



State of Wisconsin
1997 - 1998 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1997 ASSEMBLY BILL 353**

January 6, 1998 – Offered by Representative MUSSER.

1 **AN ACT** *to amend* 230.15 (1), 230.21 (1), 230.22 (3), 230.24 (2), 230.26 (2) and
2 230.27 (2); and *to create* 230.15 (2m), 230.25 (5), 230.275 and 230.44 (1) (dm)
3 of the statutes; **relating to:** noncompetitive appointment of certain disabled
4 veterans to positions in the classified service of the state.

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

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

6 230.15 (1) Appointments to, and promotions in, the classified service, shall be
7 made only according to merit and fitness, which shall be ascertained so far as
8 practicable by competitive examination. The administrator may waive competitive
9 examination for appointments made under ~~sub.~~ subs. (1m) and (2) and shall waive
10 competitive examination for appointments made under sub. (2m).

11 **SECTION 2.** 230.15 (2m) of the statutes is created to read:

1 230.15 **(2m)** If a vacancy occurs in a position in the classified service and the
2 administrator is notified by an appointing authority that the position is to be filled
3 by a disabled veteran under s. 230.275, the administrator shall waive all competition
4 requirements for filling the position.

5 **SECTION 3.** 230.21 (1) of the statutes is amended to read:

6 230.21 (1) The Subject to s. 230.275, the administrator may, to meet the needs
7 of the service, establish separate recruitment, examination and certification
8 procedures for filling positions in unskilled labor and service classes.

9 **SECTION 4.** 230.22 (3) of the statutes is amended to read:

10 230.22 (3) The Subject to s. 230.275, the administrator may establish separate
11 recruitment, evaluation and certification procedures for certain entry professional
12 positions. Vacancies in entry professional positions may be limited to persons with
13 a degree from an institution of higher education, as defined in s. 108.02 (18), or a
14 degree under an associate degree program, as defined in s. 38.01 (1).

15 **SECTION 5.** 230.24 (2) of the statutes is amended to read:

16 230.24 (2) ~~A~~ Except as provided in s. 230.275, a vacancy in a career executive
17 position may be filled through an open competitive examination, a competitive
18 promotional examination or by restricting competition to employes in career
19 executive positions in order to achieve and maintain a highly competent work force
20 in career executive positions, with due consideration given to affirmative action. The
21 appointing authority shall consider the guidelines under s. 230.19 when deciding
22 how to fill a vacancy under this ~~paragraph~~ subsection.

23 **SECTION 6.** 230.25 (5) of the statutes is created to read:

24 230.25 (5) Notwithstanding sub. (2) (a), if an appointing authority elects to
25 appoint a disabled veteran to a vacant position on a noncompetitive basis under s.

1 230.275 and the appointing authority has requested a certification for the position,
2 the administrator shall provide the appointing authority the names of all disabled
3 veterans certified for appointment to the position and who satisfy the condition
4 specified in s. 230.275 (1) (a) and the names of all such disabled veterans who are on
5 any other employment register that is identified by the appointing authority.

6 **SECTION 7.** 230.26 (2) of the statutes is amended to read:

7 230.26 (2) If there are urgent reasons for filling a vacancy in any position in
8 the classified service and the administrator is unable to certify to the appointing
9 authority, upon requisition by the latter, a list of persons eligible for appointment
10 from an appropriate employment register, the appointing authority may nominate
11 a person to the administrator for noncompetitive examination. If the nominee is
12 certified by the administrator as qualified, the nominee may be appointed
13 provisionally to fill the vacancy until an appointment can be made from a register
14 established after announcement of competition for the position, except that no
15 provisional appointment may be continued for more than 45 working days after the
16 date of certification from the register. Successive appointments may not be made
17 under this subsection. This subsection does not apply to a person appointed to a
18 vacant position in the classified service under s. 230.275.

19 **SECTION 8.** 230.27 (2) of the statutes is amended to read:

20 230.27 (2) The Subject to s. 230.275, the administrator may provide by rule for
21 the selection and appointment of a person to a project position.

22 **SECTION 9.** 230.275 of the statutes is created to read:

23 **230.275 Noncompetitive appointment of certain disabled veterans.**

24 (1) Whenever a vacancy occurs in a position in the classified service that is
25 determined by the administrator to be a nonprofessional position or in an entry

1 professional position under s. 230.22, the appointing authority may appoint a
2 disabled veteran on a noncompetitive basis if all of the following occur:

3 (a) The disabled veteran has served in the U.S. armed forces and is included
4 on a U.S. armed forces permanent disability list with a disability rating of at least
5 30% or the disabled veteran has been rated by the U.S. department of veterans
6 affairs as having a compensable service-connected disability of at least 30%.

7 (b) The disabled veteran presents to the appointing authority written
8 documentation from an appropriate department of the federal government certifying
9 the existence and extent of the disability. This certification must have been issued
10 by the appropriate department of the federal government within the year preceding
11 appointment.

12 (c) The appointing authority determines that the disabled veteran is qualified
13 to perform the duties and responsibilities of the position.

14 (d) The appointing authority notifies the administrator in writing that the
15 position is to be filled with a disabled veteran on a noncompetitive basis.

16 (e) The disabled veteran does not hold a permanent appointment or have
17 mandatory restoration rights to a permanent appointment.

18 **(2)** A disabled veteran appointed to a vacant position under this section need
19 not be certified under this subchapter for appointment to the position.

20 **(3)** (a) 1. If an appointing authority elects to appoint a disabled veteran to a
21 vacant position on a noncompetitive basis under sub. (1), the appointing authority
22 shall offer to interview for the position any disabled veteran who has expressed an
23 interest to the appointing authority in applying for the position, who satisfies the
24 condition specified in sub. (1) (a) and who appears to have the skills and experience
25 suitable for performing the duties and responsibilities of the position.

1 2. If an appointing authority elects to appoint a disabled veteran to a vacant
2 position on a noncompetitive basis under sub. (1) and the appointing authority has
3 requested a certification for the position, the appointing authority shall offer to
4 interview for the position any disabled veteran who is certified for appointment to
5 the position and who satisfies the condition specified in sub. (1) (a).

6 (b) Except as provided in par. (a), if an appointing authority elects to appoint
7 a disabled veteran to a vacant position on a noncompetitive basis under sub. (1), an
8 appointing authority is not required to interview any other person, including any
9 person certified for appointment to the position.

10 (4) Nothing in this section shall require an appointing authority to appoint a
11 disabled veteran to a vacant position in the classified service or prohibit an
12 appointing authority from filling a vacant position in the classified service from the
13 list of those persons certified under this subchapter for appointment to the position.

14 **SECTION 10.** 230.44 (1) (dm) of the statutes is created to read:

15 230.44 (1) (dm) *Noncompetitive appointment of certain disabled veterans.* A
16 personnel action under s. 230.275 by an appointing authority that is alleged to be
17 illegal or an abuse of discretion. The administrator and the department may not be
18 a party to any such appeal.

19 **SECTION 11. Effective date.**

20 (1) This act takes effect on the first day of the 2nd month beginning after
21 publication.

22 (END)