



Wisconsin State Legislature

FOR MORE INFORMATION
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Civil Service Reform – Continuing Wisconsin’s Tradition

Within the next 10 years, nearly 40 percent of state employees will be eligible for retirement. With this large turn-over expected, legislation was introduced to make changes to the civil service system that will improve the hiring process and disciplinary process while ensuring that quality employees are retained. This bill was passed by the Assembly in October, approved by the Senate in January, and signed into law by Governor Scott Walker on Friday, February 12th.

Governor Bob LaFollette is credited with creating the civil service system to make sure the best and brightest were able to get state jobs. This spirit of reform did not end in 1905, but continued into the 1970s and 1980s when the state encouraged women and minorities to interview for positions in which they were underserved. It continued into the 1990s when the requirement that only state residents could be hired for state jobs was removed to let us attract the best and brightest to serve our state.

Assembly Bill (AB) 373, the civil service reform bill, is the next step in Wisconsin’s tradition of civil service reform. This common sense reform follows the state’s rich history of improving the civil service laws to attract the best and the brightest workers to state government. The bill makes changes in four main areas: the hiring process, job performance, the definition of just cause and the appeals process.

One concern that prompted this legislation is that the state may be losing out on good employees because they take other job offers while waiting for the state to complete its lengthy hiring process. The current expectation within state agencies is that the hiring process will be complete

within 105 days. For some positions though, such as for IT professionals, the hiring process can take as long as eight months. The best and the brightest are unlikely to wait around for eight months to be hired. Instead, AB 373 includes an expectation that the hiring process be completed in 60 days.

The hiring process will also be improved by using a resume-based hiring process, which is common in the private sector. This change is important because the civil service exam is not necessarily a competency-based exam and may not be an effective way of initially gauging an applicant's skills and abilities. It is important to note that there are multiple exams that can be used for the civil service exam. There isn't just one test that measures a candidate's skills – sometimes the test consists of multiple choice questions, essays, or a questionnaire, similar to what is asked in an interview. Switching to a resume-based process aligns the state with private sector practices, allowing us to compete for top candidates based on their training and experience. Hiring decisions would still be made by individual state agencies based on their needs.

To retain good employees, the bill standardizes the probationary period at one year and directs the Division of Personnel Management to create a merit award program for agencies to award employees whose performance exceeds expectations. The legislation includes a \$6 million appropriation for these merit awards.

As with any employer, there are times when the state needs to address performance issues with its employees. The bill specifies that an employee's performance be evaluated at least every year. Under the bill, lay-off decisions would be based primarily on employee performance, but managers may also consider disciplinary records, seniority, and ability after first looking at an individual's job performance.

Additionally, this legislation further clarifies the definition of just cause in state statutes. Just cause is defined as performance and conduct that is inferior, inadequate or unsuitable after progressive discipline. This provision was included because state agencies report the lack of definition causes confusion and makes it difficult to part ways with bad employees. There are

some offenses that are considered so severe that an employee may be terminated without progressive disciplinary actions. These include theft of agency property, falsifying agency records and harassing or intentionally causing bodily harm to another person while on duty. In addition, this bill makes changes to the appeals process, which will provide more certainty to the employee and employer that employment disputes will be resolved in a timely manner.

These reforms give our state agencies the tools they need to recruit and quickly hire qualified individuals based on their skills and experience, so that the state does not lose out on hiring the best and brightest. This legislation will allow the state to retain employees based on their job performance and reward state employees for exceptional service, while also giving managers a framework to correct inadequate performance or ultimately separate employees whose performance is inadequate, unsuitable, or inferior. These reforms are significant to providing the best service to the citizens of Wisconsin.

If you have any questions about any of the information I have included or if you have suggestions on other topics or issues you would like learn more about, you may call my office toll-free at (800) 991-5541; write me at P.O. Box 7882, Madison, WI 53708; or e-mail me at: Sen.Olsen@legis.state.wi.us. You can also sign up for our newsletter at our website: <http://www.legis.state.wi.us/senate/sen14/news/index.htm>.

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