



1997 ASSEMBLY BILL 353

May 13, 1997 - Introduced by Representatives MUSSER, TURNER, SPRINGER, OWENS, GROTHMAN, ALBERS, ZUKOWSKI, RYBA and PLALE, cosponsored by Senators BRESKE, SCHULTZ, WIRCH and WELCH. Referred to Committee on Labor and Employment.

1 **AN ACT to amend** 230.15 (1), 230.21 (1), 230.213, 230.22 (3), 230.24 (2), 230.26
2 (2) and 230.27 (2); and **to create** 230.15 (2m), 230.19 (2m) and 230.275 of the
3 statutes; **relating to:** noncompetitive appointment of certain disabled
4 veterans to positions in the classified service of the state.

Analysis by the Legislative Reference Bureau

Under current law, whenever a vacancy in a position in the classified service of the state is to be filled, the appointing authority is required to notify the administrator of the division of merit recruitment and selection in the department of employment relations. The administrator is generally required to certify a certain number of names from the the register of eligible applicants for appointment to the position. The register is assembled on the basis of competitive examination. Those certified for appointment include a certain number of individuals at the top of the register and may also include a certain number of applicants who are handicapped, are a specified gender or belong to certain racial or ethnic groups. In addition, those certified may also include a certain number of veterans who, with veteran points added to their examination scores, have a score equal to the lowest examination score of a person who is among the individuals certified from the top of the register. The appointing authority is then required to make the appointment from among the list of certified applicants.

This bill creates a special procedure for the appointment of certain disabled veterans to positions in the classified service of the state. Under the bill, whenever a vacancy occurs in a position in the classified service, other than a position in the

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department of corrections, the appointing authority may appoint a disabled veteran who is not from among the list of certified applicants if all of the following occur:

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

2. The disabled veteran presents to the appointing authority written documentation from an appropriate department of the federal government certifying the existence and extent of the disability. This certification must have been issued by the appropriate department of the federal government within the year preceding appointment.

3. The appointing authority determines that the disabled veteran is qualified to perform the duties and responsibilities of the position.

4. The appointing authority notifies the administrator in writing that the position is to be filled with a disabled veteran on a noncompetitive basis.

Under the bill, if an appointing authority chooses to appoint a disabled veteran to a vacant position in the classified service, the appointing authority is not required to interview any person certified for appointment to the position. This bill does not authorize an appointing authority to waive competitive requirements for positions that are to be filled by promotion.

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

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

1 **SECTION 1.** 230.03 (14) (intro.) of the statutes is amended to read:

2 230.03 (14) (intro.) Except as provided in ~~s.~~ ss. 230.16 (7m) and 230.275,

3 “veteran” means any of the following:

4 **SECTION 2.** 230.15 (1) of the statutes is amended to read:

5 230.15 (1) Appointments to, and promotions in, the classified service, shall be

6 made only according to merit and fitness, which shall be ascertained so far as

7 practicable by competitive examination. The administrator may waive competitive

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

9 competitive examination for appointments made under sub. (2m).

10 **SECTION 3.** 230.15 (2m) of the statutes is created to read:

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1 230.15 **(2m)** If a vacancy occurs in a position in the classified service and the
2 administrator is notified by an appointing authority that the position is to be filled
3 by a disabled veteran under s. 230.275, the administrator shall waive all competition
4 requirements for filling the position. This subsection does not apply to positions that
5 are to be filled by promotion.

6 **SECTION 4.** 230.21 (1) of the statutes is amended to read:

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

10 **SECTION 5.** 230.22 (3) of the statutes is amended to read:

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

16 **SECTION 6.** 230.24 (2) of the statutes is amended to read:

17 230.24 **(2)** ~~A~~ Except as provided in s. 230.275, a vacancy in a career executive
18 position may be filled through an open competitive examination, a competitive
19 promotional examination or by restricting competition to employes in career
20 executive positions in order to achieve and maintain a highly competent work force
21 in career executive positions, with due consideration given to affirmative action. The
22 appointing authority shall consider the guidelines under s. 230.19 when deciding
23 how to fill a vacancy under this ~~paragraph~~ subsection.

24 **SECTION 7.** 230.26 (2) of the statutes is amended to read:

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1 230.26 (2) If there are urgent reasons for filling a vacancy in any position in
2 the classified service and the administrator is unable to certify to the appointing
3 authority, upon requisition by the latter, a list of persons eligible for appointment
4 from an appropriate employment register, the appointing authority may nominate
5 a person to the administrator for noncompetitive examination. If the nominee is
6 certified by the administrator as qualified, the nominee may be appointed
7 provisionally to fill the vacancy until an appointment can be made from a register
8 established after announcement of competition for the position, except that no
9 provisional appointment may be continued for more than 45 working days after the
10 date of certification from the register. Successive appointments may not be made
11 under this subsection. This subsection does not apply to a person appointed to a
12 vacant position in the classified service under s. 230.275.

13 **SECTION 8.** 230.27 (2) of the statutes is amended to read:

14 230.27 (2) The Subject to s. 230.275, the administrator may provide by rule for
15 the selection and appointment of a person to a project position.

16 **SECTION 9.** 230.275 of the statutes is created to read:

17 **230.275 Noncompetitive appointment of certain disabled veterans.**

18 (1) In this section, “veteran” means any individual who has served on active
19 duty under conditions other than dishonorable in the U.S. armed forces for 2
20 continuous years or more or the full period of the individual’s initial service
21 obligation, whichever is less. For the purpose of this section, an individual
22 discharged from the U.S. armed forces for reasons of hardship or a service-connected
23 disability or an individual released due to a reduction in the U.S. armed forces prior
24 to the completion of the required period of service shall also be considered a
25 “veteran”, regardless of the actual time served.

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1 **(2)** Whenever a vacancy occurs in a position in the classified service, other than
2 a position in the department of corrections, the appointing authority may appoint a
3 disabled veteran on a noncompetitive basis if all of the following occur:

4 (a) The disabled veteran has served in the U.S. armed forces and is included
5 on a U.S. armed forces permanent disability list with a disability rating of at least
6 30% or the disabled veteran has been rated by the U.S. department of veterans
7 affairs as having a compensable service-connected disability of at least 30%.

8 (b) The disabled veteran presents to the appointing authority written
9 documentation from an appropriate department of the federal government certifying
10 the existence and extent of the disability. This certification must have been issued
11 by the appropriate department of the federal government within the year preceding
12 appointment.

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

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

17 **(3)** A disabled veteran appointed to a vacant position under this section need
18 not be certified under this subchapter for appointment to the position.

19 **(4)** If an appointing authority elects to appoint a disabled veteran to a vacant
20 position under this section who is not certified under this subchapter for
21 appointment to the position, the appointing authority is not required to interview
22 any person certified under this subchapter for appointment to the position.

23 **(5)** Nothing in this section shall require an appointing authority to appoint a
24 disabled veteran to a vacant position in the classified service or prohibit an

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1 appointing authority from filling a vacant position in the classified service from the
2 list of those persons certified under this subchapter for appointment to the position.

3 (END)