

State of Wisconsin



2009 Senate Bill 49

Date of enactment: **May 29, 2009**
Date of publication*: **June 12, 2009**

2009 WISCONSIN ACT 18

AN ACT to amend 63.39 (1), 63.39 (2) and 63.39 (3) of the statutes; relating to: changing the procedures for filling vacant civil service positions in the city of Milwaukee.

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

SECTION 1. 63.39 (1) of the statutes is amended to read:

63.39 (1) If a position classified and graded under ss. 63.18 to 63.53 becomes vacant, the appointing officer may fill the position or let it remain vacant. If the appointing officer chooses to fill the vacant position, the appointing officer may, with the approval of the board of city service commissioners, fill it through reinstatement, promotion, reduction or open competitive examination. If the appointing officer chooses not to fill the vacant position by reinstatement, promotion or reduction, the appointing officer shall so notify the board. Except as provided under sub. (2), if the board is so notified, it shall certify to the appointing officer from the list of eligibles the names and addresses of ~~the 3~~ any number of persons standing highest on the list, in accordance with ~~requirements~~ rules established by the board. All persons on the list who have the same test score shall be included on the same certification. If there are less than 3 names upon an eligible list, certification shall be made and, unless objection is made by the appointing officer to the person or persons so certified and the objection sustained by the board, appointment shall be made under the rules.

SECTION 2. 63.39 (2) of the statutes is amended to read:

63.39 (2) If the appointing officer chooses not to fill a vacant managerial, supervisory or confidential position through reinstatement, promotion or reduction, the appointing officer shall so notify the board of city service commissioners. If the board is so notified, it shall certify to the appointing officer from the list of eligibles the names and addresses of ~~the 5~~ any number of persons standing highest on the list if ~~the register of eligibles is less than 50~~, in accordance with ~~requirements~~ rules established by the board. ~~If the register is more than 50, the top 10%, with any fraction rounded to the next whole number, up to a maximum of 10 names, shall be certified~~ All persons on the list who have the same test score shall be included on the same certification. If there are less than 5 names on an eligible list, certification shall be made and, unless objection is made by the appointing officer to the person or persons so certified and unless the objection is sustained by the board, appointment shall be made under the rules.

SECTION 3. 63.39 (3) of the statutes is amended to read:

63.39 (3) An appointing officer under this section shall select, solely with reference to merit and fitness, the number of persons for which the appointing officer has made requisition. ~~In case of more than one vacancy, an additional name shall be certified for each vacancy.~~ In case the board cannot certify eligibles for appointment, it may grant to the appointing officer authority to make

* Section 991.11, WISCONSIN STATUTES 2007-08 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

appointment for a period not to exceed 2 months or until
regular appointment can be made.

(1) This act first applies to vacancies that occur on the
effective date of this subsection.

SECTION 4. Initial applicability.
