



State of Wisconsin
1997 - 1998 LEGISLATURE

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**SENATE SUBSTITUTE AMENDMENT 1,
TO 1997 SENATE BILL 190**

December 30, 1997 – Offered by COMMITTEE ON HEALTH, HUMAN SERVICES, AGING,
CORRECTIONS, VETERANS AND MILITARY AFFAIRS.

1 **AN ACT to amend** 230.15 (1), 230.21 (1), 230.22 (3), 230.26 (2) and 230.27 (2); and
2 **to create** 230.15 (2m), 230.25 (5), 230.275 and 230.44 (1) (dm) of the statutes;
3 **relating to:** noncompetitive appointment of certain disabled veterans to
4 positions in the classified service of the state.

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

5 **SECTION 1.** 230.15 (1) of the statutes is amended to read:

6 230.15 (1) Appointments to, and promotions in, the classified service, shall be
7 made only according to merit and fitness, which shall be ascertained so far as
8 practicable by competitive examination. The administrator may waive competitive
9 examination for appointments made under sub. subs. (1m) and (2) and shall waive
10 competitive examination for appointments made under sub. (2m).

11 **SECTION 2.** 230.15 (2m) of the statutes is created to read:

1 230.15 **(2m)** If a vacancy occurs in a position in the classified service and the
2 administrator is notified by an appointing authority that the position is to be filled
3 by a disabled veteran under s. 230.275, the administrator shall waive all competition
4 requirements for filling the position.

5 **SECTION 3.** 230.21 (1) of the statutes is amended to read:

6 230.21 (1) The Subject to s. 230.275, the administrator may, to meet the needs
7 of the service, establish separate recruitment, examination and certification
8 procedures for filling positions in unskilled labor and service classes.

9 **SECTION 4.** 230.22 (3) of the statutes is amended to read:

10 230.22 (3) The Subject to s. 230.275, the administrator may establish separate
11 recruitment, evaluation and certification procedures for certain entry professional
12 positions. Vacancies in entry professional positions may be limited to persons with
13 a degree from an institution of higher education, as defined in s. 108.02 (18), or a
14 degree under an associate degree program, as defined in s. 38.01 (1).

15 **SECTION 5.** 230.25 (5) of the statutes is created to read:

16 230.25 (5) Notwithstanding sub. (2) (a), if an appointing authority elects to
17 appoint a disabled veteran to a vacant position on a noncompetitive basis under s.
18 230.275 and the appointing authority has requested a certification for the position,
19 the administrator shall provide the appointing authority the names of all disabled
20 veterans certified for appointment to the position and who satisfy the condition
21 specified s. 230.275 (1) (a) and the names of all such disabled veterans who are on
22 any other employment register that is identified by the appointing authority.

23 **SECTION 6.** 230.26 (2) of the statutes is amended to read:

24 230.26 (2) If there are urgent reasons for filling a vacancy in any position in
25 the classified service and the administrator is unable to certify to the appointing

1 authority, upon requisition by the latter, a list of persons eligible for appointment
2 from an appropriate employment register, the appointing authority may nominate
3 a person to the administrator for noncompetitive examination. If the nominee is
4 certified by the administrator as qualified, the nominee may be appointed
5 provisionally to fill the vacancy until an appointment can be made from a register
6 established after announcement of competition for the position, except that no
7 provisional appointment may be continued for more than 45 working days after the
8 date of certification from the register. Successive appointments may not be made
9 under this subsection. This subsection does not apply to a person appointed to a
10 vacant position in the classified service under s. 230.275.

11 **SECTION 7.** 230.27 (2) of the statutes is amended to read:

12 230.27 (2) The Subject to s. 230.275, the administrator may provide by rule for
13 the selection and appointment of a person to a project position.

14 **SECTION 8.** 230.275 of the statutes is created to read:

15 **230.275 Noncompetitive appointment of certain disabled veterans.**

16 (1) Whenever a vacancy occurs in a position in the classified service that is
17 determined by the administrator to be a nonprofessional position or in an entry
18 professional position under s. 230.22, the appointing authority may appoint a
19 disabled veteran on a noncompetitive basis if all of the following occur:

20 (a) The disabled veteran has served in the U.S. armed forces and is included
21 on a U.S. armed forces permanent disability list with a disability rating of at least
22 30% or the disabled veteran has been rated by the U.S. department of veterans
23 affairs as having a compensable service-connected disability of at least 30%.

24 (b) The disabled veteran presents to the appointing authority written
25 documentation from an appropriate department of the federal government certifying

1 the existence and extent of the disability. This certification must have been issued
2 by the appropriate department of the federal government within the year preceding
3 appointment.

4 (c) The appointing authority determines that the disabled veteran is qualified
5 to perform the duties and responsibilities of the position.

6 (d) The appointing authority notifies the administrator in writing that the
7 position is to be filled with a disabled veteran on a noncompetitive basis.

8 (e) The disabled veteran does not hold a permanent appointment or have
9 mandatory restoration rights to a permanent appointment.

10 **(2)** A disabled veteran appointed to a vacant position under this section need
11 not be certified under this subchapter for appointment to the position.

12 **(3)** (a) 1. If an appointing authority elects to appoint a disabled veteran to a
13 vacant position on a noncompetitive basis under sub. (1), the appointing authority
14 shall offer to interview for the position any disabled veteran who has expressed an
15 interest to the appointing authority in applying for the position, who satisfies the
16 condition specified in sub. (1) (a) and who appears to have the skills and experience
17 suitable for performing the duties and responsibilities of the position.

18 2. If an appointing authority elects to appoint a disabled veteran to a vacant
19 position on a noncompetitive basis under sub. (1) and the appointing authority has
20 requested a certification for the position, the appointing authority shall offer to
21 interview for the position any disabled veteran who is certified for appointment to
22 the position and who satisfies the condition specified in sub (1) (a).

23 (b) Except as provided in par. (a), if an appointing authority elects to appoint
24 a disabled veteran to a vacant position on a noncompetitive basis under sub. (1), an

1 appointing authority is not required to interview any other person, including any
2 person certified for appointment to the position.

3 (4) Nothing in this section shall require an appointing authority to appoint a
4 disabled veteran to a vacant position in the classified service or prohibit an
5 appointing authority from filling a vacant position in the classified service from the
6 list of those persons certified under this subchapter for appointment to the position.

7 **SECTION 9.** 230.44 (1) (dm) of the statutes is created to read:

8 230.44 (1) (dm) *Noncompetitive appointment of certain disabled veterans.* A
9 personnel action under s. 230.275 by an appointing authority that is alleged to be
10 illegal or an abuse of discretion. The administrator and the department may not be
11 a party to any such appeal.

12 **SECTION 10. Effective date.**

13 (1) This act takes effect on the first day of the 2nd month beginning after
14 publication.

15 (END)