



*Jim Doyle, Governor*  
*John A. Scocos, Secretary*

**STATE OF WISCONSIN, DEPARTMENT OF VETERANS AFFAIRS**

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October 12, 2006

Senator Glenn Grothman, Chair  
Special Committee on Affirmative Action  
Wisconsin State Legislature  
State Capitol Room 20 South  
Madison, WI 53707

Dear Chairman Grothman and Committee Members:

We have become aware of public discussion by your Committee on issues related to the veterans' hiring practices. On behalf of the Wisconsin Department of Veterans Affairs and the half-million Wisconsin veterans we serve, the purpose of this letter is to provide information to the Wisconsin State Legislature Joint Legislative Council Special Committee on Affirmative Action with regards to the Wisconsin Veterans Preference Point System. This information may be of use to the Committee as it continues its review of the uniformity, effects, and cost-effectiveness of state and local government affirmative action policies.

Attached is a WDVA staff memorandum providing an overview of the Wisconsin Veterans Preference Point System. As staff have noted, the Wisconsin Veterans Preference Point System as it currently stands provides qualified veterans with interviewing opportunities they might otherwise not have at the time they are seeking first time employment with the state. Unlike some other states, however, in our civil service process, veterans are not identified to the hiring authority and there is no mandate to hire them over other qualified candidates. Veterans are not a protected group and are afforded no advantage in the context of Affirmative Action.

The preference points system is a minimal benefit that provides opportunity to enter state service, but no guarantee of that. Hiring managers are provided with an alphabetical listing of certified candidates' contact information. There is no indication on such a listing of candidates' test rank, ethnicity, disability or veteran status.

Staff also notes that the only other concession in the state hiring system given to veterans is the provision in Ch 230.275 of the Administrative Code, which allows for the non-competitive hiring of disabled veterans. That provision specifies that a veteran must have federal certification that he or she has a combined service-connected disability rating of at least 30%. The provision indicates that such appointments must be made to entry level positions and that the veteran must be qualified for the position.

It is important to note that this provision is in need of revision so that recently returning veterans, who may technically remain on active duty military status on medical hold and recently returned veterans who are injured or otherwise incapacitated by their military service but have not yet formally received a VA disability rating (which almost always takes many months, at a minimum) are not inadvertently penalized from being hired under this authority due to conditions beyond their individual control.

If it would be within the scope of the Committee's work, WDVA would be happy to provide additional information to assist the Committee in recommending an appropriate solution for recently returning, newly disabled veterans.

Additionally, if WDVA can be of assistance in any way, please do not hesitate to contact me, or Anthony Hardie, WDVA Executive Assistant, at (608) 266-1315.

Sincerely,  
DEPARTMENT OF VETERANS AFFAIRS

A handwritten signature in black ink, appearing to read "John A. Scocos". The signature is written in a cursive style with a horizontal line underneath the name.

JOHN A. SCOCOS  
Secretary

cc: All Committee Members  
Scott Grosz  
Mary Matthias  
Demetri Fisher  
Sen. Ron Brown  
Rep. Gabe Loeffelholz  
Board of Veterans Affairs  
Council on Veterans Programs

Encls.

- WDVA Staff Memo, Oct. 6, 2006
- Wis. Stats. s. 230.275

**Date:** October 6, 2006

**To:** Anthony Hardie  
**cc:** Seth Perelman  
Bill Kloster  
Andy Schuster

**From:** Amy Franke

**Subject:** Veterans Preference Point System

The WI Veterans Preference Point System as it currently stands provides qualified veterans with interviewing opportunities they might otherwise not have at the time they are seeking first time employment with the State. Unlike some other States, however, in our civil service process, veterans are not identified to the hiring authority and there is no mandate to hire them over other qualified candidates. Veterans are not a protected group and are afforded no advantage in the context of Affirmative Action.

The Preference Point System works as follows:

**Required:** 2 years or more of active military service with an honorable discharge or service of at least one day during a wartime period as delineated in S230.16 WisStat.

**Benefit:** 10 pts. Added to passing exam score for non-disabled veterans.

15 pts. Added to passing exam score for veterans with service-connected disability of less than 30%.

20 pts. Added to passing exam score for veterans with service-connected disability of more than 30%.

10 pts. Added to passing exam score for spouses of veterans with service-connected disability of more than 70%.

10 pts. Added to passing exam score for un-remarried spouses of veterans killed in action or who died from a service-connected disability.

As indicated, these points apply only when the veteran has passed the civil service exam and only when they are not currently a state employee.

To receive veterans preference points on a promotional exam, the state employed veteran must prove a 70% or greater service-connected disability. Apparently at some points in WI history, veterans could carry the preference points throughout their state careers. This is no longer the case.

**Application Methodology:** At the time a recruitment is announced, a certification rule is selected. The certification rule specifies how many people who pass the test will be interviewed. E.g., if a certification rule of 10 is selected, this means that the people with the top 10 scores on the civil service examination will be interviewed. In addition to those 10, 3 veterans can be added. If the position is "underutilized," minorities, women or disabled passing applicants in varying numbers can also be added to the mix.

The top 10 scorers are the top 10 scorers – regardless of whether there are veterans points or not. In other words, if an applicant has a score of 95 and is ranked as the second highest test, If he or she is a veteran with 10 preference points, the 10 points are academic. The applicant will be interviewed on the basis of being the 2<sup>nd</sup> highest scorer.

If, however, the top 10 scoring slots are taken and the passing applicants are as follows:

Applicant 11	78 points
Applicant 12	75 points
Applicant 13	72 points plus 10 veterans points
Applicant 14	70 points

70 is the lowest civil service passing point. Applicant 13 would gain an interview because his 'veterans points score' would actually be 82 – putting ahead of applicant 11. Please note that he/she has not displaced any of the top scoring candidates; nor can veterans' points be used to change a score of 65 points to a 75 passing score.

The only other concession given to veterans is the provision in Ch 230.275 of the Administrative Code that allows for the noncompetitive hire of disabled veterans. That provision specifies that a veteran must have federal certification that he or she has a combined VA service-connected disability rating of at least 30%. The provision indicates that such appointments must be made to entry level positions and that the veteran must be qualified for the position. Side note: This provision is in need of revision so that recently returning veterans are not penalized by the slow turn-around time of the Federal VA due to backlogs in providing required documentation.

The preference points system is a minimal benefit that provides opportunity to enter state service, but no guarantee of that. Hiring managers are provided with an alphabetical listing of certified candidates' contact information. There is no indication on such a listing of candidates' test rank, ethnicity, disability or veterans status.

<http://oser.state.wi.us/docview.asp?docid=1240> is the link to the veterans preference supplement.

<http://oser.state.wi.us/docview.asp?docid=4830> is a link to clarification of the rules for veterans preference points issued by OSER IN 2005.

230.26 STATE EMPLOYMENT RELATIONS

age, shall be denied employees hired under this section. Such employees may not be considered permanent employees and do not qualify for tenure, vacation, paid holidays, sick leave, performance awards, or the right to compete in promotional examinations.

(5) If the administrator 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 shall direct the appointing authority to terminate the employee.

**History:** 1971 c. 270 ss. 54, 55; Stats. 1971 s. 16.21; 1975 c. 147 s. 54; 1977 c. 196 s. 51; Stats. 1977 s. 230.26; 1979 c. 97; 1979 c. 221 ss. 732, 909; 1981 c. 20, 26; 1983 a. 27 ss. 1613, 1614, 2202 (15); 1985 a. 332; 1997 a. 39, 307; 2001 a. 16.

**Cross Reference:** See also ch. ER-MRS 10, Wis. adm. code.

**230.27 Project positions.** (1) A "project position" means a position which is normally funded for 6 or more consecutive months and which requires employment for 600 hours or more per 26 consecutive biweekly pay periods, either for a temporary workload increase or for a planned undertaking which is not a regular function of the employing agency and which has an established probable date of termination. No project position may exist for more than 4 years.

(1m) (a) Except as provided in par. (b), an appointing authority is prohibited from appointing a person who is not a resident of this state to a project position under this section.

(b) The administrator 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.

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

(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 and annually submit a report to the office summarizing the reasons contained in the written records. The office shall annually prepare a report summarizing, for each agency, the information submitted by appointing authorities under this subsection.

(2m) An employee in a project position on a project appointment, while in the position, shall earn and receive all rights and privileges specifically authorized by statute for nonrepresented classified employees, except tenure, transfer, restoration, reinstatement, promotion eligibility and layoff benefits. A project employee's vacation and holidays under s. 230.35 (4) (d) and sick leave shall be on a prorated basis if the employee works less than full-time. Seniority, continuous service, benefits and rights earned while serving a project appointment shall be transferred to or from other project, permanent, seasonal, or sessional appointments in the following manner:

(a) Project appointees who have not previously held a permanent classified or unclassified civil service position may not transfer continuous service rights and benefits earned in any project appointment to subsequent project or permanent appointments.

(b) Project appointees who previously held a permanent classified or unclassified civil service position prior to being appointed to a project position may transfer rights and benefits previously earned to the project appointment, except those rights and benefits specifically excluded under this subsection, in a manner consistent with that applied to similar transactions in the permanent classified service. Such project employees who may subsequently be appointed to another project position or to a permanent classified position may transfer their rights and benefits to the new appointment in a manner consistent with that applied to similar transactions in the permanent classified service.

(3) A leave of absence may be granted under this section to cover the time served on a project appointment. Any time limits

established under s. 230.35 do not apply to leaves of absence granted under this subsection.

**History:** 1977 c. 196; 1979 c. 221; 1981 c. 26, 140; 1983 a. 27, 192; 1985 a. 29; 1991 a. 101; 1997 a. 307; 2003 a. 33.

**Cross Reference:** See also ch. ER 34, Wis. adm. code.

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

(a) The disabled veteran has 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%.

(b) 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.

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

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

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

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

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

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

(b) Except as provided in par. (a), if an appointing authority elects to appoint a disabled veteran to a vacant position on a non-competitive basis under sub. (1), an appointing authority is not required to interview any other person, including any person certified for appointment to the position.

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

**History:** 1997 a. 307.

**230.28 Probationary period.** (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 at the request of the appointing authority and in accordance with the rules related thereto may extend any such period