

No. 237, S.]

[Published September 6, 1929.

## CHAPTER 464.

AN ACT to amend subsection (21) of section 66.06 of the statutes, relating to aerial landing fields.

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

SECTION 1. Subsection (21) of section 66.06 of the statutes is amended to read: (66.06) (21) Any city may purchase or lease lands for the use of the public as an aerial landing field, and may construct thereon hangars, shops, and other equipment and maintain such landing field; and may establish and collect uniform fees for use of such field. *Neither the city, nor any board, commission or officer thereof, maintaining and operating any aerial landing field, as provided in this subsection, and collecting fees for the use of the same, shall be held liable in damages for injuries done to any person, not an employe of such city, by reason of the maintenance or operation of such landing field.*

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

Approved September 3, 1929.

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No. 677, A.]

[Published September 7, 1929.

## CHAPTER 465.

AN ACT to repeal sections 20.712, 20.713 and 34.08, subsection (4) of section 46.05 and subsection (6) of section 72.18; to amend sections 16.01 to 16.30, section 14.47, subsection (1) of section 14.71, section 20.71, subsection (4) of section 41.01, subsection (1) of section 43.07, subsection (2) of section 46.04, subsection (1) of section 46.05, subsection (1) of section 102.15, and subsection (7) of section 195.01 of the statutes, relating to a merit system of state employment, creating a bureau of personnel in the executive department and making an appropriation.

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

SECTION 1. Sections 20.712, 20.713 and 34.08, subsection (4) of section 46.05, and subsection (6) of section 72.18 of the statutes are repealed.

SECTION 2. Sections 16.01 to 16.30 of the statutes, constituting the state civil service law, are amended to read: 16.01 BUREAU OF PERSONNEL; DIRECTOR OF PERSONNEL. (1) *There is created within the executive department a bureau of personnel. The administrative head of such bureau shall be appointed by the governor subject to chapter 16. He shall be paid such salary as may be fixed by the governor, within the salary ranges for the position established pursuant to section 16.105.*

(2) *The chief examiner and secretary of the state civil service commission at the time of the taking effect of this section shall automatically become the director of personnel of the bureau of personnel and on filing with the governor a history of employment shall come under the provisions of chapter 16. When a vacancy occurs in the position of director of personnel the members of the personnel board shall forthwith appoint an examining committee of three members to conduct an examination for the position in the manner usually followed and prescribed by chapter 16 for all other positions. Two of the members of the examining committee shall be active examining heads of civil service commissions in cities of a population of more than three hundred thousand or of a state civil service or personnel commission. The examining committee shall certify a list of successful candidates to the members of the personnel board, who in turn shall submit the top three names to the governor, who shall make the appointment. The governor may remove the director of personnel with the approval of the personnel board.*

\* \* \* 16.02 DEFINITIONS. In sections 16.01 to 16.30 \* \* \*, unless the context otherwise requires:

(1) \* \* \* “Board” means the \* \* \* personnel board in the bureau of personnel.

(2) “Civil service” means all offices and positions of trust or employment, including mechanics, artisans and laborers, in the service of the state, except offices and positions in the militia.

(3) “Appointing officers” means the officer, commission, board or body, having the power of appointment, or election to, or removal from, subordinate positions in any office, department, commission, board or institution.

(4) “Subordinate” or “employee” means any person holding

a subordinate position subject to appointment, removal, promotion or reduction by an appointing officer.

(5) "*Director*" means *director of personnel*.

\* \* \* 16.03 \* \* \* PERSONNEL BOARD; APPOINTMENT, TERM; OFFICE. \* \* \* (1) \* \* \* *The personnel board in the bureau of personnel shall consist of three members, who shall be appointed by the governor by and with the advice and consent of the senate for terms of six years expiring on the first day of July or until their successors have been appointed and qualified; provided, that the members of the prior state civil service commission shall automatically become members of the personnel board, to serve in such capacity until the first day of July of the year in which their terms as members of the state civil service commission would have expired. The board shall elect one of its members as chairman of the board.*

(2) Each \* \* \* *member of the personnel board shall take and file the official oath.*

(3) At no time shall more than two \* \* \* *members be adherents of the same political party; and no \* \* \* member shall hold any other lucrative administrative office under the United States or this state, except the office of notary public or a military office.*

(4) The \* \* \* *personnel board shall keep its office and shall hold all its meetings in the state capitol, and all of said meetings shall be open to the public.*

\* \* \*

\* \* \* (5) The \* \* \* *director may designate persons in or out of the official service of the state or of any city or county who shall, if in the service, with the consent of the head of department or office in which such person serves, act as local examiner. Such persons in the official service, in the performance of such duties as the \* \* \* director orders, shall be under the direct and sole control of the \* \* \* director, and their duties shall be considered part of the duties of the offices in which they are serving, and time shall be allowed therefor during office hours \* \* \*.*

(6) *The members of the personnel board shall each be paid twenty-five dollars per day for time actually devoted to their duties but shall not be paid more than five hundred dollars in any year.*

\* \* \* 16.04 USE OF MUNICIPAL AND COUNTY BUILDINGS. The officials in control of municipal and county buildings, upon requisition by the \* \* \* *director*, shall furnish convenient offices and rooms for examinations, and necessary furniture, heat and light for the accommodation of local examiners.

\* \* \* 16.05 DUTIES OF \* \* \* PERSONNEL BOARD. The \* \* \* *personnel board* shall:

(1) *After a public hearing* prescribe, and amend \* \* \* rules \* \* \* for carrying into effect the provisions of sections 16.01 to 16.30, \* \* \* *on the recommendation of the director of personnel*. All rules so prescribed shall be subject to the approval of the governor, and they may, from time to time, subject to like approval, be added to, amended or rescinded. However, if the governor takes no action on a rule or amendment submitted to him within a period of ten days from the date of its submission, then the rule or amendment shall become effective as though approved by the governor. Notice of the contents of such rules \* \* \* and of any modifications thereof shall be given \* \* \* in due season to appointing officers affected thereby, and such rules \* \* \* and modifications shall also be printed for public distribution.

(2) Keep minutes of its own proceedings \* \* \* and other official actions. All \* \* \* *such records* \* \* \* shall, subject to reasonable regulations, be open to public inspection. *Examination and roster or pay roll cards, and minutes of board proceedings shall be kept and preserved. All other records including correspondence, applications and examination or test material may be destroyed after six years.*

(3) Make investigations \* \* \* concerning all matters touching the enforcement and effect of the provisions of sections 16.01 to 16.30, \* \* \* and the rules and regulations prescribed thereunder concerning the action of any examiner or subordinate of the \* \* \* *bureau of personnel* and any person in the public service, in respect to the execution of said sections.

(4) \* \* \* *Approve the biennial report prepared by the director and submit the same to the governor on June thirtieth in each even-numbered year, \* \* \* including therein any suggestions it may approve for the more effectual accomplishment of the purposes of sections 16.01 to 16.30 \* \* \*.*

(5) *Hear appeals from any action taken by the director in*

*any matter arising under sections 16.01 to 16.30, upon the application of any interested party.*

\* \* \* 16.06 TESTIMONIAL POWERS; WITNESSES. (1) Each of the \* \* \* members of the personnel board \* \* \* may issue subpoenas to compel the attendance in this state of witnesses and the production of books and papers pertinent to any inquiry or investigation authorized by law to be made by the board; and each of the members may administer oaths and take testimony. The board may examine such public records as it requires in relation to any matter which it has authority to investigate. All officers and other persons in the civil service shall attend and testify when requested to do so by the \* \* \* board.

(2) *In case of the refusal of any person to comply with any subpoena issued hereunder or to testify to any matter regarding which he may be lawfully interrogated, the circuit court of any county or the judge thereof, on application of any one of the members, shall issue an order requiring such person to comply with such subpoena and to testify, or either, and any failure to obey such order of the court may be punished by the court as a contempt thereof.*

\* \* \* 16.07 WITNESS FEE. Each person not in the civil service who appears before the \* \* \* board or the director by \* \* \* order shall receive for his attendance the fees and mileage provided for witnesses in civil actions in courts of record, which shall be audited and paid upon presentation of proper vouchers \* \* \*. But no witnesses subpoenaed at the instance of parties other than the \* \* \* board or the director shall be entitled to compensation from the state for attendance or travel, unless the \* \* \* board or the director certifies that his testimony was relevant and material, to the matter investigated.

16.08 CLASSIFICATION OF CIVIL SERVICE. (1) \* \* \* The civil service is divided into the unclassified service and the classified service.

(2) Unclassified service. The unclassified service comprises *positions held by:*

- (a) All officers elected by the people.
- (b) All officers and employes appointed by the governor whether subject to confirmation or not, *unless otherwise provided.*
- (c) All officers and employes in any department for the

creation of which a vote of two-thirds of all the members elected to each house is required.

(d) All presidents, deans, principals, professors, instructors, \* \* \* *research assistants* and other teachers in the university, \* \* \* *state teachers colleges, Stout institute and the state school of mines, and the professional staff, including \* \* \* the superintendent, librarians, apprentice librarians and research assistants* in any library or museum maintained wholly or in part at state expense. \* \* \*

(e) All persons appointed by name in any statute.

(f) All legislative officers.

(3) Classified service. The classified service comprises all positions not included in the unclassified service.

\* \* \* 16.09 CLASSIFICATION OF CLASSIFIED SERVICE. (1)  
\* \* \* The offices, positions and employments in the classified service shall be arranged by the \* \* \* *director* in \* \* \* *three \* \* \* divisions* designated respectively the exempt, \* \* \* the competitive \* \* \* *and the noncompetitive divisions.*

(2) EXEMPT \* \* \* DIVISION. The following positions shall be included in the exempt \* \* \* *division:*

(a) One deputy or assistant *and one stenographer* of each \* \* \* *elective* executive officer. \* \* \*

\* \* \*

\* \* \*

\* \* \* (b) The clerks and other assistants and employes of the supreme court.

(c) *All employes heretofore exempt who by this act are brought under said chapter 16 shall be given a civil service status without examination, provided that they file an application and a history of their employment with the personnel board within two months after the effective date of this paragraph.*

\* \* \*

\* \* \* (d) In addition to the above there may be included in the exempt \* \* \* *division* all other offices or positions \* \* \* for the filling of which competitive or noncompetitive examinations shall be found by the \* \* \* *personnel board* to be impracticable on account of the temporary character of the employment or for special reasons satisfactory to the \* \* \* *board.*

(3) COMPETITIVE \* \* \* DIVISION. The competitive \* \* \*

*division* shall include all positions for which it is practicable to determine the merit and fitness of applicants by competitive examinations, and shall include all positions and employments of whatever functions, designations or compensation, in each and every branch of the classified service, except such positions as are in the exempt \* \* \* *division or the noncompetitive* \* \* \* *division* \* \* \*.

(4) NONCOMPETITIVE \* \* \* DIVISION. The noncompetitive \* \* \* *division* shall include such positions as are not in the exempt \* \* \* *division* and which it is impracticable to include in the competitive \* \* \* *division*.

\* \* \*

\* \* \*

16.10 APPOINTMENTS, PROMOTIONS, \* \* \* CHANGES IN CLASSIFIED SERVICE. (1) Appointments to, and promotions in the classified service, shall be made only according to merit and fitness, which, except as otherwise provided by law shall be ascertained so far as practicable by examinations, which so far as practicable, shall be competitive.

(2) No person shall be appointed, transferred, removed, reinstated, promoted or reduced as an officer, clerk, employe or laborer in the classified service in any manner or by any means, other than those prescribed in sections 16.01 to 16.30 . \* \* \*.

16.105 CLASSIFICATION AND COMPENSATION PLAN. (1) *The director, with advice and approval of the personnel board, shall ascertain and record the duties and responsibilities of, and establish grades and classes for, all positions to which this chapter applies. The titles of positions so established shall be used in all reports and pay rolls and in all estimates requesting the appropriation of money for personal services.*

\* \* \* (2) *The \* \* \* director, after a public hearing, with the advice and approval of the personnel board, shall establish and maintain standard salary ranges for all positions and employments in the state service to which this chapter applies. Such ranges shall provide initial and maximum rates of pay for the different grades and classes of positions and for increases in compensation within the ranges so established after periods of meritorious service; provided, that no salary shall be increased at any time except upon recommendation of the appointing officer. The salary of no person holding any such position or employment shall be certified by the \* \* \* director,*

unless such salary conforms to and is within the salary range established under the provisions of this subsection.

(3) *Immediately after the organization of the joint committee on finance in each regular session of the legislature, the director of personnel shall report to such committee the following:*

(a) *The standard salary ranges for the various grades and classes of positions in the classified civil service.*

(b) *Recommendations, based upon experience in recruiting the service, data collected as to rates of pay for comparable work in other public services and in commercial and industrial establishments, and any special studies carried on, as to the need for changes in the compensation schedule for any grade and class or group of classes.*

(c) *Any other matters that seem pertinent in developing and administering a compensation plan for the classified service which takes proper account of prevailing market rates, costs and standards of living, the state's employment policies, and the state's financial resources and needs.*

(4) *The standard salary ranges submitted by the director, as may be modified by the joint committee on finance, shall, for the ensuing biennium, constitute the state's compensation plan for positions in the classified service; provided, that the personnel board, with the approval of the director of the budget and the emergency board, while the legislature is not in session, may change the compensation schedule for any grade and class when such action is made desirable by changing employment and economic conditions.*

(5) *The standard salary ranges in effect at the time when this subsection becomes effective shall continue in effect until amended as provided in this section.*

#### 16.11 EXAMINATIONS; RULES CONCERNING; WHERE HELD. (1)

All examinations for positions in the classified service shall be practical in character, and shall relate to those matters which will fairly test the capacity and fitness of the persons examined to discharge the duties of the office or employment sought by them, giving due allowance for experience in the same or similar positions.

(2) The competitive examinations shall be free and open to all applicants who are citizens of the United States and of this state and who have fulfilled the preliminary requirements stated in section 16.12, and shall be held at such times and places as in

the judgment of the \* \* \* *director*, most nearly meet the convenience of applicants and the needs of the service. The \* \* \* *director* may \* \* \* open competitive examinations to residents of other states who are citizens of the United States and who have fulfilled the preliminary requirements stated in section 16.12.

\* \* \*

\* \* \* (3) It is the declared policy of the state that under the operation of sections 16.01 to 16.30, \* \* \* there shall be a fair distribution throughout the state of persons accepted for the classified service, and to that end examinations shall be held \* \* \* at \* \* \* convenient points in \* \* \* the state.

\* \* \* (4) The \* \* \* *director* may require candidates who have satisfied the preliminary requirements, to undergo an examination, in cases where oral tests or tests for manual skill or use of instruments in constructive work may be necessary, at convenient designated places in the state.

#### 16.12 APPLICATION FOR ADMISSION TO EXAMINATIONS; FORMS.

(1) The \* \* \* *director* shall require persons applying for admission to any examination provided for under sections 16.01 to 16.30, \* \* \* or under the rules \* \* \* of the \* \* \* *board*, to file in its office, a reasonable time prior to the proposed examination, a formal application. \* \* \*

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\* \* \* (2) The \* \* \* *director* may require in connection with such application such certificates of citizens, physicians or others having knowledge of the applicant, as the good of the service may require.

\* \* \* (3) Blank forms for such applications shall be furnished by the \* \* \* *board* without charge to all persons requesting the same.

#### 16.13 APPLICANTS AND ELIGIBLES MAY BE BARRED; QUALIFICATIONS, BONDS MAY BE REQUIRED.

(1) The \* \* \* *director* may refuse to examine the applicant, or after examination to certify an eligible, who is found to lack any of the preliminary requirements established \* \* \* for the examination for the

position or employment for which he applies, or who is physically so disabled as to be rendered unfit for the performance of the duties of the position to which he seeks appointment, or who is addicted to the habitual use of intoxicating liquors to excess, or has been guilty of any crime or of infamous or notoriously disgraceful conduct, or who has been dismissed from the public service for delinquency or misconduct, or who has made a false statement of any material fact; or *directly or indirectly shall give, render, or pay or promise to give, render or pay any money, service or other valuable thing to any person for or on account of, or in connection with, his test, appointment or proposed appointment*; or practiced, or attempted to practice, any deception or fraud in his application, in his certificate, in his examination, or in securing his eligibility or appointment, or refuses to furnish testimony as required in section \* \* \* 16.06.

(2) Whenever the \* \* \* *director* refuses to examine an applicant, or after an examination to certify an eligible, as provided in this section, then said \* \* \* *director*, if requested by the person so rejected, shall give to him a full and explicit statement of the exact cause of such refusal to examine or to certify, as the case may be. *Appeal may be had from the decision of the director to the board and final decision shall rest with the board.*

(3) Applicants for positions in the recognized mechanical trades must have had practical experience for such periods as the \* \* \* *board* may prescribe.

(4) When any position to be filled involves fiduciary responsibility, the appointing officer, where otherwise permitted by law, may require the appointee to furnish bond or other security, and shall notify the \* \* \* *director* of the amount and other details thereof. Any surety company authorized to do business in this state, shall be a sufficient security on any such bond.

16.14 POLITICAL OR RELIGIOUS AFFILIATIONS \* \* \* ; NO DISCRIMINATION. No question in any form of application or in any examination shall be so framed as to elicit information concerning the political or religious opinions or affiliations of any applicant, nor shall any inquiry be made concerning such opinions or affiliations and all disclosures thereof shall be discountenanced. No discriminations shall be exercised, threatened, or promised, by any person in the civil service against or in favor of any ap-

plicant, eligible, or employe in the classified service because of this political or religious opinions or affiliations.

16.15 RECOMMENDATIONS. No recommendation for any person who applies for office or place, or for examination or registration under the provisions of sections 16.01 to 16.30, \* \* \* or of the rules established pursuant thereto, except as to character, and, in the case of former employers or teachers, as to ability, shall be given to, or considered by any person concerned in making any examination, registration, appointment, promotion or reinstatement under sections 16.01 to 16.30, \* \* \* and the rules made pursuant thereto. No recommendation whatsoever shall relate to the political or religious opinions of any applicant. No recommendation for the promotion of any person in the classified service shall be considered by any officer concerned in making promotions, except it be made by the officer or officers under whose supervision or control such employe is serving. Any recommendation made contrary to the provisions of this section, with the knowledge and consent of the applicant or employe, shall be sufficient cause for refusing his application or appointment, or for debarring him from the promotion proposed, and a repetition of the offense shall be sufficient cause for removing him from the service.

16.16 EXEMPT \* \* \* DIVISION, APPOINTMENTS TO, LIMITATIONS, PUBLIC HEARING. (1) Appointments in the exempt \* \* \* division may be made without examination, but no office or position shall be deemed to be in the exempt \* \* \* division unless it is specifically exempted by law or is named in such \* \* \* division in the rules, and if so named, the reasons for such exemptions shall be stated separately in the reports of the \* \* \* board. Not more than one appointment shall be made to or under the title of any such office or position unless a different number is specifically authorized by law or mentioned in the rules.

(2) No office or position shall be \* \* \* included by the \* \* \* board in the exempt \* \* \* division except after public hearing by the \* \* \* board \* \* \*. Suitable public notice of such hearings shall be given by the said \* \* \* board. At any such hearing any taxpayer of this state shall have the right to be heard, either in person or by counsel, either in opposition to or in favor of the proposed exemption.

16.17 COMPETITIVE \* \* \* DIVISION; APPOINTMENTS TO, TERM OF ELIGIBILITY, SEPARATE LISTS FOR VARIOUS LOCALITIES. (1) Appointments shall be made to or employment shall be given in all positions in the competitive \* \* \* *division* that are not filled by promotion, reinstatement, transfer or reduction under the provisions of sections 16.01 to 16.30, \* \* \* and the rules made in pursuance thereof, by appointments from among those certified to the appointing officer in accordance with the provisions of section 16.18.

(2) The term of eligibility of an applicant shall be fixed for each list by the \* \* \* *board* at not less than one nor more than three years.

(3) Appointments shall be made from the eligible list most nearly appropriate, and a new and separate list shall be created for a stated position only when there is no appropriate list existing from which appointments may be made. *The board shall have authority to establish separate eligible lists in various localities.* No person shall be appointed or employed under any title not appropriate to the duties performed, and no person shall be transferred to, or assigned to perform the duties of, any position subject to a competitive examination, unless he has previously passed an open competitive examination equivalent to that required for such position.

16.18 COMPETITIVE \* \* \* DIVISION; NOTICE OF VACANCY, PREFERENCE TO VETERANS, \* \* \* APPOINTMENTS, OBJECTIONS TO. (1) Appointing officers shall give written notice to the \* \* \* *bureau of personnel* of the existence of any vacancy *to be filled* in any office or employment in the competitive \* \* \* *division*, under the provisions of sections 16.01 to 16.30, \* \* \* and within ten days after the receipt of such notice the \* \* \* *director* shall certify from the register of eligibles appropriate for the \* \* \* *grade and class* in which the position \* \* \* is classified, the three names at the head thereof, which have not been certified three times to the department or office in which the vacancy exists. Whenever eligibles are certified, they must always be those candidates who have been graded highest in an examination held in pursuance of sections 16.01 to 16.30, \* \* \* and the rules made in accordance therewith, except that other conditions being equal, \* \* \* a preference shall be given in favor of veterans of any of the wars of the United States. Preference is hereby defined to mean that whenever an honorably

discharged veteran competes in any examination before the \* \* \* *personnel board* and passes the minimum grade he shall be accorded five points, and if such veteran has a disability which is directly or indirectly traceable to war service, he shall be accorded another five points, in addition to earned ratings therein. In every case after a name has been certified three times, it may be dropped from the list by the \* \* \* *director*, but certificates for temporary appointment shall not be counted as one of such certificates.

(2) The appointing officer shall appoint on probation, with sole reference to merit and fitness, one of the said candidates whose name is certified in the manner above set forth, to fill such vacancy unless objection is made, and sustained by the \* \* \* *director*, to one or more of the persons certified for any of the reasons stated in section 16.13; however, the provisions of this section may be altered by the \* \* \* *director* when the office or employment comes within those where by section 16.20 competitive examinations are not required. The \* \* \* *board* shall make rules for the procedure in such cases.

16.19 COMPETITIVE \* \* \* DIVISION; VACANCIES, PROMOTIONS. (1) Vacancies in positions in the competitive \* \* \* *division* shall be filled, so far as practicable, by promotion from among persons holding positions in the lower grade in the department, office or institution in which the vacancy exists, under rules and regulations made and enforced by the \* \* \* *board*. Promotions shall be based upon merit and fitness to be ascertained by examinations, to be provided by the \* \* \* *director*, and upon the superior qualifications of the person promoted as shown by his previous service, due weight being given to seniority and experience. \* \* \*

(2) For the purposes of this section an increase in the salary or other compensation of any persons holding an office or position \* \* \* *subject to the provisions of chapter 16*, beyond the limit fixed for the grade in which such office or position is classified, shall be deemed a promotion.

(3) No promotion shall be made to a position in the competitive \* \* \* *division* from a position in another *division* \* \* \*

16.20 COMPETITIVE \* \* \* ; DIVISION; PROVISIONAL, EMERGENCY, EXCEPTIONAL AND TEMPORARY APPOINTMENTS. \* \* \*

Positions in the competitive \* \* \* *division* may be filled without competition only as follows:

(1) Whenever there are urgent reasons for filling a vacancy in any position in the competitive \* \* \* *division* and the \* \* \* *director* is unable to certify to the appointing officer upon requisition by the latter a list of persons eligible for appointment after a competitive examination, the appointing officer may nominate a person to the \* \* \* *director* for noncompetitive examination, and if such nominee is certified by the said \* \* \* *director* as qualified after such noncompetitive examination, he may be appointed provisionally to fill such vacancy only until a selection and appointment can be made after competitive examination, *but no such appointment shall be continued for more than thirty days and successive appointments shall not be made.*

(2) In case of an emergency an appointment may be made without regard to the rules of this section, but in no case to continue longer than ten days, and in no case shall successive emergency appointments be made.

\* \* \* (3) In case of vacancy in a position in the competitive \* \* \* *division* where peculiar and exceptional qualifications of a scientific, professional, or educational character are required, and upon satisfactory evidence that for specified reasons competition in such special case is impracticable, and that the position can best be filled by the selection of some designated person of high and recognized attainments in such qualities, the \* \* \* *board* may suspend the provisions of the statute requiring competition in such case, but no suspension shall be general in its application to such place, and all such cases of suspension shall be reported in the \* \* \* *biennial* report of the \* \* \* *board* with the reasons for the same.

\* \* \* (4) Where the services to be rendered by an appointee are for a temporary period not to exceed \* \* \* *three* months, and the need of such service is important and urgent, the \* \* \* *director* may select for such temporary service any person on the proper list of those eligible for the permanent appointment without regard to his standing on such list. Successive temporary appointments to the same position shall not be made under this provision. The acceptance or refusal by an eligible of a temporary appointment shall not affect his standing on the register for permanent employment, nor shall the period of tem-

porary service be counted as a part of the probationary service in case of subsequent appointment to a permanent position.

16.21 NONCOMPETITIVE \* \* \* DIVISION; APPOINTMENTS TO. Appointments to positions in the noncompetitive \* \* \* *division* shall be made after such noncompetitive examination as is prescribed by the rules of the \* \* \* *board*. The \* \* \* *board* shall state in its \* \* \* *biennial* report the number of persons who come within this class, and the character of their services.

\* \* \*

\* \* \* 16.22 COMPETITIVE AND NONCOMPETITIVE DIVISIONS; \* \* \* PROBATIONARY PERIOD; PERMANENT APPOINTMENT. All original appointments to the competitive and noncompetitive \* \* \* *divisions* \* \* \* of the classified service shall be for a probationary period of \* \* \* three months, \* \* \* but dismissal \* \* \* may be made *at any time* during such period. If \* \* \* *during* this probationary \* \* \* *period* the conduct or capacity of the probationer has not been satisfactory to the appointing officer, the probationer shall be notified, *and the director shall be notified* in writing, that he will not receive \* \* \* *permanent* appointment; otherwise his retention in the service shall \* \* \* *constitute permanent* appointment.

\* \* \* 16.23 TRANSFERS AND REINSTATEMENTS. (1) No transfer or reinstatement shall be made from a position in one *grade and class* to a position in another *grade and class* unless the same be specifically authorized by the \* \* \* *director*. Section 16.19 and the rules adopted thereunder shall be read with this section and the rules adopted hereunder, and where the transfer involves a promotion the requirements of the promotion rule and regulation shall be observed.

\* \* \*

\* \* \* (2) Any person who has held a position by *permanent* appointment under the civil service *law and rules* and who has been separated from the service without any delinquency or misconduct on his part but owing to reasons of economy or otherwise, may be reinstated within one year, and in the case of legislative employes within two years, from the date of such separation to *positions in* the same or similar \* \* \* *grade or class* in the \* \* \* *state service*; provided, that for the original entrance to the position proposed to be filled by such

reinstatement there is not required in the opinion of the \* \* \* *director* examination involving essential tests or qualifications different from or higher than those involved in the examination for the original entrance to the position formerly held by the person proposed to be reinstated.

(3) *The board may provide in its rules for the reinstatement of persons who have served meritoriously less than three months in seasonal employments, the need for which may reasonably be anticipated and is likely to recur each year or shorter period.*

\* \* \* 16.24 REMOVALS, SUSPENSIONS, DISCHARGES, REDUCTIONS, DISMISSALS, LAY OFFS, RESIGNATIONS. (1) No permanent subordinate or employe in the competitive \* \* \* or noncompetitive \* \* \* divisions \* \* \*, who shall have been appointed under the provisions of sections 16.01 to 16.30, \* \* \* or the rules made pursuant thereto, shall be removed, suspended \* \* \* *without pay*, discharged, or reduced in pay or position, except for just cause, which shall not be religious or political. In all such cases \* \* \* the appointing officer shall, at the time of such action, furnish to the subordinate his reasons for the same and allow him a reasonable time in which to make an explanation. The reasons for \* \* \* *such action* and the answer thereto shall be filed in writing with the \* \* \* *director prior to the effective date thereof.*

(2) *Provisional employes as defined in subsection (1), emergency employes as defined in subsection (2), and temporary employes as defined in subsection (4) of section 16.20 may be dismissed or laid off at any time at the discretion of the appointing officer. Seasonal employes provided for in subsection (3) of section 16.23 may be dismissed or laid off at any time during the first three months of service, and, if such service extends beyond three months, they may be laid off at the expiration of the seasonal period, at the discretion of the appointing officer. In case of a reduction in force because of stoppage or lack of work or funds or because of material change in duties or organization, permanent employes shall be laid off in accordance with rules established by the board. Resignations from the classified service shall be regulated by rules of the board.*

\* \* \* 16.25 APPOINTING OFFICERS TO REPORT APPOINTMENTS, PROMOTIONS, REDUCTIONS, SEPARATIONS, EFFICIENCY, ETC. Each appointing officer shall report to the \* \* \* *director* forthwith in writing upon any appointment or employment in the

classified service, the name of the appointee, or employe, the title and character of his office or employment, \* \* \* the date of commencement of service by virtue thereof, and the salary or compensation thereof, and shall report from time to time, and, upon the date of the official action, in, or knowledge of each case, any separation of a person from the service or any promotion, reduction, transfer, reinstatement, or other change therein, *the efficiency of his subordinates and employes* and \* \* \* other information \* \* \*, *in such manner as may be prescribed.* \* \* \*

\* \* \* 16.26 ROSTER OF CLASSIFIED SERVICE; ACCESS TO PUBLIC RECORDS. The \* \* \* *director* shall keep in \* \* \* *the office* an official roster of the classified service and shall enter thereon the name of each and every person who has been appointed to, employed, promoted, reduced or reinstated in any position in such service, upon such evidence as it may require or deem satisfactory that such person was appointed to, employed, promoted, reduced or reinstated in the service in conformity with the provisions of this chapter, and the rules adopted pursuant thereto. This roster shall show in connection with each name the date of appointment, employment, promotion, reduction or reinstatement, *increases and decreases in pay*, the compensation and title of the position, \* \* \* *changes in title, transfer, sick or annual leaves with pay* and the date and \* \* \* *nature* of any termination of such office or employment \* \* \*. The \* \* \* *director* shall have access to all public records and papers, the examination of which will aid in the discharge of its duty in connection with said roster.

\* \* \* 16.27 PAY ROLLS CERTIFIED BY \* \* \* DIRECTOR; MANDAMUS; LIABILITY OF APPOINTING OFFICER; TAXPAYERS' SUITS. (1) Neither the secretary of state, nor other fiscal officer of this state, shall draw, sign or issue, or authorize the drawing, signing or issuing of any warrant on the treasurer or other disbursing officer of the state; nor shall the treasurer or other disbursing officer of the state pay any salary or compensation to any \* \* \* *person in the service of the state*, unless an estimate, pay roll or account for such salary or compensation containing the names of every person to be paid, shall bear the certificate of the \* \* \* *director* that the persons named in such estimate, pay roll, or account have been appointed, employed, reinstated or promoted \* \* \* *as required by law*

*and the rules established thereunder and that the salary or compensation is within the salary ranges fixed pursuant to section 16.105.*

(2) Any officer, clerk, employe, or other person entitled to be certified by said \* \* \* *director* to the secretary of state or other fiscal or disbursing officer of the state, as having been appointed or employed in pursuance of law and of the rules made in pursuance of law, and refused such certificate, may maintain an action of mandamus to compel such \* \* \* *director* to issue such certificate.

(3) Any sums paid contrary to the provisions of this section may be recovered from any officer or officers making such appointments in contravention of the provisions of law or of the rules made in pursuance of law, or from any officer signing or countersigning or authorizing the signing or countersigning of any warrant for the payment of the same, or from the sureties on the official bond of any of said officers, in an action in the circuit court of any county within the state, maintained by the \* \* \* *personnel board* or by any member thereof, or by a citizen resident therein, who is assessed for, and liable to pay, or within one year before the commencement of the action has paid, a state, city or county tax within this state. All moneys recovered in any action brought under this section when collected, shall be paid into the state treasury except that if a citizen taxpayer is plaintiff in any such action he shall be entitled to receive for his own use the taxable costs of such action and five per cent of the amount recovered as attorney's fees.

16.275 VACATION; SICK LEAVE. (1) *Appointing officers may in their discretion grant to each subordinate employed subject to the provisions of this chapter, who has been in the service of the state continuously for twelve months, three weeks' leave of absence in each year without loss of pay.*

(2) *Leave of absence with pay owing to sickness, and leave of absence without pay, other than vacation, shall be regulated by rules of the board.*

\* \* \* 16.28 TAXPAYERS' SUITS. The right of any taxpayer to bring any action to restrain the payment of compensation to any person appointed to or holding any office or place of employment in violation of the provisions of sections 16.01 to 16.30, \* \* \* shall not be limited or denied by reason of the fact that said office or place of employment has been classified,

as, or determined to be, not subject to competitive examination; however, any judgment or injunction in any such action shall be prospective only, and shall not affect payments already made or due to such persons by the proper disbursing officers, in accordance with the civil service rules in force at the times of such payments.

\* \* \* 16.29 DUTY AND LIABILITY OF APPOINTING OFFICER.

(1) All officers of this state shall conform to, comply with and aid in all proper ways in carrying into effect the provisions of sections 16.01 to 16.30, \* \* \* and the rules \* \* \* prescribed thereunder.

(2) No appointing officer shall, select or appoint any person for appointment, employment, promotion or reinstatement, except in accordance with the provisions of sections 16.01 to 16.30, \* \* \* and the rules \* \* \* prescribed thereunder.

(3) Any person employed or appointed contrary to the provisions of sections 16.01 to 16.30, \* \* \* or of the rules \* \* \* established thereunder, shall be paid by the officer or officers so employing or appointing, or attempting to employ or appoint him, the compensation agreed upon for any service performed under such appointment or employment, or attempted appointment or employment, or in case no compensation is agreed upon, the actual value of such services and any expenses incurred in connection therewith, and shall have a cause of action against such officer or officers of any of them, for such sum and for the costs of the action. No public officer shall be reimbursed by the state for any sums so paid or recovered in any such action.

16.30 POLITICAL CONTRIBUTIONS AND CERTAIN POLITICAL ACTIVITIES PROHIBITED. *No person holding a position in the classified civil service shall directly or indirectly solicit or receive or be in any manner concerned with soliciting or receiving any assistance or subscriptions or contributions for any political party or any political purpose whatsoever. No person shall orally or by letter solicit or be in any manner concerned in soliciting any assistance, subscription, or support for any political party or purpose whatsoever from any person holding any position in the classified civil service. No person holding any position in the classified civil service shall during the hours when he is on duty engage in any form of political activity calculated to favor or improve the chances of any political party or any person seeking or attempting to hold political office, nor shall he en-*

*gage in any political activity when not on duty to such an extent that his efficiency during working hours will be impaired or that he will be tardy or absent from his work. Any violation of the provisions of this section shall be adequate grounds for dismissal.*

SECTION 3. Section 14.47, subsection (1) of section 14.71, section 20.71, subsection (4) of section 41.01, subsection (1) of section 43.07, subsection (2) of section 46.04, subsection (1) of section 46.05, subsection (1) of section 102.15, and subsection (7) of section 195.01 of the statutes are amended to read: **14.47 (1)** The board of deposits shall not approve the bond of a surety company until fully satisfied that said bond is good and sufficient, and that the corporation is prosperous and financially sound and has, unimpaired, the paid-up capital claimed by it. Said board may at any time require any state depository to furnish a new or additional bond or bonds and revoke their designation and approval thereof, and immediately upon such revocation such corporation shall cease to be a state depository, and the treasurer shall forthwith withdraw all state moneys therefrom.

*(2) The cashier and assistant cashiers in the office of the secretary of state shall give bonds to the secretary of state in such sum and with such conditions as he may prescribe, conditioned for the faithful discharge of their duties. Said bonds shall be furnished by a surety company authorized to do business in this state and the cost thereof shall not exceed one-fourth of one per cent per annum on the amount of said bond or obligation by said surety executed and shall be payable from the appropriation to the secretary of state.*

(14.71) (1) Except as expressly provided by law, the governor, secretary of state, state treasurer, attorney-general, state superintendent, commissioner of insurance, state fire marshal, superintendent of public property, railroad commission, dairy and food commissioner, superintendent of weights and measures, industrial commission, adjutant general, state board of control, grain and warehouse commission, \* \* \* *director of personnel*, tax commission, commissioners of public lands, state conservation commission, supervisor of inspectors of illuminating oils, state treasury agent, commissioner of banking, printing board, free library commission, state chief engineer, commissioner of agriculture, board of public affairs, geological and natural history survey, state board of health, state highway com-

mission, state board of medical examiners, state board of dental examiners, state board of pharmacy, Wisconsin real estate brokers board, state board of vocational education and state athletic commission are each authorized to appoint such deputies, assistants, experts, clerks, stenographers, or other employes as shall be necessary for the execution of their functions, and to designate the titles, prescribe the duties, and fix the compensation of such subordinates, but these powers shall be exercised subject to the state civil service law, unless the position filled by any such subordinate has been expressly exempted from the operation of chapter 16 and subject, also, to the approval of such other officer or body as may be prescribed by law.

20.71 There is appropriated from the general fund to the  
\* \* \* *bureau of personnel:*

(1) Annually, beginning July 1, \* \* \* 1929, \* \* \* *thirty thousand dollars for the execution of its functions. \* \* \* No increase in the salary of the director shall be effective until approved by the governor.*

(2) *On July 1, 1929, ten thousand dollars, and on July 1, 1930, twenty-five thousand dollars, for the execution of its functions, in addition to the appropriation made in subsection (1). The appropriation made in this subsection shall be available only as approved by the governor.*

(41.01) (4) The state superintendent of public instruction shall appoint within his department persons of suitable training and experience who shall have general supervision of the classes for the instruction of deaf, blind, speech defective and other physically disabled children and of exceptional children of school age, who shall give special attention to examining, testing and classifying pupils applying for admission to such special classes and perform such other duties as the state superintendent may direct. \* \* \*

(43.07) (1) Upon the passage of this act, and thereafter on or after the third Wednesday in January of each year in which the legislature shall meet in regular session, the trustees of the state library shall appoint a revisor of the statutes, to be known as "Revisor." \* \* \* *The revisor so appointed shall not be subject to the provisions of chapter 16.*

(46.04) (2) The board may appoint and fix the compensation of such agents and inspectors as may be necessary to inspect and investigate all institutions subject to its inspection and in-

vestigation, such agents and inspectors to make a report of such inspection and investigation to the board. \* \* \*

(46.05) (1) The board shall \* \* \* appoint for each hospital for the insane a superintendent, one assistant physician, a matron, and a steward; for the state reformatory a superintendent, an assistant superintendent, and a steward; for the central state hospital, the school for the blind, the school for the deaf, and the industrial school for boys, each a superintendent and a steward; for the industrial home for women a superintendent and a steward, who shall be women; for the industrial school for girls, the tuberculosis sanitorium, and the state tuberculosis camp, each a superintendent; for the state public school, and the homes for the feeble-minded, each a superintendent, a steward, and a matron; and for the state prison a warden, a steward, a deputy warden, a chaplain, and a matron. The duties of said officers shall be fixed by said board, except as otherwise provided by law; but the board may combine the functions and duties of superintendent or warden and steward in one person at any of said institutions except the state hospitals for the insane.

(102.15) (1) Subject to the provisions of sections 102.03 to 102.34, \* \* \* the commission may adopt its own rules of procedure and may change the same from time to time in its discretion. The commission, when it shall deem it necessary to expedite its business, may, from time to time, employ one or more expert examiners for such length of time as may be required. \* \* \* It may employ such deputies, inspectors, clerks, stenographers and other employes as it may deem necessary. It shall provide itself with a seal for the authentication of its orders, awards and proceedings, upon which shall be inscribed the words "Industrial Commission—Wisconsin—Seal."

(195.01) (7) Said commission may appoint a secretary and may appoint and employ a sufficient number of clerks and stenographers to perform the clerical work of the office and may employ such experts and temporary employes as may be necessary to perform any service it may require of them. \* \* \*

SECTION 4. The bureau of personnel in the executive department shall succeed to all of the property, documents and records of the state civil service commission. All rules and regulations of the state civil service commission in force immediately prior to the taking effect of this act shall continue in

force as rules of the personnel board until modified or repealed by said board. All employes of the state civil service commission shall continue as employes of the bureau of personnel in their present positions and at their present salaries, subject to the right of the director of personnel to make changes in personnel, positions and salaries, as provided by law.

SECTION 5. This act shall take effect upon passage and publication.

Approved September 4, 1929.

No. 815, A.]

[Published September 7, 1929.

### CHAPTER 466.

AN ACT to repeal and recreate section 20.40 and to amend sections 20.41, 36.065, and 36.16, and subsection (1) of section 142.08 of the statutes, relating to the university of Wisconsin and making an appropriation.

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

SECTION 1. Section 20.40 of the statutes is repealed.

SECTION 2. A new section is added to the statutes to be numbered and to read: 20.40 There is appropriated from the general fund to the university fund income: (1) Annually from time to time as needed a sum sufficient to meet the appropriations from the university fund income made by section 20.41 that are not otherwise provided for.

(2) From time to time, such sums as may be necessary to meet the certifications of the secretary of state, as provided in subsection (1) of section 142.08 to be added to the appropriation made by paragraph (a) of subsection (10) of section 20.41.

SECTION 3. Sections 20.41, 36.065, and 36.16, and subsection (1) of section 142.08 of the statutes are amended to read: 20.41 APPROPRIATIONS FROM THE UNIVERSITY FUND INCOME. There is appropriated from the university fund income to the board of regents of the university:

(1) UNIVERSITY. For the several colleges, departments and schools of the university, at Madison:

(a) *General operation. On July 1, 1929, two million eight hundred ninety-two thousand six hundred sixty-three dollars,*