

State of Wisconsin



1997 Senate Bill 397

Date of enactment: **April 28, 1998**
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1997 WISCONSIN ACT 216

AN ACT to amend 230.05 (2) (a); and to create 230.45 (1) (k) of the statutes; relating to: the authority of the personnel commission to receive and process complaints relating to family or medical leave and appeals to the personnel commission of delegatory actions taken by an appointing authority (suggested as remedial legislation by the personnel commission).

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the personnel commission and introduced by the law revision committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

SECTION 1. 230.05 (2) (a) of the statutes is amended to read:

230.05 (2) (a) Except as provided under par. (b), the administrator may delegate, in writing, any of his or her functions set forth in this subchapter to an appointing authority, within prescribed standards if the administrator finds that the agency has personnel management capabilities to perform such functions effectively and has indicated its approval and willingness to accept such responsibility by written agreement. If the administrator determines that any agency is not performing such delegated function within prescribed standards, the administrator shall withdraw such delegated function. The administrator may order transfer to the division from the agency to which delegation was made such agency staff

and other resources as necessary to perform such functions if increased staff was authorized to that agency as a consequence of such delegation or if the division reduced staff or shifted staff to new responsibilities as a result of such delegation subject to the approval of the joint committee on finance. Any delegatory action taken under this subsection by any appointing authority may be appealed to the personnel commission under s. 230.44 (1) (b) (a). The administrator shall be a party in such appeal.

NOTE: This SECTION corrects an error in a statutory cross-reference in current law. Currently, s. 230.44 (1) (a), stats., provides that decisions made or delegated by the administrator of the division of merit recruitment and selection to an appointing authority are appealable to the personnel commission. However, s. 230.05 (2) (a), stats., which outlines the process for delegation of these decisions by the administrator, cross-references s. 230.44 (1) (b), stats., which relates to appeals to the personnel commission of decisions made or delegated by the secretary of the department of employment relations. The SECTION corrects the cross-reference to s. 230.44 (1) (a), stats.

SECTION 2. 230.45 (1) (k) of the statutes is created to read:

230.45 (1) (k) Receive and process complaints of violations relating to family or medical leave under s. 103.10 (12).

* Section 991.11, WISCONSIN STATUTES 1995-96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

NOTE: Current law, under s. 103.10 (12), stats., requires the personnel commission to receive and process complaints under the family or medical leave law. This SECTION inserts

this requirement into the listing of the powers and duties of the personnel commission.
