through the use of
6 competitive bids except as provided by policies and procedures
7 adopted under pars. (d) and (e).

8 (d) Provide for sole source procurement where the
9 district board determines that there is only one source for the
10 required supply, service, equipment or construction item; where
11 the required supply, service, equipment or construction item is
12 to be purchased from another governmental body; or where
13 cooperative purchasing under s.16.73, Stats., is utilized. The
14 district board may delegate the power for authorizing sole source
15 procurement to the district director who may with the approval of
16 the district board redelegate this responsibility to other
17 employes of the district.

18 (e) Provide for competitive selection procedures in
19 lieu of competitive bids for procuring the services of
20 accountants, physicians, lawyers, dentists, and other providers
21 of services where the district board determines that competitive
22 selection in lieu of competitive bids is in the best interest of
23 the district.

24 (f) Except as required under par. (L), require that all
25 procurements where the total cost equal or exceeds \$3,000 and

1 does not exceed \$10,000 be accomplished through the solicitation
2 of written quotations from a minimum of 2 contractors or proposed
3 contractors.

4 (g) Establish a procedure for all procurements where
5 the total cost is less than \$3,000.

6 (h) Require that all procurements from a single
7 contractor within a 30 day period, or from multiple contractors
8 within a 30 day period where similar supplies, services,
9 equipment or construction is procured, be considered in the
10 aggregate in determining the method of procurement to be used by
11 the district.

12 (i) Establish a procedure for emergency procurements
13 where there exists a threat to the continued operation of the
14 district or to the health, safety or welfare of students,
15 employes or residents of the district. Emergency procurements
16 shall be evidenced by a written determination of the basis of the
17 emergency and of the selection of a particular contractor.

18 (j) Require that records be created and retained for
19 all procurements where the total cost equals or exceeds \$3,000.
20 These records shall include:

- 21 1. The rationale for the method of procurement.
- 22 2. The rationale for selection or rejection of any
23 contractor or proposed contractor.
- 24 3. The basis for cost or price.

25 (k) Establish a procedure for audit and oversight of

1 all procurements.

2 (L) Require that all contracts made by a district board
3 for public construction in a district, where the estimated cost
4 exceeds \$5,000, be let by the district board to the lowest
5 responsible bidder in accordance with ss. 38.18 and 62.15(1) to
6 (11) and (14), Stats.

7 (m) Require that all procurements funded by federal
8 funds be made in accordance with the appropriate federal
9 regulations.

10

11 A-V-6.06 PERSONNEL Policies and procedures on
12 personnel shall, at a minimum, subject to existing and future
13 collective bargaining agreements:

14 (1) Establish a code of ethics for all district
15 employes that shall include:

16 (a) Standards of conduct relating to outside
17 employment.

18 (b) Procedures to avoid conflicts of interests.

19 (c) Penalties for violation of the code of ethics.

20 (2) Establish procedures for personnel evaluations and
21 personnel actions.

22 (3) Delineate the organizational structure of the
23 district.

24 (4) Establish a grievance procedure for non-represented
25 employes.

1 (5) Require a contract incorporating the provisions of
2 s. 38.28(5), Stats., for every teacher, administrator, supervisor
3 and the district director. This subsection does not apply to
4 persons employed by the district board for less than 30 hours per
5 week.

6 (6) Establish a system of personnel descriptions
7 delineating the duties and responsibilities of employes of the
8 district, and procedures for updating these personnel
9 descriptions.

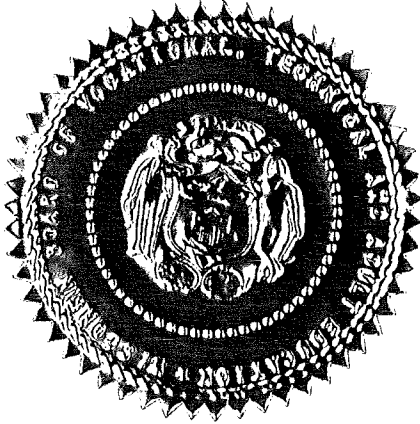
10 (7) Require an affirmative action plan to achieve a
11 balanced workforce.

12 (8) Establish a policy and procedures to prohibit
13 discrimination in employment on the basis of persons age, race,
14 creed, color, handicap, marital status, sex, national origin,
15 ancestry, sexual orientation, arrest record or conviction
16 record. Policies and procedures established under this
17 subsection shall conform with ss.111.31 to 111.37, Stats.

18
19 The rules contained in this order shall take effect as provided
20 in s. 227.026(1)(intro.), Stats.

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Dated: July 25, 1984



WISCONSIN BOARD OF
VOCATIONAL, TECHNICAL
AND ADULT EDUCATION

Robert P. Sorensen

Robert P. Sorensen, Ph.D.
State Director



State of Wisconsin \

BOARD OF VOCATIONAL, TECHNICAL & ADULT EDUCATION

ROBERT P. SORENSEN, Ph.D.

State Director

4802 Sheboygan Avenue, 7th Floor

P. O. Box 7874

MADISON, WISCONSIN 53707

July 26, 1984

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JUL 27 1984

Revisor of Statutes
Bureau

Mr. Orlan L. Prestegard
Revisor of Statutes
Room 411 West - State Capitol
Madison, WI 53702

Dear Mr. Prestegard:

Enclosed for filing is a certified copy of the Order of the Board of Vocational, Technical and Adult Education repealing Chapter A-V 6, Wisconsin Administrative Code, relating to the district budget limitations appeal process and recreating Chapter A-V 6, Wisconsin Administrative Code, relating to travel and expense reimbursement, procurement and personnel in vocational, technical and adult education districts (Clearinghouse Rule 83-181). Also enclosed is an additional copy of the Order for use as printer's copy.

Should you have any questions, please do not hesitate to contact me at 266-8171.

Sincerely,

Edward S. Alschuler
Legal Counsel

ESA:mt

cc: Robert P. Sorensen, Ph.D.
John R. Kroll
Edward Chin
Glenn Davison
Greg Wagner

Enclosures