

**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: 1-18-00

BILL NO. SB 268

OR  
SUBJECT \_\_\_\_\_

BOB VAN HOESEN  
(NAME) ELIZABETH REINWARD

\_\_\_\_\_  
(Street Address or Route Number)

(City and Zip Code) EMPLOYMENT  
WIS. DEPT OF RELATIONS  
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information  
only; Neither for nor against:

Please return this slip to a messenger **PROMPTLY**

Senate Sergeant-At-Arms  
State Capitol - B35 South  
P.O. Box 7882  
Madison, WI 53707-7882

January 27, 2000

PAPER BALLOT

SENATE LABOR COMMITTEE - Senator Jim Baumgart, Chair

\*\*\*\*\*

**SENATE BILL 268**

Relating to: restoration and reinstatement rights of classified employes appointed to unclassified positions; leaves of absence from state employment to seek partisan political office; compensation and employment rights of assistant district attorneys; the salary of the position of Wisconsin veterans museum superintendent; authority of the administrator of the division of merit recruitment and selection in the department of employment relations to appoint local examiners; and solicitation of recommendations for positions in the classified service of the state (suggested as remedial legislation by the department of employment relations).

Motion by Chair that Senate Bill 268 be recommended for Passage:

AYE:   X   NO:           

James R. Baumgart  
Senator Jim Baumgart

January 27, 2000

PAPER BALLOT

SENATE LABOR COMMITTEE - Senator Jim Baumgart, Chair

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Motion by Chair that Senate Bill 268 be recommended for Passage:

AYE:            NO:           

          Russ Decker            
Senator Russell Decker

January 27, 2000

PAPER BALLOT

SENATE LABOR COMMITTEE - Senator Jim Baumgart, Chair

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**SENATE BILL 268**

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Motion by Chair that Senate Bill 268 be recommended for Passage:

AYE:       ✓       NO:           

*Roger Breske*  
Senator Roger Breske

January 27, 2000

PAPER BALLOT

SENATE LABOR COMMITTEE - Senator Jim Baumgart, Chair

\*\*\*\*\*

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Motion by Chair that Senate Bill 268 be recommended for Passage:

AYE:   X   NO:           

Margaret Farrow  
Senator Margaret Farrow

January 27, 2000

PAPER BALLOT

SENATE LABOR COMMITTEE - Senator Jim Baumgart, Chair

\*\*\*\*\*

**SENATE BILL 268**

Relating to: restoration and reinstatement rights of classified employes appointed to unclassified positions; leaves of absence from state employment to seek partisan political office; compensation and employment rights of assistant district attorneys; the salary of the position of Wisconsin veterans museum superintendent; authority of the administrator of the division of merit recruitment and selection in the department of employment relations to appoint local examiners; and solicitation of recommendations for positions in the classified service of the state (suggested as remedial legislation by the department of employment relations).

Motion by Chair that Senate Bill 268 be recommended for Passage:

AYE:   ✓   NO:           

David Zien  
Senator David Zien

Tommy G. Thompson  
Governor

Peter D. Fox  
Secretary

# State of Wisconsin



345 West Washington Avenue  
P.O. Box 7855  
Madison, WI 53707-7855  
Voice (608) 266-9820  
FAX (608) 267-1020  
TTY (608) 267-1004

## DEPARTMENT OF EMPLOYMENT RELATIONS

**DATE:** January 18, 2000  
**TO:** State Senator James Baumgart  
Members,  
Senate Committee on Labor  
**SUBJECT:** SB 268, Remedial Legislation

The Department of Employment Relations submitted the remedial proposals that are now contained in Senate Bill 268.

These minor, technical changes were submitted to the Legislative Council for consideration by the Law Revision Committee, which approved them last year and introduced SB 268.

The table below lists the six items, which are explained in more detail in the pages that follow.

- |          |   |
|----------|---|
| Item # 1 | Clarify the law regarding restoration rights upon appointment from classified to unclassified service.  |
| Item # 2 | Clarify the law regarding leaves of absence for state employees running for partisan political office to make it clear that such employees must take a leave of absence..   |
| Item # 3 | Repeal obsolete language regarding plan of extra compensation for Assistant District Attorneys (ADAs); repeal obsolete language allowing ADAs to receive credit for county service in reference to certain employment rights. |
| Item # 4 | Remove Wisconsin Veterans Museum Superintendent from list of employees whose salaries are set by the appointing authority. This position does not exist.  |
| Item # 5 | Delete obsolete language regarding appointment of local examiners.  |
| Item # 6 | Delete obsolete language regarding solicitation of recommendations.   |

Questions may be addressed to the Department's Legislative Liaison, Elizabeth Reinwald at 266-5316, 267-1020 (Fax) or by e-mail at [Elizabeth.Reinwald@der.state.wi.us](mailto:Elizabeth.Reinwald@der.state.wi.us).

**Item #1**

**PURPOSE**

Clarify the law regarding restoration rights upon appointment from classified to unclassified service.

**REASON FOR CHANGE**

DER receives many questions about when an appointment to an unclassified position gives the employe restoration rights and when an appointment gives the employe only reinstatement eligibility. The current statutes are not worded clearly.

Many agencies read sub. (1) to mean that only appointments within the same agency give an employe restoration rights, even if the appointment was made by the governor, an elected officer, a judicial body, or a legislative body or committee (to another agency, commission, etc.) Since DER does not believe that is what the Legislature intended, the statute needs to be clarified. The revised language more clearly outlines the impact on an employe, depending on who makes the appointment and whether the unclassified position is in the same or a different agency.

**Item #2**

**PURPOSE**

Clarify the law regarding leaves of absence for employes running for partisan political office.

**RECOMMENDED CHANGE**

S. 230.40 (2) "If a person in the classified service declares an intention to run for partisan political office the person shall be ~~given~~ placed on a leave of absence for the duration of the election campaign and if elected shall separate from the classified service on assuming the duties and responsibilities of such office."

**REASON FOR CHANGE**

This will clarify that this provision is not discretionary and that the person must be placed on a leave of absence regardless of the wishes of the person or the agency.



**Item #3**

**PURPOSE**

Repeal obsolete language regarding plan of extra compensation for Assistant District Attorneys; repeal obsolete language allowing ADAs to receive credit for county service in reference to certain employment rights.

**REASON FOR CHANGE**

The authority for a plan of extra compensation (in s. 230.12 (c) 2) is unnecessary since Assistant District Attorneys (ADAs) are now represented employees and are not subject to the compensation plan which is established under s. 230.12, Stats.

The language in ss. 230.34 and 230.44 relating to ADAs includes references to just cause protection for an employe who has served as an assistant district attorney with the state or a county, or both for a continuous period of 12 months or more. It is DER's interpretation that this language was intended to cover ADAs who began employment with a county and, at the time the positions were transferred to the state, had not yet been employed for a continuous 12 month period. (Effective January 1, 1990, ADAs were transferred from county to state employment.) The idea was that the county employment just prior to their transfer to the state should count towards that 12 month continuous employment period.

In recent years, a few people who were employed as ADAs with a county but were not employed at the time the ADAs transferred to the state, have inquired about employment as an ADA. They have tried to argue previous employment as an ADA at a county should count "retroactively." The Department believes there is agreement on the intent of the law and no one has challenged this interpretation that employment that began and ended before the ADAs transferred to the state does not count toward the 12 month continuous employment threshold. No current ADAs would be adversely affected by the deletion of this obsolete phrase.

**Item #4**

**PURPOSE**

Remove Wisconsin Veterans Museum Superintendent from list of employes whose salaries are set by the appointing authority.

**REASON FOR CHANGE**

This position does not exist.

**Item #5**

**PURPOSE**

Delete obsolete language regarding appointment of local examiners.

**REASON FOR CHANGE**

Section 230.16 (8) allows the administrator of DER's Division of Merit Recruitment and Selection to appoint persons as local examiners. The Department is not aware of the purpose of this provision and does not use this authority.

The Department hires limited term employes to serve as proctors at its exam centers.

**Item #6**

**PURPOSE**

Delete obsolete language regarding solicitation of recommendations.

**REASON FOR CHANGE**

Section 230.20 (3) forbids applicants for promotions from soliciting recommendations from any source. If "recommendations" means "references", the provision doesn't comport with common sense or practice.

Furthermore, the first two subsections of this section would remain in the statutes and would still prohibit recommendations that are based on political or religious affiliations or non-merit related memberships, or recommendations which are not based on an objective evaluation of an applicant's job-related qualifications.