

1983 Assembly Bill 306

Date of enactment: **March 8, 1984**
Date of publication: **March 13, 1984**

1983 Wisconsin Act 148

AN ACT to amend 59.031 (2) (bm) 2, 63.01 (2) and 63.02 (2); to repeal and recreate 63.05, 63.08 and 63.15; and to create 63.085 of the statutes, relating to changes in county civil service laws.

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

SECTION 1. 59.031 (2) (bm) 2 of the statutes is amended to read:

59.031 (2) (bm) 2. Each appointment under subd. 1 is subject to the confirmation of the county board and is in the unclassified service, serving at the pleasure of the county executive and holding office until a new appointment is made by the county executive and confirmed by the county board. No prior appointee may serve longer than 6 months after the term for which he or she was appointed and confirmed expires, unless reappointed and reconfirmed. The term of each appointment is 4 years or less, ~~concurrent with the term of the county executive.~~

SECTION 2. 63.01 (2) of the statutes is amended to read:

63.01 (2) ~~The~~ Except as provided under ss. 59.031 (2) (c) and 59.032 (2) (c), the chairman of the board of supervisors of any such county, within 30 days after ss. 63.01 to 63.16 become applicable thereto, shall appoint the members of said the commission, designating the term of office of each. Such The appointment and designation shall be subject to confirmation by the board of supervisors. Of the persons first appointed one shall hold for one year, one for 2 years, one for 3 years, one for 4 years, and one for 5 years from the first day of January next following such appointment, and until his or her successor is appointed and qualifies. In the month of December of each year, immediately preceding the expiration of the term of office of any such commissioner, the board

of supervisors shall elect one member of ~~such~~ the commission to hold office for the term of 5 years, from the first day of January next succeeding his or her appointment and until his or her successor is elected and qualifies.

SECTION 3. 63.02 (2) of the statutes is amended to read:

63.02 (2) ~~Every commission may appoint a chief examiner who shall superintend any examinations held in the county under ss. 63.01 to 63.16 and perform such other duties as the commission may prescribe. The chief examiner shall be secretary of the commission, and, as such, director of personnel shall cause the minutes of its proceedings to be taken in shorthand and fully transcribed. The original transcribed copy shall be the official minutes of such proceedings and shall be open and available for public inspection. The secretary director of personnel shall preserve all reports made to the commission, keep a record of all examinations held under its direction and perform such other duties as the commission may from time to time prescribe. The salary of the chief examiner, unless a greater amount is set by the board of supervisors, shall not exceed \$1,500. The commission may also appoint such clerical or other assistants as it may deem necessary and fix their salaries. All such appointments shall be made subject to ss. 63.01 to 63.16. The person holding the position of chief examiner, under the classified service, on June 16, 1974, shall continue in that capacity under civil service status until his or her death, resignation or removal from the position. Thereafter a The director of personnel shall be appointed by the county executive in the unclassified civil service and is subject to confirmation by the county board, as provided in s. 59.031 (2) (bm).~~

SECTION 4. 63.05 of the statutes is repealed and recreated to read:

63.05 Certifications; appointments; temporary assignments. (1) If an appointing authority in any county with a commission under ss. 63.01 to 63.16 learns that a vacancy has occurred or is about to occur in any position in the classified service in his or her department, the appointing authority shall notify the director of personnel of the vacancy. The appointing authority shall include with the notice of the vacancy a recommendation as to whether the vacancy should be filled by promotion, reduction or reinstatement of a named individual employe from any county department or from an eligible list established under s. 63.08. The director of personnel, with the approval of the commission, may:

(a) After verification by the appointing authority that the recommendation of the appointing authority is based on the employe's merit and fitness for the position and that the employe meets the established minimum qualifications for the position, certify the employe's name to the appointing authority; or

(b) Certify to the appointing authority the number of persons standing highest on the eligible list. The number of persons certified may be set by the commission by rule, subject to s. 63.08 (1) (f). The number set by the commission may not be less than 5. If less than 5 names appear on an eligible list at the time that the director of personnel receives the notice of a vacancy, the director may certify the names on the list and the appointing authority may:

1. Appoint from the certified names; or
2. Request the certification of additional names.

(2) From the names certified under sub. (1) (b), the appointing authority shall make a selection to fill a vacant position based solely on merit and fitness.

(3) If at the time the director of personnel receives a notice of a vacancy under sub. (1) there is no eligible list for the vacant position, the appointing authority may fill, temporarily, the position by an emergency appointment, subject to any rule or restriction which the commission adopts.

SECTION 5. 63.08 of the statutes is repealed and recreated to read:

63.08 Eligible lists. (1) **COMPETITIVE EXAMINATION.** (a) Any applicant for an examination under s. 63.05 shall be a resident of this state for one year prior to applying for an examination. The commission may require an applicant to file a written application form which bears upon the applicant's fitness for a vacant position and which the commission deems necessary. For a position offering a skilled, technical or professional service, upon a finding that a suitable number of qualified applicants cannot be obtained from within the state, the commission may open the examination to residents of other states. For other services the commission may require longer periods of residence within the county for entrance to an examination. Residency in this state may be waived for an applicant for an examination for a position which requires a license in a health care field. No question pertaining to political affiliation or religious faith may be asked of any applicant for an examination.

(b) Every examination, including minimum training and experience requirements, to fill a vacant position under this section shall be job-related in compliance with appropriate validation standards. Any experience, whether paid or unpaid, which is relevant to the duties of the position shall be applied toward satisfaction of experience requirements. 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. The director of personnel shall certify the list under s. 63.05.

(c) No otherwise qualified handicapped person shall be discriminated against in examination, reexamination, appointment, reappointment, promotion or demotion relating to a vacant position under s. 63.05 (1) unless the handicap is reasonably related to the individual's ability to adequately undertake the job-related responsibilities of that individual's employment.

(d) To ensure competitive equality in an examination under this section between a handicapped applicant and an applicant who is not handicapped, the handicapped applicant may request that the commission furnish a reader or an appropriate place to take the examination or other similar accommodations.

(e) Upon the request of a person who is applying or eligible for a position under this section and who is handicapped, the department of health and social services shall obtain from the commission a detailed description of the duties of the position, shall investigate the necessity of physical, sensory and mental abilities in the fulfillment of the duties and shall determine and report its findings to the commission as to the physical ability of the applicant or eligible person to perform the duties. The finding shall be conclusive as to the physical qualifications of any applicant or eligible person examined under this paragraph.

(f) 1. The commission may not impose any restriction as to age on any veteran who is applying or eligible for a position under this section. The commission shall give preference points to veterans under s. 230.16 (7), except as provided under subd. 2.

2. Notwithstanding s. 230.16 (7), persons shall be certified from the eligible list under s. 63.05 (1) (b) without adding any veterans points to any person's grade.

3. After the certification under subd. 2, any veteran whose grade, plus the points to which the veteran is entitled under s. 230.16 (7), is equal to or higher than the lowest grade on the list made under subd. 2 shall be added to the certification list under s. 63.05 (1) (b). The number of veterans added to a certification list under this subdivision may not exceed the number of persons initially certified under subd. 2.

(g) The time and place of an examination under this section, the requirements of the position and other necessary information shall be sufficiently advertised to give notice of the examination.

(2) (a) The director of personnel, with the approval of the commission, may hold a noncompetitive entrance examination or a noncompetitive promotional examination if it is impractical to hold a competitive examination and if the examination is for a position:

1. In an unskilled class of work which has no administrative or supervisory responsibilities and which requires no verbal or clerical skills for proper performance of the duties of the position; or

2. Requiring highly specialized or technical training which can be adequately demonstrated by possession of related certification or licensing.

(b) The names of the persons qualified under par. (a) shall be placed on the eligible list under the rules of the commission. The requirements of sub. (1) (a) shall apply to applicants for examination under this subsection.

SECTION 6. 63.085 of the statutes is created to read:

63.085 Certification and appointment of handicapped; special lists of eligibles. The director of personnel, with the approval of the commission, may prepare without examination special lists of eligible persons certified as having a severe physical or mental impairment and as being physically and mentally capable and adequately trained to qualify for a position in the classified service. The names of persons placed on the special list shall be certified to the appointing authority in addition to those certified under s. 63.05 (1) (b). The director shall determine that a person on the special list meets the minimum qualifications for a vacant position prior to certifying the person to the appointing authority for the position. The appointing authority may appoint a person from the special list to a temporary appointment for a period of 6 months. Successful demonstration of the ability to perform the duties of a position under a temporary appointment shall qualify a person for permanent appointment to the position. The director may fix the maximum number of persons who may be appointed from the special list of eligibles under this section.

SECTION 7. 63.15 of the statutes is repealed and recreated to read:

63.15 Existing officers and employes, how affected. (1) In a county where ss. 63.01 to 63.16 go into effect after the effective date of this section (1983):

(a) The commission shall administer a noncompetitive examination to any person who is appointed by the county for a definite term, who is included within the classified service of the county on the date that ss. 63.01 to 63.16 go into effect in the county and who has been in service and on the payroll of the county less than 4 years preceding that date. The person shall retain his or her position if the commission determines, based on the person's performance on the examination, that the person is qualified for the position.

(b) Any person who is included within the classified service appointed by the county for a definite term, who is included within the classified service of the county on the date that ss. 63.01 to 63.16 go into effect in the county and who has been in service and on the payroll of the county continuously for at least the 4 years immediately preceding that date shall retain his or her position without any examination.

(2) If a department, unit or other established entity and its employes are brought into the county service in a county in which ss. 63.01 to 63.16 are in effect, any employe in a position required to be in classified service shall retain his or her position if the person takes a noncompetitive examination and if the commission determines, based on the examination, that the person is qualified for the position.

(3) No provision under this section may prevent suspension, demotion or discharge under s. 63.10 of any employe subject to ss. 63.01 to 63.16.

SECTION 8. Terminology changes. (1) Wherever the term “office or position” appears in the following section of the statutes, the term “position” is substituted: 63.14 (1) and (2).

(2) Wherever the term “office or employment” appears in the following section of the statutes, the term “position” is substituted: 63.14 (1).

(3) Wherever the term “chief examiner” appears in the following sections of the statutes, the term “director of personnel” is substituted: 63.01 (4), 63.09, 63.10 (1) and 63.11.

SECTION 9. Program responsibility changes. In the sections of the statutes listed in Column A, the program responsibilities references shown in Column B are deleted and the program responsibilities references shown in Column C are inserted:

(1) HEALTH AND SOCIAL SERVICES.

A	B	C
Statute Sections	References Deleted	References Inserted
15.191 (intro.)	none	63.08 (1) (e)

SECTION 10. Cross-reference changes. In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C:

A	B	C
Statute Sections	Old Cross-References	New Cross-References
63.14 (1)	63.05 (2)	63.08 (1)(f)
63.07 (1)(a)	63.05 (5)	63.05 (3)
230.16 (7)	63.05 (2)	63.08 (1)(f)
