



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-1059/10  
RAC:kjf:jf

DOA:.....Waterman, BB0384 - Restructure of Office of State Employment Relations

**FOR 2015-2017 BUDGET -- NOT READY FOR INTRODUCTION**

**AN ACT** ...; **relating to:** the budget.

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*Analysis by the Legislative Reference Bureau*

**STATE GOVERNMENT**

**OTHER STATE GOVERNMENT**

Under current law, the Office of State Employment Relations (OSER) administers the state civil service and is attached to DOA for administrative purposes. Within OSER there is a Division of Merit Recruitment and Selection. This bill restructures OSER into a Division of Personnel Management in DOA, managed by an unclassified division administrator, and restructures the Division of Merit Recruitment and Selection, managed by an unclassified director, into a Bureau of Merit Recruitment and Selection in the Division of Personnel Management.

**RETIREMENT AND GROUP INSURANCE**

This bill staggers and increases the terms of appointed members of the Group Insurance Board from two years to four years. The terms expire on May 1 of the odd-numbered years.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

**SECTION 1.** 13.121 (4) of the statutes is amended to read:

13.121 (4) INSURANCE. For the purpose of premium determinations under s. 40.05 (4) and (5) each member of the legislature shall accrue sick leave at a rate equivalent to a percentage of time worked recommended for such positions by the ~~director of the office~~ administrator of the division of state employment relations personnel management in the department of administration and approved by the joint committee on employment relations in the same manner as compensation for such positions is determined under s. 20.923. This percentage of time worked shall be applied to the sick leave accrual rate established under s. 230.35 (2). The approved percentage shall be incorporated into the compensation plan under s. 230.12 (1).

**SECTION 2.** 13.123 (1) (a) 1. of the statutes is amended to read:

13.123 (1) (a) 1. Any member of the legislature who has signified, by affidavit filed with the department of administration, the necessity of establishing a temporary residence at the state capital for the period of any regular or special legislative session shall be entitled to an allowance for expenses incurred for food and lodging for each day that he or she is in Madison on legislative business, but not including any Saturday or Sunday unless the legislator is in actual attendance on such day at a session of the legislature or a meeting of a standing committee of which the legislator is a member. The amount of the allowance for each biennial session shall be 90% of the per diem rate for travel for federal government business within the city of Madison, as established by the federal general services administration. For the purpose of determining the amount of the allowance, the ~~director of the office~~ administrator of the division of state employment relations personnel management in the department of administration shall certify to the chief clerk of each house the federal per diem rate in effect on December 1, or the first business day thereafter if

December 1 is not a business day, in each even-numbered year. Each legislator shall file an affidavit with the chief clerk of his or her house certifying the specific dollar amount within the authorized allowance the member wishes to receive. Such affidavit, when filed, shall remain in effect for the biennial session.

**SECTION 3.** 13.20 (2) of the statutes is amended to read:

13.20 (2) PAY RANGES; DURATION OF EMPLOYMENT. All legislative employees shall be paid in accordance with the compensation and classification plan for employees in the classified civil service within ranges approved by the joint committee on legislative organization. ~~The director of the office of state employment relations administrator of the division of personnel management in the department of administration~~ shall make recommendations concerning a compensation and classification schedule for legislative employees if requested to do so by the joint committee on legislative organization or by the committee on organization of either house. If the joint committee does not approve pay ranges for legislative employees, the committee on organization of either house may approve pay ranges for its employees. Appointments shall be made for the legislative session, unless earlier terminated by the appointing officer.

**SECTION 4.** 15.103 (6m) of the statutes is created to read:

15.103 (6m) DIVISION OF PERSONNEL MANAGEMENT. There is created in the department of administration a division of personnel management. The administrator shall serve at the pleasure of the secretary of administration.

**SECTION 5.** 15.105 (title) of the statutes is amended to read:

**15.105 (title) Same; attached boards, commissions, bureaus, and offices.**

**SECTION 6.** 15.105 (6) of the statutes is created to read:

15.105 (6) BUREAU OF MERIT RECRUITMENT AND SELECTION. There is created in the division of personnel management in the department of administration a bureau of merit recruitment and selection. The director of the bureau shall serve at the pleasure of the secretary of administration.

**SECTION 7.** 15.105 (6m) of the statutes is created to read:

15.105 (6m) STATE EMPLOYEES SUGGESTION BOARD. There is created in the department of administration a state employees suggestion board consisting of 3 persons, at least one of whom shall be a state officer or employee, appointed for 4-year terms.

**SECTION 8.** 15.105 (29) of the statutes is repealed.

**SECTION 9.** 15.107 (3) of the statutes is created to read:

15.107 (3) COUNCIL ON AFFIRMATIVE ACTION. There is created in the division of personnel management in the department of administration a council on affirmative action consisting of 15 members appointed for 3-year terms. A majority of members shall be public members and a majority of members shall be minority persons, women, or persons with disabilities, appointed with consideration to the appropriate representation of each group. The president of the senate, the speaker of the assembly, the minority leader of the senate, and the minority leader of the assembly each shall appoint one member and the remaining members shall be appointed by the governor.

**SECTION 10.** 15.16 (1) (intro.) of the statutes is amended to read:

15.16 (1) EMPLOYEE TRUST FUNDS BOARD. (intro.) The employee trust funds board shall consist of the governor or the governor's designee on the group insurance board, the ~~director of the office~~ administrator of the division of state employment relations personnel management in the department of administration or the

~~director's~~ administrator's designee and 11 persons appointed or elected for 4-year terms as follows:

**SECTION 11.** 15.165 (2) of the statutes is amended to read:

15.165 (2) GROUP INSURANCE BOARD. There is created in the department of employee trust funds a group insurance board. The board shall consist of the governor, the attorney general, the secretary of administration, the ~~director of the office~~ administrator of the division of state employment relations personnel management in the department of administration, and the commissioner of insurance or their designees, and 6 persons appointed for ~~2-year~~ 4-year terms, of whom one shall be an insured participant in the Wisconsin Retirement System who is not a teacher, one shall be an insured participant in the Wisconsin Retirement System who is a teacher, one shall be an insured participant in the Wisconsin Retirement System who is a retired employee, one shall be an insured employee of a local unit of government, and one shall be the chief executive or a member of the governing body of a local unit of government that is a participating employer in the Wisconsin Retirement System.

\*\*\*NOTE: This is reconciled s. 15.165 (2). This SECTION has been affected by drafts with the following LRB numbers: -1059/7 and -0357/1.

**SECTION 12.** 16.004 (7) (a) of the statutes is amended to read:

16.004 (7) (a) The secretary shall establish and maintain a personnel management information system which shall be used to furnish the governor, the legislature and the ~~office~~ division of state employment relations personnel management in the department with current information pertaining to authorized positions, payroll and related items for all civil service employees, except employees of the office of the governor, the courts and judicial branch agencies, and the

legislature and legislative service agencies. It is the intent of the legislature that the University of Wisconsin System provide position and other information to the department and the legislature, which includes appropriate data on each position, facilitates accountability for each authorized position and traces each position over time. Nothing in this paragraph may be interpreted as limiting the authority of the board of regents of the University of Wisconsin System to allocate and reallocate positions by funding source within the legally authorized levels.

**SECTION 13.** 16.004 (16) of the statutes is repealed.

**SECTION 14.** 16.40 (18) of the statutes is amended to read:

**16.40 (18) REQUIRE AGENCIES TO PROVIDE COPIES.** Require each state agency, at the time that the agency submits a request to the department for an increased appropriation to be provided in an executive budget bill which is necessitated by the compensation plan under s. 230.12 or a collective bargaining agreement approved under s. 111.92, to provide a copy of the request to the ~~director of the office administrator of the division of state employment relations~~ personnel management in the department and the joint committee on employment relations.

**SECTION 15.** 16.415 (1) of the statutes is amended to read:

**16.415 (1)** Neither the secretary nor any other fiscal officer of this state may draw, sign, or issue, or authorize the drawing, signing, or issuing of any warrant on any disbursing officer of the state to pay any compensation to any person in the classified service of the state unless an estimate, payroll, or account for such compensation, containing the names of every person to be paid, bears the certificate of the appointing authority that each person named in the estimate, payroll, or account has been appointed, employed, or subject to any other personnel transaction in accordance with, and that the pay for the person has been established in

accordance with, the law, compensation plan, or applicable collective bargaining agreement, and applicable rules of the ~~director of the office~~ administrator of the division of state employment relations personnel management in the department and the ~~administrator of the division~~ director of the bureau of merit recruitment and selection in the ~~office of state employment relations~~ department then in effect.

**SECTION 16.** 16.415 (3) of the statutes is amended to read:

16.415 (3) Any sums paid contrary to this section may be recovered from any appointing authority making such appointments in contravention of law or of the rules promulgated pursuant thereto, or from any appointing authority signing or countersigning or authorizing the signing or countersigning of any warrant for the payment of the same, or from the sureties on the official bond of any such appointing authority, in an action in the circuit court for any county within the state, maintained by the ~~director of the office~~ administrator of the division of state employment relations personnel management in the department, or by a citizen resident therein, who is assessed for, and liable to pay, or within one year before the commencement of the action has paid, a state, city or county tax within this state. All moneys recovered in any action brought under this section when collected, shall be paid into the state treasury except that if a citizen taxpayer is plaintiff in any such action he or she shall be entitled to receive for personal use the taxable cost of such action and 5% of the amount recovered as attorney fees.

**SECTION 17.** 16.50 (3) (f) of the statutes is amended to read:

16.50 (3) (f) At the request of the ~~director of the office~~ administrator of the division of state employment relations personnel management in the department, the secretary of administration may authorize the temporary creation of pool or surplus positions under any source of funds if the director determines that

temporary positions are necessary to maintain adequate staffing levels for high turnover classifications, in anticipation of attrition, to fill positions for which recruitment is difficult. Surplus or pool positions authorized by the secretary shall be reported quarterly to the joint committee on finance in conjunction with the report required under s. 16.54 (8).

**SECTION 18.** 19.45 (11) (a) of the statutes, as affected by [2011 Wisconsin Act 32](#), is amended to read:

19.45 (11) (a) The ~~administrator of the division~~ director of the bureau of merit recruitment and selection in the ~~office of state employment relations~~ department of administration shall, with the board's advice, promulgate rules to implement a code of ethics for classified and unclassified state employees except state public officials subject to this subchapter, personnel in the University of Wisconsin System, and officers and employees of the judicial branch.

**SECTION 19.** 20.545 (intro.) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

**SECTION 20.** 20.545 (1) (title) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

**SECTION 21.** 20.545 (1) (i) of the statutes is renumbered 20.505 (1) (ic).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

**SECTION 22.** 20.545 (1) (j) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

**SECTION 23.** 20.545 (1) (jm) of the statutes is renumbered 20.505 (1) (jc).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.



**SECTION 24.** 20.545 (1) (k) of the statutes is renumbered 20.505 (1) (kz) and amended to read:

20.505 (1) (kz) *General program operations.* The amounts in the schedule to administer state employment relations functions and the civil service system under subch. V of ch. 111 and ch. 230, to pay awards under s. 230.48, and to defray the expenses of the state employees suggestion board. All moneys received from state agencies for materials and services provided by the ~~office~~ division of state employment relations personnel management in the department of administration shall be credited to this appropriation.

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

**SECTION 25.** 20.545 (1) (ka) of the statutes is renumbered 20.505 (1) (kn).

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

**SECTION 26.** 20.545 (1) (km) of the statutes is renumbered 20.505 (1) (ks).

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

**SECTION 27.** 20.545 (1) (m) of the statutes is repealed.

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

**SECTION 28.** 20.545 (1) (pz) of the statutes is repealed.

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

**SECTION 29.** 20.901 (1) (b) of the statutes is amended to read:

20.901 (1) (b) Notwithstanding ss. 230.047 and 230.29, in the case of an emergency which is the result of natural or human causes, state agencies may cooperate to maintain required state services through the temporary interchange of employees. The interchange of employees may be of 2 types: where an appointing authority declares an emergency in writing to the governor; or where the governor

or his or her designee declares an emergency. If an appointing authority declares an emergency, the interchange of employees is voluntary on the part of those employees designated by the sending state agency as available for interchange. If the governor or his or her designee declares an emergency, the governor may require a temporary interchange of employees. An emergency which is declared by an appointing authority may not exceed 72 hours unless an extension is approved by the governor or his or her designee. An employee who is assigned temporary interchange duties may be required to perform work which is not normally performed by the employee or described in his or her position classification. An interchange employee shall be paid at the rate of pay for the employee's permanent job unless otherwise authorized by the ~~director of the office~~ administrator of the division of state employment relations personnel management in the department of administration. State agencies receiving employees on interchanges shall keep appropriate records and reimburse the sending state agencies for authorized salaries and expenses. The ~~director of the office~~ administrator of the division of state employment relations personnel management in the department of administration may institute temporary pay administration policies as required to facilitate the handling of such declared emergencies.

**SECTION 30.** 20.916 (2) of the statutes is amended to read:

20.916 (2) REIMBURSEMENT OF JOB APPLICANTS. Subject to rules of the ~~director of the office~~ administrator of the division of state employment relations personnel management in the department of administration, reimbursement may be made to applicants for all or part of actual and necessary travel expenses incurred in connection with oral examination and employment interviews.

**SECTION 31.** 20.916 (4) (a) of the statutes is amended to read:

20.916 (4) (a) If any state agency determines that the duties of any employee require the use of an automobile, it may authorize such employee to use a privately owned automobile in the employee's work for the state, and reimburse the employee for such use at a rate set at least biennially by the ~~office division of state employment relations~~ personnel management in the department of administration under sub. (8), subject to the approval of the joint committee on employment relations.

**SECTION 32.** 20.916 (4m) (b) of the statutes is amended to read:

20.916 (4m) (b) Except as otherwise provided in this paragraph, if any state agency determines that an employee's duties require the use of a motor vehicle, and use of a privately owned motor vehicle is authorized by the agency under similar circumstances, the agency shall authorize the employee to use a privately owned motorcycle for the employee's duties and shall reimburse the employee for the use of the motorcycle at rates determined at least biennially by the ~~director of the office administrator of the division of state employment relations~~ personnel management in the department of administration under sub. (8), subject to the approval of the joint committee on employment relations. No state agency may authorize an employee to use or reimburse an employee for the use of a privately owned motorcycle under this paragraph if more than one individual is transported on the motorcycle. All allowances for the use of a motorcycle shall be paid upon approval and certification of the amounts payable by the head of the state agency for which the employee performs duties to the department of administration.

**SECTION 33.** 20.916 (5) (a) of the statutes is amended to read:

20.916 (5) (a) If the use of a privately owned or chartered aircraft is more efficient and economical for the conduct of state business than commercial transportation, the head of a state agency may authorize an employee to charter an

aircraft with or without a pilot; and may authorize any member or employee to use a privately owned aircraft and reimburse the member or employee for such use of a privately owned aircraft at a rate set at least biennially by the ~~office~~ division of state employment relations personnel management in the department of administration under sub. (8), subject to the approval of the joint committee on employment relations.

**SECTION 34.** 20.916 (8) (a) of the statutes is amended to read:

20.916 (8) (a) The ~~director of the office~~ administrator of the division of state employment relations personnel management in the department of administration shall recommend to the joint committee on employment relations uniform travel schedule amounts for travel by state officers and employees whose compensation is established under s. 20.923 or 230.12. Such amounts shall include maximum permitted amounts for meal and lodging costs, other allowable travel expenses under sub. (9) (d), and portage tips, except as authorized under s. 16.53 (12) (c). In lieu of the maximum permitted amounts for expenses under sub. (9) (b), (c), and (d), the ~~director~~ administrator may recommend to the committee a per diem amount and method of reimbursement for any or all expenses under sub. (9) (b), (c), and (d).

**SECTION 35.** 20.916 (9) (d) of the statutes is amended to read:

20.916 (9) (d) *Other allowable travel expenses.* Employees shall be reimbursed for actual, reasonable, and necessary expenses, including specifically laundry, telephone, facsimile, portage, and tips, when traveling on state business, but not to exceed any limitations or maximums established by the ~~director of the office~~ administrator of the division of state employment relations personnel management in the department of administration under sub. (8) and s. 16.53 (12) (c).

**SECTION 36.** 20.916 (9) (f) 1. of the statutes is amended to read:

20.916 (9) (f) 1. 'Scheduled air travel.' Reimbursement for air travel shall be limited to the lowest appropriate airfare, as determined by the ~~director of the office administrator of the division of state employment relations personnel management in the department of administration~~. An employee may be reimbursed for air travel at a rate other than the lowest appropriate airfare only if the employee submits a written explanation of the reasonableness of the expense.

**SECTION 37.** 20.916 (9) (f) 3. of the statutes is amended to read:

20.916 (9) (f) 3. 'Reimbursement.' Receipt limits for all claims for reimbursement of transportation expense shall be established by the ~~director of the office administrator of the division of state employment relations personnel management in the department of administration~~ in the compensation plan under s. 230.12.

**SECTION 38.** 20.917 (1) (c) of the statutes is amended to read:

20.917 (1) (c) Payment for moving expenses may be granted to a person reporting to his or her first place of employment or reporting upon reemployment after leaving the civil service, if payment is recommended by the appointing authority and approved in writing by the ~~director of the office administrator of the division of state employment relations personnel management in the department of administration~~ prior to the time when the move is made.

**SECTION 39.** 20.917 (1) (d) of the statutes is amended to read:

20.917 (1) (d) Payment may not be granted if the distance between the old and new residences of the employee is less than a minimum distance established by the ~~director of the office administrator of the division of state employment relations personnel management in the department of administration~~ for payment of moving expenses.

**SECTION 40.** 20.917 (2) (a) of the statutes is amended to read:

20.917 (2) (a) The ~~director of the office~~ administrator of the division of state ~~employment relations~~ personnel management in the department of administration may establish a maximum amount for payment of any employee moving costs under sub. (1) (a) to (c). This amount shall be submitted for the approval of the joint committee on employment relations in the manner provided in s. 20.916 (8), and upon approval shall become a part of the compensation plan under s. 230.12 (1).

**SECTION 41.** 20.917 (3) (a) 1. of the statutes is amended to read:

20.917 (3) (a) 1. Lodging allowances shall be in accordance with the schedule established by the ~~director of the office~~ administrator of the division of state ~~employment relations~~ personnel management in the department of administration, but may not exceed the rate established under s. 13.123 (1) (a) 1.

**SECTION 42.** 20.917 (3) (a) 2. of the statutes is amended to read:

20.917 (3) (a) 2. Lodging allowance payments are subject to prior approval in writing by the ~~director of the office~~ administrator of the division of state ~~employment relations~~ personnel management in the department of administration.

**SECTION 43.** 20.917 (5) (b) of the statutes is amended to read:

20.917 (5) (b) Payments under this subsection are in addition to any payments made under sub. (1). Payments under this subsection may be made only with the prior written approval of the ~~director of the office~~ administrator of the division of state ~~employment relations~~ personnel management in the department of administration.

**SECTION 44.** 20.917 (6) of the statutes is amended to read:

20.917 (6) The ~~director of the office~~ administrator of the division of state ~~employment relations~~ personnel management in the department of administration

may, in writing, delegate to an appointing authority the authority to approve reimbursement for moving expenses under sub. (1) (c), a temporary lodging allowance under sub. (3) (a) 2. or expenses under sub. (5) (b).

**SECTION 45.** 20.923 (4) (intro.) of the statutes is amended to read:

20.923 (4) STATE AGENCY POSITIONS. (intro.) State agency heads, the ~~administrator of the division~~ director of the bureau of merit recruitment and selection in the ~~office of state employment relations~~ department of administration and commission chairpersons and members shall be identified and limited in number in accordance with the standardized nomenclature contained in this subsection, and shall be assigned to the executive salary groups listed in pars. (a) to (h). Except for positions specified in pars. (c) 3m. and (g) 1e. and sub. (12), all unclassified division administrator positions enumerated under s. 230.08 (2) (e) shall be assigned, when approved by the joint committee on employment relations, by the ~~director of the office~~ administrator of the division of ~~state employment relations~~ personnel management in the department of administration to one of 10 executive salary groups. The joint committee on employment relations, by majority vote of the full committee, may amend recommendations for initial position assignments and changes in assignments to the executive salary groups submitted by the ~~director of the office~~ administrator of the division of ~~state employment relations~~ personnel management in the department of administration. All division administrator assignments and amendments to assignments of administrator positions approved by the committee shall become part of the compensation plan. Whenever a new unclassified division administrator position is created, the appointing authority may set the salary for the position until the joint committee on employment relations approves assignment of the position to an executive salary

group. If the committee approves assignment of the position to an executive salary group having a salary range minimum or maximum inconsistent with the salary paid to the incumbent at the time of such approval, the incumbent's salary shall be adjusted by the appointing authority to conform with the committee's action, effective on the date of that action. Positions are assigned as follows:

**SECTION 46.** 20.923 (4) (c) 3m. of the statutes is amended to read:

20.923 (4) (c) 3m. Administration, department of; ~~office~~ division of state employment relations; ~~division~~ personnel management; ~~bureau~~ of merit recruitment and selection: administrator.

**SECTION 47.** 20.923 (4) (f) 1. of the statutes is amended to read:

20.923 (4) (f) 1. Administration, department of; ~~office~~ division of state employment relations: ~~director~~ personnel management: administrator.

**SECTION 48.** 20.923 (7) (intro.) of the statutes is amended to read:

20.923 (7) WISCONSIN TECHNICAL COLLEGE SYSTEM SENIOR EXECUTIVE POSITIONS. (intro.) The salary range for the director and the executive assistant of the Wisconsin Technical College System shall be contained in the recommendations of the ~~director of the office~~ administrator of the division of state employment relations personnel management in the department of administration under s. 230.12 (3) (e). The board of the Wisconsin Technical College System shall set the salaries for these positions within the range to which the positions are assigned to recognize merit, to permit orderly salary progression, and to recognize competitive factors. The salary of any incumbent in the positions identified in pars. (a) and (b) may not exceed the maximum of the salary range for the group to which the position is assigned. The positions are assigned as follows:

**SECTION 49.** 20.923 (9) of the statutes is amended to read:



20.923 (9) ASSISTANT DEPUTY SECRETARY AND EXECUTIVE ASSISTANTS. Salaries for assistant deputy secretaries and executive assistants appointed under ss. 15.05 (3) and 15.06 (4m) shall be set by the appointing authority. The salary for an assistant deputy secretary or an executive assistant appointed under s. 15.05 (3) or 15.06 (4m), other than the salary for the executive assistant to the director of the technical college system, may not exceed the maximum of the salary range 2 ranges below the salary range for the executive salary group to which the department or agency head is assigned. The position of administrative assistant to the lieutenant governor shall be treated as are executive assistants for pay purposes under this subsection. ~~The salary for the executive assistant appointed under s. 230.04 (16) shall be set by the appointing authority. The salary for that position may not exceed the maximum of the salary range 2 ranges below the salary range for the executive salary group to which the appointing authority is assigned.~~

**SECTION 50.** 20.923 (18) (a) of the statutes is amended to read:

20.923 (18) (a) The ~~office~~ division of state employment relations ~~personnel management in the department of administration~~ shall determine what positions in the classified service are comparable positions to the unclassified positions of 3 sales representatives of prison industries and one sales manager of prison industries who are appointed under s. 303.01 (10). For each such unclassified position, the ~~office~~ division of state employment relations ~~personnel management in the department of administration~~ shall determine the minimum salary for each comparable position in the classified service and shall set an amount equal to that minimum salary as the salary for that unclassified position.

**SECTION 51.** 36.09 (1) (j) of the statutes, as affected by [2011 Wisconsin Act 32](#), is amended to read:

36.09 (1) (j) Except where such matters are a subject of bargaining with a certified representative of a collective bargaining unit under s. 111.91, the board shall establish salaries for persons prior to July 1 of each year for the next fiscal year, and shall designate the effective dates for payment of the new salaries. In the first year of the biennium, payments of the salaries established for the preceding year shall be continued until the biennial budget bill is enacted. If the budget is enacted after July 1, payments shall be made following enactment of the budget to satisfy the obligations incurred on the effective dates, as designated by the board, for the new salaries, subject only to the appropriation of funds by the legislature and s. 20.928 (3). This paragraph does not limit the authority of the board to establish salaries for new appointments. The board may not increase the salaries of employees under this paragraph unless the salary increase conforms to the proposal as approved under s. 230.12 (3) (e) or the board authorizes the salary increase to correct salary inequities under par. (h), to fund job reclassifications or promotions, or to recognize competitive factors. The granting of salary increases to recognize competitive factors does not obligate inclusion of the annualized amount of the increases in the appropriations under s. 20.285 (1) for subsequent fiscal bienniums. No later than October 1 of each year, the board shall report to the joint committee on finance and the secretary of administration and ~~director of the office~~ administrator of the division of state employment relations personnel management in the department of administration concerning the amounts of any salary increases granted to recognize competitive factors, and the institutions at which they are granted, for the 12-month period ending on the preceding June 30.

**SECTION 52.** 40.05 (4) (ag) 1. of the statutes is amended to read:

40.05 (4) (ag) 1. For insured part-time employees other than employees specified in s. 40.02 (25) (b) 2., including those in project positions as defined in s. 230.27 (1), who are appointed to work less than 1,044 hours per year, an amount determined annually by the ~~director of the office~~ administrator of the division of state employment relations personnel management in the department of administration under par. (ah).

**SECTION 53.** 40.05 (4) (ag) 2. of the statutes is amended to read:

40.05 (4) (ag) 2. For eligible employees not specified in subd. 1. and s. 40.02 (25) (b) 2., an amount not more than 88 percent of the average premium cost of plans offered in each tier under s. 40.51 (6), as determined annually by the ~~director~~ administrator of the office division of state employment relations personnel management in the department of administration under par. (ah).

**SECTION 54.** 40.05 (4) (ah) 1. of the statutes is amended to read:

40.05 (4) (ah) 1. Annually, the ~~director of the office~~ administrator of the division of state employment relations personnel management in the department of administration shall establish the amount that employees are required to pay for health insurance premiums in accordance with the maximum employer payments under par. (ag).

**SECTION 55.** 40.05 (4g) (a) 4. of the statutes is amended to read:

40.05 (4g) (a) 4. Has received a military leave of absence under s. 230.32 (3) (a) or 230.35 (3), under a collective bargaining agreement under subch. V of ch. 111 or under rules promulgated by the ~~director of the office~~ administrator of the division of state employment relations personnel management in the department of administration or is eligible for reemployment with the state under s. 321.64 after completion of his or her service in the U.S. armed forces.

**SECTION 56.** 40.06 (1) (dm) of the statutes is amended to read:

40.06 (1) (dm) Each determination by a department head regarding the classification of a state employee as a protective occupation participant shall be reviewed by the ~~office~~ division of state employment relations personnel management in the department of administration. A state employee's name may not be certified to the fund as a protective occupation participant under par. (d) until the ~~office~~ division of state employment relations personnel management in the department of administration approves the determination.

**SECTION 57.** 40.515 (1) of the statutes is amended to read:

40.515 (1) In addition to the health care coverage plans offered under s. 40.51 (6), beginning on January 1, 2015, the group insurance board shall offer to all state employees the option of receiving health care coverage through a high-deductible health plan and the establishment of a health savings account. Under this option, each employee shall receive health care coverage through a high-deductible health plan. The state shall make contributions into each employee's health savings account in an amount specified by the ~~director of the office~~ administrator of the division of state employment relations personnel management in the department of administration under s. 40.05 (4) (ah) 4. In designing a high-deductible health plan, the group insurance board shall ensure that the plan may be used in conjunction with a health savings account.

**SECTION 58.** 40.52 (3) of the statutes is amended to read:

40.52 (3) The group insurance board, after consulting with the board of regents of the University of Wisconsin System, shall establish the terms of a health insurance plan for graduate assistants, for teaching assistants, and for employees-in-training designated by the board of regents, who are employed on at least a one-third

full-time basis and for teachers who are employed on at least a one-third full-time basis by the University of Wisconsin System with an expected duration of employment of at least 6 months but less than one year. Annually, the ~~director of the office~~ administrator of the division of state employment relations personnel management in the department of administration shall establish the amount that the employer is required to pay in premium costs under this subsection.

**SECTION 59.** 45.82 (2) of the statutes is amended to read:

45.82 (2) The department of veterans affairs shall award a grant annually to a county that meets the standards developed under this section and employs a county veterans service officer who, if chosen after August 9, 1989, is chosen from a list of candidates who have taken a civil service examination for the position of county veterans service officer developed and administered by the ~~division~~ bureau of merit recruitment and selection in the ~~office of state employment relations~~ department of administration, or is appointed under a civil service competitive examination procedure under s. 59.52 (8) or ch. 63. The grant shall be \$8,500 for a county with a population of less than 20,000, \$10,000 for a county with a population of 20,000 to 45,499, \$11,500 for a county with a population of 45,500 to 74,999, and \$13,000 for a county with a population of 75,000 or more. The department of veterans affairs shall use the most recent Wisconsin official population estimates prepared by the demographic services center when making grants under this subsection.

**SECTION 60.** 46.29 (3) (d) of the statutes is amended to read:

46.29 (3) (d) The ~~director of the office~~ administrator of the division of state employment relations personnel management in the department of administration.

**SECTION 61.** 49.78 (5) of the statutes is amended to read:

49.78 (5) PERSONNEL EXAMINATIONS. Statewide examinations to ascertain qualifications of applicants in any county department administering aid to families with dependent children shall be given by the ~~administrator of the division~~ director of the bureau of merit recruitment and selection in the ~~office of state employment relations~~ department of administration. The ~~office of state employment relations~~ department of administration shall be reimbursed for actual expenditures incurred in the performance of its functions under this section from the appropriations available to the department of children and families for administrative expenditures.

**SECTION 62.** 59.26 (8) (a) of the statutes is amended to read:

59.26 (8) (a) In any county with a population of less than 500,000, the board, by ordinance, may fix the number of deputy sheriffs to be appointed in that county at not less than that number required by sub. (1) (a) and (b) and may set the salary of those deputies. Subject to sub. (10), the board may provide by ordinance that deputy sheriff positions be filled by appointment by the sheriff from a list of all persons with the 3 highest scores for each position based on a competitive examination. Such competitive examinations may be by a county civil service commission or by the ~~division~~ bureau of merit recruitment and selection in the ~~office of state employment relations~~ department of administration at the option of the board and it shall so provide by ordinance. The ~~division~~ bureau of merit recruitment and selection in the ~~office of state employment relations~~ shall, upon request of the board, conduct such examination according to the methods used in examinations for the state civil service and shall certify an eligible list of the names of all persons with the 3 highest scores on that examination for each position to the sheriff of that county who shall, subject to sub. (10), make an appointment from that list to fill the position

within 10 days after he or she receives the eligible list. The county for which such examination is conducted shall pay the cost of that examination. If a civil service commission is decided upon for the selection of deputy sheriffs, then ss. 63.01 to 63.17 shall apply so far as consistent with this subsection, except ss. 63.03, 63.04 and 63.15 and except the provision governing minimum compensation of the commissioners. The ordinance or an amending ordinance may provide for employee grievance procedures and disciplinary actions, for hours of work, for tours of duty according to seniority and for other administrative regulations. Any board provision consistent with this paragraph and existing on July 25, 1951, is validated. If the sheriff fills a deputy sheriff position by promotion, the sheriff shall, subject to sub. (10), make the appointment to the position from a list of 3 deputy sheriffs who receive the highest scores in a competitive examination. Such competitive examinations may be by a county civil service commission or by the ~~division~~ bureau of merit recruitment and selection ~~in the office of state employment relations~~ at the option of the board and it shall so provide by ordinance.

**SECTION 63.** 70.99 (3) (a) of the statutes is amended to read:

70.99 (3) (a) The ~~office~~ division of ~~state employment relations~~ personnel management in the department of administration shall recommend a reasonable salary range for the county assessor for each county based upon pay for comparable work or qualifications in that county. If, by contractual agreement under s. 66.0301, 2 or more counties join to employ one county assessor with the approval of the secretary of revenue, the ~~office~~ division of ~~state employment relations~~ personnel management shall recommend a reasonable salary range for the county assessor under the agreement. The department of revenue shall assist the county in

establishing the budget for the county assessor's offices, including the number of personnel and their qualifications, based on the anticipated workload.

**SECTION 64.** 73.09 (5) of the statutes is amended to read:

73.09 (5) EXAMINATIONS. As provided in subs. (1) and (2), the department of revenue, assisted by the ~~division~~ bureau of merit recruitment and selection in the ~~office of state employment relations~~ department of administration, shall prepare and administer examinations for each level of certification. Persons applying for an examination under this subsection shall submit a \$20 examination fee with their application. Certification shall be granted to each person who passes the examination for that level.

**SECTION 65.** 111.81 (5) of the statutes is created to read:

111.81 (5) "Division" means the division of personnel management in the department of administration.

**SECTION 66.** 111.81 (14) of the statutes is repealed.

**SECTION 67.** 111.815 (1) and (2) of the statutes, as affected by [2013 Wisconsin Act 166](#), are amended to read:

111.815 (1) In the furtherance of this subchapter, the state shall be considered as a single employer and employment relations policies and practices throughout the state service shall be as consistent as practicable. The ~~office~~ division shall negotiate and administer collective bargaining agreements. To coordinate the employer position in the negotiation of agreements, the ~~office~~ division shall maintain close liaison with the legislature relative to the negotiation of agreements and the fiscal ramifications of those agreements. Except with respect to the collective bargaining units specified in s. 111.825 (1r) and (1t), the ~~office~~ division is responsible for the employer functions of the executive branch under this subchapter, and shall



coordinate its collective bargaining activities with operating state agencies on matters of agency concern. The legislative branch shall act upon those portions of tentative agreements negotiated by the ~~office~~ division that require legislative action. With respect to the collective bargaining units specified in s. 111.825 (1r), the Board of Regents of the University of Wisconsin System is responsible for the employer functions under this subchapter. With respect to the collective bargaining units specified in s. 111.825 (1t), the chancellor of the University of Wisconsin-Madison is responsible for the employer functions under this subchapter. With respect to the collective bargaining unit specified in s. 111.825 (1r) (ef), the governing board of the charter school established by contract under s. 118.40 (2r) (cm), 2013 stats., is responsible for the employer functions under this subchapter.

\*\*\*NOTE: This is reconciled s. 111.815 (1). This SECTION has been affected by drafts with the following LRB numbers: -1059/7 and -0333.

(2) ~~The director of the office~~ administrator of the division shall, together with the appointing authorities or their representatives, represent the state in its responsibility as an employer under this subchapter except with respect to negotiations in the collective bargaining units specified in s. 111.825 (1r) and (1t). ~~The director of the office~~ administrator of the division shall establish and maintain, wherever practicable, consistent employment relations policies and practices throughout the state service.

**SECTION 68.** 111.815 (3) of the statutes is amended to read:

111.815 (3) With regard to collective bargaining activities involving employees who are assistant district attorneys, the ~~director of the office~~ administrator of the division shall maintain close liaison with the secretary of administration.

**SECTION 69.** 111.83 (3) (a) of the statutes is amended to read:

111.83 (3) (a) Whenever a question arises concerning the representation of employees in a collective bargaining unit the commission shall determine the representative thereof by taking a secret ballot of the employees and certifying in writing the results thereof to the interested parties and to the ~~director of the office administrator of the division~~. There shall be included on any ballot for the election of representatives the names of all labor organizations having an interest in representing the employees participating in the election as indicated in petitions filed with the commission. The name of any existing representative shall be included on the ballot without the necessity of filing a petition. The commission may exclude from the ballot one who, at the time of the election, stands deprived of his or her rights under this subchapter by reason of a prior adjudication of his or her having engaged in an unfair labor practice. The ballot shall be so prepared as to permit a vote against representation by anyone named on the ballot. The commission's certification of the results of any election is conclusive as to the findings included therein unless reviewed under s. 111.07 (8).

**SECTION 70.** 111.86 (2) of the statutes is amended to read:

111.86 (2) The ~~office~~ division shall charge a state department or agency the employer's share of the cost related to grievance arbitration under sub. (1) for any arbitration that involves one or more employees of the state department or agency. Each state department or agency so charged shall pay the amount that the ~~office~~ division charges from the appropriation account or accounts used to pay the salary of the grievant. Funds received under this subsection shall be credited to the appropriation account under s. ~~20.545 (1) (km)~~ 20.505 (1) (ks).

**SECTION 71.** 111.89 (1) of the statutes is amended to read:

111.89 (1) Upon establishing that a strike is in progress, the employer may either seek an injunction or file an unfair labor practice charge with the commission under s. 111.84 (2) (e) or both. It is the responsibility of the ~~office~~ division to decide whether to seek an injunction or file an unfair labor practice charge. The existence of an administrative remedy does not constitute grounds for denial of injunctive relief.

**SECTION 72.** 111.91 (4) of the statutes, as affected by [2011 Wisconsin Act 32](#), is amended to read:

111.91 (4) The ~~director of the office~~ administrator of the division, in connection with the development of tentative collective bargaining agreements to be submitted under s. 111.92 (1) (a) 1., shall endeavor to obtain tentative agreements with each recognized or certified labor organization representing employees or supervisors of employees specified in s. 111.81 (7) (a) and with each certified labor organization representing employees specified in s. 111.81 (7) (b) to (e) which do not contain any provision for the payment to any employee of a cumulative or noncumulative amount of compensation in recognition of or based on the period of time an employee has been employed by the state.

**SECTION 73.** 111.915 of the statutes is amended to read:

**111.915 Labor proposals.** The ~~director of the office~~ administrator of the division shall notify and consult with the joint committee on employment relations, in such form and detail as the committee requests, regarding substantial changes in wages, employee benefits, personnel management, and program policy contract provisions to be included in any contract proposal to be offered to any labor organization by the state or to be agreed to by the state before such proposal is actually offered or accepted.

**SECTION 74.** 111.92 (1) (a) 1. of the statutes, as affected by [2011 Wisconsin Act 32](#), is amended to read:

111.92 (1) (a) 1. Any tentative agreement reached between the ~~office~~ division and any labor organization representing a collective bargaining unit specified in s. 111.825 (1) or (2) (d) or (e) shall, after official ratification by the labor organization, be submitted by the ~~office~~ division to the joint committee on employment relations, which shall hold a public hearing before determining its approval or disapproval.

**SECTION 75.** 227.10 (3) (e) of the statutes is amended to read:

227.10 (3) (e) Nothing in this subsection prohibits the ~~administrator~~ director of the ~~division~~ bureau of merit recruitment and selection in the ~~office of state employment relations~~ department of administration from promulgating rules relating to expanded certification under s. 230.25 (1n).

**SECTION 76.** 227.47 (2) of the statutes is amended to read:

227.47 (2) Except as otherwise provided in this subsection, a proposed or final decision of the employment relations commission, hearing examiner or arbitrator concerning an appeal of the decision of the ~~director of the office~~ administrator of the division of state employment relations personnel management in the department of administration made under s. 230.09 (2) (a) or (d) shall not be accompanied by findings of fact or conclusions of law. If within 30 days after the commission issues a decision in such an appeal either party files a petition for judicial review of the decision under s. 227.53 and files a written notice with the commission that the party has filed such a petition, the commission shall issue written findings of fact and conclusions of law within 90 days after receipt of the notice. The court shall stay the proceedings pending receipt of the findings and conclusions.

**SECTION 77.** 230.02 of the statutes is amended to read:

**230.02 Liberal construction of statutes.** Statutes applicable to the office division and bureau shall be construed liberally in aid of the purposes declared in s. 230.01.

**SECTION 78.** 230.03 (5) of the statutes is created to read:

230.03 (5) “Bureau” means the bureau of merit recruitment and selection in the division.

**SECTION 79.** 230.03 (9e) of the statutes is amended to read:

230.03 (9e) “Director” means the director of the office bureau.

**SECTION 80.** 230.03 (10) of the statutes is amended to read:

230.03 (10) “Division” means the division of ~~merit recruitment and selection in the office personnel management in the department of administration.~~

**SECTION 81.** 230.03 (10w) of the statutes is repealed.

**SECTION 82.** 230.04 (title) of the statutes is amended to read:

**230.04 (title) Powers and duties of the director administrator.**

**SECTION 83.** 230.04 (1) of the statutes is amended to read:

230.04 (1) The ~~director~~ administrator is charged with the effective administration of this chapter. All powers and duties, necessary to that end, which are not exclusively vested by statute in the commission, the division of equal rights, the ~~administrator~~ director or appointing authorities, are reserved to the director.

**SECTION 84.** 230.04 (1m) of the statutes is amended to read:

230.04 (1m) The ~~director~~ administrator may delegate, in writing, any of his or her functions set forth in this chapter to an appointing authority, within prescribed standards if the ~~director~~ 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

~~director~~ administrator determines that any agency is not performing such delegated function within prescribed standards, the ~~director~~ administrator shall forthwith withdraw such delegated function. Subject to the approval of the joint committee on finance, the ~~director~~ administrator may order transferred to the ~~office~~ 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 ~~office~~ division reduced staff or shifted staff to new responsibilities as a result of such delegation. Any delegatory action taken under s. 230.09 (2) (a) or (d) or 230.13 (1) by an appointing authority may be appealed to the commission under s. 230.44 (1) (b). The ~~director~~ administrator shall be a party in such an appeal.

**SECTION 85.** 230.04 (2) of the statutes is amended to read:

230.04 (2) The ~~director~~ administrator may utilize the services of technical or specialized personnel to assist in implementing and maintaining a sound personnel management program. These services may be obtained from persons inside or outside of state service.

**SECTION 86.** 230.04 (3) of the statutes is amended to read:

230.04 (3) The ~~director~~ administrator may issue enforceable orders on all matters relating to the administration, enforcement and effect of this chapter and the rules prescribed thereunder except on matters relating to the provisions of subch. III or to those provisions of subch. II for which responsibility is specifically charged to the ~~administrator~~ director.

**SECTION 87.** 230.04 (4) of the statutes is amended to read:

230.04 (4) The ~~director~~ administrator shall establish and maintain a collective bargaining capability under s. 111.815 (2).

**SECTION 88.** 230.04 (5) of the statutes is amended to read:

230.04 (5) The ~~director~~ administrator shall promulgate rules on all matters relating to the administration of the ~~office~~ division and the performance of the duties assigned to the ~~director~~ administrator, except on matters relating to those provisions of subch. II for which responsibility is specifically charged to the ~~administrator~~ director.

**SECTION 89.** 230.04 (8) of the statutes is amended to read:

230.04 (8) The ~~director~~ administrator shall establish an employee performance evaluation program under s. 230.37 (1).

**SECTION 90.** 230.04 (9) (intro.) of the statutes is amended to read:

230.04 (9) (intro.) The ~~director~~ administrator shall do all of the following:

**SECTION 91.** 230.04 (9) (f) of the statutes is amended to read:

230.04 (9) (f) Establish an affirmative action subunit. The affirmative action subunit shall advise and assist the director, the administrator, and agency heads on establishing policies and programs to ensure appropriate affirmative action. The subunit shall advise and assist the ~~director~~ administrator in monitoring such programs and shall provide staff to the council on affirmative action.

**SECTION 92.** 230.04 (9m) of the statutes is amended to read:

230.04 (9m) The ~~director~~ administrator shall conduct periodic reviews and evaluations of the written records of hiring decisions made by appointing authorities under ss. 230.21 (1m), 230.25 (1p) and 230.27 (2k).

**SECTION 93.** 230.04 (9r) (b) (intro.) of the statutes is amended to read:

230.04 (9r) (b) (intro.) The ~~director~~ administrator shall keep a record of all of the following:

**SECTION 94.** 230.04 (10) of the statutes is amended to read:

230.04 (10) (a) The ~~director~~ administrator may require all agencies and their officers to comply with the ~~director's~~ administrator's request to furnish current information pertaining to authorized positions, payroll and related items regarding civil service and employment relations functions.

(b) The ~~director~~ administrator shall request from each agency and each agency shall furnish to the ~~director~~ administrator relevant racial, ethnic, gender and disability information on every new employee hired by the agency including limited term, project, seasonal and sessional employees. The ~~director~~ administrator shall maintain the data to permit a periodic review of the agency's affirmative action plan accomplishments.

(c) The ~~director~~ administrator shall request from each agency and each agency shall furnish to the ~~director~~ administrator relevant information regarding the prior military service, if any, of every new employee hired by the agency including limited term, project, seasonal and sessional employees. The ~~director~~ administrator shall maintain the data to permit a periodic review of the progress being made to provide employment opportunities in civil service for veterans and disabled veterans.

**SECTION 95.** 230.04 (11) of the statutes is amended to read:

230.04 (11) The ~~director~~ administrator may provide by rule for an understudy program to assure continuity in selected positions.

**SECTION 96.** 230.04 (12) of the statutes is amended to read:

230.04 (12) The ~~director~~ administrator shall keep in the office division an official roster of all permanent classified employees which shall include classification titles, pay and employment status changes and appropriate dates thereof.

**SECTION 97.** 230.04 (13) (intro.) of the statutes is amended to read:

230.04 (13) (intro.) The ~~director~~ administrator shall do all of the following:



**SECTION 98.** 230.04 (14) of the statutes is amended to read:

230.04 (14) The ~~director~~ administrator shall establish, by rule, the scope and minimum requirements of a state employee grievance procedure relating to conditions of employment.

**SECTION 99.** 230.04 (15) of the statutes is amended to read:

230.04 (15) The ~~director~~ administrator shall review and either approve or disapprove each determination by an agency head regarding the classification of a state employee as a protective occupation participant for purposes of the Wisconsin retirement system.

**SECTION 100.** 230.04 (16) of the statutes is repealed.

**SECTION 101.** 230.04 (17) of the statutes is amended to read:

230.04 (17) The ~~director~~ administrator shall resolve any dispute raised by a complaint filed under s. 321.64 (1) (c).

**SECTION 102.** 230.04 (18) of the statutes is amended to read:

230.04 (18) The ~~director~~ administrator may provide any services and materials to agencies and may charge the agencies for providing the services and materials. The ~~director~~ administrator shall establish a methodology for determining the costs of services and materials charged to state agencies under this subsection. All moneys received from the charges shall be deposited in the appropriation account under s. ~~20.545 (1) (k)~~ 20.505 (1) (kz).

**SECTION 103.** 230.046 (5) (c) of the statutes is amended to read:

230.046 (5) (c) An agreement has been entered into by the trainee and the appointing authority relative to employment with the state, together with such other terms and conditions as may be necessary under the rules of the ~~director~~ administrator whenever on-the-job trainees are employed; and

**SECTION 104.** 230.046 (7) of the statutes is amended to read:

230.046 (7) ESTABLISH INTERNSHIPS. The ~~director~~ administrator shall establish in the classified service in-service training internships designed to give rigorous training in public service administration for periods not to exceed 3 years under the direct supervision of experienced administrators.

**SECTION 105.** 230.046 (8) of the statutes is amended to read:

230.046 (8) COOPERATE FOR SCHOLARSHIP LOANS. To stimulate the interest of qualified students of exceptional merit in government career service, the ~~director~~ administrator shall cooperate with the board of regents of the University of Wisconsin System in providing opportunities for recipients of public service scholarship loans to secure employment under the internship plan.

**SECTION 106.** 230.046 (9) of the statutes is amended to read:

230.046 (9) TUITION REFUND PROGRAM. The ~~director~~ administrator may establish by rule in the classified service a tuition refund program to supplement departmental training, to encourage employee job-related development and, upon satisfactory completion of training under this program to refund to the employee, an amount not to exceed the cost of tuition and necessary fees.

**SECTION 107.** 230.046 (10) (intro.) of the statutes is amended to read:

230.046 (10) FUNCTIONS OF THE ~~OFFICE~~ DIVISION. (intro.) The ~~office~~ division may do all of the following:

**SECTION 108.** 230.047 (8) of the statutes is amended to read:

230.047 (8) ADMINISTRATION. The ~~director~~ administrator shall promulgate rules for the operation and implementation of this section. The rules shall prescribe the duration, terms and conditions of such interchange.

**SECTION 109.** 230.05 of the statutes is amended to read:

**230.05 Powers and duties of the ~~administrator~~ director.** (1) All powers necessary for the effective administration of the duties specified for the ~~administrator~~ director under this subchapter are reserved to the ~~administrator~~ director.

(2) (a) Except as provided under par. (b), the ~~administrator~~ director 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~~ director 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~~ director determines that any agency is not performing such delegated function within prescribed standards, the ~~administrator~~ director shall withdraw such delegated function. The ~~administrator~~ director may order transfer to the ~~division~~ bureau 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~~ bureau 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 commission under s. 230.44 (1) (a). The ~~administrator~~ director shall be a party in such appeal.

(b) The ~~administrator~~ director is prohibited from delegating any of his or her final responsibility for the monitoring and oversight of the merit recruitment and selection program under this subchapter.

(3) The ~~administrator~~ director may utilize the services of technical or specialized personnel to assist in implementing and maintaining a sound merit

recruitment and selection program. These services may be obtained from persons within or without state service.

(4) The ~~administrator~~ director may issue enforceable orders on all matters relating to the administration, enforcement and effect of the provisions of this subchapter for which responsibility is specifically charged to the ~~administrator~~ director and the rules prescribed thereunder. Any action brought against the appointing authority for failure to comply with the order of the ~~administrator~~ director shall be brought and served within 60 days after the date on which the ~~administrator's~~ director's order was issued. Such orders may be appealed to the commission under s. 230.44 (1) (a).

(5) The ~~administrator~~ director shall promulgate rules for the effective operation of the provisions of this subchapter for which responsibility is specifically charged to the ~~administrator~~ director. Notice of the contents of such rules and any modifications thereof shall be given to appointing authorities affected thereby, and such rules and modifications shall also be printed for public distribution.

(6) The ~~administrator~~ director may seek the prior advice and counsel of agency heads in the formulation of policies and procedures concerning the duties specified for the ~~administrator~~ director under this subchapter.

(7) The ~~administrator~~ director shall use techniques and procedures designed to certify eligible applicants to any vacant permanent position within 45 days after the filing of an appropriate request by an appointing authority.

(8) The ~~administrator~~ director may provide any personnel services to nonstate governmental units and may charge the nonstate governmental units for providing the services.

(9) The ~~administrator~~ director may provide any services and materials to agencies and may charge the agencies for providing the services and materials. All moneys received from the charges shall be deposited in the appropriation account under s. ~~20.545 (1) (k)~~ 20.505 (1) (kz).

**SECTION 110.** 230.06 (1) (f) of the statutes is amended to read:

230.06 (1) (f) Provide the ~~director~~ administrator with the civil service information required under s. 16.004 (7).

**SECTION 111.** 230.06 (1) (g) of the statutes is amended to read:

230.06 (1) (g) Prepare an affirmative action plan which complies with the standards established by the ~~director~~ administrator under s. 230.04 (9) (a) and which sets goals and outlines steps for incorporating affirmative action and principles supporting affirmative action into the procedures and policies of his or her agency.

**SECTION 112.** 230.06 (1) (L) of the statutes is amended to read:

230.06 (1) (L) Provide information about the employment of each severely disabled employee for the ~~director's~~ administrator's report under s. 230.04 (9r) within 30 days after the disabled employee is appointed, and at other times at the request of the ~~director~~ administrator.

**SECTION 113.** 230.08 (2) (e) 8j. of the statutes is repealed.

**SECTION 114.** 230.08 (2) (xr) of the statutes is created to read:

230.08 (2) (xr) The administrator of the division of personnel management and the director of the bureau of merit recruitment and selection in the department of administration.

**SECTION 115.** 230.08 (2) (ya) of the statutes is repealed.

**SECTION 116.** 230.08 (4) (c) of the statutes is amended to read:

230.08 (4) (c) Any proposal of a board, department or commission, as defined in par. (a) and s. 15.01 (5), or of the historical society, for a change in the number of positions enumerated in sub. (2) (e), before being submitted to the legislature, shall first be submitted by the board, department or commission or by the historical society for a separate review by the secretary of administration and by the ~~director~~ administrator. The secretary of administration's review shall include information on the appropriateness of the proposed change with regard to a board's, department's, commission's or society's current or proposed internal organizational structure under s. 15.02 (4). The ~~director's~~ administrator's review shall include information on whether the existing classified or existing or proposed unclassified division administrator position involved is or would be assigned to pay range 1-18 or above in schedule 1, or a comparable level, of the compensation plan under s. 230.12. The results of these reviews shall be provided by the secretary of administration and by the ~~director~~ administrator to the joint committee on finance and the joint committee on employment relations at the same time that the board's, department's, commission's or society's proposal is presented to either committee.

**SECTION 117.** 230.08 (7) of the statutes is amended to read:

230.08 (7) EXCEPTIONAL EMPLOYMENT SITUATIONS. The ~~administrator~~ director shall provide, by rule, for exceptional methods and kinds of employment to meet the needs of the service during periods of disaster or national emergency, and for other exceptional employment situations such as to employ the mentally disabled, the physically disabled and the disadvantaged.

**SECTION 118.** 230.08 (8) of the statutes is amended to read:

230.08 (8) AUDITING OF PAYROLLS. The ~~director~~ administrator shall audit the payrolls of the classified and unclassified service, as necessary, to carry out this subchapter.

**SECTION 119.** 230.09 (1) (intro.) of the statutes is amended to read:

230.09 (1) (intro.) The ~~director~~ administrator shall ascertain and record the duties, responsibilities and authorities of, and establish grade levels and classifications for, all positions in the classified service. Each classification so established shall include all positions which are comparable with respect to authority, responsibility and nature of work required. Each classification shall be established to include as many positions as are reasonable and practicable. In addition, each class shall:

**SECTION 120.** 230.09 (2) (a) of the statutes is amended to read:

230.09 (2) (a) After consultation with the appointing authorities, the ~~director~~ administrator shall allocate each position in the classified service to an appropriate class on the basis of its duties, authority, responsibilities or other factors recognized in the job evaluation process. The ~~director~~ administrator may reclassify or reallocate positions on the same basis.

**SECTION 121.** 230.09 (2) (am) of the statutes is amended to read:

230.09 (2) (am) The ~~director~~ administrator shall maintain and improve the classification plan to meet the needs of the service, using methods and techniques which may include personnel management surveys, individual position reviews, occupational group classification surveys, or other appropriate methods of position review. Such reviews may be initiated by the ~~director~~ administrator after taking into consideration the recommendations of the appointing authority, or at his or her own

discretion. The ~~director~~ administrator shall establish, modify or abolish classifications as the needs of the service require.

**SECTION 122.** 230.09 (2) (b) of the statutes is amended to read:

230.09 (2) (b) To accommodate and effectuate the continuing changes in the classification plan as a result of the classification survey program and otherwise, the ~~director~~ administrator shall, upon initial establishment of a classification, assign that class to the appropriate pay rate or range, and may, upon subsequent review, reassign classes to different pay rates or ranges. The ~~director~~ administrator shall assign each class to a pay range according to the skill, effort, responsibility and working conditions required for the class, without regard to whether the class is occupied primarily by members of a certain gender or racial group. The ~~director~~ administrator shall give notice to appointing authorities to permit them to make recommendations before final action is taken on any such assignment or reassignment of classes.

**SECTION 123.** 230.09 (2) (c) of the statutes is amended to read:

230.09 (2) (c) If anticipated changes in program or organization will significantly affect the assignment of duties or responsibilities to positions, the appointing authority shall, whenever practicable, confer with the ~~director~~ administrator within a reasonable time prior to the reorganization or changes in program to formulate methods to fill positions which are newly established or modified to the extent that reclassification of the position is appropriate. In all cases, appointing authorities shall give written notice to the ~~director~~ administrator and employee of changes in the assignment of duties or responsibilities to a position when the changes in assignment may affect the classification of the position.

**SECTION 124.** 230.09 (2) (d) of the statutes is amended to read:



230.09 (2) (d) If after review of a filled position the ~~director~~ administrator reclassifies or reallocates the position, the ~~director~~ administrator shall determine whether the incumbent shall be regraded or whether the position shall be opened to other applicants.

**SECTION 125.** 230.09 (2) (g) of the statutes is amended to read:

230.09 (2) (g) When filling a new or vacant position, if the ~~director~~ administrator determines that the classification for a position is different than that provided for by the legislature as established by law or in budget determinations, or as authorized by the joint committee on finance under s. 13.10, or as specified by the governor creating positions under s. 16.505 (1) (c) or (2), or is different than that of the previous incumbent, the ~~director~~ administrator shall notify the ~~administrator~~ director and the secretary of administration. The ~~administrator~~ director shall withhold action on the selection and certification process for filling the position. The secretary of administration shall review the position to determine that sufficient funds exist for the position and that the duties and responsibilities of the proposed position reflect the intent of the legislature as established by law or in budget determinations, the intent of the joint committee on finance acting under s. 13.10, the intent of the governor creating positions under s. 16.505 (1) (c) or (2). The ~~administrator~~ director may not proceed with the selection and certification process until the secretary of administration has authorized the position to be filled.

**SECTION 126.** 230.09 (3) of the statutes is amended to read:

230.09 (3) The ~~director~~ administrator shall establish separate classifications for career executive positions under s. 230.24 and rules governing the salary administration of positions in such classifications.

**SECTION 127.** 230.12 (1) (a) 3. of the statutes is amended to read:

230.12 (1) (a) 3. Provisions for administration of the compensation plan and salary transactions shall be provided, as determined by the ~~director~~ administrator, in either the rules of the ~~director~~ administrator or the compensation plan.

**SECTION 128.** 230.12 (1) (c) 2. of the statutes is amended to read:

230.12 (1) (c) 2. The ~~director~~ administrator may establish a plan of extra compensation for work performed during selected hours at an hourly rate or rates subject to approval of the joint committee on employment relations. Eligibility for such extra compensation shall be as provided in the compensation plan.

**SECTION 129.** 230.12 (1) (d) of the statutes is amended to read:

230.12 (1) (d) *Uniforms and safety equipment.* The ~~director~~ administrator, with approval of the joint committee on employment relations, may establish a schedule of payments to employees for uniforms or protective clothing and equipment required to perform their duties.

**SECTION 130.** 230.12 (3) (a) of the statutes is amended to read:

230.12 (3) (a) *Submission to the joint committee on employment relations.* The ~~director~~ administrator shall submit to the joint committee on employment relations a proposal for any required changes in the compensation plan. The proposal shall include the amounts and methods for within range pay progression, for pay transactions, and for performance awards. The proposal shall be based upon experience in recruiting for the service, the principle of providing pay equity regardless of gender or race, data collected as to rates of pay for comparable work in other public services and in commercial and industrial establishments, recommendations of agencies and any special studies carried on as to the need for any changes in the compensation plan to cover each year of the biennium. The

proposal shall also take proper account of prevailing pay rates, costs and standards of living and the state's employment policies.

**SECTION 131.** 230.12 (3) (ad) of the statutes is amended to read:

230.12 (3) (ad) *Timing of proposed changes.* Notwithstanding any other statute, the ~~director~~ administrator may delay timing for announcement or implementation of any recommended changes in the compensation plan under this section until after some or all of the collective bargaining agreements under subch. V of ch. 111 for that biennium are negotiated. Any such action taken under this paragraph is not appealable under s. 230.44.

**SECTION 132.** 230.12 (3) (b) of the statutes is amended to read:

230.12 (3) (b) *Public hearing on the proposal; adoption of plan.* The ~~director~~ administrator shall submit the proposal for any required changes in the compensation plan to the joint committee on employment relations. The committee shall hold a public hearing on the proposal. The proposal, as may be modified by the joint committee on employment relations together with the unchanged provisions of the current compensation plan, shall, for the ensuing fiscal year or until a new or modified plan is adopted under this subsection, constitute the state's compensation plan. Any modification of the ~~director's~~ administrator's proposed changes in the compensation plan by the joint committee on employment relations may be disapproved by the governor within 10 calendar days. A vote of 6 members of the joint committee on employment relations is required to set aside any such disapproval of the governor.

**SECTION 133.** 230.12 (3) (c) of the statutes is amended to read:

230.12 (3) (c) *Interim adjustments.* Subject to pars. (a) and (b), the ~~director~~ administrator may propose amendments to one or more parts of the compensation plan at such times as the needs of the service require.

**SECTION 134.** 230.12 (3) (e) 1. of the statutes, as affected by [2011 Wisconsin Act 32](#), is amended to read:

230.12 (3) (e) 1. The ~~director~~ administrator, after receiving recommendations from the board of regents and the chancellor of the University of Wisconsin-Madison, shall submit to the joint committee on employment relations a proposal for adjusting compensation and employee benefits for University of Wisconsin System employees. The proposal shall be based upon the competitive ability of the board of regents to recruit and retain qualified faculty and academic staff, data collected as to rates of pay for comparable work in other public services, universities and commercial and industrial establishments, recommendations of the board of regents and any special studies carried on as to the need for any changes in compensation and employee benefits to cover each year of the biennium. The proposal shall also take proper account of prevailing pay rates, costs and standards of living and the state's employment policies. The proposal for such pay adjustments may contain recommendations for across-the-board pay adjustments, merit or other adjustments and employee benefit improvements. Paragraph (b) and sub. (1) (bf) shall apply to the process for approval of all pay adjustments for University of Wisconsin System employees. The proposal as approved by the joint committee on employment relations and the governor shall be based upon a percentage of the budgeted salary base for University of Wisconsin System employees. The amount included in the proposal for merit and adjustments other than across-the-board pay adjustments is available for discretionary use by the board of regents.

**SECTION 135.** 230.12 (3) (e) 2. of the statutes is amended to read:

230.12 (3) (e) 2. The ~~director~~ administrator, after receiving recommendations from the board of the Technical College System, shall submit to the joint committee on employment relations a proposal for adjusting compensation and employee benefits for employees under s. 20.923 (7). The proposal shall include the salary ranges and adjustments to the salary ranges for the general senior executive salary groups established under s. 20.923 (7). Paragraph (b) and sub. (1) (bf) shall apply to the process for approval of all pay adjustments for such employees. The proposal as approved by the joint committee on employment relations and the governor shall be based upon a percentage of the budgeted salary base for such employees under s. 20.923 (7).

**SECTION 136.** 230.12 (4) of the statutes is amended to read:

230.12 (4) COMPENSATION PLAN IMPLEMENTATION PROVISIONS. (a) When an approved compensation plan or an amendment thereto becomes effective, required individual pay adjustments shall be made in accordance with determinations made by the ~~director~~ administrator to implement the approved plan.

(b) The ~~director~~ administrator may, without prior approval of the joint committee on employment relations, determine the circumstances under which it is appropriate for an appointing authority to grant, and authorize an appointing authority to grant, a general wage or parity adjustment, or appropriate portion thereof, previously approved by the committee under this section to employees who did not receive the adjustment on the effective date of the adjustment set forth in the plan. No general wage or parity adjustment may become effective for any employee prior to the effective date of the individual employee transaction, but the ~~director~~ administrator may authorize an appointing authority to grant a lump sum payment

to an employee to reflect any wage or parity adjustment that the employee did not receive during the period between the effective date of the adjustment set forth in the plan and the effective date of the individual employee transaction.

**SECTION 137.** 230.12 (5) (c) of the statutes is amended to read:

230.12 (5) (c) *Increase limits.* Unless otherwise defined in the pay schedule the total amount for all such within range increases shall not exceed the amount for such increases specified and approved by the joint committee on employment relations in its action on the ~~director's~~ administrator's proposal for such increases.

**SECTION 138.** 230.12 (7m) of the statutes is amended to read:

230.12 (7m) PAY ADJUSTMENT FILING REQUIREMENTS. Except as provided in the rules of the ~~director~~ administrator and in the compensation plan, pay increases shall be made only on the dates prescribed under sub. (8). Appointing authorities shall at such times each year as specified by the secretary file with the ~~director~~ administrator and with the secretary of administration a list of employees showing their then existing pay rates and their proposed new pay rates.

**SECTION 139.** 230.12 (9) of the statutes is amended to read:

230.12 (9) HEALTH INSURANCE PREMIUM CREDITS. The ~~director~~ administrator may recommend to the joint committee on employment relations a program, administered by the department of employee trust funds, that provides health insurance premium credits to employees whose compensation is established under this section or s. 20.923 (2) or (3). The health insurance premium credits shall be used for the purchase of health insurance for a retired employee, or the retired employee's surviving insured dependents; for an eligible employee under s. 40.02 (25) (b) 6e., or the eligible employee's surviving insured dependents; for an employee who is laid off, but who is not on a temporary, school year, seasonal, or sessional

layoff, and his or her surviving insured dependents; and for the surviving insured dependents of an employee who dies while employed by the state, and shall be based on the employee's years of continuous service, accumulated unused sick leave and any other factor recommended by the director. Credits granted under the program to an employee who is laid off shall be available until the credits are exhausted, the employee is reemployed by the state, or 5 years have elapsed from the date of layoff, whichever occurs first. The approval process for the program is the same as that provided under sub. (3) (b) and the program shall be incorporated into the compensation plan under sub. (1).

**SECTION 140.** 230.14 (4) of the statutes is amended to read:

230.14 (4) The ~~administrator~~ director may charge an agency a fee to announce any vacancy to be filled in a classified or unclassified position in that agency. Funds received under this subsection shall be credited to the appropriation account under s. ~~20.545 (1) (ka)~~ 20.505 (1) (kn).

**SECTION 141.** 230.147 (3) of the statutes is amended to read:

230.147 (3) Notwithstanding subs. (1) and (2), the state fair park board shall make every reasonable effort to employ in permanent full-time equivalent positions persons who, at the time determined under sub. (4), receive aid under s. 49.19 or benefits under s. 49.147 (3) to (5). The state fair park board shall consult with the ~~office~~ division to assure that its efforts under this subsection comply with ch. 230.

**SECTION 142.** 230.15 (1) of the statutes is amended to read:

230.15 (1) Subject to the restriction under s. 230.143, appointments to, and promotions in, the classified service shall be made only according to merit and fitness, which shall be ascertained so far as practicable by competitive examination. The ~~administrator~~ director may waive competitive examination for appointments

made under subs. (1m) and (2) and shall waive competitive examination for appointments made under sub. (2m).

**SECTION 143.** 230.15 (1m) (b) (intro.) of the statutes is amended to read:

230.15 **(1m)** (b) (intro.) Whenever a position is included in the classified service under par. (a), the ~~director~~ administrator shall determine all of the following:

**SECTION 144.** 230.15 (1m) (c) of the statutes is amended to read:

230.15 **(1m)** (c) 1. Whenever a position is included in the classified service under par. (a), the ~~administrator~~ director may waive the requirement for competitive examination under sub. (1) with respect to the position and certify the incumbent employee for appointment to the position in accordance with subd. 2.

2. The ~~administrator~~ director may certify an incumbent employee as eligible for appointment under subd. 1. if the ~~administrator~~ director determines on the basis of sound personnel management practices that the incumbent is qualified for the position included in the classified service.

3. If an employee is appointed after being certified under subd. 2., the ~~administrator~~ director shall determine the employee's probationary status under s. 230.28, except that the employee shall receive credit toward his or her probationary period for the time that the employee had been employed in the position immediately prior to appointment.

**SECTION 145.** 230.15 (2) of the statutes is amended to read:

230.15 **(2)** If a vacancy occurs in a position in the classified service when peculiar and exceptional qualifications of a scientific, professional, or educational character are required, and if presented with satisfactory evidence that for specified reasons competition in such special cases is impracticable, and that the position can best be filled by the selection of some designated person of high and recognized



attainments in such qualities, the ~~administrator~~ director may waive competition requirements unless the vacancy is to be filled by promotion.

**SECTION 146.** 230.15 (2m) of the statutes is amended to read:

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

**SECTION 147.** 230.16 (1) (a) of the statutes is amended to read:

230.16 **(1)** (a) The ~~administrator~~ director shall require persons applying for admission to any examination under this subchapter or under the rules of the ~~administrator~~ director to file an application with the ~~division~~ bureau a reasonable time prior to the proposed examination.

**SECTION 148.** 230.16 (1) (am) of the statutes is amended to read:

230.16 **(1)** (am) The ~~administrator~~ director may require in connection with the application such supplementary work history, educational transcripts, statements of physicians or others having knowledge of the applicant, as needed for qualification evaluations.

**SECTION 149.** 230.16 (1) (b) of the statutes is amended to read:

230.16 **(1)** (b) The ~~division~~ bureau shall furnish application forms without charge to all persons requesting them.

**SECTION 150.** 230.16 (2) of the statutes is amended to read:

230.16 **(2)** Competitive examinations shall be free and open to all applicants who have fulfilled the preliminary requirements stated in the examination announcement. To assure that all applicants have a fair opportunity to compete, examinations shall be held at such times and places as, in the judgment of the

~~administrator~~ director, most nearly meet the convenience of applicants and needs of the service.

**SECTION 151.** 230.16 (3) of the statutes is amended to read:

230.16 (3) The ~~administrator~~ director may appoint boards of examiners of at least 2 persons for the purpose of conducting oral examinations as a part of the examination procedure for certain positions. All board members shall be well-qualified and impartial. All questions asked and answers made in any examination of applicants shall be recorded and made a part of the records of the applicants.

**SECTION 152.** 230.16 (5) of the statutes is amended to read:

230.16 (5) In the interest of sound personnel management, consideration of applicants and service to agencies, the ~~administrator~~ director may set a standard for proceeding to subsequent steps in an examination, provided that all applicants are fairly treated and due notice has been given. The standard may be at or above the passing point set by the ~~administrator~~ director for any portion of the examination. The ~~administrator~~ director shall utilize appropriate scientific techniques and procedures in administering the selection process, in rating the results of examinations and in determining the relative ratings of the competitors.

**SECTION 153.** 230.16 (6) of the statutes is amended to read:

230.16 (6) If any applicant is unable to complete the examination in the form presented to the applicant due to a disability, the ~~division~~ bureau shall provide a reader, an appropriate place to take the examination or other similar prerequisites to ensure equality of opportunity in the examination.

**SECTION 154.** 230.16 (7m) (b) (intro.) of the statutes is amended to read:

230.16 (7m) (b) (intro.) The ~~office~~ division shall accept an application after its due date from a veteran if all of the following apply:

**SECTION 155.** 230.16 (7m) (c) of the statutes is amended to read:

230.16 (7m) (c) Within 30 days after acceptance of an application under par. (b), the ~~office~~ division shall give the applicant an examination.

**SECTION 156.** 230.16 (9) of the statutes is amended to read:

230.16 (9) The officials in control of state, municipal and county buildings, upon requisition by the ~~administrator~~ director, shall furnish without charge adequate rooms and building services for the administration of examinations.

**SECTION 157.** 230.16 (11) of the statutes is amended to read:

230.16 (11) Records of examinations, including a transcript or recorded tape of oral examinations, given under this subchapter shall be retained for at least one year. Inspection of such records shall be regulated by rules of the ~~administrator~~ director.

**SECTION 158.** 230.17 of the statutes is amended to read:

**230.17 Applicants and eligibles may be barred; bonds may be required.**

(1) The ~~administrator~~ director shall provide by rule, the conditions, not otherwise provided by law, under which an applicant may be refused examination or reexamination, or an eligible refused certification. These conditions shall be based on sufficient reason and shall reflect sound technical personnel management practices and those standards of conduct, deportment and character necessary and demanded to the orderly, efficient and just operation of the state service.

(2) If the ~~administrator~~ director refuses to examine an applicant, or after an examination to certify an eligible, as provided in this section, the ~~administrator~~ director, if requested by the applicant so rejected within 10 days of the date of receipt

of the notice of rejection, shall give the applicant a full and explicit statement of the exact cause of such refusal to examine or to certify. Applicants may appeal to the commission the decision of the ~~administrator~~ director to refuse to examine or certify under s. 230.44 (1) (a). Upon request of an applicant or an eligible for a civil service position who has a disability, the department of health services shall obtain from the ~~administrator~~ director a detailed description of all duties entailed by such position and shall determine and report its findings to the ~~administrator~~ director, as to the ability of the applicant, or eligible, to perform the duties of such position. Such findings shall be conclusive as to the qualifications of any applicant, or eligible, so examined. A notice of rejection shall notify an applicant or eligible of his or her rights under this subsection.

(3) When any position to be filled involves fiduciary responsibility, the appointing authority shall conduct a criminal history background check before offering employment to an applicant for the position. If otherwise permitted by law, the appointing authority may require the appointee to furnish bond or other security, and shall notify the ~~administrator~~ director of the amount and other details thereof. Any surety company authorized to do business in this state shall be a sufficient security on any such bond.

**SECTION 159.** 230.18 of the statutes is amended to read:

**230.18 Discrimination prohibited.** No question in any form of application or in any examination may be so framed as to elicit information concerning the partisan political or religious opinions or affiliations of any applicant nor may any inquiry be made concerning such opinions or affiliations and all disclosures thereof shall be discountenanced except that the ~~administrator~~ director may evaluate the competence and impartiality of applicants for positions such as clinical chaplain in

a state institutional program. No discriminations may be exercised in the recruitment, application, examination or hiring process against or in favor of any person because of the person's political or religious opinions or affiliations or because of age, sex, disability, race, color, sexual orientation, national origin or ancestry except as otherwise provided.

**SECTION 160.** 230.19 (1) of the statutes is amended to read:

230.19 (1) The ~~administrator~~ director shall provide employees with reasonable opportunities for career advancement, within a classified service structure designed to achieve and maintain a highly competent work force, with due consideration given to affirmative action.

**SECTION 161.** 230.19 (2) of the statutes is amended to read:

230.19 (2) If, in the judgment of the ~~administrator~~ director, the group of applicants best able to meet the requirements for vacancies in positions in the classified service are available within the classified service, the vacancies shall be filled by competition limited to persons in the classified service who are not employed under s. 230.26 or 230.27 and persons with the right of restoration resulting from layoff under s. 230.34 (2), unless it is necessary to go outside the classified service to be consistent with an approved affirmative action plan or program. The ~~administrator~~ director may also limit competition for promotion to the employees of an agency or an employing unit within an agency if the resulting group of applicants would fairly represent the proportion of members of racial and ethnic, gender or disabled groups in the relevant labor pool for the state.

**SECTION 162.** 230.21 (1) of the statutes is amended to read:

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

**SECTION 163.** 230.21 (1m) (a) (intro.) of the statutes is amended to read:

230.21 (1m) (a) (intro.) If the ~~administrator~~ director uses the method of random certification to determine which applicants for an unskilled labor or service position will receive further consideration for the position, the ~~administrator~~ director shall do all of the following:

**SECTION 164.** 230.21 (1m) (b) of the statutes is amended to read:

230.21 (1m) (b) If the ~~administrator~~ director uses the method of random certification to determine which applicants for an unskilled labor or service position will receive further consideration for the position and the appointing authority does not select a veteran or a person the hiring of whom would serve affirmative action purposes, the appointing authority shall make and retain a written record of the appointing authority's reasons for selecting the person who was appointed. The appointing authority shall make the written records available to the ~~office~~ division and annually submit a report to the ~~office~~ division summarizing the reasons contained in the written records.

**SECTION 165.** 230.21 (2) of the statutes is amended to read:

230.21 (2) The ~~administrator~~ director may designate classifications in which applicants are in critically short supply and may develop such recruitment, examination and certification processes as will provide agencies with prompt certification when qualified applicants can be found, provided that due notice has been given and proper competitive standards have been maintained.

**SECTION 166.** 230.21 (3) of the statutes is amended to read:

230.21 (3) The ~~administrator~~ director shall designate classifications in prison industries in the department of corrections as critical positions requiring expeditious hiring and shall develop such recruitment, examination and certification processes as will provide the department with prompt certification when qualified applicants can be found, provided that due notice has been given and proper competitive standards have been maintained.

**SECTION 167.** 230.213 of the statutes is amended to read:

**230.213 Affirmative action procedures for corrections positions.** The ~~administrator~~ director may, to meet affirmative action objectives, establish such recruitment, examination and certification procedures for positions in the department of corrections as will enable the department of corrections to increase the number of employees of a specified gender or a specified racial or ethnic group in those positions. The ~~administrator~~ director shall design the procedures to obtain a work force in the department of corrections that reflects the relevant labor pool. The ~~administrator~~ director may determine the relevant labor pool from the population of the state or of a particular geographic area of the state, whichever is more appropriate for achieving the affirmative action objective.

**SECTION 168.** 230.215 (3) (a) of the statutes is amended to read:

230.215 (3) (a) An agency may, with the approval of the ~~director~~ administrator and with the approval of the secretary of administration under s. 16.50, restructure budgeted permanent positions as such positions become vacant or if an employee voluntarily requests a job-sharing or permanent part-time employment opportunity. No employee occupying a full-time permanent position may be involuntarily terminated, demoted, transferred or reassigned in order to restructure that position for permanent part-time employment and no such employee may be

required to accept a permanent part-time position as a condition of continued employment.

**SECTION 169.** 230.215 (3) (b) of the statutes is amended to read:

230.215 (3) (b) If the ~~director~~ administrator, upon review of the report submitted under sub. (4), determines that an agency's past or proposed actions relating to permanent part-time employment opportunities do not adequately reflect the policy under sub. (1) (e), the ~~director~~ administrator may recommend procedures designed to enable the agency to effect such policy.

**SECTION 170.** 230.215 (4) of the statutes is amended to read:

230.215 (4) REPORTS. Each agency, in complying with s. 15.04 (1) (d), shall include a report on the progress or failure of the plans of such agency in achieving the policies stated under sub. (1) and shall submit a copy of such report to the ~~director~~ administrator.

**SECTION 171.** 230.22 of the statutes is amended to read:

**230.22 Entry professional selection.** (1) The ~~director~~ administrator may establish by rule an entry professional class program for use in a wide range of entry professional positions.

(2) In connection with this program the ~~director~~ administrator may establish separate classifications and corresponding pay provisions to provide agencies an entry professional program, through which they can compete on campuses and in the labor market for the best available applicants.

(3) Subject to s. 230.275, the ~~administrator~~ director may establish separate recruitment, evaluation and certification procedures for certain entry professional positions. Vacancies in entry professional positions may be limited to persons with



a degree from an institution of higher education, as defined in s. 108.02 (18), or a degree under an associate degree program, as defined in s. 38.01 (1).

(4) The ~~administrator~~ director may provide for cooperative programs leading to eligibility for permanent appointment in order to enable institutions of higher education and agencies to attract and train the highest caliber of undergraduate or graduate students for government employment.

**SECTION 172.** 230.24 (1) of the statutes is amended to read:

230.24 (1) The ~~director~~ administrator may by rule develop a career executive program that emphasizes excellence in administrative skills in order to provide agencies with a pool of highly qualified executive candidates, to provide outstanding administrative employees a broad opportunity for career advancement and to provide for the mobility of such employees among the agencies and units of state government for the most advantageous use of their managerial and administrative skills. To accomplish the purpose of this program, the ~~administrator~~ director may provide policies and standards for recruitment, examination, probation, employment register control, certification, transfer, promotion and reemployment, and the director may provide policies and standards for classification and salary administration, separate from procedures established for other employment. The ~~director~~ administrator shall determine the positions which may be filled from career executive employment registers.

**SECTION 173.** 230.24 (1m) of the statutes is amended to read:

230.24 (1m) The policy established by the ~~administrator~~ director under sub. (1) that deals with probation shall provide the option of extending the probationary period for individuals with disabilities, as defined in s. 111.32 (8), who are employees in a manner consistent with s. 230.28 (1) (bm).

**SECTION 174.** 230.25 (1) of the statutes is amended to read:

230.25 (1) Appointing authorities shall give written notice to the ~~administrator~~ director of any vacancy to be filled in any position in the classified service. The ~~administrator~~ director shall certify, under this subchapter and the rules of the ~~administrator~~ director, from the register of eligibles appropriate for the kind and type of employment, the grade and class in which the position is classified, any number of names at the head thereof. In determining the number of names to certify, the ~~administrator~~ director shall use statistical methods and personnel management principles that are designed to maximize the number of certified names that are appropriate for filling the specific position vacancy. Up to 2 persons considered for appointment 3 times and not selected may be removed from the register for each 3 appointments made. Certification under this subsection shall be made before granting any preference under s. 230.16 (7).

**SECTION 175.** 230.25 (1g) of the statutes is amended to read:

230.25 (1g) For every position to be filled by promotion from a promotional register, the ~~administrator~~ director shall, after certifying names under sub. (1), additionally certify the name of the highest ranked disabled veteran whose disability is at least 70%.

**SECTION 176.** 230.25 (1n) (a) (intro.) of the statutes is amended to read:

230.25 (1n) (a) (intro.) After certifying names under subs. (1), (1g) and (1m), the ~~administrator~~ director may engage in expanded certification by doing one or more of the following:

**SECTION 177.** 230.25 (1n) (b) of the statutes is amended to read:

230.25 (1n) (b) The ~~administrator~~ director may certify names under par. (a) 1. or 2. only if an agency requests expanded certification in order to comply with an

approved affirmative action plan or program. The ~~administrator~~ director may certify names under par. (a) 3. only if an agency requests expanded certification in order to hire persons with a disability.

**SECTION 178.** 230.25 (1p) of the statutes is amended to read:

230.25 **(1p)** If an appointing authority appoints a person certified under this section and the person is not a veteran, the spouse of a veteran or a person the hiring of whom would serve affirmative action purposes, the appointing authority shall make and retain a written record of the appointing authority's reasons for selecting the person who was appointed. The appointing authority shall make the written records available to the ~~office~~ division and annually submit a report to the ~~office~~ division summarizing the reasons contained in the written records. The ~~office~~ division shall annually prepare a report summarizing, for each agency, the reasons contained in the records prepared by appointing authorities under this subsection.

**SECTION 179.** 230.25 (2) of the statutes is amended to read:

230.25 **(2)** (a) When certifying names to appointing authorities under this section, the ~~administrator~~ director shall specify whether the certification includes qualifying veterans or persons the hiring of whom would serve affirmative action purposes, without divulging the names of those individuals. The ~~administrator~~ director shall not disclose any applicant's test score, with or without the addition of veterans preference points under s. 230.16 (7), to the appointing authority.

(b) Unless otherwise provided in this subchapter or the rules of the ~~administrator~~ director, appointments shall be made by appointing authorities to all positions in the classified service from among those certified to them in accordance with this section. Appointments shall be made within 60 days after the date of certification unless an exception is made by the ~~administrator~~ director. If an

appointing authority does not make an appointment within 60 days after certification, he or she shall immediately report in writing to the ~~administrator~~ director the reasons therefor. If the ~~administrator~~ director determines that the failure to make an appointment is not justified under the merit system, the ~~administrator~~ director shall issue an order directing that an appointment be made.

**SECTION 180.** 230.25 (3) (b) of the statutes is amended to read:

230.25 (3) (b) The ~~administrator~~ director may allow a register to expire after 3 months, but only after considering the impact of such an action on the policy of this state to provide for equal employment opportunity and to take affirmative action, as specified in s. 230.01 (2).

**SECTION 181.** 230.25 (4) of the statutes is amended to read:

230.25 (4) (a) The ~~administrator~~ director may establish a new and separate register for a specific position or class only when in the ~~administrator's~~ director's judgment there is no appropriate existing register from which appointments may be made.

(b) The ~~administrator~~ director may establish separate registers for various geographic areas of the state if the needs of the service so require, provided proper publicity has been given of the intent to establish such registers.

**SECTION 182.** 230.25 (5) of the statutes is amended to read:

230.25 (5) Notwithstanding sub. (2) (a), if an appointing authority elects to appoint a disabled veteran to a vacant position on a noncompetitive basis under s. 230.275 and the appointing authority has requested a certification for the position, the ~~administrator~~ director shall provide the appointing authority the names of all disabled veterans certified for appointment to the position and who satisfy the condition specified in s. 230.275 (1) (a) and the names of all such disabled veterans

who are on any other employment register that is identified by the appointing authority.

**SECTION 183.** 230.26 (1) of the statutes is amended to read:

230.26 (1) The ~~administrator~~ director may provide by rule for selection and appointment for limited term appointments, which are provisional appointments or appointments for less than 1,044 hours per year.

**SECTION 184.** 230.26 (1m) of the statutes is amended to read:

230.26 (1m) An appointing authority may not appoint a person who is not a state resident to a limited term appointment unless approved by the ~~administrator~~ director.

**SECTION 185.** 230.26 (2) of the statutes is amended to read:

230.26 (2) If there are urgent reasons for filling a vacancy in any position in the classified service and the ~~administrator~~ director is unable to certify to the appointing authority, upon requisition by the latter, a list of persons eligible for appointment from an appropriate employment register, the appointing authority may nominate a person to the ~~administrator~~ director for noncompetitive examination. If the nominee is certified by the ~~administrator~~ director as qualified, the nominee may be appointed provisionally to fill the vacancy until an appointment can be made from a register established after announcement of competition for the position, except that no provisional appointment may be continued for more than 45 working days after the date of certification from the register. Successive appointments may not be made under this subsection. This subsection does not apply to a person appointed to a vacant position in the classified service under s. 230.275.

**SECTION 186.** 230.26 (5) of the statutes is amended to read:

230.26 (5) If the ~~administrator~~ director determines that an agency is not in compliance with the requirements of, or rules related to, sub. (1), (1m) or (2) regarding a particular employee, the ~~administrator~~ director shall direct the appointing authority to terminate the employee.

**SECTION 187.** 230.27 (1m) (b) of the statutes is amended to read:

230.27 (1m) (b) The ~~administrator~~ director may waive the prohibition under par. (a) if there is a critical need for employees in a specific classification or position or a critical shortage of residents of this state possessing the skills or qualifications required for a position.

**SECTION 188.** 230.27 (2) of the statutes is amended to read:

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

**SECTION 189.** 230.27 (2k) of the statutes is amended to read:

230.27 (2k) If an appointing authority selects, for a project position, a person who is not a veteran or is not a person the hiring of whom would serve affirmative action purposes, the appointing authority shall make and retain a written record of the appointing authority's reasons for selecting the person who was appointed. The appointing authority shall make the written records available to the ~~office~~ division and annually submit a report to the ~~office~~ division summarizing the reasons contained in the written records. The ~~office~~ division shall annually prepare a report summarizing, for each agency, the information submitted by appointing authorities under this subsection.

**SECTION 190.** 230.275 (1) (d) of the statutes is amended to read:

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

**SECTION 191.** 230.28 (1) (a) of the statutes is amended to read:

230.28 (1) (a) All original and all promotional appointments to permanent, sessional and seasonal positions, with the exception of those positions designated as supervisor or management under s. 111.81, in the classified service shall be for a probationary period of 6 months, but the ~~administrator~~ director at the request of the appointing authority and in accordance with the rules related thereto may extend any such period for a maximum of 3 additional months. Dismissal may be made at any time during such periods. Upon such dismissal, the appointing authority shall report to the ~~administrator~~ director and to the employee removed, the dismissal and the reason therefor. The ~~administrator~~ director may remove an employee during the employee's probationary period if the ~~administrator~~ director finds, after giving notice and an opportunity to be heard, that such employee was appointed as a result of fraud or error.

**SECTION 192.** 230.28 (1) (b) of the statutes is amended to read:

230.28 (1) (b) The ~~administrator~~ director may authorize a longer probationary period not to exceed 2 years for any administrative, technical or professional position, in order to provide the appointing authority assurance that the employee has had adequate exposure to the various responsibilities which are a part of the position or classification.

**SECTION 193.** 230.28 (1) (bm) (intro.) of the statutes is amended to read:

230.28 (1) (bm) (intro.) At the request of an appointing authority and an employee, the ~~administrator~~ director may authorize, at any time before the

completion of the probationary period, an extended probationary period of up to one additional year for an individual with a disability, as defined in s. 111.32 (8), who is the employee to allow the employee to do any of the following:

**SECTION 194.** 230.28 (1) (c) of the statutes is amended to read:

230.28 (1) (c) Upon request by the appointing authority, the ~~administrator~~ director may waive any portion of the lengthened probationary period but in no case before a 6-month probationary period has been served.

**SECTION 195.** 230.28 (3) of the statutes is amended to read:

230.28 (3) If an employee is removed from a position during the probationary period, and the ~~administrator~~ director determines that the person is suitable for appointment to another position, the person's name may be restored to the list from which it was certified.

**SECTION 196.** 230.28 (4) of the statutes is amended to read:

230.28 (4) A person reinstated in an employing unit other than one in which the person previously served in permanent status in the class in which the person is being reinstated, an employee who transfers from one employing unit to another, an employee who moves to a different employing unit in conjunction with a voluntary demotion, and a person who had not obtained permanent status in class in a supervisory or management position prior to appointment to another supervisory or management position, may be required by the appointing authority to serve a probationary period. Provisions for the duration of such probationary period shall be provided in the rules of the ~~administrator~~ director.

**SECTION 197.** 230.29 of the statutes is amended to read:

**230.29 Transfers.** A transfer may be made from one position to another only if specifically authorized by the ~~administrator~~ director.



**SECTION 198.** 230.30 (1) of the statutes is amended to read:

230.30 (1) Each agency shall constitute an employing unit for purposes of personnel transactions, except where appropriate functional, organizational or geographic breakdowns exist within the agency and except as provided in sub. (2). These breakdowns may constitute a separate employing unit for one or more types of personnel transactions under an overall employing unit plan if requested by the appointing authority of that agency and approved by the ~~administrator~~ director. If the ~~administrator~~ director determines, after conferring with the appointing authority of the employing agency, that an employing unit is or has become inappropriate to carry out sound personnel management practices due to factors including, but not limited to, the size or isolated location of portions of the employing unit, the ~~administrator~~ director may revise the employing unit structure of the agency to effect the remedy required.

**SECTION 199.** 230.31 (1) (b) of the statutes is amended to read:

230.31 (1) (b) For a 3-year period from the date of separation, if on layoff status, the person shall be placed, in inverse order of layoff, on an appropriate mandatory restoration register for the unit used for layoff and on a restoration register for the agency from which the person was laid off. Use of such registers shall be subject to the rules of the ~~administrator~~ director.

**SECTION 200.** 230.31 (2) of the statutes is amended to read:

230.31 (2) The ~~administrator~~ director may also provide for the reinstatement of persons who have served in seasonal and sessional employment and for persons who separate from a position while serving a probationary period.

**SECTION 201.** 230.315 (1) (c) of the statutes is amended to read:

230.315 (1) (c) The employee has received a military leave of absence under s. 230.32 (3) (a) or 230.35 (3), under a collective bargaining agreement under subch. V of ch. 111, or under rules promulgated by the ~~office of employment relations~~ division or is eligible for reemployment with the state under s. 321.64 after completion of his or her service in the U.S. armed forces.

**SECTION 202.** 230.32 (3) of the statutes is amended to read:

230.32 (3) (a) Any classified employee who leaves state service and enters the armed forces of the United States shall, under this section, be granted written military leave of absence by the appointing authority. Notice of such leave from state service and the terms of any such leave shall be given in writing by the appointing authority to the ~~director~~ administrator for purposes of record.

(b) Any classified employee who leaves state service for civilian employment in response to a specific request or order of the federal government or any of its agencies in connection with manpower redistribution and utilization shall, under this section, make written application to the appointing authority for civilian leave of absence presenting such specific request or order of the federal government as supporting evidence. Such civilian leave shall be allowed by the appointing authority and its terms, which shall conform to the rules of the ~~director~~ administrator, shall be in writing. Notice of such leave from state service shall be made in writing by the appointing authority to the ~~director~~ administrator for purposes of record.

(c) All such military or civilian leaves of absence as heretofore may have been granted are validated and shall be deemed to be sufficient and effective hereunder. Such leaves shall be recorded with the ~~director~~ administrator.

**SECTION 203.** 230.32 (4) of the statutes is amended to read:

230.32 (4) Any person appointed to fill the position of an employee on such military or civilian leave shall be designated as a substitute or replacement employee and upon the return and reemployment of the original employee the substitute employee shall be transferred to a similar position with the same employing agency if one is available, or if not, he or she shall be eligible for reinstatement or have the right of restoration in accordance with this subchapter and the rules of the ~~administrator~~ director. The status of any person who is appointed to fill the place of an employee on military or civilian leave under this section shall be governed by the rules of the ~~administrator~~ director pursuant thereto.

**SECTION 204.** 230.32 (5) of the statutes is amended to read:

230.32 (5) The restoration of classified former employees of the state shall be governed by this section and by the rules of the ~~administrator~~ director.

**SECTION 205.** 230.33 (2) of the statutes is amended to read:

230.33 (2) A person appointed to an unclassified position by an appointing authority other than an appointing authority described under sub. (1), to a department other than the one in which the person was a classified employee may be granted a leave of absence without pay at the option of the person's former appointing authority in accordance with the leave of absence provisions in the rules of the ~~director~~ administrator. An employee granted a leave of absence shall have the same restoration rights and reinstatement privileges as under sub. (1m). If not granted a leave of absence, the employee shall be entitled only to the reinstatement privileges under sub. (1m).

**SECTION 206.** 230.34 (1) (c) of the statutes is amended to read:

230.34 (1) (c) The ~~director~~ administrator shall establish guidelines for uniform application of this authority among the various agencies.

**SECTION 207.** 230.34 (2) (b) of the statutes is amended to read:

230.34 (2) (b) The ~~administrator~~ director shall promulgate rules governing layoffs and appeals therefrom and alternative procedures in lieu of layoff to include voluntary and involuntary demotion and the exercise of a displacing right to a comparable or lower class, as well as the subsequent employee right of restoration or eligibility for reinstatement.

**SECTION 208.** 230.34 (2m) of the statutes is amended to read:

230.34 (2m) Employees in positions funded by nonstate funds made available contingent on special employee eligibility requirements such as length of prior unemployment, specific occupational disadvantages or need for remedial work experience, shall be exempt from inclusion with the employees whose positions are in classes considered for layoff under sub. (2). In the case of reduction in force in such nonstate funded positions, layoffs and layoff procedures established pursuant to the rules of the ~~administrator~~ director may be limited to employees whose positions are dependent upon specific funding contingencies.

**SECTION 209.** 230.34 (3) of the statutes is amended to read:

230.34 (3) The appointing authority shall confer with the ~~administrator~~ director relative to a proposed layoff a reasonable time before the effective date thereof in order to assure compliance with the rules.

**SECTION 210.** 230.34 (4) of the statutes is amended to read:

230.34 (4) Resignations shall be regulated by the rules of the ~~director~~ administrator.

**SECTION 211.** 230.35 (1) (d) of the statutes is amended to read:

230.35 (1) (d) Annual leaves of absence shall not be cumulative except under sub. (1p) and except that unused annual leave shall, subject to the rules of the

~~director~~ administrator, be used in the year following the one in which it was earned, but no employee shall lose any unused annual leave because the employee's work responsibilities prevented the usage of the unused annual leave during the first 6 months of the year following the year in which it was earned.

**SECTION 212.** 230.35 (1m) (f) of the statutes is amended to read:

230.35 (1m) (f) The continuous service of an employee eligible for annual leave under this subsection shall not be considered interrupted if the employee was on an approved leave of absence to participate in providing specialized disaster relief services or if the employee leaves the service and is reemployed by the state in another position covered under this subsection. Employees appointed to career executive positions under s. 230.24 or positions designated in s. 19.42 (10) (L) or 20.923 (4), (7), (8), or (9) or authorized under s. 230.08 (2) (e) are not subject to the continuous service requirements under sub. (1) (g) if they are reemployed in any of those positions, regardless of the duration of their absence. If the employees are reemployed in a position other than a career executive position or a position designated in s. 19.42 (10) (L) or 20.923 (4), (7), (8), or (9) or authorized under s. 230.08 (2) (e), continuous service shall be established in accordance with rules of the ~~director~~ administrator.

**SECTION 213.** 230.35 (2) of the statutes is amended to read:

230.35 (2) Leave of absence with pay owing to sickness and leave of absence without pay, other than annual leave and leave under s. 103.10, shall be regulated by rules of the ~~director~~ administrator, except that unused sick leave shall accumulate from year to year. After July 1, 1973, employees appointed to career executive positions under the program established under s. 230.24 or positions designated in s. 19.42 (10) (L) or 20.923 (4), (7), (8), and (9) or authorized under s. 230.08 (2) (e) shall

have any unused sick leave credits restored if they are reemployed in a career executive position or in a position under s. 19.42 (10) (L) or 20.923 (4), (7), (8), and (9) or authorized under s. 230.08 (2) (e), regardless of the duration of their absence. Restoration of unused sick leave credits if reemployment is to a position other than those specified above shall be in accordance with rules of the ~~director~~ administrator.

**SECTION 214.** 230.35 (2r) (b) of the statutes is amended to read:

230.35 (2r) (b) The ~~director~~ administrator may establish, by rule, a catastrophic leave program that permits employees to donate certain types and amounts of leave credits to other employees who have been absent from pay status because of a catastrophic need for which there is no paid leave benefits or replacement income available. The ~~director~~ administrator shall determine the types and amounts of leave credits that may be donated.

**SECTION 215.** 230.35 (3) (d) of the statutes is amended to read:

230.35 (3) (d) Employees of the state are entitled to reasonable paid leaves of absence to compete in promotional examinations and interviews. The ~~director~~ administrator shall promulgate rules governing the lengths of time allowable for such leaves, their frequency and the provisions for their use.

**SECTION 216.** 230.35 (3) (e) 2. e. of the statutes is amended to read:

230.35 (3) (e) 2. e. The leave of absence conforms with any rules of the ~~director~~ administrator regarding leaves of absence to provide specialized disaster relief services.

**SECTION 217.** 230.35 (3) (e) 5. of the statutes is amended to read:

230.35 (3) (e) 5. The ~~director~~ administrator may promulgate any rules necessary to implement this paragraph.

**SECTION 218.** 230.35 (5) (b) of the statutes is amended to read:

230.35 (5) (b) The standard basis of employment shall be divided into 5 work days of 8 hours each except as provided under s. 230.215 (5), and except that when the conditions of employment cannot be satisfied by adhering to this division or when the public would not be inconvenienced, deviations may be permitted upon recommendation of the appointing authority and subsequent approval by the ~~director~~ administrator.

**SECTION 219.** 230.37 (1) of the statutes is amended to read:

230.37 (1) In cooperation with appointing authorities the ~~director~~ administrator shall establish an employee performance evaluation program to provide a continuing record of employee development and, when applicable, to serve as a basis for pertinent personnel actions. Similar evaluations shall be conducted during the probationary period but may not infringe upon the authority of the appointing authority to retain or dismiss employees during the probationary period.

**SECTION 220.** 230.40 (6) of the statutes is amended to read:

230.40 (6) The ~~administrator~~ director shall administer this section.

**SECTION 221.** 230.43 (5) of the statutes is amended to read:

230.43 (5) TAXPAYERS' SUITS. The right of any taxpayer to bring any action to restrain the payment of compensation to any person appointed to or holding any office or place of employment in violation of this subchapter shall not be limited or denied by reason of the fact that the office or place of employment has been classified as, or determined to be, not subject to competitive examination; however, any judgment or injunction in any such action shall be prospective only, and shall not affect payments already made or due to such persons by the proper disbursing officers, in accordance with the rules of the ~~director~~ administrator in force at the time of such payments.

**SECTION 222.** 230.44 (1) (a) of the statutes is amended to read:

230.44 (1) (a) *Decision made or delegated by ~~administrator~~ director.* Appeal of a personnel decision under this subchapter made by the ~~administrator~~ director or by an appointing authority under authority delegated by the ~~administrator~~ director under s. 230.05 (2).

**SECTION 223.** 230.44 (1) (b) of the statutes is amended to read:

230.44 (1) (b) *Decision made or delegated by ~~director~~ administrator.* Appeal of a personnel decision under s. 230.09 (2) (a) or (d) or 230.13 (1) made by the ~~director~~ administrator or by an appointing authority under authority delegated by the ~~director~~ administrator under s. 230.04 (1m).

**SECTION 224.** 230.44 (1) (dm) of the statutes is amended to read:

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

**SECTION 225.** 230.44 (4) (bm) of the statutes is amended to read:

230.44 (4) (bm) Upon request of an employee who files an appeal of the decision of the ~~director~~ administrator made under s. 230.09 (2) (a) or (d), the appeal shall be heard by a commissioner or attorney employed by the commission serving as arbitrator under rules promulgated for this purpose by the commission. In such an arbitration, the arbitrator shall orally render a decision at the conclusion of the hearing affirming, modifying or rejecting the decision of the ~~director~~ administrator. The decision of the arbitrator is final and is not subject to review by the commission. An arbitrator's decision may not be cited as precedent in any other proceeding before the commission or before any court. The arbitrator shall promptly file his or her



decision with the commission. The decision of the arbitrator shall stand as the decision of the commission. The decision of the commission is subject to review under ss. 227.53 to 227.57 only on the ground that the decision was procured by corruption, fraud or undue means or that the arbitrator or the commission exceeded the arbitrator's or the commission's power. The record of a proceeding under this paragraph shall be transcribed as provided in s. 227.44 (8).

**SECTION 226.** 230.46 of the statutes is amended to read:

**230.46 Duties of council on affirmative action.** The council on affirmative action ~~in the office~~ shall serve in a direct advisory capacity to the ~~director~~ administrator and as part of that relationship shall evaluate the progress of affirmative action programs throughout the civil service system, seek compliance with state and federal regulations and recommend improvements in the state's affirmative action efforts as an employer. In carrying out its responsibilities, the council may recommend legislation, consult with agency personnel and other interested persons, conduct hearings and take other appropriate action to promote affirmative action. The council shall report at least once per year to the governor and the legislature.

**SECTION 227.** 230.48 (2) of the statutes is amended to read:

230.48 (2) PERSONNEL, FACILITIES AND EQUIPMENT. ~~The office~~ administrator shall appoint, under the classified service, a secretary and such other employees as are necessary to carry out the duties of the state employees suggestion board, and shall provide such facilities and equipment as that board requires for the proper performance of its work. The state employees suggestion board may request and shall receive from any state department any assistance that it requires.

**SECTION 228.** 230.90 (2) of the statutes is amended to read:

230.90 (2) An employee may bring an action in circuit court against his or her employer or employer's agent, including this state, if the employer or employer's agent retaliates, by engaging in a disciplinary action, against the employee because the employee exercised his or her rights under the first amendment to the U.S. constitution or article I, section 3, of the Wisconsin constitution by lawfully disclosing information or because the employer or employer's agent believes the employee so exercised his or her rights. The employee shall bring the action within 2 years after the action allegedly occurred or after the employee learned of the action, whichever occurs last. No employee may bring an action against the ~~office~~ division of state ~~employment relations personnel management in the department of administration~~ as an employer's agent.

**SECTION 229.** 233.10 (3) (c) 4. of the statutes is amended to read:

233.10 (3) (c) 4. Grant to the carry-over employee military leave, treatment of military leave, jury service leave and voting leave in accordance with s. 230.35 (3) and (4) (e) and, to the extent applicable, rules of the ~~office~~ division of state ~~employment relations personnel management in the department of administration~~ governing such leaves for employees in the classified service as of the last day of the employee's employment as a state employee if the employee was entitled to those benefits on that day.

**SECTION 230.** 233.10 (4) of the statutes is amended to read:

233.10 (4) Notwithstanding the requirement that an employee be a state employee, a carry-over employee of the authority who was employed in a position in the classified service immediately prior to beginning employment with the authority shall, from June 29, 1996, to June 30, 1997, have the same transfer rights under s. 230.29 and the rules of the ~~office~~ division of state ~~employment relations personnel~~

management in the department of administration governing transfers as a person who holds a position in the classified service.

**SECTION 231.** 301.03 (5h) of the statutes is amended to read:

301.03 **(5h)** Develop, with the assistance of the office division of state employment relations personnel management in the department of administration, a policy for staff assignments that shall consider an employee's seniority when assigning shifts.

**SECTION 232.** 301.16 (1o) (b) of the statutes is amended to read:

301.16 **(1o)** (b) In the selection of classified service employees of the institution specified in par. (a), the appointing authority shall, whenever possible, use the expanded certification program under rules of the ~~administrator of the division~~ director of the bureau of merit recruitment and selection in the ~~office of state employment relations~~ department of administration to ensure that employees of the institution reflect the general population of either the county in which the institution is located or the most populous county contiguous to the county in which the institution is located, whichever population is greater. The ~~administrator~~ director of the ~~division~~ bureau of merit recruitment and selection in the department of administration shall provide guidelines for the administration of this selection procedure.

**SECTION 233.** 321.64 (1) (c) of the statutes is amended to read:

321.64 **(1)** (c) If a dispute arises regarding a classified employee of the state relating to the provisions of par. (a), the complaint shall be filed with the ~~director~~ administrator of the office division of state ~~employment relations~~ personnel management. A decision of the ~~director~~ administrator of the office division of state

~~employment relations personnel management in the department of administration~~  
may be reviewed under ch. 227.

**SECTION 234.** 938.538 (6m) (b) of the statutes is amended to read:

938.538 **(6m)** (b) In the selection of classified service employees for a juvenile correctional facility authorized under [1993 Wisconsin Act 377](#), section [9108 \(1\) \(a\)](#), the appointing authority shall make every effort to use the expanded certification program under s. 230.25 (1n) or rules of the ~~administrator~~ director of the ~~division bureau~~ of merit recruitment and selection in the ~~office of state employment relations department of administration~~ to ensure that the percentage of employees who are minority group members approximates the percentage of the juveniles placed at that juvenile correctional facility who are minority group members. The ~~administrator of the division~~ director of the bureau of merit recruitment and selection ~~in the office of state employment relations~~ shall provide guidelines for the administration of the selection procedure.

**SECTION 235.** 978.12 (1) (c) of the statutes is amended to read:

978.12 **(1)** (c) *Assistant district attorneys.* Assistant district attorneys shall be employed outside the classified service. For purposes of salary administration, the ~~director of the office~~ administrator of the division of ~~state employment relations personnel management in the department of administration~~ shall establish one or more classifications for assistant district attorneys in accordance with the classification or classifications allocated to assistant attorneys general. Except as provided in ss. 111.93 (3) (b) and 230.12 (10), the salaries of assistant district attorneys shall be established and adjusted in accordance with the state compensation plan for assistant attorneys general whose positions are allocated to the classification or classifications established by the ~~director of the office~~

administrator of the division of state employment relations personnel management in the department of administration.

**SECTION 9112. Nonstatutory provisions; Employee Trust Funds.**

(1) TERMS OF APPOINTED MEMBERS OF THE GROUP INSURANCE BOARD.

Notwithstanding section 15.165 (2) of the statutes, as affected by this act, the following members of the group insurance board shall be appointed for 2-year terms, expiring on May 1 of the next succeeding odd-numbered year, and their successors shall be appointed for 4-year terms as provided under section 15.165 (2) of the statutes, as affected by this act:

(a) The insured participant in the Wisconsin Retirement System who is not a teacher.

(b) The insured participant in the Wisconsin Retirement System who is a teacher.

(c) The insured participant in the Wisconsin Retirement System who is a retired employee.

**SECTION 9140. Nonstatutory provisions; State Employment Relations, Office of.**

(1) ELIMINATION OF THE OFFICE OF STATE EMPLOYMENT RELATIONS.

(a) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the office of state employment relations become the assets and liabilities of the department of administration.

(b) *Positions and employees.* On the effective date of this paragraph, all positions and all incumbent employees in the classified service of the state civil service holding those positions in the office of state employment relations are transferred to the department of administration, except for 6.95 PR FTE positions,

funded from the appropriation under s. 20.545 (1) (k), 2013 stats., that are identified by the secretary of administration.

(c) *Employee status.* Employees transferred under paragraph (b) have all the rights and the same status under chapter 230 of the statutes in the department of administration that they enjoyed in the office of state employment relations immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who has attained permanent status in class is required to serve a probationary period.

(d) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the office of state employment relations is transferred to the department of administration.

(e) *Pending matters.* Any matter pending with the office of state employment relations on the effective date of this paragraph is transferred to the department of administration. All materials submitted to or actions taken by the office of state employment relations are considered as having been submitted to or taken by the department of administration.

(f) *Contracts.* All contracts entered into by the office of state employment relations in effect on the effective date of this paragraph remain in effect and are transferred to the department of administration. The department of administration shall carry out any obligations under those contracts unless modified or rescinded by that department to the extent allowed under the contract.

(g) *Rules and orders.* All rules promulgated by the office of state employment relations in effect on the effective date of this paragraph remain in effect until their specified expiration dates or until amended or repealed by the department of administration. All orders issued by the office of state employment relations in effect

on the effective date of this paragraph remain in effect until their specified expiration dates or until modified or rescinded by the department of administration.

**(END)**