



1995 ASSEMBLY BILL 771

January 4, 1996 - Introduced by LAW REVISION COMMITTEE. Referred to Committee on Labor and Employment.

1 **AN ACT to amend** 230.05 (2) (a); and **to create** 230.45 (1) (k) of the statutes;
2 **relating to:** the authority of the personnel commission to receive and process
3 complaints relating to family or medical leave and appeals to the personnel
4 commission of delegatory actions taken by an appointing authority (suggested
5 as remedial legislation by the personnel commission).

Analysis by the Legislative Reference Bureau

This bill does all of the following:

1. Under current law, the administrator of the division of merit recruitment and selection in the department of employment relations may delegate certain authority to appointing authorities in state agencies. Any delegatory action taken by an appointing authority, pursuant to this authority, may be appealed to the personnel commission. Current law specifies that the action may be appealed to the personnel commission under the personnel commission's authority to hear appeals of certain decisions made by or delegated by the secretary of employment relations. This bill provides that the action may be appealed to the personnel commission under the personnel commission's authority to hear appeals of certain decisions made by or delegated by the administrator of the division of merit recruitment and selection.
2. Under current law, an employe may generally take up to 6 weeks of leave from employment for family leave and 2 weeks of such leave for medical leave without pay in any 12-month period. Current law also provides that the personnel commission is required to process any complaints relating to the family or medical leave by state employes. This bill includes this duty in a statutory section that lists the general duties and powers of the personnel commission.

For further information, see the NOTES provided by the law revision committee of the joint legislative council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the personnel commission and introduced by the law revision committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1 **SECTION 1.** 230.05 (2) (a) of the statutes is amended to read:

2 230.05 (2) (a) Except as provided under par. (b), the administrator may
3 delegate, in writing, any of his or her functions set forth in this subchapter to an
4 appointing authority, within prescribed standards if the administrator finds that the
5 agency has personnel management capabilities to perform such functions effectively
6 and has indicated its approval and willingness to accept such responsibility by
7 written agreement. If the administrator determines that any agency is not
8 performing such delegated function within prescribed standards, the administrator
9 shall withdraw such delegated function. The administrator may order transfer to
10 the division from the agency to which delegation was made such agency staff and
11 other resources as necessary to perform such functions if increased staff was
12 authorized to that agency as a consequence of such delegation or if the division
13 reduced staff or shifted staff to new responsibilities as a result of such delegation
14 subject to the approval of the joint committee on finance. Any delegatory action
15 taken under this subsection by any appointing authority may be appealed to the
16 personnel commission under s. 230.44 (1) (b) (a). The administrator shall be a party
17 in such appeal.

NOTE: This SECTION corrects an error in a statutory cross-reference in current law. Currently, s. 230.44 (1) (a), stats., provides that decisions made or delegated by the

