



## Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #698

### **Position Classifications (Veterans Affairs -- Departmentwide, Veterans Programs, and Museums)**

[LFB 2013-15 Budget Summary: Page 494, #14]

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#### **CURRENT LAW**

The state's civil service is divided into the unclassified service and the classified service. Chapter 230 of the statutes lists all of the positions that comprise the unclassified service, including the number of division administrator positions within each agency that are unclassified positions. For these purposes, "division administrators" include any managerial position determined by the appointing authority, which is the chief administrative officer of the agency, unless otherwise specified in statute.

The statutes currently authorize the Department of Veterans Affairs (DVA) to employ 3.0 division administrator positions and the commandants of the veterans homes as part of the unclassified service.

#### **GOVERNOR**

Increase the number of unclassified division administrator positions from 3.0 to 4.0 positions and repeal a provision that makes the commandants of the veterans homes unclassified positions. Convert 1.0 division administrator for the Division of Veterans Homes from an unclassified position to a classified position, and convert 1.0 chief legal counsel position and 1.0 public information officer position from classified to unclassified positions.

Specify that the incumbent employees holding the unclassified commandant positions and the incumbent employee holding one of the current division administrator positions (the division administrator for the Division of Veterans Homes) on the bill's general effective date be appointed to comparable classified service positions in DVA as determined by the DVA Secretary. Require the administrator of the Division of Merit Recruitment in the Office of State

Employment Relations to waive the requirement for a competitive examination with respect to these classified positions and to certify the incumbent employees for appointment to the classified positions. Require the administrator to determine the probationary status for these positions, except that each of these employees would receive credit toward his or her probationary period for the time the employee had been employed in any unclassified position immediately prior to appointment.

The following table lists the current unclassified division administrator and commandant positions in the agency and the unclassified division administrator positions that DVA would be authorized under the bill.

**Current Unclassified Division Administrator and Commandant Positions**

<u>No. of Positions</u>	<u>Position Title</u>
	Division Administrators
1.00	Division of Veterans Homes
1.00	Division of Veterans Benefits
<u>1.00</u>	Division Administrator (Undesignated and Vacant)
3.00	Total Division Administrators
	Commandants
1.00	Veterans Home at King
<u>1.00</u>	Veterans Home at Union Grove
5.00	Total -- Current Law

**Unclassified Division Administrator Positions under Governor's Bill**

	Division Administrators
1.00	Division of Veterans Benefits
1.00	Chief Legal Counsel
1.00	Public Information Officer
<u>1.00</u>	Division Administrator (Undesignated and Vacant)
4.00	Total -- Governor's Recommendations

**DISCUSSION POINTS**

1. The statutes authorize executive branch agencies to employ a limited number of individuals in the unclassified service. These positions serve at the discretion of the appointing authority, and enable cabinet agency secretaries to employ individuals to carry out key management, communications and legal functions.

**Chief Legal Counsel and Public Information Officer Positions**

2. Under provisions contained in 2011 Wisconsin Act 10, the chief legal counsel and public information officer (PIO) positions for all cabinet executive agencies were converted from classified to unclassified positions. At that time, the Department of Veterans Affairs was not a

cabinet agency -- it operated under the direction and supervision of the Board of Veterans Affairs. Consequently, Act 10 did not convert DVA's chief legal counsel and PIO from classified to unclassified positions. 2011 Wisconsin Act 36 established DVA as a cabinet agency, permitting the Governor to appoint the DVA Secretary and authorizing the DVA Secretary, rather than the Board, to promulgate rules. However, Act 36 did not convert the chief legal counsel and PIO positions in DVA from classified to unclassified positions.

3. The Department is currently authorized 2.0 positions with communications responsibilities -- 1.0 PIO position and 1.0 communications specialist position. The PIO position is responsible for overseeing and managing the Department's public information activities and media relations, creating strategic public information campaigns to raise awareness of programs and services for veterans, advising the Secretary and staff about opportunities and challenges that affect public opinion, managing communications with multiple stakeholder audiences on policy issues, and serving as the Department's principal media spokesperson.

In addition, the PIO position manages communications in crisis situations, researches, develops and implements strategic communications plans, and works with leadership from different program areas to develop materials for the public and media. This work includes researching, writing, editing, providing graphics for, and coordinating printing and distribution of social media content, and directing day-to-day website content. In addition, the position identifies and manages the Department's support for special events, such as ground-breakings and dedications, recognition ceremonies, commemorations and other events, prepares speeches and audio-visual presentations for the Secretary, and senior DVA staff.

4. The PIO position oversees the work of 1.0 communications specialist position in the agency. The communication specialist's responsibilities include implementing communications and outreach strategies and plans, disseminating the release of news and information to the media and the Wisconsin veterans' community, preparing speeches, articles and other publications, responding to inquiries from the media, advocacy groups, other agencies and the public, assisting in coordinating DVA events (such as annual Veteran ceremonies, groundbreakings, dedications, commemorations and open houses), providing statewide information and media support through proclamations, and coordinating the Department's website and social media site communications.

5. Despite the similarities in these position descriptions, it is common for large executive agencies to employ both unclassified PIO and classified communications specialist positions. There are currently 13 unclassified PIO positions and 57.85 communication specialist positions in state agencies.

6. DVA is currently authorized 2.0 attorney positions. The agency has not yet determined whether one of the incumbents in these positions would be appointed to fill the unclassified positions if the Governor's proposal to convert the chief legal counsel position to an unclassified position is approved. If one of the incumbent attorneys is not appointed to fill the unclassified chief counsel position, one of the current attorney positions would be subject to a layoff. In this case, the unclassified attorney would not have restoration rights to the classified attorney position at the conclusion of the appointment.

7. The bill would convert the chief legal counsel and PIO positions for the agency from classified positions to unclassified positions, which would be consistent with the classifications of these positions in other cabinet agencies. If the Committee wished to ensure that the DVA Secretary has the same authority to appoint individuals to these types of positions as other cabinet secretaries currently have, it could approve the Governor's recommendations (Alternative A-1).

Alternatively, if the Committee does not wish to increase the number of appointed positions in state government, or determines that it is unnecessary to authorize the Secretary to appoint these types of positions because of the limited policy-making authority these positions have, the Committee could retain these positions as classified positions (Alternative A-2).

### **Commandant and Division of Veterans Homes Positions**

8. The bill would repeal a current law provision that designates the commandants at the veterans homes as unclassified positions and convert the administrator for the Division of Veterans Homes from an unclassified to a classified position. The commandants are responsible for the day-to-day operations of the veterans homes, and must have a valid nursing home administrator's license issued by the Department of Safety and Professional Services.

9. During the past 15 years, there has been significant turnover in the commandant positions at the Veterans Homes at King and Union Grove. This turnover has most often occurred due to changes in the DVA Secretary, or at the request of the Secretary, as shown in the following table.

#### **Recent Turnover of Commandant Positions**

<u>Period of Employment</u>	<u>Reason for Leaving</u>
<b>Veterans Home at King</b>	
1997-2003	Change of Secretary
2003-2009	Request of Secretary
2011-2013	Request of Secretary
2013	Current
<b>Veterans Home at Union Grove</b>	
2002-2003	Change of Secretary
2004-2007	Retirement
2008-2010	Request of Secretary
2011	Current

10. Converting the commandant positions from unclassified to classified positions may reduce the turnover in these leadership positions, as these positions would no longer serve at the pleasure of the Secretary. Further, if the Governor's proposal is enacted, future position openings would be based on competitive examinations. It could also be argued that the wardens at prisons operated by the Department of Corrections and superintendents at care facilities operated by the Department of Health Services are currently classified positions, and that the

commandants at the state's veterans homes have similar responsibilities. For these reasons, the Committee could approve the Governor's recommendations (Alternative B-1).

11. If the Committee wished to convert these positions to classified positions, as recommended by the Governor, but wanted DVA to use a competitive process to fill these positions, it could delete the provisions in the bill that: (a) specify that the incumbent employees holding the unclassified commandant positions and the incumbent employee holding one of the current division administrator positions on the bill's general effective date be appointed to comparable classified service positions in DVA as determined by the DVA Secretary; (b) require the administrator of the Division of Merit Recruitment in the Office of State Employment Relations to waive the requirement for a competitive examination with respect to these classified positions and to certify the incumbent employees for appointment to the classified positions; and (c) require the administrator to determine the probationary status for these positions, except that each of these employees would receive credit toward his or her probationary period for the time the employee had been employed in any unclassified position immediately prior to appointment (Alternative B-2).

12. Finally, the Committee may determine that each DVA Secretary should retain the authority to appoint the commandants at the veterans homes and the administrator for the Division of Veterans Homes, and delete the Governor's recommendations with respect to these position conversions (Alternative B-3).

### **Undesignated and Vacant Division Administrator Position**

13. Currently, the statutes authorize 3.0 division administrators for DVA, although 1.0 of these positions is not assigned to any Division and no individual has been appointed to fill this unclassified position. Further, the position is not part of agency's base budget, so it is not included in the agency's base funding or position authority. The administration indicates that it has no plans at this time to fill this position through the appointment. However, should the DVA Secretary wish to appoint an individual to serve in the agency in the future, the Secretary could make this appointment without seeking a statutory change in the number of unclassified administrator position the agency is authorized.

14. The Committee could reduce by 1.0 the number of unclassified administrator positions DVA is authorized so that the statutory number of division administrators would match with Department's current organizational structure.

## **ALTERNATIVES**

### **A. Chief Legal Counsel and Public Information Officer Positions**

1. Adopt the Governor's recommendations to convert the chief legal counsel and public information officer positions from classified to unclassified positions and to increase the statutory number of unclassified administrator positions by two.

2. Delete provision, and reduce by two the number of unclassified division administrators for DVA.

**B. Commandant and Administrator of the Division of Veterans Homes Positions**

1. Adopt the Governor's recommendations to: (a) repeal the provision that designates the commandant positions as unclassified positions; (b) convert 3.0 positions from unclassified positions to classified positions, beginning in 2013-14; and (c) include nonstatutory provisions to ensure that the incumbents in these positions are assigned to the new classified positions.

2. Modify the Governor's recommendation by deleting the nonstatutory provision in the bill that would ensure that the incumbents in these positions are assigned to the new classified positions.

3. Delete provision. Increase the number of unclassified division administrators for DVA by one, and retain the current law provision that designates the commandant positions as unclassified positions.

**C. Undesignated and Vacant Unclassified Position**

1. Reduce the number of unclassified division administrator positions by one to delete an undesignated, vacant division administrator position.

2. Retain 1.0 undesignated, vacant division administrator position for the agency.

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