



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-4913/1
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2019 SENATE BILL 855

February 20, 2020 - Introduced by Senators LARSON, WIRCH, CARPENTER, JOHNSON, SMITH, RISSER, HANSEN, RINGHAND, SHILLING, BEWLEY and MILLER, cosponsored by Representatives BROSTOFF, SINICKI, CABRERA, C. TAYLOR, SUBECK, HESSELBEIN, VRUWINK, ANDERSON, SHANKLAND, POPE, SARGENT, ZAMARRIPA, HEBL, EMERSON, OHNSTAD and HINTZ. Referred to Committee on Labor and Regulatory Reform.

1 **AN ACT to repeal** 20.865 (1) (dm), 20.928 (1f), 230.01 (2) (bm), 230.01 (2) (bp),
2 230.04 (13m), 230.04 (19), 230.05 (10), 230.06 (1) (m), 230.06 (4), 230.13 (3) (c),
3 230.15 (6), 230.15 (7), 230.16 (1) (ap), 230.25 (2) (am), 230.31 (3), 230.34 (1) (a)
4 1. to 9. and 230.445; **to renumber and amend** 63.08 (1) (fm) and 230.34 (1) (a)
5 (intro.); **to amend** 62.13 (4) (d), 63.08 (1) (f) 1., 63.08 (1) (f) 2., 63.08 (1) (f) 3.,
6 63.37, 63.39 (2m), 66.0509 (1), 230.04 (14), 230.046 (2), 230.05 (7), 230.08 (2) (c),
7 230.12 (1) (h), 230.13 (1) (a), 230.13 (3) (b), 230.15 (1), 230.15 (1m) (c) 1., 230.16
8 (title), 230.16 (1) (a), 230.16 (2), 230.16 (3), 230.16 (4), 230.16 (5), 230.16 (6),
9 230.16 (7m) (b) 4., 230.16 (10), 230.16 (11), 230.17 (1), 230.17 (2), 230.18, 230.21
10 (1), 230.21 (2), 230.21 (3), 230.213, 230.24 (1), 230.25 (1), 230.25 (2) (a), 230.25
11 (2) (b), 230.25 (3) (a), 230.26 (2), 230.26 (4), 230.28 (1) (a), 230.28 (1) (am), 230.28
12 (1) (c), 230.31 (1) (intro.), 230.32 (4), 230.34 (1) (am), 230.34 (2) (intro.), 230.35
13 (3) (d), 230.37 (1), 230.43 (1) (title), 230.43 (1) (am), 230.43 (1) (b), 230.43 (1) (c),
14 230.43 (1) (d), 230.43 (1) (e), 230.43 (5), 230.44 (1) (c), 230.44 (1) (e) and 321.65

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1 (3) (g); **to repeal and recreate** 230.19, 230.24 (2), 230.25 (1g), 230.25 (1m),
2 230.34 (2) (a) and 230.34 (2) (b); and **to create** 230.16 (7m) (c), 230.16 (9), 230.28
3 (6), 230.31 (2) and 230.40 (3) of the statutes; **relating to:** the state civil service
4 system.

Analysis by the Legislative Reference Bureau

This bill makes numerous changes to the state civil service system, including all of the following:

The hiring process

1. The bill replaces competitive procedures with competitive examinations. Under the bill, appointments to and promotions in the classified service must be made according to merit and fitness, which must be ascertained by competitive examinations.

2. The bill provides a preference system for veterans under which veterans and qualifying spouses of veterans receive preference points, which are applied during the process of creating a certification list for a position. Under current law, if a veteran or qualifying spouse of a veteran is included on a certification list, the appointing authority must offer an interview to the veteran or spouse of a veteran.

3. Under current law, before making an offer of employment to an individual who currently holds a position in the civil service, an appointing authority must review the individual's personnel file. The bill repeals that requirement.

4. The bill changes the general deadline for making appointments from 30 days after certification to 60 days after certification. The bill also requires the director of the Bureau of Merit Recruitment and Selection to use procedures designed to certify applicants for a vacant permanent position within 45 days of receiving a request from an appointing authority, rather than within 30 days under current law.

Probation, reinstatement, restoration, and layoffs

1. The bill changes the standard probationary period for all original and promotional appointments to permanent and seasonal positions in the classified service from one year to six months. The bill also changes the probationary period for employees in supervisory or management positions from one year to one year with a potential waiver after six months.

2. The bill allows permanent classified service employees who leave the classified service without any delinquency or misconduct to have reinstatement privileges for a five-year period from the date the employee leaves the classified service. Under current law, there are no reinstatement privileges for permanent classified service employees who leave the classified service without any delinquency or misconduct for reasons other than layoff. The bill also provides reinstatement privileges for an employee who leaves the classified service to fill an elective position, which is not allowed under current law.

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3. The bill provides to a permanent employee in the classified service who is on layoff status restoration rights for the three-year period following the layoff.

4. The bill allows appointing authorities to determine the order of layoff by seniority, performance, any combination of seniority and performance, or other factors. Under current law, appointing authorities are required to determine layoff status primarily based on job performance.

Just cause and discipline

1. The bill allows an employer to remove, suspend without pay, discharge, reduce the base pay of, or demote (take an adverse employment action against) a permanent classified employee and certain assistant district attorneys and assistant state public defenders only for just cause. The bill eliminates the provision that an employer has just cause to take an adverse employment action against an employee for work performance or personal conduct that an appointing authority determines to be inadequate, unsuitable, or inferior, but only after the appointing authority imposes progressive discipline that complies with standards established by the administrator of the Division of Personnel Management. The bill also eliminates the provision that an employer has just cause to take an adverse employment action against an employee without imposing progressive discipline for specific conduct.

2. The bill changes the threshold for considering an employee's position abandoned and disciplining the employee for failing to report for work as scheduled without contacting a supervisor from three working days during a calendar year to five consecutive working days in a calendar year.

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.** 20.865 (1) (dm) of the statutes is repealed.

2 **SECTION 2.** 20.928 (1f) of the statutes is repealed.

3 **SECTION 3.** 62.13 (4) (d) of the statutes is amended to read:

4 62.13 (4) (d) The examination shall be free for all U.S. citizens over 18 and
5 under 55 years of age, with proper limitations as to health and, subject to ss. 111.321,
6 111.322, and 111.335, arrest and conviction record. The examination, including
7 minimum training and experience requirements, shall be job-related in compliance
8 with appropriate validation standards and shall be subject to the approval of the
9 board and may include tests of manual skill and physical strength. All relevant

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1 experience, whether paid or unpaid, shall satisfy experience requirements. The
2 board shall control examinations and may designate and change examiners, who
3 may or may not be otherwise in the official service of the city, and whose
4 compensation shall be fixed by the board and paid by the city. Veterans and their
5 spouses shall be given preference points in accordance with s. ~~63.08 (1) (fm)~~ 230.16
6 (7).

7 **SECTION 4.** 63.08 (1) (f) 1. of the statutes is amended to read:

8 63.08 (1) (f) 1. The commission may not impose any restriction as to age on any
9 veteran who is applying or eligible for a position under this section. The commission
10 shall give preference points to veterans and their spouses under ~~par. (fm) s. 230.16~~
11 (7), except as provided under subd. 2.

12 **SECTION 5.** 63.08 (1) (f) 2. of the statutes is amended to read:

13 63.08 (1) (f) 2. Notwithstanding ~~par. (fm) s. 230.16 (7)~~, persons shall be certified
14 from the eligible list under s. 63.05 (1) (b) without adding any preference points to
15 any person's grade.

16 **SECTION 6.** 63.08 (1) (f) 3. of the statutes is amended to read:

17 63.08 (1) (f) 3. After the certification under subd. 2., any veteran or veteran's
18 spouse whose grade, plus the points to which the veteran or spouse is entitled under
19 ~~par. (fm) s. 230.16 (7)~~, is equal to or higher than the lowest grade on the list made
20 under subd. 2. shall be added to the certification list under s. 63.05 (1) (b). The
21 number of persons added to a certification list under this subdivision may not exceed
22 the number of persons initially certified under subd. 2.

23 **SECTION 7.** 63.08 (1) (fm) of the statutes is renumbered 230.16 (7), and 230.16

24 (7) (a) (intro.) and (b), as renumbered, are amended to read:

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1 230.16 (7) (a) (intro.) A preference shall be given to those veterans and to those
2 spouses of veterans specified in ~~subd. subds. 1. -a. to f. to 6.~~ who gain eligibility on
3 any competitive employment register and who do not currently hold a permanent
4 appointment or have mandatory restoration rights to a permanent appointment to
5 any position. A preference means the following:

6 (b) An applicant who is certified for a position after receiving a preference
7 under ~~subd. 1. d., e., or f. par. (a) 4., 5., or 6.~~ and who is appointed to that position may
8 not obtain a preference under ~~subd. 1. d., e., or f. par. (a) 4., 5., or 6.~~ for any other civil
9 service position for which the applicant subsequently applies.

10 **SECTION 8.** 63.37 of the statutes is amended to read:

11 **63.37 Board to keep a register of eligibles.** From the returns or reports of
12 the examiners, or from the examinations made by the board, the board shall prepare
13 and keep a register for each grade or class of position in the service of such city, of
14 the persons whose general average standing upon examinations for such grade or
15 class is not less than the minimum fixed by the rules of such board, and who are
16 otherwise eligible, and such persons shall take rank upon the register as candidates
17 in the order of their relative excellence as determined by examination without
18 reference to priority of time of examination. The board shall impose no restrictions
19 as to age in case of veterans, and veterans and their spouses shall be given preference
20 points in accordance with s. ~~63.08 (1) (fm) 230.16 (7).~~

21 **SECTION 9.** 63.39 (2m) of the statutes is amended to read:

22 **63.39 (2m)** Notwithstanding s. ~~63.08 (1) (fm) 230.16 (7),~~ the board shall certify
23 persons from the list of eligibles without adding preference points to their grades.
24 After the certification under sub. (1) or (2), the board shall add to the certification list
25 any veteran or veteran's spouse whose grade, plus the points to which the veteran

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1 or spouse is entitled under s. ~~63.08 (1) (fm)~~ 230.16 (7), is equal to or higher than the
2 lowest grade on the list of eligibles.

3 **SECTION 10.** 66.0509 (1) of the statutes is amended to read:

4 66.0509 (1) Any city or village may proceed under s. 61.34 (1), 62.11 (5) or
5 66.0101 to establish a civil service system of selection, tenure and status, and the
6 system may be made applicable to all municipal personnel except the chief executive
7 and members of the governing body, members of boards and commissions including
8 election officials, employees subject to s. 62.13, members of the judiciary and
9 supervisors. Any town may establish a civil service system under this subsection.
10 For veterans there shall be no restrictions as to age, and veterans and their spouses
11 shall be given preference points in accordance with s. ~~63.08 (1) (fm)~~ 230.16 (7). The
12 system may also include uniform provisions in respect to attendance, leave
13 regulations, compensation and payrolls for all personnel included in the system. The
14 governing body of any city, village or town establishing a civil service system under
15 this section may exempt from the system the librarians and assistants subject to s.
16 43.09 (1).

17 **SECTION 11.** 230.01 (2) (bm) of the statutes is repealed.

18 **SECTION 12.** 230.01 (2) (bp) of the statutes is repealed.

19 **SECTION 13.** 230.04 (13m) of the statutes is repealed.

20 **SECTION 14.** 230.04 (14) of the statutes is amended to read:

21 230.04 (14) ~~Except as provided in s. 230.445, the~~ The administrator shall
22 establish, by rule, the scope and minimum requirements of a state employee
23 grievance procedure relating to conditions of employment.

24 **SECTION 15.** 230.04 (19) of the statutes is repealed.

25 **SECTION 16.** 230.046 (2) of the statutes is amended to read:

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1 230.046 (2) SUPERVISORY TRAINING. After initial appointment to a supervisory
2 position, each appointing authority shall ensure that each classified service
3 supervisor successfully completes a supervisory development program. A waiver of
4 any part of the probationary period under s. 230.28 (1) (c) may not be granted before
5 completion of the development program. The program shall include such subjects
6 as state personnel policies, grievance handling, discipline, performance evaluation,
7 understanding the concerns of state employees with children, the supervisor's role
8 in management and the concept of the total quality leadership process, including
9 quality improvement through participatory management.

10 **SECTION 17.** 230.05 (7) of the statutes is amended to read:

11 230.05 (7) The director shall use techniques and procedures designed to certify
12 eligible applicants to any vacant permanent position within ~~30~~ 45 days after the
13 filing of an appropriate request by an appointing authority.

14 **SECTION 18.** 230.05 (10) of the statutes is repealed.

15 **SECTION 19.** 230.06 (1) (m) of the statutes is repealed.

16 **SECTION 20.** 230.06 (4) of the statutes is repealed.

17 **SECTION 21.** 230.08 (2) (c) of the statutes is amended to read:

18 230.08 (2) (c) The director, associate director, and state historian of the
19 historical society; and, with the approval of the board of curators and the
20 administrator, such number of specialists as are required by the society for specific
21 research, writing, collecting, or editing projects which for a limited period of time not
22 to exceed 2 years, renewable at the discretion of the board of curators and the
23 administrator for an additional 2-year period, require persons with particular
24 training or experience in a specialized phase or field of history, historical research,
25 writing, collecting, or editing, and any persons whose entire salary is paid from funds

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1 reappropriated to the society by s. 20.245 (1) (r) where a competitive process
2 examination is impractical.

3 **SECTION 22.** 230.12 (1) (h) of the statutes is amended to read:

4 230.12 (1) (h) *Other pay, benefits, and working conditions.* The compensation
5 plan may include other provisions relating to pay, benefits, and working conditions
6 that shall supersede the provisions of the civil service and other applicable statutes
7 and rules promulgated by the director and the administrator.

8 **SECTION 23.** 230.13 (1) (a) of the statutes is amended to read:

9 230.13 (1) (a) ~~Evaluations~~ Examination scores and ranks and other
10 evaluations of applicants, including any examination scores and rankings.

11 **SECTION 24.** 230.13 (3) (b) of the statutes is amended to read:

12 230.13 (3) (b) The administrator director and the director administrator may
13 provide any agency with personnel information relating to the hiring and
14 recruitment process, including specifically examination scores and ranks and other
15 evaluations of applicants.

16 **SECTION 25.** 230.13 (3) (c) of the statutes is repealed.

17 **SECTION 26.** 230.15 (1) of the statutes is amended to read:

18 230.15 (1) Subject to the restriction under s. 230.143, appointments to, and
19 promotions in, the classified service shall be made only according to merit and
20 fitness, which shall be ascertained so far as practicable by competitive ~~procedures~~
21 examinations. The director may waive competitive ~~procedures~~ examinations for
22 appointments made under subs. (1m) and (2) and shall waive competitive ~~procedures~~
23 examinations for appointments made under sub. (2m).

24 **SECTION 27.** 230.15 (1m) (c) 1. of the statutes is amended to read:

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1 230.15 **(1m)** (c) 1. Whenever a position is included in the classified service
2 under par. (a), the director may waive the requirement for competitive ~~procedures~~
3 examinations under sub. (1) with respect to the position and certify the incumbent
4 employee for appointment to the position in accordance with subd. 2.

5 **SECTION 28.** 230.15 (6) of the statutes is repealed.

6 **SECTION 29.** 230.15 (7) of the statutes is repealed.

7 **SECTION 30.** 230.16 (title) of the statutes is amended to read:

8 **230.16** (title) **Applications and selection ~~processes~~ examinations.**

9 **SECTION 31.** 230.16 (1) (a) of the statutes is amended to read:

10 230.16 **(1)** (a) The director shall require persons applying for ~~a position in the~~
11 ~~classified service~~ admission to any examination under this subchapter or under the
12 rules of the director to file an application and resume with the bureau a reasonable
13 time prior to the proposed examination.

14 **SECTION 32.** 230.16 (1) (ap) of the statutes is repealed.

15 **SECTION 33.** 230.16 (2) of the statutes is amended to read:

16 230.16 **(2)** ~~The selection process for a position in the civil service~~ Competitive
17 examinations shall be free and open to all applicants who have fulfilled the
18 preliminary requirements stated in the ~~position~~ examination announcement. To
19 assure that all applicants have a fair opportunity to compete, ~~competitive procedures~~
20 examinations shall be scheduled in a manner that most nearly meet the convenience
21 of applicants and needs of the service, as determined by the director.

22 **SECTION 34.** 230.16 (3) of the statutes is amended to read:

23 230.16 **(3)** The director may appoint boards of ~~evaluators~~ examiners of at least
24 2 persons, ~~one of which is selected by the bureau and one of which is a representative~~
25 ~~of the appointing authority~~, for the purpose of conducting oral evaluations

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1 examinations as a part of the ~~hiring~~ examination procedure for certain positions. All
2 evaluators board members shall be well-qualified and impartial. All questions
3 asked and answers made in any ~~oral evaluation~~ examination of applicants shall be
4 recorded and made a part of the applicant's records.

5 **SECTION 35.** 230.16 (4) of the statutes is amended to read:

6 230.16 (4) All ~~selection criteria~~ examinations, including minimum training
7 and experience requirements, for positions in the classified service shall be
8 job-related in compliance with appropriate validation standards and shall be subject
9 to the approval of the director. All relevant experience, whether paid or unpaid, shall
10 satisfy experience requirements.

11 **SECTION 36.** 230.16 (5) of the statutes is amended to read:

12 230.16 (5) In the interest of sound personnel management, consideration of
13 applicants, and service to agencies, the director may set a standard for proceeding
14 to subsequent steps in ~~the selection process~~ an examination, provided that all
15 applicants are fairly treated and due notice has been given. The standard may be
16 at or above the passing point set by the director for any portion of the examination.
17 The director shall utilize appropriate scientific techniques and procedures in
18 administering the selection process, in rating the results of ~~any evaluations used in~~
19 ~~the selection process~~ examinations, and in determining the relative ratings of the
20 competitors.

21 **SECTION 37.** 230.16 (6) of the statutes is amended to read:

22 230.16 (6) If any applicant is unable to complete ~~an evaluation that is used in~~
23 ~~the selection process~~ the examination in the form presented to the applicant due to
24 a disability, the bureau shall provide necessary accommodations to ensure equality
25 of opportunity in the ~~selection process~~ examination.

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1 **SECTION 38.** 230.16 (7m) (b) 4. of the statutes is amended to read:

2 230.16 **(7m)** (b) 4. The appointing authority has not extended interviews
3 examination for the position or filled the position at the time the application is
4 received is a written, nonessay examination that is scored by a machine.

5 **SECTION 39.** 230.16 (7m) (c) of the statutes is created to read:

6 230.16 **(7m)** (c) Within 30 days after acceptance of an application under par.
7 (b), the administrator shall give the applicant an examination.

8 **SECTION 40.** 230.16 (9) of the statutes is created to read:

9 230.16 **(9)** The officials in control of state, municipal, and county buildings,
10 upon requisition by the administrator, shall furnish without charge adequate rooms
11 and building services for the administration of examinations.

12 **SECTION 41.** 230.16 (10) of the statutes is amended to read:

13 230.16 **(10)** Every reasonable precaution shall be taken to prevent any
14 unauthorized person from gaining any knowledge of the nature or content of
15 competitive procedures in the selection process the examination that is not available
16 to every applicant.

17 **SECTION 42.** 230.16 (11) of the statutes is amended to read:

18 230.16 **(11)** Records of applicants examinations shall be retained for at least
19 one year. Inspection of such records shall be regulated by rules of the director.

20 **SECTION 43.** 230.17 (1) of the statutes is amended to read:

21 230.17 **(1)** The director shall provide by rule, the conditions, not otherwise
22 provided by law, under which an eligible applicant may be refused examination or
23 reexamination, or an eligible refused certification. These conditions shall be based
24 on sufficient reason and shall reflect sound technical personnel management

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1 practices and those standards of conduct, deportment, and character necessary and
2 demanded to the orderly, efficient, and just operation of the state service.

3 **SECTION 44.** 230.17 (2) of the statutes is amended to read:

4 230.17 (2) If the director refuses to examine an applicant, or after examination
5 to certify an eligible, as provided in this section, the director, if requested by the
6 applicant so rejected within 10 days of the date of receipt of the notice of rejection,
7 shall give the applicant a full and explicit statement of the exact cause of such refusal
8 to examine or certify. Applicants may appeal to the commission the decision of the
9 director to refuse to examine or certify under s. 230.44 (1) (a). Upon request of an
10 applicant or an eligible for a civil service position who has a disability, the
11 department of health services shall obtain from the director a detailed description
12 of all duties entailed by such position and shall determine and report its findings to
13 the director, as to the ability of the applicant, or eligible, to perform the duties of such
14 position. Such findings shall be conclusive as to the qualifications of any applicant,
15 or eligible, so examined. A notice of rejection shall notify an applicant or eligible of
16 his or her rights under this subsection.

17 **SECTION 45.** 230.18 of the statutes is amended to read:

18 **230.18 Discrimination prohibited.** No question in any form of application
19 or in any ~~evaluation used in the hiring process~~ examination may be so framed as to
20 elicit information concerning the partisan political or religious opinions or
21 affiliations of any applicant nor may any inquiry be made concerning such opinions
22 or affiliations and all disclosures thereof shall be discountenanced except that the
23 director may evaluate the competence and impartiality of applicants for positions
24 such as clinical chaplain in a state institutional program. No discriminations may
25 be exercised in the recruitment, application, examination, or hiring process against

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1 or in favor of any person because of the person's political or religious opinions or
2 affiliations or because of age, sex, disability, race, color, sexual orientation, national
3 origin, or ancestry except as otherwise provided.

4 **SECTION 46.** 230.19 of the statutes is repealed and recreated to read:

5 **230.19 Promotion.** (1) The administrator shall provide employees with
6 reasonable opportunities for career advancement, within a classified service
7 structure designed to achieve and maintain a highly competent work force, with due
8 consideration given to affirmative action.

9 (2) If, in the judgment of the administrator, the group of applicants best able
10 to meet the requirements for vacancies in positions in the classified service are
11 available within the classified service, the vacancies shall be filled by competition
12 limited to persons in the classified service who are not employed under s. 230.26 or
13 230.27 and persons with the right of restoration resulting from layoff under s. 230.34
14 (2), unless it is necessary to go outside the classified service to be consistent with an
15 approved affirmative action plan or program. The administrator may also limit
16 competition for promotion to the employees of an agency or an employing unit within
17 an agency if the resulting group of applicants would fairly represent the proportion
18 of members of racial and ethnic, gender, or disabled groups in the relevant labor pool
19 for the state.

20 (3) A person with the right of restoration resulting from layoff under s. 230.34
21 (2) may compete only for a position under sub. (2) for which he or she could have
22 competed had the layoff not occurred.

23 **SECTION 47.** 230.21 (1) of the statutes is amended to read:

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1 230.21 (1) Subject to s. 230.275, the director may, to meet the needs of the
2 service, establish separate recruitment, examination, and certification procedures
3 for filling positions in unskilled labor and service classes.

4 **SECTION 48.** 230.21 (2) of the statutes is amended to read:

5 230.21 (2) The director may designate classifications in which applicants are
6 in critically short supply and may develop such recruitment, examination, and
7 certification processes as will provide agencies with prompt certification when
8 qualified applicants can be found, provided that due notice has been given and proper
9 competitive standards have been maintained.

10 **SECTION 49.** 230.21 (3) of the statutes is amended to read:

11 230.21 (3) The director shall designate classifications in prison industries in
12 the department of corrections as critical positions requiring expeditious hiring and
13 shall develop such recruitment, examination, and certification processes as will
14 provide the department with prompt certification when qualified applicants can be
15 found, provided that due notice has been given and proper competitive standards
16 have been maintained.

17 **SECTION 50.** 230.213 of the statutes is amended to read:

18 **230.213 Affirmative action procedures for corrections positions.** The
19 director may, to meet affirmative action objectives, establish such recruitment,
20 examination, and certification procedures for positions in the department of
21 corrections as will enable the department of corrections to increase the number of
22 employees of a specified gender or a specified racial or ethnic group in those positions.
23 The director shall design the procedures to obtain a work force in the department of
24 corrections that reflects the relevant labor pool. The director may determine the
25 relevant labor pool from the population of the state or of a particular geographic area

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1 of the state, whichever is more appropriate for achieving the affirmative action
2 objective.

3 **SECTION 51.** 230.24 (1) of the statutes is amended to read:

4 230.24 (1) The administrator may by rule develop a career executive program
5 that emphasizes excellence in administrative skills in order to provide agencies with
6 a pool of highly qualified executive candidates, to provide outstanding
7 administrative employees a broad opportunity for career advancement, and to
8 provide for the mobility of such employees among the agencies and units of state
9 government for the most advantageous use of their managerial and administrative
10 skills. To accomplish the purpose of this program, the director may provide policies
11 and standards for recruitment, examination, probation, employment register
12 control, certification, transfer, promotion, and reemployment, and the director may
13 provide policies and standards for classification and salary administration, separate
14 from procedures established for other employment. The administrator shall
15 determine the positions which may be filled from career executive employment
16 registers.

17 **SECTION 52.** 230.24 (2) of the statutes is repealed and recreated to read:

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

25 **SECTION 53.** 230.25 (1) of the statutes is amended to read:

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1 230.25 (1) Appointing authorities shall give written notice to the director of any
2 vacancy to be filled in any position in the classified service. The director shall certify,
3 under this subchapter and the rules of the director, from the register of eligibles
4 appropriate for the kind and type of employment, the grade and class in which the
5 position is classified, any number of names at the head thereof. In determining the
6 number of names to certify, the director shall use statistical methods and personnel
7 management principles that are designed to maximize the number of certified names
8 that are appropriate for filling the specific position vacancy. Up to 2 persons
9 considered for appointment 3 times and not selected may be removed from the
10 register for each 3 appointments made. Certification under this subsection shall be
11 made before granting any preference under s. 230.16 (7).

12 **SECTION 54.** 230.25 (1g) of the statutes is repealed and recreated to read:

13 230.25 (1g) For every position to be filled by promotion from a promotional
14 register, the administrator shall, after certifying names under sub. (1), additionally
15 certify the name of the highest ranked disabled veteran whose disability is at least
16 70 percent.

17 **SECTION 55.** 230.25 (1m) of the statutes is repealed and recreated to read:

18 230.25 (1m) After certifying names under sub. (1), additional names shall be
19 certified in rank order of those who with the combination of veterans preference
20 points awarded under s. 230.16 (7) and examination score earn a total score equal
21 to or higher than the lowest score of those certified on the basis of examination only.
22 The number of veterans or spouses of veterans added to the list may not exceed the
23 number of names certified under sub. (1).

24 **SECTION 56.** 230.25 (2) (a) of the statutes is amended to read:

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1 230.25 (2) (a) When certifying names to appointing authorities under this
2 section, the director shall specify whether the certification includes qualifying
3 veterans or persons the hiring of whom would serve affirmative action purposes,
4 without divulging the names of those individuals. The director shall not disclose any
5 applicant's test score, with or without the addition of veterans preference points
6 under s. 230.16 (7), to the appointing authority.

7 **SECTION 57.** 230.25 (2) (am) of the statutes is repealed.

8 **SECTION 58.** 230.25 (2) (b) of the statutes is amended to read:

9 230.25 (2) (b) Unless otherwise provided in this subchapter or the rules of the
10 director, appointments shall be made by appointing authorities to all positions in the
11 classified service from among those certified to them in accordance with this section.
12 Appointments shall be made within ~~30~~ 60 days after the date of certification unless
13 an exception is made by the director. If an appointing authority does not make an
14 appointment within ~~30~~ 60 days after certification, he or she shall immediately report
15 in writing to the director the reasons therefor. If the director determines that the
16 failure to make an appointment is not justified under the merit system, the director
17 shall issue an order directing that an appointment be made.

18 **SECTION 59.** 230.25 (3) (a) of the statutes is amended to read:

19 230.25 (3) (a) Subject to par. (b), the term of eligibility on original entrance and
20 promotional registers is 6 months and thereafter the register expires but may be
21 reactivated by the administrator for up to 3 years from the date of the establishment
22 of the register. Except as provided in ss. 230.28 and 230.34, the eligibility of
23 individuals for reinstatement is 5 years and the eligibility of individuals for
24 restoration is 3 years.

25 **SECTION 60.** 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 director is unable to certify to the appointing authority,
3 upon requisition by the latter, a list of persons eligible for appointment from an
4 appropriate employment register, the appointing authority may nominate a person
5 to the director for noncompetitive examination. If the nominee is certified by the
6 director as qualified, the nominee may be appointed provisionally to fill the vacancy
7 until an appointment can be made from a register established after announcement
8 of competition for the position, except that no provisional appointment may be
9 continued for more than 45 working days after the date of certification from the
10 register. Successive appointments may not be made under this subsection. This
11 subsection does not apply to a person appointed to a vacant position in the classified
12 service under s. 230.275.

13 **SECTION 61.** 230.26 (4) of the statutes is amended to read:

14 230.26 (4) Fringe benefits specifically authorized by statutes, with the
15 exception of deferred compensation plan participation under subch. VII of ch. 40,
16 worker's compensation, unemployment insurance, group insurance, retirement, and
17 social security coverage, shall be denied employees hired under this section. Such
18 employees may not be considered permanent employees and do not qualify for
19 tenure, vacation, paid holidays, sick leave, performance awards, or the right to
20 compete in promotional ~~processes~~ examinations.

21 **SECTION 62.** 230.28 (1) (a) of the statutes is amended to read:

22 230.28 (1) (a) All original and all promotional appointments to permanent,
23 sessional and seasonal positions, with the exception of those positions designated as
24 supervisor or management under s. 111.81, in the classified service shall be for a
25 probationary period of ~~one year~~ 6 months, but the director at the request of the

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1 appointing authority and in accordance with related rules may extend any such
2 period for a maximum of ~~12~~ 3 additional months. Dismissal may be made at any time
3 during such periods. Upon such dismissal, the appointing authority shall report to
4 the director and to the employee removed, the dismissal and the reason therefor. The
5 director may remove an employee during the employee's probationary period if the
6 director finds, after giving notice and an opportunity to be heard, that such employee
7 was appointed as a result of fraud or error.

8 **SECTION 63.** 230.28 (1) (am) of the statutes is amended to read:

9 230.28 (1) (am) All probationary periods for employees in supervisory or
10 management positions are one year, ~~but the director at the request of the appointing~~
11 ~~authority may extend any such period for a maximum of 12 additional months unless~~
12 waived after 6 months under par. (c). The waiver under par. (c) may be exercised for
13 an employee in a supervisory position only if the employee has successfully
14 completed a supervisory development program under s. 230.046 (2). However,
15 persons who transfer or are reinstated to supervisory or management positions
16 consistent with conditions under sub. (4) and who had previously obtained
17 permanent status in class in a supervisory or management position prior to the
18 transfer or reinstatement shall serve a probationary period in accordance with sub.
19 (4).

20 **SECTION 64.** 230.28 (1) (c) of the statutes is amended to read:

21 230.28 (1) (c) Upon request by the appointing authority, the director may waive
22 any portion of ~~a~~ the lengthened probationary period but in no case before a ~~one-year~~
23 6-month probationary period has been served.

24 **SECTION 65.** 230.28 (6) of the statutes is created to read:

SENATE BILL 855**SECTION 65**

1 230.28 (6) A person with a right of restoration resulting from layoff under s.
2 230.34 (2) who competes for promotion to a position under s. 230.19 (3) and is
3 appointed shall serve a probationary period under sub. (1). If the appointing
4 authority terminates the employee during the probationary period, the person shall
5 return to his or her former layoff status.

6 **SECTION 66.** 230.31 (1) (intro.) of the statutes is amended to read:

7 230.31 (1) (intro.) Any person who has held a position and obtained permanent
8 status in a class under the civil service law and rules and who has separated from
9 the service before July 1, 2016, without any delinquency or misconduct on his or her
10 part but owing to reasons of economy or otherwise shall be granted the following
11 considerations:

12 **SECTION 67.** 230.31 (2) of the statutes is created to read:

13 230.31 (2) The administrator may also provide for the reinstatement of persons
14 who have served in seasonal and sessional employment and for persons who separate
15 from a position while serving a probationary period.

16 **SECTION 68.** 230.31 (3) of the statutes is repealed.

17 **SECTION 69.** 230.32 (4) of the statutes is amended to read:

18 230.32 (4) Any person appointed to fill the position of an employee on such
19 military or civilian leave shall be designated as a substitute or replacement employee
20 and upon the return and reemployment of the original employee the substitute
21 employee shall be transferred to a similar position with the same employing agency
22 if one is available, or if not, he or she shall be eligible for reinstatement or have the
23 right of restoration in accordance with this subchapter and the rules of the director.
24 The status of any person who is appointed to fill the place of an employee on military

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1 or civilian leave under this section shall be governed by the rules of the director
2 pursuant thereto.

3 **SECTION 70.** 230.34 (1) (a) (intro.) of the statutes is renumbered 230.34 (1) (a)
4 and amended to read:

5 230.34 (1) (a) An employee with permanent status in class or an employee who
6 has served with the state as an assistant district attorney or an assistant state public
7 defender for a continuous period of 12 months or more may be removed, suspended
8 without pay, discharged, reduced in base pay, or demoted only for just cause. ~~It is just~~
9 ~~cause to remove, suspend without pay, discharge, reduce the base pay of, or demote~~
10 ~~an employee for work performance or personal conduct that is inadequate,~~
11 ~~unsuitable, or inferior, as determined by the appointing authority, but only after~~
12 ~~imposing progressive discipline that complies with the administrator's standards~~
13 ~~under s. 230.04 (13m). It is just cause to remove, suspend without pay, discharge,~~
14 ~~reduce the base pay of, or demote an employee without imposing progressive~~
15 ~~discipline for any of the following conduct:~~

16 **SECTION 71.** 230.34 (1) (a) 1. to 9. of the statutes are repealed.

17 **SECTION 72.** 230.34 (1) (am) of the statutes is amended to read:

18 230.34 (1) (am) If an employee fails to report for work as scheduled or to contact
19 his or her supervisor, the appointing authority may discipline the employee. If an
20 employee fails to report for work as scheduled, or to contact his or her supervisor for
21 a minimum of ~~3~~ 5 consecutive working days during a calendar year, the appointing
22 authority shall consider the employee's position abandoned and may discipline the
23 employee or treat the employee as having resigned his or her position. If the
24 appointing authority decides to treat the position abandonment as a resignation, the

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1 appointing authority shall notify the employee in writing that the employee is being
2 treated as having effectively resigned as of the end of the last day worked.

3 **SECTION 73.** 230.34 (2) (intro.) of the statutes is amended to read:

4 230.34 (2) (intro.) Employees with permanent status in class in permanent,
5 sessional and seasonal positions in the classified service and employees serving a
6 probationary period in such positions after promotion or transfer may be laid off
7 because of a reduction in force due to a stoppage or lack of work or funds or owing to
8 material changes in duties or organization but only after all original appointment
9 probationary and limited term employees in the classes used for layoff, are
10 terminated.

11 **SECTION 74.** 230.34 (2) (a) of the statutes is repealed and recreated to read:

12 230.34 (2) (a) The order of layoff of such employees may be determined by
13 seniority or performance or a combination thereof or by other factors.

14 **SECTION 75.** 230.34 (2) (b) of the statutes is repealed and recreated to read:

15 230.34 (2) (b) The director shall promulgate rules governing layoffs and
16 appeals therefrom and alternative procedures in lieu of layoff to include voluntary
17 and involuntary demotion and the exercise of a displacing right to a comparable or
18 lower class, as well as the subsequent employee right of restoration or eligibility for
19 reinstatement.

20 **SECTION 76.** 230.35 (3) (d) of the statutes is amended to read:

21 230.35 (3) (d) Employees of the state are entitled to reasonable paid leaves of
22 absence to compete in promotional ~~evaluations~~ examinations and interviews. The
23 administrator shall promulgate rules governing the lengths of time allowable for
24 such leaves, their frequency and the provisions for their use.

25 **SECTION 77.** 230.37 (1) of the statutes is amended to read:

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1 230.37 (1) In cooperation with appointing authorities the administrator shall
2 establish an employee performance evaluation program to provide a continuing
3 record of employee development and, when applicable, to serve as a basis for
4 pertinent personnel actions. ~~Under the employee performance evaluation program~~
5 ~~established under this subsection, the administrator shall require each appointing~~
6 ~~authority to conduct at least an annual performance evaluation of each employee~~
7 ~~appointed by the appointing authority.~~ Similar evaluations shall be conducted
8 during the probationary period but may not infringe upon the authority of the
9 appointing authority to retain or dismiss employees during the probationary period.

10 **SECTION 78.** 230.40 (3) of the statutes is created to read:

11 230.40 (3) A person who separates from the classified service to fill an elective
12 position shall have reinstatement privileges for 5 years following termination from
13 the classified service or for one year following termination from the elective position,
14 whichever is longer.

15 **SECTION 79.** 230.43 (1) (title) of the statutes is amended to read:

16 230.43 (1) (title) ~~HIRING PROCESS; OBSTRUCTION~~ OBSTRUCTION OR FALSIFICATIONS
17 OF EXAMINATIONS.

18 **SECTION 80.** 230.43 (1) (am) of the statutes is amended to read:

19 230.43 (1) (am) Willfully defeats, deceives or obstructs any person in respect
20 of the rights of ~~application~~ examination or registration under this subchapter or any
21 rules prescribed pursuant thereto.

22 **SECTION 81.** 230.43 (1) (b) of the statutes is amended to read:

23 230.43 (1) (b) Willfully or corruptly, falsely marks, grades, estimates, or reports
24 upon an ~~application or resume~~ examination, or proper standing of any person

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1 evaluated examined, registered, or certified, pursuant to this subchapter, or aids in
2 so doing.

3 **SECTION 82.** 230.43 (1) (c) of the statutes is amended to read:

4 230.43 (1) (c) Willfully or corruptly makes any false representations concerning
5 the same, or concerning ~~an applicant~~ the person examined.

6 **SECTION 83.** 230.43 (1) (d) of the statutes is amended to read:

7 230.43 (1) (d) Willfully or corruptly furnishes any person any special or secret
8 information for the purpose of either improving or injuring the prospects or chances
9 of any persons so evaluated examined, registered, or certified, being appointed,
10 employed, or promoted.

11 **SECTION 84.** 230.43 (1) (e) of the statutes is amended to read:

12 230.43 (1) (e) Personates any other person, or permits or aids in any manner
13 any other person to personate him or her in connection with any examination,
14 registration, application, or request to be evaluated examined or registered.

15 **SECTION 85.** 230.43 (5) of the statutes is amended to read:

16 230.43 (5) TAXPAYERS' SUITS. The right of any taxpayer to bring any action to
17 restrain the payment of compensation to any person appointed to or holding any
18 office or place of employment in violation of this subchapter shall not be limited or
19 denied by reason of the fact that the office or place of employment has been classified
20 as, or determined to be, not subject to ~~a~~ competitive hiring process examination;
21 however, any judgment or injunction in any such action shall be prospective only, and
22 shall not affect payments already made or due to such persons by the proper
23 disbursing officers, in accordance with the rules of the administrator in force at the
24 time of such payments.

25 **SECTION 86.** 230.44 (1) (c) of the statutes is amended to read:

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1 230.44 (1) (c) *Demotion, layoff, suspension or discharge.* If an employee has
2 permanent status in class, or an employee has served with the state as an assistant
3 district attorney or an assistant state public defender for a continuous period of 12
4 months or more, the employee may appeal a demotion, layoff, suspension, discharge
5 or reduction in base pay to the commission as the final step in the state employee
6 grievance process procedure established under s. ~~230.445~~ 230.04 (14), if the appeal
7 alleges that the decision was not based on just cause.

8 **SECTION 87.** 230.44 (1) (e) of the statutes is amended to read:

9 230.44 (1) (e) *Discretionary performance awards.* This subsection does not
10 apply to decisions of an appointing authority relating to discretionary performance
11 awards under s. 230.12 (5) ~~or under the discretionary merit award program~~
12 ~~established under s. 230.04 (19)~~, including the evaluation methodology and results
13 used to determine the award or the amount awarded.

14 **SECTION 88.** 230.445 of the statutes is repealed.

15 **SECTION 89.** 321.65 (3) (g) of the statutes is amended to read:

16 321.65 (3) (g) *Veterans preferences.* The right of a person to reemployment
17 under this subsection does not entitle the person to retention, preference, or
18 displacement rights over any person who has a superior claim under s. 45.03 (4),
19 62.13 (4) (d), 63.08 (1) (f) ~~or (fm)~~, 63.37, 63.39 (2m), 66.0509 (1), 230.15 (2m), 230.16
20 (7) or (7m), 230.21 (1m), 230.25, or 230.275.

21 **SECTION 90. Initial applicability.**

22 (1) HIRING PREFERENCES FOR VETERANS. The treatment of ss. 63.08 (1) (fm) and
23 230.25 (1g) and (1m) first applies to a position that is posted on the effective date of
24 this subsection.

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1 (2) PROBATIONARY PERIODS. The treatment of s. 230.28 (1) (a), (am), and (c) first
2 applies to a probationary period that begins on the effective date of this subsection.

3 (3) STANDARDS FOR ADVERSE EMPLOYMENT ACTIONS. The treatment of s. 230.34 (1)
4 (a) (intro.) and (am) first applies to employee discipline for conduct that occurs on the
5 effective date of this subsection.

6 (4) GRIEVANCE PROCEDURES. The treatment of s. 230.44 (1) (c) first applies to an
7 action taken against an employee on the effective date of this subsection.

8 (5) REINSTATEMENT PRIVILEGES, SEPARATION FROM CLASSIFIED SERVICE. The
9 treatment of s. 230.40 (3) first applies to a person who separates from the classified
10 service on the effective date of this subsection.

11 (END)