

CHAPTER 645

AN ACT to repeal 16.03 (4) and (5), 16.051, 16.06, 16.07, 16.22 (4) and 16.275 (1); to renumber 14.59 (1) (a), (b), (c), (e), (f), (g), (i) and (j), (2) and (3); to renumber and amend 14.59 (1) (d), (h) and (k), 16.03 (6), 16.105 (2) (d), 16.22 (5) and (6); to amend 16.02 (1), 16.03 (1) and (3), 16.105 (2) (dx), 16.11 (2), 16.13 (1), 16.17 (2), 16.18 (1) as amended by chapter 437, laws of 1961, 16.19 (1), 16.22 (1), 16.26, 16.29 (4) and 16.85 (5) (a); to repeal and re-create 16.05; and to create 16.003 (5), 16.11 (7), 16.275 (1) (b), (c), (d), (m) and (n) and (3) and 20.940 (3) of the statutes, relating to the organization and operation of the personnel system.

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

SECTION 1. 14.59 (1) (a), (b) and (c) of the statutes are renumbered 16.275 (6) (a), (b) and (c).

SECTION 2. 14.59 (1) (d) of the statutes is renumbered 16.275 (1) (a) and amended to read:

16.275 (1) (a) *Except as provided in par. (f) heads of departments shall grant to each person in their employ \* \* \*, based on his accumulated continuous state service, \* \* \* annual leave of absence without loss of pay \* \* \* at the rate of:*

1. Two weeks \* \* \* each year for a full year of service during the first 5 years of service;
2. Three weeks \* \* \* each year for a full year of service during the next 15 years of service;
3. Four weeks each year for a full year of service after 20 \* \* \* years of service.

SECTION 3. 14.59 (1) (e) of the statutes is renumbered 16.275 (1) (e).

SECTION 4. 14.59 (1) (f) of the statutes is renumbered 16.275 (1) (f).

SECTION 5. 14.59 (1) (g) of the statutes is renumbered 16.275 (1) (g).

SECTION 6. 14.59 (1) (h) of the statutes is renumbered 16.275 (1) (h) and amended to read:

16.275 (1) (h) Any absence of more than 30 days except military leave and absence due to injury or illness arising out of state employment and covered by the workmen's compensation act shall not be counted in computing years of continuous service under this subsection. Employees subject to par. (e) \* \* \* and permanent part-time employees covered under par. (k) shall be deemed to have completed one full year of service for each such seasonal or other part-time annual period of service in computing years of continuous service under this subsection.

SECTION 7. 14.59 (1) (i) and (j) of the statutes are renumbered 16.275 (1) (i) and (j).

SECTION 8. 14.59 (1) (k) of the statutes is renumbered 16.275 (1) (k) and amended to read:

16.275 (1) (k) Permanent part-time employees whose employment regularly equals or exceeds one-half time on a daily, weekly or monthly basis shall be granted pro rata annual leaves consistent with \* \* \* *par. (a).*

SECTION 9. 14.59 (2) and (3) of the statutes are renumbered 16.275 (7) and 16.275 (6) (a) 1, respectively.

SECTION 10. 16.003 (5) of the statutes is created to read:

16.003 (5) **ADVISORY COMMITTEE.** An advisory committee is created to confer with the commissioner on matters of administrative policy and procedures with respect to the functions of the department of administration and to advise the commissioner and governor on such matters. The committee shall meet with the commissioner at least once each quarter. Members of the committee shall be appointed by the governor. Membership shall not exceed 11 of which at least 6 members shall be appointing officers of the state. Other persons with recognized interest and knowledge of administration in a large organization may be appointed. The appointments shall be for 2 years or until a successor is appointed.

SECTION 11. 16.02 (1) of the statutes is amended to read:

16.02 (1) "Board" means the *state* personnel board \* \* \*.

SECTION 12. 16.03 (1) and (3) of the statutes are amended to read:

16.03 (1) The *state* personnel board \* \* \* shall consist of \* \* \* 5 members, who shall be appointed by the governor \* \* \* with the \* \* \* consent of the senate for terms of \* \* \* 5 years expiring on July 1 or \* \* \* when their successors have been appointed and qualified *if a successor has not been appointed by that date.* The members of the board shall *have the following qualifications:*

- (a) *They shall be citizens of the United States, and*
- (b) *They shall be residents of the state for not less than 5 years, and*
- (c) *They shall have a recognized sympathy for and knowledge of the application of merit principles in public employment, and*
- (d) *At least 3 of them shall have a minimum of 5 years experience in professional personnel work or labor relations; and*
- (e) *They shall not, when appointed, nor for 3 years \* \* \* immediately prior to the date of appointment, have been a member of any local, state or national committee of a political party, or an officer or a member of a committee in any partisan club or organization, or have held or been a candidate for any elective public office \* \* \* ; and*

(f) No member of the board shall become a candidate for or hold any of these offices while serving as such member. Violation of this provision shall be grounds for removal.

(1a) The board shall *annually* elect one of its members as chairman of the board.

(1b) *The present members of the board shall retain their positions until their terms expire. On or before July 1, 1962, the governor shall appoint one additional member for a term to expire July 1, 1964, one additional member for a term to expire July 1, 1966. Thereafter all appointments shall be for 5 years.*

(3) At no time shall more than \* \* \* 3 members be adherents of the same political party; and no member shall hold any other lucrative administrative office under \* \* \* this state \* \* \*.

SECTION 13. 16.03 (4) of the statutes is repealed.

SECTION 14. 16.03 (5) of the statutes is repealed.

SECTION 15. 16.03 (6) of the statutes is renumbered 16.03 (4) and amended to read:

16.03 (4) The members of the personnel board shall each be paid \$25 per day for time actually devoted to their duties \* \* \* and shall be reimbursed for their actual and necessary expenses.

SECTION 16. 16.05 of the statutes is repealed and recreated to read:

16.05 DUTIES OF PERSONNEL BOARD. (1) Hear appeals from any action taken by the director in any matter arising under ss. 16.01 to 16.30, upon the application of any interested party. No appeal shall be granted unless a notice of such appeal is received by the board not more than 10 days after the effective date of the action on which the appeal is made. The decision of the board on such appeals shall be final except that any such determinations may be appealed to the appropriate court. Hearings on appeals shall be open to the public except that the board may close a hearing at the request of the appellant.

(2) After a public hearing, review and approve any rules submitted by the director for carrying into effect the provisions of ss. 16.01 to 16.30. 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. The board may propose such rules as it deems necessary to carry out the provisions of ss. 16.01 to 16.30 subject to the approval of the governor. If the governor takes no action on a rule or amendment submitted to him within a period of 10 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.

(3) Make investigations concerning all matters touching the enforcement and effect of the provisions of ss. 16.01 to 16.30 and the rules prescribed thereunder concerning the action of any employe of the department of administration and any person in the public service, in respect to the execution of said sections.

(a) Each member of the personnel board and the director may administer oaths and take testimony. The board and the director may examine such public records as it requires in relation to any matter which they have authority to investigate. All officers and other persons in the civil service shall attend and testify when requested to do so by the board or the director.

(b) 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.

(4) Recommend improvements in the state personnel management practices to the governor in a public biennial report, which shall be transmitted to the presiding officers of each house of the legislature.

(5) Keep minutes of its own proceedings and other official actions. All such records shall, subject to reasonable regulations, be open to public inspection.

SECTION 17. 16.051 of the statutes is repealed.

SECTION 18. 16.06 and 16.07 of the statutes are repealed.

SECTION 19. 16.105 (2) (d) of the statutes is renumbered 16.107 (4) and amended to read:

16.107 (4) PROBATIONARY INCREASE. An employe, on \* \* \* completion of \* \* \* the first 6 months of a probationary period \* \* \* established pursuant to s. 16.22 (1) shall be granted an increase of not more than one intermediate salary step.

SECTION 19a. 16.105 (2) (dx) of the statutes is amended to read:

16.105 (2) (dx) The basic salary of an employe promoted to fill a vacancy in a position in a higher salary range \* \* \*, shall be increased to the minimum of the new salary range or to that point above the minimum which will give him a total salary increase equal to one step in the range to which he is promoted.

SECTION 20. 16.11 (2) of the statutes is amended to read:

16.11 (2) The competitive examinations shall be free and open to all applicants who are citizens of the United States and who have been residents of this state for one year prior to their application and who have fulfilled the preliminary requirements stated in s. 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 needs of the service. To insure competitive equality between the blind and persons not so handicapped in connection with the taking of civil service examinations, the applicant may request from the department of administration the furnishing of an amanuensis or a reader when necessary, and the furnishing of a place to take such examination, or such other similar prerequisites to insure equality in such examination. \* \* \* *Upon certification of the appointing authority of any state department that a critical need for employes in a specific classification exists the director may open competitive examinations to residents of other states who have fulfilled the preliminary requirements stated in s. 16.12. In a like manner the director may open examinations to qualified professional and technical applicants without regard to citizenship.*

SECTION 21. 16.11 (7) of the statutes is created to read:

16.11 (7) Records of examinations given under this section shall be retained for a period of not less than one year. Inspection of such records shall be regulated by rules of the personnel board.

SECTION 22. 16.13 (1) of the statutes is amended to read:

16.13 (1) The director may refuse to examine the applicant, or after examination to certify an eligible, (a) who is found to lack any of the preliminary requirements established for the examination for the position or employment for which he applies, \* \* \* (b) who is physically or mentally so disabled as to be rendered unfit for the performance of the duties of the position to which he seeks appointment, except that a person shall not be discriminated against because of total or partial blindness unless normal eyesight is absolutely indispensable to do the physical acts to be performed, \* \* \* (c) who is addicted to the habitual use of intoxicating liquors to excess, \* \* \* (d) who has been guilty of any crime or of infamous or notoriously disgraceful conduct, \* \* \* (e) who has been dismissed from the public service for delinquency or misconduct, \* \* \* (f) who has made a false statement of any material fact; \* \* \* (g) who directly or indirectly \* \* \* gives, renders, or pays or promises 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; \* \* \* (h) who 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, \* \* \* (i) who refuses to furnish testimony as required in s. 16.06, or (j) except on promotions whose work record or employment references are unsatisfactory.

SECTION 23. 16.17 (2) of the statutes is amended to read:

16.17 (2) The term of eligibility of applicants on original entrance and promotional lists shall be 6 months; but such term may be extended by

\* \* \* the director. The eligibility of individuals on reinstatement lists may be extended in like manner. But such eligibility may not be extended for a period of more than 3 years.

SECTION 24. 16.18 (1) of the statutes as amended by chapter 437, laws of 1961, is amended to read:

16.18 (1) Appointing officers shall give written notice to the department of administration of the existence of any vacancy to be filled in any office or employment in the classified service, under \* \* \* ss. 16.01 to 16.30, and \* \* \* the director shall certify from the register of eligibles appropriate for the grade and class in which the position is classified, the 3 names at the head thereof, which have not been certified 3 times \* \* \*. Whenever an employing officer notifies the department of administration of a vacancy \* \* \* to be filled he shall indicate whether he wishes certification to be made from an appropriate re-employment or original employment register for the grade or class. Whenever eligibles are certified, they must be those candidates who have been graded highest in an examination held in pursuance of ss. 16.01 to 16.30, and the rules made in accordance therewith, except that there shall be no restriction as to age in the case of veterans and except that other conditions being equal, a preference shall be given in favor of veterans of any of the wars of the United States in accordance with the dates specified in s. 45.35 (5a). The employing officer shall not reject because of age any eligible veteran, 55 years of age or less, whose name has been certified to him. Preference is hereby defined to mean that whenever an honorably discharged veteran competes in any examination conducted by the bureau he shall be accorded 5 points, and if such veteran has a disability which is directly or indirectly traceable to war service, he shall be accorded another 5 points, in addition to earned ratings therein. In every case after a name has been certified 3 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.

SECTION 25. 16.19 (1) of the statutes is amended to read:

16.19 CLASSIFIED SERVICE; PROMOTIONS. (1) Vacancies in positions in the classified service shall be filled, so far as practicable, by promotion from among persons holding positions in \* \* \* *the classified service*, under rules \* \* \* made and enforced by the personnel 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.

SECTION 26. 16.22 (1) of the statutes is amended to read:

16.22 (1) All original \* \* \* *and all promotional* appointments \* \* \* to *permanent and seasonal positions* in the classified service shall be for a probationary period of 6 months *except as herein provided*, but dismissal may be made at any time during such period; *provided that a promotion or other change in job status within a department shall not affect the permanent status and rights previously acquired by an employe within such department. An employe demoted under the provisions of s. 16.24 (1) (a) shall not retain the permanent status previously acquired.* Upon such dismissal, the appointing authority shall forthwith report to the director and to the employe removed his action and the reason therefor. No more than 3 employes shall be removed successively from the same position during their probationary periods without the approval of the director. The director may remove an employe during his probationary period if he finds, after giving \* \* \* notice and an opportunity to be heard, that such employe was appointed as a result of fraud or error. *The director may authorize a longer*

*probationary period not to exceed 2 years for any classification allocated to range 12 and above within the schedules for which increases are based solely on merit if the duties of the position are such that a 6-month period does not provide the employe with exposure to the various responsibilities which are a part of the position or classification. Upon request by the appointing authority, the director may terminate the probationary period under such schedule prior to the authorized extended probationary period but in no case before a 6-month probationary period has been served.*

SECTION 27. 16.22 (4) of the statutes is repealed.

SECTION 28. 16.22 (5) and (6) of the statutes are renumbered 16.22 (4) and (5) and amended to read:

16.22 (4) An employe reinstated to a department, other than the one from which he earned reinstatement rights, or an employe transferred from one department to another, \* \* \* may be required by the appointing authority to serve a \* \* \* probationary period \* \* \*. However, completion of such probationary period shall not make the employe eligible for a salary increase under s. 16.105 (2) (d).

(5) An employe whose position is classified as a trainee shall be on a \* \* \* probationary period for the duration of the training program and may be separated during that period without the right of appeal, at the discretion of the appointing authority. Upon qualifying for the objective classification, he shall serve a probationary period as specified in sub. (1).

SECTION 29. 16.26 of the statutes is amended to read:

16.26 The director shall keep in the office an official roster of the permanent employes in 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 \* \* \* 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 \* \* \* 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 his duty in connection with said roster.

SECTION 30. 16.275 (1) of the statutes is repealed.

SECTION 31. 16.275 (1) (b), (c), (d), (m) and (n) of the statutes are created to read:

16.275 (1) (b) An employe, with the approval of the head of his department, may anticipate the annual leave which he could earn during the current calendar year except that no employe shall be eligible to take annual leave until he has completed the first 6 months of a probationary period for an original appointment established pursuant to s. 16.22 (1).

(c) When the rate of annual leave changes during the fifth or twentieth calendar year, the annual leave for that year shall be prorated according to the appropriate rates.

(d) Annual leaves of absence shall not be cumulative except that unused annual leave may, subject to the rules of the personnel board, be carried over the first 6 months of the year following the one in which it was earned.

(m) Heads of departments shall grant to each person in the employ of the state on January 1, 1962 or whose absence on such date is covered by par. (g) and who received or was entitled to receive a prorata portion

of 2 weeks annual leave without loss of pay in 1958 pursuant to the enactment of chapter 671, laws of 1957, a prorata portion of an additional week of annual leave without loss of pay in 1962, and to each person in the employ of the state on January 1, 1962, or whose absence on such date is covered by par. (g), and who received or was entitled to receive a prorata portion of one week annual leave without loss of pay in 1958 pursuant to the enactment of chapter 671, laws of 1957, a prorata portion of an additional week of annual leave without loss of pay in 1962 and 1963. This paragraph shall apply only to those employes entitled to annual leave without loss of pay in 1962 and 1963, respectively.

(n) Where allowances such as laundry, meals or lodging are provided any classified employe or an employe and his family, and such allowance in kind is included as a part of the compensation, the appointing officer or department head in addition shall pay in cash the value of the food during the vacation period or noncumulative leave of absence, if not so utilized, to such an employe.

SECTION 32. 16.275 (3) of the statutes is created to read:

16.275 (3) No annual leave benefits authorized by existing legislation shall be reduced by this enactment.

SECTION 33. 16.29 (4) of the statutes is amended to read:

16.29 (4) When an employe becomes physically or mentally incapable of or unfit for the efficient and effective performance of the duties of his position by reason of infirmities due to age, disabilities, or otherwise, it \* \* \* is the duty of the appointing officer either to transfer him to less arduous duties or place him on a part-time service basis and at a part-time rate of pay or as a last resort retire him from the service. *The appointing officer may require the employe to submit to a medical examination to determine his fitness to continue in service. The cost of such examination shall be paid by the employing department.* In either case the same method of procedure shall be followed and the same right of appeal to the personnel board as provided in s. 16.24.

SECTION 33a. 16.85 (5) (a) of the statutes is amended to read:

16.85 (5) (a) To have charge of, operate, maintain and keep in repair the state capitol building and the grounds connected therewith, the executive residence, the light, heat and power plant, state office buildings and such other state properties as may be designated by law; to appoint such number of policemen as may be necessary to safeguard all public property placed by law in his charge, and personally or by any such policeman, to arrest, with or without warrant, any person violating any law within or around any of said properties. Nothing in this paragraph limits or impairs the duty of the chief and each policeman of the police force of the municipality in which the property is located to arrest and take before the proper court or magistrate persons found in a state of intoxication or engaged in any disturbance of the peace or violating any law of the state, except s. 15.90 (2), in or around any of said properties located in the municipality in which the property is located, as required by s. 62.09 (13). *Full-time domestic employes who work in the executive residence shall be appointed on a project basis.*

SECTION 34. 20.940 (3) of the statutes is created to read:

20.940 (3) Subject to rules of the personnel board, and approval of the director, reimbursement may be made to applicants for professional and technical positions for all or part of actual and necessary travel expenses incurred in connection with employment interviews.

Approved January 19, 1962.