

1987 Senate Bill 279

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## 1987 Wisconsin Act 32

AN ACT to repeal 230.03 (4m); to renumber and amend 230.03 (2); to amend 20.917 (5) (a) (intro.), 230.01 (2), 230.04 (9) (f), 230.06 (1) (k), 230.14 (1), 230.19 (1) and (2), 230.24 (2) and 230.25 (1n) (b); and to create 230.03 (2) (a) to (c) and 230.03 (10m) of the statutes, relating to affirmative action in state employment relations.

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

SECTION 1. 20.917 (5) (a) (intro.) of the statutes is amended to read:

20.917 (5) (a) (intro.) To encourage a ~~balanced work force~~ affirmative action, as defined in s. 230.03 (2), at the correctional facilities under s. 53.01, the department of health and social services may, from the appropriation under s. 20.435 (3) (a), reimburse an

employee for any of the following expenses incurred during the first 30 days of employment or the first 30 days following successful completion of a preservice training program:

SECTION 2. 230.01 (2) of the statutes is amended to read:

230.01 (2) It is the policy of the state and the responsibility of the secretary and the administrator to maintain a system of personnel management which

fills positions in the classified service through methods which apply the merit principle, with adequate civil service safeguards. It is the policy of this state to provide for equal employment opportunity by ensuring that all personnel actions including hire, tenure or term, and condition or privilege of employment be based on the ability to perform the duties and responsibilities assigned to the particular position without regard to age, race, creed or religion, color, handicap, sex, national origin, ancestry, sexual orientation or political affiliation. ~~If there are substantial disparities between the proportions of members of racial, ethnic, gender, or handicap groups in a classified civil service classification in an agency and the proportions of such groups in this state it~~ It is the policy of this state to take affirmative action which is not in conflict with other provisions of this ~~subchapter to correct the imbalances and to eliminate the present effects of past discrimination. Gender group does not include any group discriminated against because of sexual orientation~~ chapter. It is the policy of the state to ensure its employes opportunities for satisfying careers and fair treatment based on the value of each employe's services. It is the policy of this state to encourage disclosure of information under subch. III and to ensure that any employe employed by a governmental unit is protected from retaliatory action for disclosing information under subch. III. It is the policy of this state to correct pay inequities based on gender or race in the state civil service system.

SECTION 3. 230.03 (2) of the statutes is renumbered 230.03 (2) (intro.) and amended to read:

230.03 (2) (intro.) "Affirmative action" means specific actions in employment which are designed and taken for the purposes of ~~ensuring equal opportunity and a balanced work force and of eliminating present effects of past discrimination.~~ all of the following:

SECTION 4. 230.03 (2) (a) to (c) of the statutes are created to read:

230.03 (2) (a) Ensuring equal opportunities.

(b) Eliminating a substantial disparity between the proportion of members of racial and ethnic, gender or handicap groups either in the classified civil service determined by grouping classifications according to similar responsibilities, pay ranges, nature of work, other factors recognized in the job evaluation process and any other factors the department considers relevant, or in similar functional groups in the unclassified service, and the proportion of members of racial and ethnic, gender or handicap groups in the relevant labor pool.

(c) Eliminating present effects of past discrimination.

SECTION 5. 230.03 (4m) of the statutes is repealed.

SECTION 6. 230.03 (10m) of the statutes is created to read:

230.03 (10m) "Gender group", when used in connection with affirmative action under this chapter,

does not include groups discriminated against because of sexual orientation, as defined in s. 111.32 (13m).

SECTION 7. 230.04 (9) (f) of the statutes is amended to read:

230.04 (9) (f) Establish an affirmative action office reporting directly to the secretary ~~for the purposes of ensuring equal opportunity in employment and a balanced work force and of eliminating present effects of past discrimination.~~ The affirmative action office shall advise and assist the secretary, the administrator and agency heads on establishing policies and programs to ensure equal opportunity and, when appropriate, affirmative action as indicated in s. 230.01. The office shall advise and assist the secretary in monitoring such programs and shall provide staff to the affirmative action council.

SECTION 8. 230.06 (1) (k) of the statutes is amended to read:

230.06 (1) (k) Designate an affirmative action officer reporting directly to the appointing authority ~~for the purposes of ensuring equal opportunity in employment and a balanced work force and of eliminating present effects of past discrimination.~~ The affirmative action officer shall advise and assist the appointing authority in establishing programs to ensure equal opportunity and, when appropriate, affirmative action as indicated in s. 230.01.

SECTION 9. 230.14 (1) of the statutes is amended to read:

230.14 (1) Recruitment for classified positions shall be an active continuous process conducted in a manner that assures a diverse, highly qualified group of applicants; and shall be conducted, except as provided under sub. (2), on the broadest possible base consistent with sound personnel management practices; and shall contribute to the achievement of a balanced work force an approved affirmative action plan or program. Due consideration shall be given to the provisions of s. 230.19.

SECTION 10. 230.19 (1) and (2) of the statutes are amended to read:

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

(2) If, in the judgment of the administrator, 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 ~~ereate a balanced work force as defined in s. 230.03 (4m) in a classified civil service classification within an~~

agency be consistent with an approved affirmative action plan or program.

SECTION 11. 230.24 (2) of the statutes is amended to read:

230.24 (2) A vacancy in a career executive position may be filled through an open competitive examination, a competitive promotional examination or by restricting competition to employes in career executive positions in order to achieve and maintain a highly competent, ~~balanced~~ work force in career executive positions, with due consideration given to affirmative action. The appointing authority shall consider the

guidelines under s. 230.19 when deciding how to fill a vacancy under this paragraph.

SECTION 12. 230.25 (1n) (b) of the statutes is amended to read:

230.25 (1n) (b) The administrator may certify names under par. (a) 1 or 2 only if an agency requests expanded certification in order to ~~achieve a balanced work force within that agency~~ comply with an approved affirmative action plan or program. The administrator may certify names under par. (a) 3 only if an agency requests expanded certification in order to hire persons with a handicap.