

# State of Wisconsin



2013 Senate Bill 224

Date of enactment: **January 23, 2014**  
Date of publication\*: **January 24, 2014**

## 2013 WISCONSIN ACT 123

AN ACT *to amend* 230.28 (4), 230.34 (1) (a), 230.34 (1) (ar), 230.35 (1) (a) (intro.), 230.35 (1) (b), 230.35 (1m) (bt) (intro.), 230.35 (1m) (f), 230.35 (4) (b), 230.35 (4) (c), 230.35 (4) (d) (intro.), 230.35 (4) (d) 1. and 230.44 (1) (c); *to repeal and recreate* 230.26 (1m); and *to create* 230.35 (1p) (intro.) and 230.35 (3) (am) of the statutes; **relating to:** the state civil service.

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

**SECTION 1.** 230.26 (1m) of the statutes is repealed and recreated to read:

230.26 (1m) An appointing authority may not appoint a person who is not a state resident to a limited term appointment unless approved by the administrator.

**SECTION 2.** 230.28 (4) of the statutes is amended to read:

230.28 (4) A person reinstated in an employing unit other than one in which the person previously served in permanent status in the class in which the person is being reinstated, ~~or~~ an employee who transfers from one employing unit to another ~~or~~ an employee who moves to a different employing unit in conjunction with a voluntary demotion, and a person who had not obtained permanent status in class in a supervisory or management position prior to appointment to another supervisory or management position, may be required by the appointing authority to serve a probationary period. Provisions for the duration of such probationary period shall be provided in the rules of the administrator.

**SECTION 3.** 230.34 (1) (a) of the statutes is amended to read:

230.34 (1) (a) An employee with permanent status in class or an employee who has served with the state as an assistant district attorney or an assistant state public defender for a continuous period of 12 months or more may be removed, suspended without pay, discharged, reduced in base pay or demoted only for just cause.

**SECTION 4.** 230.34 (1) (ar) of the statutes, as affected by 2011 Wisconsin Acts 10 and 32, is amended to read:

230.34 (1) (ar) Paragraphs (a) and (am) apply to all employees with permanent status in class in the classified service and all employees who have served with the state as an assistant district attorney or an assistant state public defender for a continuous period of 12 months or more ~~(ar)~~.

**SECTION 5.** 230.35 (1) (a) (intro.) of the statutes is amended to read:

230.35 (1) (a) (intro.) Except as provided in subs. (1m), (1r), and (1s) and the compensation plan under s. 230.12, appointing authorities shall grant to each person in their employ, except employees excluded from coverage under this subsection by the department by rule and limited-term employees, based on accumulated continuous state service, annual leave of absence without loss of pay at the rate of:

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\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

**SECTION 6.** 230.35 (1) (b) of the statutes is amended to read:

230.35 (1) (b) An employee, with the approval of his or her appointing authority, may anticipate the annual leave which he or she could earn during the current calendar year, except that no employee shall be eligible to take annual leave until he or she has completed the first 6 months of a probationary period for an original appointment unless the employee uses annual leave that he or she accrued while serving in an unclassified position.

**SECTION 7.** 230.35 (1m) (bt) (intro.) of the statutes is amended to read:

230.35 (1m) (bt) (intro.) ~~An~~ Except as otherwise provided in the compensation plan under s. 230.12, an employee who is not subject to the minimum wage and overtime requirements under the federal Fair Labor Standards Act, 29 USC 201 to 219, shall be entitled to annual leave of absence without loss of pay based upon accumulated continuous state service at the rate of:

**SECTION 8.** 230.35 (1m) (f) of the statutes is amended to read:

230.35 (1m) (f) The continuous service of an employee eligible for annual leave under this subsection shall not be considered interrupted if the employee was on an approved leave of absence to participate in providing specialized disaster relief services or if the employee leaves the service and is reemployed by the state in another position covered under this subsection. ~~If reemployed in a position not covered under this subsection the employee shall be required to meet the continuous service requirements of sub. (1) (g). This paragraph applies to all persons who are employees covered under this subsection on or after July 1, 1973. Employees appointed to career executive positions under s. 230.24 or positions designated in s. 19.42 (10) (L) or 20.923 (4), (7), (8), or (9) or authorized under s. 230.08 (2) (e) are not subject to the continuous service requirements under sub. (1) (g) if they are reemployed in any of those positions, regardless of the duration of their absence. If the employees are reemployed in a position other than a career executive position or a position designated in s. 19.42 (10) (L) or 20.923 (4), (7), (8), or (9) or authorized under s. 230.08 (2) (e), continuous service shall be established in accordance with rules of the director.~~

**SECTION 9.** 230.35 (1p) (intro.) of the statutes is created to read:

230.35 (1p) (intro.) Except as otherwise provided in the compensation plan under s. 230.12:

**SECTION 10.** 230.35 (3) (am) of the statutes is created to read:

230.35 (3) (am) Officials and employees of the state who have permanent status in class and who are members of the national guard, state defense force, or a reserve component of the United States armed forces and who are on military leave without pay for authorized inactive duty training or active duty for training, shall, upon reemploy-

ment immediately after such military training, receive credit for annual leave, sick leave, and legal holidays as if they had remained continuously employed by the state.

**SECTION 11.** 230.35 (4) (b) of the statutes is amended to read:

230.35 (4) (b) Compensatory ~~Except as otherwise provided in the compensation plan under s. 230.12,~~ compensatory time off or payment, either of which shall be at the rate of time and one-half, shall be granted to state employees for all work performed on the holidays enumerated in par. (a) 1. to 9.

**SECTION 12.** 230.35 (4) (c) of the statutes is amended to read:

230.35 (4) (c) ~~All~~ Except as provided in the compensation plan under s. 230.12, all employees except limited term employees shall receive 9 paid holidays annually in addition to any other authorized paid leave, the time to be at the discretion of the appointing authorities.

**SECTION 13.** 230.35 (4) (d) (intro.) of the statutes is amended to read:

230.35 (4) (d) (intro.) In addition to the holidays granted under par. (c) and except as provided in the compensation plan under s. 230.12, all employees except limited term employees shall earn 3.5 paid personal holidays each calendar year, plus one additional paid personal holiday each calendar year in recognition of Veterans Day. Eligibility to take the personal holidays during the year earned is subject to the following:

**SECTION 14.** 230.35 (4) (d) 1. of the statutes is amended to read:

230.35 (4) (d) 1. Employees serving the first 6 months of a probationary period for an original appointment or as a trainee may anticipate the personal holidays earned during each year and be eligible to take the personal holidays during the probationary period, subject to subsequent completion of the first 6 months of the probationary period and also subject to subd. 3. If an employee does not complete the first 6 months of probationary service due to resignation, any holiday time taken under this paragraph shall then be considered approved leave without pay, and the agency shall recover from the employee the value of such time. If an employee is terminated, personal holidays shall be prorated for the calendar year in which the termination occurs and personal holidays earned in a previous calendar year may not be prorated or repaid.

**SECTION 15.** 230.44 (1) (c) of the statutes is amended to read:

230.44 (1) (c) *Demotion, layoff, suspension or discharge.* If an employee has permanent status in class, or an employee has served with the state as an assistant district attorney or an assistant state public defender for a continuous period of 12 months or more, the employee may appeal a demotion, layoff, suspension, discharge or reduction in base pay to the commission as the final step in the state employee grievance procedure established

under s. 230.04 (14), if the appeal alleges that the decision was not based on just cause.

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