

1979 Assembly Bill 178

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CHAPTER 159, Laws of 1979

AN ACT to renumber and amend 63.39; and to create 63.39 (2) and (3) of the statutes, relating to filling civil service vacancies in 1st class cities.

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

SECTION 1. 63.39 of the statutes is renumbered 63.39 (1) and amended to read:

63.39 (1) ~~Whenever~~ If a position classified and graded under the provisions of this act becomes vacant, the appointing officer ~~shall have the discretion to~~ may fill the position or ~~to let it remain vacant.~~ If the appointing officer chooses to fill the vacant position, the appointing officer may, with the approval of the ~~commission~~ board of city service commissioners, fill it through reinstatement, promotion, reduction or open competitive examination. If the appointing officer chooses not to ~~or does not~~ fill the vacant position by rein-

statement, promotion, or reduction, the appointing officer shall so notify the commission board. ~~Except as provided under sub. (2), if the board is so notified, it shall thereupon certify to the appointing officer from the list of eligibles the names and addresses of the 3 persons standing highest thereon on the list, in accordance with requirements established by the commission.~~ When board. ~~If there are less than 3 names upon an eligible list, certification shall be made and, unless objection is made by the appointing officer to the person or persons so certified and the objection sustained by the commission board, appointment shall be made under the rules. In case of more than one vacancy, an additional name shall be certified for each such vacancy. The appointing officer shall select, solely with reference to merit and fitness, the number of persons for which the appointing officer has made requisition. In case the commission cannot certify eligibles for appointment, it may grant to the appointing officer authority to make appointment for a period not to exceed 2 months, or until regular appointment can be made.~~

SECTION 2. 63.39 (2) and (3) of the statutes are created to read:

63.39 (2) If the appointing officer chooses not to fill a vacant managerial, supervisory or confidential position through reinstatement, promotion or reduction, the appointing officer shall so notify the board of city service commissioners. If the board is so notified, it shall certify to the appointing officer from the list of eligibles the names and addresses of the 5 persons standing highest on the list if the register of eligibles is less than 50, in accordance with requirements established by the board. If the register is more than 50, the top 10%, with any fraction rounded to the next whole number, up to a maximum of 10 names, shall be certified. If there are less than 5 names on an eligible list, certification shall be made and, unless objection is made by the appointing officer to the person or persons so certified and unless the objection is sustained by the board, appointment shall be made under the rules.

(3) An appointing officer under this section shall select, solely with reference to merit and fitness, the number of persons for which the appointing officer has made requisition. In case of more than one vacancy, an additional name shall be certified for each vacancy. In case the board cannot certify eligibles for appointment, it may grant to the appointing officer authority to make appointment for a period not to exceed 2 months or until regular appointment can be made.
