



State of Wisconsin
2015 - 2016 LEGISLATURE

LRBs0152/1
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**ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO ASSEMBLY BILL 373**

October 27, 2015 - Offered by Representatives DOYLE, HEBL, BARCA, SHANKLAND, JORGENSEN, ZAMARRIPA, POPE, OHNSTAD, BERCEAU, SUBECK, HESSELBEIN, SINICKI, SPREITZER, WACHS, DANOU, BARNES, KOLSTE, GOYKE, BILLINGS, SARGENT, MEYERS, STUCK and BROSTOFF.

1 **AN ACT** *to renumber and amend* 230.34 (1) (a); and *to create* 230.04 (13m),
2 230.06 (1) (m) and 230.34 (1) (a) 1. to 10. of the statutes; **relating to:**
3 disciplinary standards under state civil service.

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

4 **SECTION 1.** 230.04 (13m) of the statutes is created to read:
5 230.04 (13m) The commission shall establish standards for progressive
6 discipline plans to be prepared by all agencies and applied to all employees in the
7 classified service. The standards shall address progressive discipline for personal
8 conduct and work performance that is inadequate, unsuitable, or inferior.

9 **SECTION 2.** 230.06 (1) (m) of the statutes is created to read:
10 230.06 (1) (m) Prepare a progressive discipline plan which complies with the
11 standards established by the commission under s. 230.04 (13m).

1 **SECTION 3.** 230.34 (1) (a) of the statutes is renumbered 230.34 (1) (a) (intro.)
2 and amended to read:

3 230.34 (1) (a) (intro.) An employee with permanent status in class or an
4 employee who has served with the state as an assistant district attorney or an
5 assistant state public defender for a continuous period of 12 months or more may be
6 removed, suspended without pay, discharged, reduced in base pay or demoted only
7 for just cause. It is just cause to remove, suspend without pay, discharge, reduce the
8 base pay of, or demote an employee for work performance or personal conduct that
9 is inadequate, unsuitable, or inferior, but only after imposing progressive discipline
10 that complies with the commission's standards under s. 230.04 (13m). It is just cause
11 to remove, suspend without pay, discharge, reduce the base pay of, or demote an
12 employee without imposing progressive discipline for any of the following conduct:

13 **SECTION 4.** 230.34 (1) (a) 1. to 10. of the statutes are created to read:

14 230.34 (1) (a) 1. While on duty, harassing a person.

15 2. While on duty, intentionally inflicting physical harm on another person.

16 3. While on duty, being intoxicated or under the influence of a controlled
17 substance, as defined in s. 961.01 (4), or a controlled substance analog, as defined in
18 s. 961.01 (4m).

19 4. While on duty, being in possession of a controlled substance, as defined in
20 s. 961.01 (4), or a controlled substance analog, as defined in s. 961.01 (4m), without
21 a prescription.

22 5. Falsifying records of the agency.

23 6. Theft of agency property or services with intent to deprive an agency of the
24 property or services permanently, theft of currency of any value, felonious conduct
25 connected with the employee's employment with the agency, or intentional or

1 negligent conduct by an employee that causes substantial damage to agency
2 property.

3 7. A conviction of an employee of a crime or other offense subject to civil
4 forfeiture, while on or off duty, if the conviction makes it impossible for the employee
5 to perform the duties that the employee performs for the agency.

6 8. Misuse or abuse of agency property, including the intentional use of the
7 agency's equipment to download, view, solicit, seek, display, or distribute
8 pornographic material.

9 9. A conviction of an employee under s. 946.01, 948.02, 948.025, 948.051,
10 948.07, or 948.08.

11 10. A conviction of an employee for committing a felony offense, an element of
12 which includes the physical assault of a person.

13 **SECTION 5. Nonstatutory provisions.**

14 (1) LEGISLATIVE COUNCIL STUDY COMMITTEE FOR REFORM OF THE CIVIL SERVICE.
15 There is established a legislative council study committee to study and recommend
16 to the legislature proposed changes to the state civil service system. The committee
17 shall consist of all of the following members, selected by the joint legislative council:
18 at least 2 members who are experts on attracting and retaining skilled workers; at
19 least 2 members who are employers from the private sector or nonprofits
20 organizations; and any number of senators and representatives to the assembly. The
21 committee shall also include one member who represents the executive branch,
22 selected by the secretary of administration. The committee shall submit its
23 recommendations no later than January 1, 2017, to the chief clerk of each house of

1 the legislature for distribution to the legislature under section 13.172 (2) of the
2 statutes.

3 (END)