

(3) If it shall appear from such report that such classes have been maintained pursuant to law and in a manner satisfactory to the state board of vocational education and in conformity with the state plan as accepted by the federal board of vocational education, the state board of vocational education shall certify to the secretary of state in favor of the several authorities maintaining such schools an amount equal to one-third of the sums expended by each respectively for the wages of duly qualified and approved teachers therein during the school year. Upon receipt of such certificate, the secretary of state shall draw his several warrants accordingly, payable to the treasurers of the counties in which part time instruction in agriculture is maintained.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 17, 1919.

No. 439, S.]

[Published June 20, 1919.

CHAPTER 365.

AN ACT to amend the title and certain sections of chapter 16 of the statutes, relating to the state civil service; to renumber and amend and to consolidate into said chapter 16, as a subchapter thereof, sections 772—1 to 772—13, inclusive, of the statutes, relating to the county civil service; to renumber and amend section 772—14; to repeal section 772—17; and to amend sections 4548m and 4548o of the statutes; to renumber and amend and to consolidate into chapter 16 of the statutes, as a subchapter thereof, sections 1 to 18, inclusive, of chapter 313, laws of 1895 (as amended by chapter 218, laws of 1897, chapter 95, laws of 1911, chapter 547, laws of 1911, chapter 135, laws of 1915, chapter 320, laws of 1915, chapter 326, laws of 1917 and by chapter 410, laws of 1917) and sections 3, 7, 8, 9, 10 and 11 of chapter 218, laws of 1897, section 6 of chapter 547, laws of 1911 and section 2 of chapter 410, laws of 1917, all relating to the civil service in cities of the first and second class; to renumber and amend sections 19, 20 and 21 of chapter 313, laws of 1895; and to repeal section 22 of chapter 313, laws of 1895, and to repeal certain chapters of the session laws therein enumerated.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The title of chapter 16 of the statutes is amended to read:

CHAPTER 16.

* * * CIVIL SERVICE

SECTION 2. The first clause of section 16.01 of the statutes is amended to read:

STATE.

(16.01) (first clause) In * * * sections 16.01 to 16.30, inclusive, unless the context otherwise requires:

SECTION 3. Subsections (1), (3) and (4) of section 16.04; section 16.09; subsection (2) of section 16.10; subsection (4) of section 16.11; subsection (1) of section 16.12; section 16.15; subsection (1) of section 16.17; subsection (1) of section 16.18; section 16.25; subsection (1) of section 16.28; section 16.29 and subsections (1), (2) and (3) of section 16.30 of the statutes are amended by striking therefrom the words "this chapter" wherever the same occur therein and by inserting in lieu thereof in each case, except in the last line of subsection (3) of section 16.04, the words and figures "sections 16.01 to 16.30, inclusive," and by inserting in the said last line of subsection (3) of section 16.04, in lieu of the words stricken therefrom, the words "said sections".

SECTION 4. Section 4548m of the statutes is amended as follows:

By striking out the words and figures "chapter 16" from the next to the last line of subsection (1) and by inserting in lieu thereof the following: "sections 16.01 to 16.30, inclusive."

By striking out the word "chapter" from the last line of subsection (2) and by inserting in lieu thereof the word "sections".

SECTION 5. Section 4548o of the statutes is amended by striking out the words and figures "chapter 16" where the same occur in the second and again in the fifth lines of said section and by inserting in lieu thereof in each case the following: "sections 16.01 to 16.30, inclusive."

SECTION 6. Section 772—1 of the statutes is renumbered to be section 16.31 and is amended to read:

COUNTY.

16.31 COMMISSION; APPOINTMENT; QUALIFICATION; OATH; CONFIRMATION; TERM. * * * (1) There shall be a *civil service commission* in every county * * * containing two hundred thousand inhabitants or more according to the last state or United States census, called "*Commission*" in section 16.31 to 16.44, inclusive. * * * Such commission shall consist of five members, no more than two of

whom shall belong to the same political party and all of whom shall be legal residents of the county. No person holding any elective or appointive public position or office of any sort in said county government shall be appointed thereon.

(2) * * * The chairman of the board of supervisors of any such county, * * * within thirty days after * * * sections 16.31 to 16.44, inclusive, become * * * applicable * * * thereto, * * * shall appoint the members of said commission, designating the term of office of each. Such appointment and designation shall be subject to confirmation by the board of supervisors. * * * Of the persons first appointed one shall hold for one year, one for two years, one for three years, one for four years and one for five years from the first day of January next following such appointment, and until * * * his * * * successor * * * is appointed and * * * qualifies. In the month of December of each year, immediately preceding the expiration of the term of office of any such commissioner, the chairman of the board of supervisors shall appoint, subject to confirmation by the board, one member of such commission to hold office for the term of five years, from the first day of January next succeeding his appointment and until his successor is appointed and qualifies. * * *

SECTION 7. Section 772—2 of the statutes is divided into two parts which are renumbered to be subsections (3) and (4), respectively, of section 16.31 and are amended to read: (16.31)

(3) * * * Every person appointed a member of said commission shall * * * take and file * * * the official oath. * * *

(4) Each member of the commission shall receive five dollars for each day actually spent in official service, * * * but no such member shall receive more than two hundred dollars for service performed in any one year. Such compensation shall be paid by the county treasurer on the certificate of the chief examiner countersigned by the county auditor, * * * if any. * * *

SECTION 8. Section 772—3 of the statutes is renumbered to be section 16.32 and is amended to read:

16.32 RULES; SECRETARY; EMPLOYES; OFFICES.

(1) * * * Such commissioners, * * * as soon as possible after their appointment and qualification, shall prepare and adopt such rules and regulations to carry out the provisions of sections * * * 16.31 to 16.44, inclusive, * * * as in * * * their judgment * * * shall be adapted to secure the best service for the county in each department affected by * * * said sections, and as shall tend to promote expe-

dition and speed the elimination of all unnecessary formalities in making appointments. Such rules shall be printed and distributed in such manner as reasonably to inform the public of the county as to their purpose, and shall take effect ten days after they are published.

(2) Every such commission * * * may appoint * * * a chief examiner, * * * whose annual salary, unless a greater amount therefor is determined by the board of supervisors, shall not exceed fifteen hundred dollars, and * * * may also appoint * * * such clerical or other assistants as it may deem necessary and fix * * * their salaries * * *. All such appointments shall be made subject to the provisions of sections 16.31 to 16.44, inclusive.

(3) * * * The board of supervisors in every county in which a commission * * * is appointed * * * shall provide suitable offices, furniture, stationery, light, heat, telephone and all other necessary supplies and conveniences to enable the commission to perform its duties.

SECTION 9. Section 772—4 of the statutes is renumbered to be section 16.33 and is amended to read:

16.33 CLASSIFICATION. (1) * * * In every county in which a commission * * * is appointed, pursuant to * * * sections * * * 16.31 to 16.44, inclusive, * * * all offices and positions in the public service in said county shall be divided into two classes, * * * namely, the classified and the unclassified service. The unclassified service shall include:

(a) All officials elected by the people.

(b) All members of boards and commissions.

(c) Professors and instructors in any county agricultural school.

(d) * * * Court reporters of all courts.

(e) * * * Clerk of the civil court.

(f) * * * Undersheriffs.

(g) * * * Deputy register of deeds.

(h) Deputy clerk of the circuit court.

(i) Deputy county clerk.

(j) Deputy county treasurer.

(k) * * * Deputy coroner.

(2) All other offices and positions, however created or filled, shall be included in the classified service. * * *

SECTION 10. Section 772—5 of the statutes is renumbered to be section 16.34 and is amended to read:

16.34 APPOINTMENTS; PROMOTIONS AND REMOVALS IN CLASSIFIED SERVICE. * * * On and after January first next succeeding the date when sections

* * * 16.31 to 16.44, inclusive, * * * become applicable in any county * * * no person shall be appointed * * * or promoted to, reduced in, transferred to or in, or removed from the classified service in any such county, except in accordance with the provisions of *said* sections. * * *

SECTION 11. Section 772—6 of the statutes is renumbered to be section 16.35 and is amended to read:

16.35 CERTIFICATIONS; EXAMINATIONS; PREFERENCE TO VETERANS; TEMPORARY APPOINTMENTS.

(1) * * * When any appointing * * * power in any such county learns that a vacancy has occurred, or is about to occur in any office or position in the classified service in his department, he shall forthwith notify the chief examiner of such fact. When an eligible list (containing the names of persons who have, within a period of time to be specified in the rules of the commission, passed an examination appropriate to the office or position in question) is in existence, the chief examiner shall certify to the appointing power the names of the three persons standing highest on that list. If more than one vacancy in the same class or position is to be filled, one additional name shall be certified for each additional vacancy.

(2) *Whenever practicable, the commission in the certification of eligibles, other conditions being equal, shall give preference to veterans of any of the wars of the United States. Preference is hereby defined to mean that whenever a question arises as to the certification of two persons of equal qualification as determined by civil service examination and one of those persons is a war veteran, he shall be certified, and the rules of the commission shall so provide.*

(3) The appointing * * * power shall make selection to fill such vacancy or vacancies with reference solely to merit and fitness from the * * * names certified, unless objection is made * * * to one or more of the persons named and such objection is sustained by the commission, in which case the commission shall certify in addition the name next following upon the eligible list.

(4) If there is no such eligible list, the procedure shall be as follows: An examination shall be arranged for the earliest possible date to examine candidates relative to their fitness for said office or position. The time and place of such examination, together with the requirements of the position, and all other necessary information shall be sufficiently advertised by said commission in such manner as the commission shall by its rules determine as best suited to give notice of such examination.

(5) Pending the holding of such examination and the creation of an eligible list, the *office or position* in question may be filled temporarily by the appointing power, by an emergency appointment, subject to such rules and restrictions as the commission may adopt.

SECTION 12. Section 772—7 of the statutes is renumbered to be section 16.36 and is amended to read:

16.36 APPLICATIONS FOR AND NATURE OF EXAMINATIONS; ELIGIBLE LIST. (1) * * * All applicants for such examination may be required by the commission to prepare and file written application blanks giving such information bearing upon their fitness for the *office or position* in question, as the commission may deem necessary. Such application blanks need not be uniform for the different grades or classes of *offices or positions*, but the forms to be used shall be definitely specified in the rules of the commission. No questions pertaining to political affiliation or religious faith shall be asked of any applicant. The examination shall be such as to test fairly and practically the ability of each applicant to fulfill the requirements of the *office or position* in question. Wherever the commission believes it advisable it may substitute an actual demonstration by the applicant of his skill in performing the duties of the *office or position* for which he is applying in place and stead of a written test.

(2) Whenever the *office or position* is one in which the person to be appointed will hold a personal or confidential relation to the appointing power, the person having the power of appointment may be present at the examination for the purpose of advising the commission with relation to the relative personal fitness of the various candidates and this advice shall be given due weight in the markings of the applicant.

(3) The weights, if any, to be given to previous experience, training, age, sex, written or demonstration test, oral test, and the various other phases or elements of the examination to which the applicant may be subjected, shall be provided for in advance by the rules of the commission. The names of the persons passing the examination shall be placed on an eligible list in the order of their final grades in the examination. Certification shall then be made as * * * provided in section 16.35.

SECTION 13. Section 772—8 is renumbered to be section 16.37 and is amended to read:

16.37 EFFICIENCY RECORDS; PROMOTIONS. * * * The chief examiner * * *, under the direction of the commission and with the advice of the heads of the departments involved, shall devise and introduce as rapidly and extensively as

practicable a system of efficiency records to be based, among other things, upon the quantity and quality of the work performed and the regularity and punctuality of attendance. After such system * * * is introduced, * * * the various departments *thereby* affected * * * shall maintain it. The chief examiner shall also, under the direction of the commission, prepare a classification of subordinate positions in accordance with their natural tendency to fit their incumbents to fill higher *offices or positions* in the service of the county. The commission shall provide in its rules that the efficiency records of an employe in one of the aforesaid lower positions shall be given due weight in the examination of such employe for higher *offices or positions* to which they naturally lead, to the end that such higher *offices or positions* in the service shall be filled as far as possible by promotion.

SECTION 14. Section 772—9 of the statutes is renumbered to be section 16.38 and is amended to read:

16.38 DEMOTION; DISMISSAL; PROCEDURE. (1)
 * * * Whenever a person possessing appointing power in the county believes that an *officer or employe in the classified service* in his department has acted in such a manner as to show him to be incompetent or to have merited suspension, demotion or dismissal, he shall report in writing to the civil service commission setting forth specifically his complaint, and may suspend the *officer or employe* at the time such complaint is filed. The commission shall forthwith notify the accused *officer or employe* of the filing of such charges and on request provide him with a copy of the same.

(2) The commission shall appoint a time and place for the hearing of said charges, the time to be within three weeks after the filing of the same, and notify the person possessing the appointing power and the * * * *accused* of the time and place of such hearing. At the termination of the hearing the commission shall determine whether or not the charge is well founded and shall take such action by way of suspension, demotion, discharge or reinstatement, as it may deem requisite and proper under the circumstances and as its rules may provide. The decision of the commission shall be final. Neither the person possessing the appointing power nor the * * * *accused* shall have the right to be represented by counsel at said hearing, but the commission may in its discretion permit the * * * *accused* to be represented by counsel and may request the presence of an assistant district attorney to act with the commission in an advisory capacity.

SECTION 15. Section 772—10 of the statutes is renumbered to be section 16.39 and is amended to read:

16.39 STANDARD SCALE OF COMPENSATION. * * *
The chief examiner * * *, under the direction of the commission and in co-operation with the county clerk (or county auditor, * * * *if any*) and with the heads of the various departments, shall devise and recommend to the board of supervisors a standardized scale of wages and salaries for all county officers and positions in the classified service, said scale to be graduated according to the duties performed, the length of service and efficiency records of the *officers or employees*. The supervisors shall consider and act in some way upon this scale at the last meeting of said board in the month of October next following its recommendation, and if adopted it shall go into effect on the first day of January following its adoption, or at such other date as may be provided by law.

SECTION 16. Section 772—11 of the statutes is renumbered to be section 16.40 and is amended to read:

16.40 INVESTIGATIONS; TESTIMONIAL POWERS; WITNESSES. (1) * * * *Each member of the commission * * * may subpoena witnesses, administer oaths, examine witnesses and compel the production of documents, records, and papers of all sorts in conducting such investigations as * * * the commission may deem necessary or proper in order to ascertain whether or not the provisions of sections * * * 16.31 to 16.44, inclusive, * * * are being carried into effect. The commission may examine such public records as it requires in relation to any such investigation. All officers and other persons in the civil service of the county shall attend and testify when required to do so by the commission.*

(2) *In case of the refusal of any person to comply with any subpoena issued hereunder or to testify to any matter regarding which he may be lawfully interrogated, the circuit court of the county or the judge thereof, on application of any one of the commissioners, shall issue an order requiring such person to comply with such subpoena and to testify, or either, and any failure to obey such order of the court may be punished by the court as a contempt thereof.*

(3) *Each person, not in the civil service of the county, who appears before the commission by its order shall receive for his attendance the fees and mileage provided for witnesses in civil actions in courts of record which shall be paid out of the appropriation to the commission. But no witness subpoenaed at the instance of parties other than the commission shall be entitled to witness fees or mileage unless the commission certifies*

that his testimony was relevant and material to the matter investigated.

SECTION 17. Section 772—12 of the statutes is renumbered to be section 16.41 and is amended to read:

16.41 CERTIFICATION OF PAY ROLLS. * * * No payment for personal services of any *officer or employe in the classified service* of any * * * county *wherein sections 16.31 to 16.44, inclusive, are applicable* shall be made by any county officer unless the commission * * * *has certified that the officer or employe claiming such payment is holding his position legally under the provisions of said sections * * * 16.31 to 16.44, inclusive, and the rules of the commission. Such certification shall be required on each and every pay roll for each and every office and position in the county service, which is subject to the provisions of said sections * * * 16.31 to 16.44, inclusive.* County officers making payments in violation of this section shall be liable for the full amount thus paid and shall be deemed guilty of a violation of the provisions of *said sections * * * 16.31 to 16.44, inclusive, * * ** and subject to the penalties * * * *provided in section 4548r.*

SECTION 18. Section 772—13 of the statutes is renumbered to be section 16.42 and is amended to read:

16.42 PROHIBITED INFLUENCES AND PRACTICES.
* * * (1) *Except as provided otherwise by subsection (2) of section 16.35, no factor or influence other than the fitness of * * * a person to perform the duties of the office or position in which he is acting or employed, or to which he is seeking appointment, shall affect the determination of appointments, promotions, transfers, suspensions or discharges with respect to any office or employment within the scope of sections * * * 16.31 to 16.44, inclusive * * *.*

(2) The following practices are especially forbidden in any * * * *county wherein sections 16.31 to 16.44, inclusive, are applicable:* Pernicious political activity by any county *officer or employe in the classified service*; the giving of any consideration, whether financial or otherwise, in return for appointment to * * * *an office or position in the service of said county*; the obstruction or deceiving of any person desiring to take an examination under the provisions of *said sections * * **, or *desiring* to secure information concerning any such examination; the deliberate mismarking or miscalculation of grades of any applicant taking an examination under *said sections * * **; the impersonation by any person of any other person in connection with the holding of any examination under *said sections * * **; and the giving to or receiving by candidates for ex-

amination information or assistance enabling such candidates to obtain an unfair or improper advantage over other candidates for the same examination.

SECTION 19. Section 772—14 of the statutes is renumbered to be section 4548r and is amended to read:

VIOLATIONS COUNTY CIVIL SERVICE. Section *4548r*. * * * Any person who * * * wilfully, or through culpable negligence, violates any provisions of sections * * * *16.31 to 16.44, inclusive,* * * * or any rule promulgated in accordance with the provisions thereof, shall be guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine of not less than fifty dollars * * * *nor more than one thousand dollars,* or by imprisonment in the county jail for a term of not less than thirty days, nor more than one year or *by both such fine and imprisonment in the discretion of the court.*

SECTION 20. Section 772—15 of the statutes is renumbered to be section 16.43 and is amended to read:

16.43 EXISTING OFFICERS AND EMPLOYEES, HOW AFFECTED. * * * All persons included within the classified service of *any county,* * * * at the time * * * sections * * * *16.31 to 16.44, inclusive, go into effect therein,* appointed for a definite term, shall be required to take examinations under *said sections* * * * as soon as practicable after the expiration of such definite term, * * * *except persons who* * * * have been on the pay rolls of such county continuously for the four years immediately preceding * * * *the date upon which said sections go into effect in said county;* * * * and *except that all such persons being in service and on the pay roll of said county less than four years preceding such date shall, in order to retain their offices or positions, be required to take a noncompetitive examination, and shall retain their offices or positions, unless upon such examination they be found and determined by said board to be insufficiently qualified. The foregoing provisions* * * * *do not* * * * however, * * * prevent suspension, demotion or discharge of any officer or employe subject to the provisions of sections * * * *16.31 to 16.44, inclusive,* * * * in the manner * * * provided in *section 16.38.*

SECTION 21. Section 772—16 of the statutes is renumbered to be section 16.44 and is amended to read:

16.44 APPROPRIATION FOR COMMISSION. * * * A sufficient sum shall be provided each year by the county board of supervisors of each county in which * * * sections *16.31 to 16.44, inclusive,* * * * become operative to enable the commission created * * * *thereunder,* to exercise the pow-

ers and perform the duties therein specified; * * * *but* the total expenditures therefor in any one year shall not exceed twelve one-thousandths of a mill on each dollar of the assessed valuation of the property in said county.

SECTION 22. Section 772—17 of the statutes is repealed.

SECTION 23. Section 1 of chapter 313, laws of 1895, as amended by chapter 135, laws of 1915 and chapter 326, laws of 1917, is renumbered to be section 16.45 of the statutes and is amended to read:

CITY.

16.45 COMMISSION; APPOINTMENT; TERMS; OATHS; COMPENSATION. (1) (Ch. 313, laws 1895) * * * The mayor of each city * * * of the first * * * or * * * second class, * * * *however organized*, shall, before the fifteenth day of June * * * in the year next following the first state or national census, showing such city to belong to either said first or second class, appoint five persons, citizens and residents of said city, who shall constitute * * * the board of city service commissioners of such city, *called "board" in sections 16.45 to 16.63, inclusive.* * * * One of the persons so appointed *shall be designated* to serve for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year, from the first Monday of July in the year of * * * *his* appointment and until * * * *his* successor * * * is appointed and * * * *qualifies*, * * * *but* in cities having a board of city service commissioners the members * * * shall hold office and continue to be * * * members of such * * * *board* until the expiration of * * * *their respective terms* * * *. In *June* in each * * * year after such first appointment, * * * the mayor shall, in like manner, * * * appoint * * * the successor of the commissioner whose term * * * expires in that year, to serve as such commissioner for five years from the first Monday of July then next ensuing, and until his successor is appointed and * * * *qualifies*. * * *

(2) All appointments, both original and to fill vacancies, shall be so made that not more than two commissioners shall at the time of * * * appointment be members of the same political party.

(3) Said commissioners shall hold no *other* lucrative office or employment under the United States, * * * *this state* * * * or any municipal corporation or political division

thereof, and each commissioner shall * * * take and * * * file the official oath. * * *

(4) Each commissioner may receive compensation to be fixed by the common council.

(5) *In July of each year the board shall elect one of its members president and one vice-president, each for a term of one year and until his successor is elected.*

SECTION 24. Section 8 of chapter 313, laws of 1895, as amended by section 2, chapter 218, laws of 1897 and section 4, chapter 547, laws of 1911, is renumbered to be section 16.46 of the statutes and is amended to read:

16.46 CHIEF EXAMINER; SECRETARY; ASSISTANTS; SALARIES; EXPENDITURES. (1) (Chapter 313, laws 1895) * * * The * * * board shall appoint a chief examiner, whose duty it shall be, under its direction, to superintend any examinations held in such city under * * * sections 16.45 to 16.63, inclusive, and * * * to perform such other duties as the board * * * prescribes. Such chief examiner shall be ex officio secretary of the board, and under the direction of such board he, as such secretary, shall keep and record minutes of its proceedings, preserve all reports made to it, keep a record of all examinations held under its direction, and perform such other duties as the board may from time to time prescribe. The salary of such chief examiner may be fixed by the board * * *, to be approved by the common council, * * * but such salary shall not be less than fifteen hundred dollars per annum, which shall be paid monthly by the city treasurer on the certificate of the president of the said board, countersigned by the city comptroller. He shall be subject to removal at any time by said board.

(2) The * * * board may also incur such expenses for clerk hire, printing, stationery, and other incidental matters as it shall deem necessary; * * * but the total amount of all expenditures by it incurred during any year, including the compensation of the chief examiner, clerks, and other employes, shall not exceed the amount of the * * * "city civil service fund" provided for in section 16.55.

SECTION 25. Section 2 of chapter 313, laws of 1895, as amended by section 1 of chapter 218, laws of 1897, and section 3 of said chapter 313, laws of 1895, as amended by section 1 of chapter 547, laws of 1911, are consolidated as section 16.47 of the statutes and are amended to read:

16.47 RULES; APPROVAL; SUPERVISION; PUBLICATION. (Ch. 313, 1895 as amended by ch. 218, 1897) (1) * * * The * * * board shall make and supervise the

*administration of rules adapted to carry out the purposes of * * * sections 16.45 to 16.63, inclusive, and not inconsistent * * * therewith, for the examination and selection of persons to fill offices and positions in the classified service of * * * the city. All rules so made shall be subject to the approval of the mayor, * * * and * * * may with like approval be from time to time altered or rescinded by said * * * board. * * **

(Ch. 313, 1895 as amended by ch. 547, 1911) (2) * * *
Such rules * * * may be made from time to time:

(a) * * * For open, competitive, and other examinations by which to test applicants for office or for employment as to their practical fitness to discharge the duties of the positions which they desire to fill. * * *

(b) * * * For the filling of vacancies in offices and places of employment in accordance with the results of such examinations, and for the selection of persons for public employment in accordance with such results, or otherwise, as may seem most desirable to carry out the provisions of * * * sections 16.45 to 16.63, inclusive.

(c) * * * For the promotions in office or positions on the basis of ascertained merit and seniority in service, and examinations as may seem desirable.

(d) * * * For a period of probation before an appointment or employment is made permanent.

(3) All rules made as provided in this * * * section and all changes therein shall forthwith be printed for distribution by said board.

SECTION 26. Section 6 of chapter 313 laws of 1895, as amended by chapter 218, laws of 1897, chapter 547, laws of 1911, and chapter 137, laws of 1915 and section 6 of chapter 547, laws of 1911 are consolidated as section 16.48 of the statutes and amended to read:

16.48 CLASSIFICATION OF SERVICE. (Ch. 313, 1895, as amended by ch. 218, 1897 and ch. 547, 1911) (1) * * *
In all cities subject to the provisions of sections 16.45 to 16.63, inclusive, all offices and positions in the public service therein shall be divided into two classes, namely, the classified and the unclassified service. The unclassified service shall include:

(a) Officers * * * elected by the people, or * * * by the city council.

(b) Inspectors and clerks of election.

(c) Members of any board of education.

(d) * * * Superintendents and teachers of schools.

(e) Heads of any principal departments of the city.

(f) All members of the law, fire, and police departments.

(g) Officers and clerks entrusted with the handling of money for which their superior officer is required to give bond.

(h) Persons employed temporarily in the office of the city treasurer or city clerk to assist in making out the tax roll.

(i) One private secretary of the mayor.

(j) * * * Any other officers, clerks, or employes in the service of the city whose positions, in the judgment * * * of the * * * board cannot, for the time being be subjected, with advantage to the public service, to the general rules prepared under * * * sections 16.45 to 16.63, inclusive.
* * *

(2) *All other offices or positions, however created or filled, shall be included in the classified service.*

(Ch. 547, 1911) (3) * * * A * * * division of the classified service, to be known as the special expert class, is created. * * * The board * * * shall place in this class all positions of a technical, scientific, or professional character, together with all positions where the qualifications are peculiar to the service in any department of the city government, and may in addition thereto temporarily classify as of the special expert class positions where the service is new and experimental in character.

(4) * * * The provisions of * * * sections 16.45 to 16.63, inclusive, now governing selections, appointments, promotions, reinstatements, removals, and transfers shall apply to the special expert class, except as * * * otherwise provided in this section.

(5) * * * For the filling of positions in the special expert class the appointing officer * * * may suggest names of persons for consideration in examination together with all other applicants and all other persons whose names have been suggested to the board * * *, and the board shall inquire into the fitness of persons so nominated and may notify such persons and any other suitable person to participate in the examination.

(6) * * * Previous to an examination to fill a position in the special expert class, the board * * * may provide in its published announcement that the resulting eligible list shall expire as soon as an appointment has been made therefrom, providing the appointing officer so desires. When an appointing officer makes objection in writing to names of persons in the special expert class, certified from an eligible list, not especially appropriate * * * for the position or group of positions in question, such certification shall be invalid.

(7) * * * The appointing officer shall in all cases be consulted as to qualifications and requirements, examination standards, and procedure for filling positions in the special expert class.

(8) * * * In filling positions in the special expert class the board * * * shall select a * * * *committee* of one or more experts to conduct the examination when requested in writing to do so by an appointing officer.

(9) * * * Whenever the board * * * or the officer having the power of appointment shall deem it advisable in the interests of the service, no qualifications as to residence or citizenship shall be imposed in the examination for a position in the special expert class. Any restrictions contained in any law, or in any charter of any city of the first class inconsistent with this provision shall not be applicable in such case.

SECTION 27. That part of section 4 of chapter 313, laws of 1895, as amended by 547, laws of 1911, chapter 320, laws of 1915 and chapter 410, laws of 1917, commencing with the first word and ending with the word "rules" in the sixth line of said section is renumbered to be section 16.49 of the statutes and is amended to read:

(Ch. 313, 1895 as amended by ch. 547, 1911, ch. 320, 1915 and ch. 410, 1917)

16.49 APPOINTMENTS, PROMOTIONS AND REMOVALS IN CLASSIFIED SERVICE. * * * From and after the adoption of * * * *rules by the board as provided in section 16.47*, all appointments or promotions to, reductions in, transfers to or in or removals from the classified service * * * of such city * * * shall be made * * * under and in conformity with the provisions of *said sections 16.45 to 16.63, inclusive, and such rules adopted thereunder.*

SECTION 28. Section 5 of chapter 313, laws of 1895 and paragraph 3a of section 1 of chapter 547, laws of 1911 are consolidated as section 16.50 of the statutes and are revised to read:

16.50 EXAMINATIONS, NATURE, NOTICES AND CONDUCT OF; APPLICATIONS. (1) All applicants for offices, places or employments in the classified service of such city shall be subject to examination under and in accordance with sections 16.45 to 16.63, inclusive, and the rules adopted thereunder by the board.

(2) Such examinations shall consist of any reasonable and impartial method of ascertaining the fitness or relative merit and fitness of candidates, shall be practical, and may include tests of physical qualifications and health, and, when appropriate, of manual skill. No question in any examination shall relate to

political or religious opinions or affiliations, and no appointment or selection to an office or for employment within the classified service shall be in any manner affected or influenced by such opinions or affiliations.

(3) All such examinations shall be public and free to all persons with proper limitations as to citizenship, residence, age, health, sex, habits, and moral character.

SECTION 29. Section 10 of chapter 313, laws of 1895, as amended by section 4 of chapter 218, laws of 1897, is renumbered to be subsection (4) of section 16.50 of the statutes.

SECTION 30. Section 7 of chapter 313, laws of 1895 is renumbered to be subsection (5) of section 16.50 of the statutes.

SECTION 31. Section 9 of chapter 313, laws of 1895 is renumbered to be subsection (6) of section 16.50 of the statutes and is amended to read:

(16.50) (6) (Ch. 313, 1895) * * * The board shall control all examinations, and may, whenever an examination is to take place, designate a suitable number of persons, either in or not in the official services of the city, to be examiners, and, it shall be the duty of such examiners, and, if in the service of the city, it shall be a part of their official duty without extra compensation, to conduct examinations as the board may direct, and make return or report thereof to such board; and the board may at any time substitute any other person, whether or not in such service, in the place of any one so selected, and the board may themselves at any time act as such examiners and without appointing examiners. The examiners at any examination shall not all be members of the same political party, and no person shall serve in an examination of candidates for office under the provisions of * * * sections 16.45 to 16.63, inclusive, in case of a relative or connection by marriage within the degree of first cousin.

SECTION 32. Section 11 of chapter 313, laws of 1895 is renumbered to be section 16.51 of the statutes and is amended to read:

16.51 ELIGIBLE LIST. From the returns or reports of the examiners, or from the examinations made by the board, the board shall prepare and keep a register for each grade or class of positions in the *classified* service of such city, of the persons whose general average standing upon examination for such grade or class is not less than the minimum fixed by the rules of such board, and who are otherwise eligible; and such persons shall take rank upon the register as candidates in the order of their relative excellence as determined by examination, without reference to priority of time of examination.

SECTION 33. Section 12 of chapter 313, laws of 1895, as amended by section 5 of chapter 218, laws of 1897 and section 5 of chapter 547, laws of 1911, is renumbered to be section 16.52 of the statutes and is amended to read:

16.52 NOTICE OF APPOINTMENTS, VACANCIES, TRANSFERS AND PROMOTIONS; CERTIFICATIONS; PROBATION; BONDS. (1) (Ch. 313, 1895 as amended by ch. 218, 1897 and ch. 547, 1911) * * * Immediate notice in writing shall be given by the appointing power to * * * the board * * * of all appointments in the *classified service*, permanent or temporary, made pursuant to * * * sections 16.45 to 16.63, inclusive, and the rules made and established * * * thereunder, * * * and of all transfers, promotions, resignations, other changes or vacancies from any cause in * * * the *classified service*, and of the date thereof, and a record of the same shall be kept by said board. When any office or place of employment * * * in the *classified service* is created or abolished, or the compensation attached thereto is altered, the officer or * * * body making such change shall immediately report the same in writing to said board. * * *

(2) Notice shall be given in writing by the appointing officer to the * * * board of the existence of any vacancy or vacancies in any office or employment in the * * * *classified service* * * * and within ten days after the receipt of such notice the * * * board shall certify from the list of eligibles appropriate for the group in which the position to be filled is classified the three names and addresses of the candidates standing highest thereon which have not been certified three times to the department or office in which the vacancy exists. Whenever eligibles are certified, they must always be those candidates who have been graded the highest in the examination held in pursuance * * * of sections 16.45 to 16.63, inclusive, and the rules made in accordance therewith. In every case, after a name has been certified three times, it may be dropped from the list by the * * * board, but certifications for temporary appointments shall not be counted as one of such certifications.

(3) The head of any department or office may, with the approval of the * * * board, make temporary appointments to remain in force not exceeding thirty days, or until regular appointment under the provisions of * * * sections 16.45 to 16.63, inclusive, can be made.

(4) * * * The appointing officer * * * shall appoint on probation, with sole reference to merit and fitness, one of the * * * candidates whose name * * * is so certified

* * * to fill such vacancy unless objection * * * is made to one or more of the persons certified, for any of the reasons stated * * * in the rules; * * * but the provisions of this section may be altered by the * * * board when the office or employment comes within those where, by the rules, competitive examinations are not required. The * * * board shall make rules for the procedure in such cases.

(5) *When any position to be filled involves fiduciary responsibility other than the handling of money, the appointing officer may require the appointee to furnish him a bond or other security for the faithful performance of his duty, the amount be fixed by the appointing officer with the approval of the mayor, and shall notify the board of the amount, conditions and other details thereof. Any surety company, the bonds of which are accepted by the judge of any court of record in this state, shall be sufficient security on any such bond, and the premium on such bond, within the limits fixed by law, shall be paid out of the city treasury.*

SECTION 34. That part of section 4 of chapter 313, laws of 1895, as amended by chapter 547, laws of 1911, chapter 320, laws of 1915 and chapter 410, laws of 1917 not included in new section 16.49 and section 2 of chapter 410, laws of 1917 are consolidated as section 16.53 of the statutes and are revised to read:

16.53 REMOVALS; REDUCTIONS; APPEAL; PROCEDURE. (1) No person in the classified service shall be removed, discharged or reduced, except for just cause which shall not be political or religious. The removing power, upon demand therefor by the person removed, discharged or reduced, shall furnish such person, in writing, the reasons for such removal, discharge or reduction and shall forthwith forward a copy thereof to the board.

(2) The person removed, discharged or reduced may within three days, after receipt of such written reasons, appeal therefrom, in writing, to the board. Thereupon the board shall set a date for a hearing on or investigation of such reasons, which date shall not be more than thirty days after the date of delivery of such written reasons to the person removed, discharged or reduced. Notice of the time and place of such hearing or investigation shall be served upon the removing power and the appellant in the manner that a summons is served.

(3) The board, or a committee or body appointed by it, shall conduct the hearing or investigation. The appellant shall have full opportunity to be heard, and may, in the discretion of the board, be represented by counsel in which case the removing power may be represented by the city attorney or by other coun-

sel, but if by other counsel any expense so incurred shall not be paid by the city. All evidence may, on the order of the board, be taken down by a competent reporter.

(4) The decision and findings of the board, or of the committee or body appointed by it when approved by the board, shall be final and shall be filed in writing with the secretary of the board, and shall be forthwith certified to and enforced by the officer or body that made the removal, discharge or reduction.

(5) This section does not limit the power of an officer or body to suspend a subordinate for a reasonable period not exceeding fifteen days. However, in case of a second or other subsequent suspension of any person for any period whatsoever within a period of six months, the person suspended shall have the right to hearing or investigation by the board as herein provided for in cases of removal, discharge or reduction.

(6) The provisions of this section do not apply to removals of persons in any department of the city which is under the supervision and control of a board or commission of three or more members. Every such board or commission shall establish rules relating to the removal, discharge or suspension of persons in the classified service in its department; but no such person shall be removed, discharged or reduced for religious or political reasons and any person removed, discharged or reduced shall have the right to a trial and determination by such board or commission, or by a committee duly appointed by it, as to whether there existed sufficient grounds for his removal, discharge or reduction and the determination of such board or commission, or of the committee when approved by the board or commission, shall be final in the matter. Any such board or commission may suspend subordinates as provided in subsection (5).

SECTION 35. Section 17 of chapter 313, laws of 1895 is renumbered to be section 16.54 of the statutes and is amended to read:

16.54 BOARD TO CERTIFY APPOINTMENTS AND VACANCIES. (Ch. 313, 1895) * * * The board * * * shall certify to the comptroller all appointments to offices and places in the * * * *classified* service of the city * * * and all vacancies occurring therein, whether by dismissal, resignation or death. * * *

SECTION 36. Section 14 of chapter 313, laws of 1895 and section 3 of chapter 218, laws of 1897 are consolidated as section 16.55 of the statutes and are amended to read:

16.55 CO-OPERATION OF DEPARTMENTS; APPROPRIATION; SPECIAL FUND. (1) (Ch. 313, 1895) * * * All officers of any such city shall aid said board in all proper

ways in carrying out the provisions of * * * *sections 16.45 to 16.63, inclusive*, and, at any place where examinations are to be held, shall allow the reasonable use of the public buildings for holding such examinations. The mayor of each city shall cause suitable rooms to be provided for said board at the expense of such city. * * *

(2) (Ch. 218, 1897) * * * The common council shall levy and collect annually, upon all taxable property of the said city, at the same time and in the same manner as other city taxes are levied and collected by law, a special tax not exceeding one thirty-fifth of a mill upon each dollar of the assessed value of said taxable property, the amount of which shall be determined by said board of city service commissioners and certified by it to the common council and to the city comptroller * * * before the twentieth of January in each year, and the entire amount of such special tax shall constitute a separate and distinct fund to be known as the "city civil service fund", and shall not be used or appropriated, directly or indirectly, for any other purpose than paying the salaries of the chief examiner, clerks and employes of said board and the other necessary expenses of carrying out the purposes of * * * *sections 16.45 to 16.63, inclusive*. All disbursements on account of such city civil service fund, except for the salary of the chief examiner, shall be paid by the city treasurer on the orders of the president and secretary of the board, countersigned by the city comptroller.

SECTION 37. Section 7 of chapter 218, laws of 1897 and section 13 of chapter 313, laws of 1895 are consolidated as section 16.56 of the statutes and are amended to read:

16.56 DUTIES OF BOARD; INVESTIGATIONS; REPORTS. (Ch. 218, 1897) * * * *The board shall:*

(1) * * * Investigate the enforcement of * * * *sections 16.45 to 16.63, inclusive*, and of * * * *the rules adopted in accordance * * * therewith* to carry out the purposes of said * * * *sections*, and *investigate* the action of the examiners in said * * * *sections*, provided for, and the conduct and action of the appointees in the official service in its city, and may inquire as to the nature, tenure and compensation of all offices and places in the public service thereof.

(1895 c. 313 s. 13) (2) * * * *Make report to the mayor*, before the fifteenth day of March in each year, * * * for transmission to the city council, * * * showing its own action, the rules in force, the practical effects thereof, and *shall include therein* any suggestions it may approve for the more effectual accomplishment of the purposes of * * * *sections*

16.45 to 16.63, inclusive. The mayor may require a report from said board at any other time.

SECTION 38. Section 8 of chapter 218, laws of 1897 is renumbered to be section 16.57 of the statutes and is revised to read:

16.57 TESTIMONIAL POWERS; WITNESSES; FEES.

(1) Each of the members of the board may administer oaths and take testimony and may issue subpoenas to compel the attendance and testimony of witnesses and the production of books and papers pertinent to any investigation, trial or inquiry authorized or required by law to be held or made by the said board. The board may examine such public records as it requires in relation to any matter which it has authority to investigate. All officers and other persons in the civil service of the city shall attend and testify when requested to do so by the board.

(2) In case of the refusal of any person to comply with any subpoena issued hereunder or to testify to any matter regarding which he may lawfully be interrogated, the circuit court of the county or the judge thereof, on application of any one of the commissioners shall issue an order requiring such person to comply with such subpoena and to testify, or either, and any failure to obey such order of the court may be punished by the court as a contempt thereof.

(3) Each person, not in the civil service of the city, who appears before the board by its order shall receive for his attendance the fees and mileage provided for witnesses before circuit courts of this state, which shall be paid from the city civil service fund provided for in section 16.55. But no witness subpoenaed at the instance of parties other than the board shall be entitled to witness fees or mileage unless the board certifies that his testimony was relevant and material to the matter investigated.

SECTION 39. Sections 19, 20 and 21 of chapter 313, laws of 1895 are consolidated as section 4548s of the statutes and are amended to read:

VIOLATIONS CITY CIVIL SERVICE; VACATES OFFICE; DISQUALIFICATION; PROSECUTION. Section 4548s. (1) (Ch. 313, 1895) * * * Any person who * * * wilfully, or through culpable negligence, violates any provision of * * * *sections 16.45 to 16.63, inclusive*, or any rule promulgated in accordance with the provisions thereof, shall be guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine of not less than fifty dollars, and not exceeding one thousand dollars, or by imprisonment in the county

jail for a term not exceeding six months, or by both such fine and imprisonment in the discretion of the court.

(2) (Ch. 313, 1895) * * * If any person * * * is convicted under * * * *this* section, any public office which such person * * * holds shall, by force of such conviction, be rendered vacant, and such person shall be incapable of holding office for the period of five years from the date of such conviction.

(3) (Ch. 313, 1895) * * * Prosecutions for violations of * * * *sections 16.45 to 16.63, inclusive*, may be instituted either by the attorney-general, the * * * *district* attorney for the county in which the offense is alleged to have been committed, or by the board of *city service commissioners* acting through special counsel. Such prosecutions shall be conducted and controlled by the prosecuting officers who institute them, unless they request the aid of other prosecuting officers.

SECTION 40. Section 22 of chapter 313, laws of 1895 is repealed.

SECTION 41. Section 15 of chapter 313, laws of 1895 is renumbered to be section 16.58 of the statutes and is amended to read:

16.58 DECEIT; FALSE MARKS; OBSTRUCTIONS. (Ch. 313, 1895) * * * No person or officer shall wilfully and corruptly, by himself or in co-operation with one or more other persons, defeat, deceive or obstruct any person in respect to his or her right of examination, or corruptly or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined * * * *under sections 16.45 to 16.63, inclusive*, or aid in so doing or wilfully or corruptly make any false representations concerning the same or concerning the person examined, or wilfully or corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, or to be examined, being appointed, employed or promoted.

SECTION 42. Section 16 of chapter 313, laws of 1895 as amended by section 6 of chapter 218, laws of 1897 is renumbered to be section 16.59 of the statutes and is amended to read:

16.59 PROHIBITED ALLOWANCES OF CLAIMS. (Ch. 313, 1895 as amended by ch. 218, 1897) * * * No comptroller or accounting or auditing officer of such city shall allow the claim for services of any person employed in the public service in violation of the provisions of * * * *sections 16.45 to 16.63, inclusive*, or of the rules made and established by the board * * * pursuant to * * * *said sections*.

SECTION 43. Section 18 of chapter 313, laws of 1895 is re-numbered to be section 16.60 of the statutes and is amended to read:

16.60 PROHIBITED APPROVAL OR PAYMENT OF SALARIES. (Ch. 313, 1895) * * * No *comptroller*, paymaster, treasurer or other officer or agent of such city shall *approve payment of or wilfully pay*, or be in any manner concerned in paying, any person * * * *in the classified service* any salary or wages for services as an officer or employe of such city, before the appointment of such person to the civil service of such city has been certified by the board to the comptroller, nor after the vacation of such person's office or employment shall have been so certified.

SECTION 44. Section 9 of chapter 218, laws of 1897 is re-numbered to be section 16.61 of the statutes and is amended to read:

16.61 PROHIBITED DISCHARGES AND PROMOTIONS. (Ch. 218, 1897) * * * No officer or employe of * * * *any city to which sections 16.45 to 16.63, inclusive, are applicable*, shall discharge, * * * *degrade*, * * * *promote*, or in any manner change the official rank or compensation of any other officer or employe, or promise or threaten to do so, for giving or withholding any contribution of money or other valuable thing for any party or political purpose, or for refusal or neglect to render any party or political service.

SECTION 45. Section 10 of chapter 218, laws of 1897 is re-numbered to be section 16.62 of the statutes and is amended to read:

16.62 APPLICANT NOT TO BUY APPOINTMENT. (Ch. 218, 1897) * * * No applicant for appointment in * * * *the official service, of any city to which sections 16.45 to 16.63, inclusive, are applicable, shall*, either directly or indirectly, * * * pay or promise to pay, any money or other valuable thing to any person whomsoever, for or on account of his appointment or proposed appointment, and no officer or employe shall pay or promise to pay, either directly or indirectly, to any person any money or other valuable thing whatever for or on account of his promotion.

SECTION 46. Section 11 of chapter 218, laws of 1897, is re-numbered to be section 16.63 of the statutes and is amended to read:

16.63 PROHIBITED PROMISES AND INFLUENCES. (Ch. 218, 1897) * * * No person while holding any office in the government of * * * *any city, to which sections 16.45 to 16.63, inclusive, are applicable*, or any nomination for,

or while seeking a nomination for, or appointment to, any such office, shall corruptly use, or promise to use, either directly or indirectly, any official authority or influence in the way of conferring upon any person, or in order to secure or aid any person in securing, any office or public employment or any nomination, confirmation, promotion or increase of salary, upon the consideration or condition that the vote or political influence or action of the last named person, or any other, shall be given or used in behalf of any candidate, officer or party, or upon any other corrupt condition or consideration.

SECTION 47. Chapters 313, laws of 1895; 218, laws of 1897; 95, laws of 1911; 547, laws of 1911; 135, laws of 1915; 137, laws of 1915; 320, laws of 1915; 326, laws of 1917 and 410, laws of 1917 are repealed.

SECTION 48. This act shall take effect upon passage and publication.

Approved June 17, 1919.

No. 469, S.]

[Published June 20, 1919.

CHAPTER 366.

AN ACT to create section 45.18a of the statutes, relating to care of soldiers' graves and tombstones at public expense.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: 45.18a. (1) Every town board, village board, or common council of every city shall at all times see that the graves and tombstones of all soldiers, sailors or marines who shall at any time have served in the army or navy of the United States, and of the wives or widows of all such soldiers, sailors or marines, receive proper and decent care, and may employ all necessary assistance to carry out the provisions of this section. The expense of the care of such graves and tombstones shall be borne by the respective counties where the said graves are located, except where suitable care is otherwise provided.

(2) It shall also be the duty of such officers to report to the county clerk of their respective counties the respective locations of the graves so taken care of by them, together with the name and command to which every such soldier, sailor or marine belonged, and his rank at the date of his death.

(3) It shall be the duty of the chairman of the board and the clerk of such county, upon receipt of such report, to draw an order on the county treasurer for the amount of the expenses