



## 2005 ASSEMBLY BILL 848

November 29, 2005 - Introduced by Representatives SINICKI, LOTHIAN, COLON, CULLEN, FIELDS, GRIGSBY, RICHARDS, TOLES, TURNER, YOUNG and ZEPNICK, cosponsored by Senators TAYLOR, COGGS and PLALE. Referred to Committee on Urban and Local Affairs.

1     **AN ACT to amend** 63.39 (1), 63.39 (2) and 63.39 (3) of the statutes; **relating to:**  
2             changing the procedures for filling vacant civil service positions in the city of  
3             Milwaukee.

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### *Analysis by the Legislative Reference Bureau*

Under current law, a first class city (presently only Milwaukee) is required to have a civil service commission. Among the commission's duties is the responsibility to oversee the civil service examinations given by the city and to keep lists of eligible persons who take the examinations for civil service positions in the city. In general, if a vacancy occurs in a nonmanagement civil service position and if the appointing authority chooses not to fill the vacant position by reinstatement, promotion, or reduction, the commission is required to certify to the appointing authority from the list of eligible candidates the three persons ranked highest on the list, based on examination scores and other requirements established by the commission. Similarly, if the vacancy occurs in a civil service position that is managerial, supervisory, or confidential, the commission currently certifies to the appointing authority the five persons ranked highest on the list or, if the list of eligible candidates is more than 50, the top 10 percent ranked highest on the list up to a maximum of ten.

Under this bill, for vacancies in all civil service positions, the civil service commission may certify to the appointing authority any number of eligible candidates ranked highest on the list, based on rules established by the commission. Also under the bill, all persons on the list with the same test score must be included on the same certification.

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For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 63.39 (1) of the statutes is amended to read:

2           63.39 (1) If a position classified and graded under ss. 63.18 to 63.53 becomes  
3 vacant, the appointing officer may fill the position or let it remain vacant. If the  
4 appointing officer chooses to fill the vacant position, the appointing officer may, with  
5 the approval of the board of city service commissioners, fill it through reinstatement,  
6 promotion, reduction or open competitive examination. If the appointing officer  
7 chooses not to fill the vacant position by reinstatement, promotion or reduction, the  
8 appointing officer shall so notify the board. Except as provided under sub. (2), if the  
9 board is so notified, it shall certify to the appointing officer from the list of eligibles  
10 the names and addresses of ~~the 3~~ any number of persons standing highest on the list,  
11 in accordance with ~~requirements~~ rules established by the board. All persons on the  
12 list who have the same test score shall be included on the same certification. If there  
13 are less than 3 names upon an eligible list, certification shall be made and, unless  
14 objection is made by the appointing officer to the person or persons so certified and  
15 the objection sustained by the board, appointment shall be made under the rules.

16           **SECTION 2.** 63.39 (2) of the statutes is amended to read:

17           63.39 (2) If the appointing officer chooses not to fill a vacant managerial,  
18 supervisory or confidential position through reinstatement, promotion or reduction,  
19 the appointing officer shall so notify the board of city service commissioners. If the  
20 board is so notified, it shall certify to the appointing officer from the list of eligibles  
21 the names and addresses of ~~the 5~~ any number of persons standing highest on the list

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1 if the register of eligibles is less than 50, in accordance with requirements rules  
2 established by the board. ~~If the register is more than 50, the top 10%, with any~~  
3 ~~fraction rounded to the next whole number, up to a maximum of 10 names, shall be~~  
4 ~~certified. All persons on the list who have the same test score shall be included on~~  
5 ~~the same certification.~~ If there are less than 5 names on an eligible list, certification  
6 shall be made and, unless objection is made by the appointing officer to the person  
7 or persons so certified and unless the objection is sustained by the board,  
8 appointment shall be made under the rules.

9 **SECTION 3.** 63.39 (3) of the statutes is amended to read:

10 63.39 (3) An appointing officer under this section shall select, solely with  
11 reference to merit and fitness, the number of persons for which the appointing officer  
12 has made requisition. ~~In case of more than one vacancy, an additional name shall~~  
13 ~~be certified for each vacancy.~~ In case the board cannot certify eligibles for  
14 appointment, it may grant to the appointing officer authority to make appointment  
15 for a period not to exceed 2 months or until regular appointment can be made.

16 **SECTION 4. Initial applicability.**

17 (1) This act first applies to vacancies that occur on the effective date of this  
18 subsection.

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(END)