



State of Wisconsin
2015 - 2016 LEGISLATURE

LRBs0251/1
RAC:kjf

**SENATE SUBSTITUTE AMENDMENT 2,
TO ASSEMBLY BILL 373**

January 20, 2016 - Offered by Senators HANSEN, CARPENTER, L. TAYLOR, C. LARSON, RINGHAND, BEWLEY, HARRIS DODD, VINEHOUT, MILLER, ERPENBACH, RISSER, SHILLING, LASSA and WIRCH.

- 1 **AN ACT to create** 230.34 (1) (ah) of the statutes; **relating to:** just cause
2 disciplinary standard under state civil service.

Analysis by the Legislative Reference Bureau

Under the state civil service, an employer may remove, suspend without pay, discharge, reduce the base pay of, or demote classified employees and certain assistant district attorneys and assistant state public defenders only for just cause. This substitute amendment provides that it is just cause to remove, suspend without pay, discharge, reduce the base pay of, or demote an employee without imposing progressive discipline for any of the following conduct:

1. While on duty, harassing a person.
2. While on duty, intentionally inflicting physical harm on another person.
3. While on duty, being intoxicated or under the influence of a controlled substance or a controlled substance analog.
4. While on duty, being in possession of a controlled substance or a controlled substance analog without a prescription.
5. Falsifying records of the agency.
6. Theft of agency property or services with intent to deprive an agency of the property or services permanently, theft of currency of any value, felonious conduct connected with the employee's employment with the agency, or intentional or negligent conduct by an employee that causes substantial damage to agency property.

7. A conviction of an employee of a crime or other offense subject to civil forfeiture, while on or off duty, if the conviction makes it impossible for the employee to perform the duties that the employee performs for the agency.

8. Misuse or abuse of agency property, including the intentional use of the agency's equipment to download, view, solicit, seek, display, or distribute pornographic material.

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

1 **SECTION 1.** 230.34 (1) (ah) of the statutes is created to read:

2 230.34 (1) (ah) It is just cause under par. (a) to remove, suspend without pay,
3 discharge, reduce the base pay of, or demote an employee without imposing
4 progressive discipline for any of the following conduct:

5 1. While on duty, harassing a person.

6 2. While on duty, intentionally inflicting physical harm on another person.

7 3. While on duty, being intoxicated or under the influence of a controlled
8 substance, as defined in s. 961.01 (4), or a controlled substance analog, as defined in
9 s. 961.01 (4m).

10 4. While on duty, being in possession of a controlled substance, as defined in
11 s. 961.01 (4), or a controlled substance analog, as defined in s. 961.01 (4m), without
12 a prescription.

13 5. Falsifying records of the agency.

14 6. Theft of agency property or services with intent to deprive an agency of the
15 property or services permanently, theft of currency of any value, felonious conduct
16 connected with the employee's employment with the agency, or intentional or
17 negligent conduct by an employee that causes substantial damage to agency
18 property.

