

ed for a term of four years. All present members of said board shall continue as such board of trustees for the term for which elected. All vacancies in the synodically elected membership of the board shall be filled by persons elected thereto by the said synod. The office of trustees shall begin at the time of their election. Eight members of said board shall be a quorum for the transaction of business. The trustees shall be required to make an annual report of the affairs of the college to the said synod. All acts relating to said board of trustees of Carroll College in conflict herewith are hereby repealed.

SECTION 3. This act shall take effect upon passage and publication.

Approved May 21, 1917.

No. 70, A.]

[Published May 25, 1917.

## CHAPTER 259

AN ACT to create sections 772—1 to 772—17, inclusive, of the statutes, relating to civil service in counties having a population of two hundred thousand or more, and providing a penalty.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. There are added to the statutes seventeen new sections to be numbered and to read: Section 772—1. There shall be in every county in this state, containing two hundred thousand inhabitants or more, a civil service commission of five members, no more than two of whom shall belong to the same political party. It shall be the duty of the chairman of the board of supervisors of any county in this state coming under this act, within thirty days after this act becomes applicable to that county, to appoint the members of said commission, designating the term of office of each. Such appointment and designation shall be subject to confirmation by the board of supervisors. The term of office of members first appointed on any such commission shall be as follows: One of such commissioners shall hold office until one year from the first day of January next following his appointment; one until two years from such first day of January next following his appointment; one until three years from such named succeeding first day of January; one until four years from such succeeding first day of January; and one until five years from such succeeding first day of January; and until their respective successors are appointed and confirmed. In the month of December of each year, immediately preceding the expiration of the term of office of any such com-

missioner, the chairman of the board of supervisors shall appoint, subject to confirmation by the board, one member of such commission to hold office for the term of five years, from the first day of January next succeeding and until his successor is appointed. All unexpired terms shall be filled by appointment by the chairman of the board of supervisors subject to confirmation by the board.

Section 772—2. Every person appointed a member of said commission shall before entering upon the duties of his office take and subscribe the oath of office prescribed by the constitution of the state. All appointees on said commission shall be legal residents of the county in which they are appointed to act and no person holding any elective or appointive public position or office of any sort in said county government shall be appointed on said civil service commission. Each member of the commission shall receive five dollars for each day actually spent in official service, provided, however, that no such member shall receive more than two hundred dollars for service performed in any one year; such compensation shall be paid by the county treasurer on the certificate of the chief examiner countersigned by the county auditor, where such officer exists in said county. Members of the commission may be removed from office at any time by the county board of supervisors for cause.

Section 772—3. Members of any such commission shall as soon as possible after their appointment and qualification, prepare and adopt such rules and regulations to carry out the provisions of sections 772—1 to 772—17, inclusive, of the statutes, as in the judgment of this commission shall be adapted to secure the best service for the county in each department affected by this act, and as shall tend to promote expedition and speed and the elimination of all unnecessary formalities in making appointments. Such rules shall be printed and distributed in such manner as reasonably to inform the public of the county as to their purpose, and shall take effect ten days after they are published. Every such commission shall have the power to appoint, subject to the provisions of sections 772—1 to 772—17, inclusive, of the statutes, a chief examiner, who shall receive a salary of not more than fifteen hundred dollars (or as much more as the board of supervisors may determine), and shall also have the power to appoint, subject to the provisions of sections 772—1 to 772—17, inclusive, of the statutes, such clerical or other assistants as it may deem necessary and fix the salaries of the same. It shall be the duty of the board of supervisors in every county in which a commission shall be appointed under this

act to provide suitable offices, furniture, stationery, light, heat, telephone and all other necessary supplies and conveniences to enable the commission to perform its duties.

Section 772—4. In every county in which a commission shall be appointed, pursuant to the provisions of sections 772—1 to 772—17, inclusive, of the statutes, all offices and positions in the public service in said county shall be divided into two classes, known respectively as the classified and the unclassified service. The unclassified service shall include all officials elected by the people, all members of boards and commissions, assistant district attorneys, professors and instructors in any county agricultural school, the court reporters of all courts, the register of probate and assistant register, the clerk of the civil court, the under sheriff and jailer, the deputy register of deeds, deputy clerk of the circuit court, deputy county clerk, county auditor, deputy county treasurer, and deputy coroner. All other positions shall be included in the classified service.

Section 772—5. On and after January first next succeeding the date when sections 772—1 to 772—17, inclusive, of the statutes, shall become applicable in any county in this state no person shall be appointed to, promoted to, reduced in, transferred to or in, or removed from the classified service in any such county, except in accordance with the provisions of sections 772—1 to 772—17, inclusive, of the statutes.

Section 772—6. When any appointing authority in any such county learns that a vacancy has occurred, or is about to occur, in his department, he shall forthwith notify the chief examiner of such fact. When an eligible list (containing the names of persons who have, within a period of time to be specified in the rules of the commission, passed an examination appropriate to the position in question) is in existence, the chief examiner shall certify to the appointing power the names of the three persons standing highest on that list. If more than one vacancy in the same class or position is to be filled, one additional name shall be certified for each additional vacancy. The appointing officer shall make selection with reference solely to merit and fitness from the three names certified, unless objection is made and sustained by the commission to one or more of the persons named, in which case the commission shall certify in addition the name next following upon the eligible list. If there is no such eligible list, the procedure shall be as follows: An examination shall be arranged for the earliest possible date to examine candidates relative to their fitness for said position. The time and place of such examination, together with the require-

ments of the position, and all other necessary information shall be sufficiently advertised by said commission in such manner as the commission shall by its rules determine as best suited to give notice of such examination. Pending the holding of such examination and the creation of an eligible list, the position in question may be filled temporarily by the appointing power, by an emergency appointment, subject to such rules and restrictions as the commission may adopt.

Section 772—7. All applicants for such examination may be required by the commission to prepare and file written application blanks giving such information, bearing upon their fitness for the position in question, as the commission may deem necessary. Such application blanks need not be uniform for the different grades or classes of positions, but the forms to be used shall be definitely specified in the rules of the commission. No questions pertaining to political affiliation or religious faith shall be asked of any applicant. The examination shall be such as to test fairly and practically the ability of each applicant to fulfill the requirements of the position in question. Wherever the commission believes it advisable it may substitute an actual demonstration by the applicant of his skill in performing the duties of the position for which he is applying in place and stead of a written test. Whenever the position is one in which the person to be appointed will hold a personal or confidential relation to the appointing power, the person having the power of appointment may be present at the examination for the purpose of advising the commission with relation to the relative personal fitness of the various candidates and this advice shall be given due weight in the markings of the applicant. The weights, if any, to be given to previous experience, training, age, sex, written or demonstration test, oral test, and the various other phases or elements of the examination to which the applicant may be subjected, shall be provided for in advance by the rules of the commission. The names of the persons passing the examination shall be placed on an eligible list in the order of their final grades in the examination. Certification shall then be made as hereinbefore provided.

Section 772—8. The chief examiner shall, under the direction of the commission and with the advice of the heads of the departments involved, devise and introduce as rapidly and extensively as practicable a system of efficiency records to be based, among other things, upon the quantity and quality of the work performed and the regularity and punctuality of attendance. After such system shall have been introduced, it shall be the

duty of the various departments affected by it to maintain it. The chief examiner shall also, under the direction of the commission, prepare a classification of subordinate positions in accordance with their natural tendency to fit their incumbents to fill higher positions in the service of the county. The commission shall provide in its rules that the efficiency records of an employe in one of the aforesaid lower positions shall be given due weight in the examination of such employe for higher positions to which they naturally lead, to the end that such higher positions in the service shall be filled as far as possible by promotion.

Section 772—9. Whenever a person possessing appointing power in the county believes that an employe in his department has acted in such a manner as to show him to be incompetent or to have merited suspension, demotion or dismissal, he shall report in writing to the civil service commission setting forth specifically his complaint, and may suspend the employe at the time such complaint is filed. The commission shall forthwith notify the accused employe of the filing of such charges and on request provide him with a copy of the same. The commission shall appoint a time and place for the hearing of said charges, the time to be within three weeks after the filing of the same, and notify the person possessing the appointing power and the employe of the time and place of such hearing. At the termination of the hearing the commission shall determine whether or not the charge is well founded and shall take such action by way of suspension, demotion, discharge or reinstatement, as it may deem requisite and proper under the circumstances and as its rules may provide. The decision of the commission shall be final. Neither the person possessing the appointing power nor the employe shall have the right to be represented by counsel at said hearing, but the commission may in its discretion permit the employe to be represented by counsel and may request the presence of an assistant district attorney to act with the commission in an advisory capacity.

Section 772—10. The chief examiner shall, under the direction of the commission and in cooperation with the county clerk (or county auditor, wherever such an official shall have been appointed) and with the heads of the various departments, devise and recommend to the board of supervisors a standardized scale of wages and salaries for all county positions over the salaries of which the board of supervisors or the county board of administration have control, said scale to be graduated according to the duties performed, the length of service and the effi-

ciency records of the employes. The supervisors shall consider and act in some way upon this scale at the last meeting of said board in the month of October next following its recommendation, and if adopted it shall go into effect on the first day of January following its adoption, or at such other date as may be provided by law.

Section 772—11. The commission shall have the right to subpoena witnesses, administer oaths, examine witnesses and compel the production of documents, records, and papers of all sorts in conducting such investigations as it may deem necessary or proper in order to ascertain whether or not the provisions of sections 772—1 to 772—17, inclusive, of the statutes, are being carried into effect.

Section 772—12. No payment for personal services of any employe of any such county shall be made by any county officer unless the commission shall have certified that the employe claiming such payment is holding his position legally under the provisions of sections 772—1 to 772—17, inclusive, of the statutes, and the rules of the commission. Such certification shall be required on each and every pay roll for each and every position in the county service, subject to the provisions of sections 772—1 to 772—17, inclusive, of the statutes. County officers making payments in violation of this section shall be liable for the full amount thus paid and shall be deemed guilty of a violation of the provisions of sections 772—1 to 772—17, inclusive, of the statutes, and subject to the penalties hereinafter provided.

Section 772—13. 1. No factor or influence other than the fitness of an employe to perform the duties of the position in which he is employed, or to which he is seeking appointment, shall affect the determination of appointments, promotions, transfers, suspensions or discharges with respect to any office or employment within the scope of sections 772—1 to 772—17, inclusive, of the statutes.

2. The following practices are especially forbidden in any of the counties affected by this act: Pernicious political activity by any county employe; the giving of any consideration, whether financial or otherwise, in return for appointment to a position in the service of said county; the obstruction or deceiving of any person desiring to take an examination under the provisions of sections 772—1 to 772—17, inclusive, of the statutes, or to secure information concerning any such examination; the deliberate **mismarking** or miscalculation of grades of any applicant taking an examination under sections 772—1 to 772—17, inclusive, of the statutes; the impersonation by any person of any other per-

son in connection with the holding of any examination under sections 772—1 to 772—17, inclusive, of the statutes; and the giving to or receiving by candidates for examination information or assistance enabling such candidates to obtain an unfair or improper advantage over other candidates for the same examination.

Section 772—14. Any person who shall wilfully, or through culpable negligence, violate any provisions of sections 772—1 to 772—17, inclusive, of the statutes, or any rule promulgated in accordance with the provisions thereof, shall be guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine of not less than fifty dollars and not exceeding one thousand dollars, or by imprisonment in the county jail for a term of not less than thirty days, nor more than one year, or both such fine and imprisonment in the discretion of the court.

Section 772—15. All persons included within the classified service, as defined in sections 772—1 to 772—17, inclusive, of the statutes, at the time when the provisions of these sections go into effect, appointed for a definite term, shall be required to take examinations under sections 772—1 to 772—17, inclusive, of the statutes, the same to be held as soon as practicable after the expiration of such definite term. No person who, at the time when sections 772—1 to 772—17, inclusive, of the statutes, become applicable in an county of this state shall have been on the pay rolls of such county continuously for the four years immediately preceding such date, shall be required to take an examination in order to retain his position and all persons being in service and on the pay roll of said county less than four years, shall, in order to retain their position, be required to take a non-competitive examination, and shall retain their position, unless upon such examination they be found and determined by said board to be insufficiently qualified. The foregoing provisions shall not be construed, however, to prevent suspension, demotion or discharge of any employe subject to the provisions of sections 772—1 to 772—17, inclusive, of the statutes, in the manner hereinabove provided.

Section 772—16. A sufficient sum shall be provided each year by the county board of supervisors of each county in which this act shall become operative to enable the commission created under sections 772—1 to 772—17, inclusive, of the statutes, to exercise the powers and perform the duties therein specified; provided, however, that the total expenditures therefor in any one year shall not exceed twelve one-thousandths of a mill on each dollar of the assessed valuation of the property in said county.

Section 772—17. All acts and parts of acts inconsistent herewith, and particularly chapter 342 of the laws of 1897, are repealed.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 22, 1917.

No. 421, A.]

[Published May 25, 1917.

## CHAPTER 260

AN ACT to amend subsection 2 of section 439b, relating to the powers and duties of truant officers.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Subsection 2 of section 439b of the statutes is amended to read: (Section 439b) 2. When of his personal knowledge, or by report or complaint from any resident of the city, or by report or complaint as provided herein, a truant officer believes that any child is unlawfully and habitually absent from *elementary school, continuation school, or any other school which the minor is by law compelled to attend, provided the minor is \* \* \* not otherwise receiving instruction as provided in section 439a as amended*, he shall immediately investigate and render all service in his power, to compel such child to attend some public, parochial or private school which the person having control of the child shall designate, or if over fourteen and under sixteen years of age to attend school or become regularly employed at home or elsewhere, and upon failure he shall serve a written notice as required in section 4 of this act and proceed as hereinafter provided against the person having charge of such child. And in all towns and villages the sheriff of the county, his undersheriff and deputies shall be the truant officers, and it shall be the duty of all truant officers named in this section to enforce the provisions of this act as provided herein.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 22, 1917.