

State of Wisconsin

DOA – DIVISION OF PERSONNEL MANAGEMENT

- CLASSIFICATION AND COMPENSATION –

- EMPLOYMENT RELATIONS -

- MERIT RECRUITMENT AND SELECTION -

Date: April 23, 2020

Locator No. DPM-0522-
CC/ER/MRS/POL

Subject: HR-Related Changes Resulting from 2019
Wisconsin Act 185 Applicable During the
Public Health Emergency Due to COVID-19

2019 Wisconsin Act 185, legislation relating to the state government response to the COVID-19 pandemic, was enacted on April 15, 2020, with an effective date of Friday, April 17, 2020. Many of the Act's provisions, including those addressed in this bulletin, are retroactive to March 12, 2020, the beginning of the public health emergency declared by the Governor in Executive Order #72. The provisions affecting programs under the oversight of the Department of Administration, Division of Personnel Management (DPM) are addressed in this bulletin and include changes related to:

- Transfer of employees between executive agencies
- Viewing personnel records during the public health emergency
- Grievance procedures related to time limits and in-person meetings
- Use of annual leave by employees in the first six months of original probation
- Hours for limited term appointments

Note: Act 185 also included temporary changes relaxing provisions regarding the rehire of annuitants. Please refer to Department of Employee Trust Funds communications for guidance on these changes.

SECTION I. TRANSFER OF EMPLOYEES BETWEEN EXECUTIVE AGENCIES

Per Section 105 in Act 185, under subsection (8), the Secretary of the Department of Administration may transfer employees from any executive branch agency to another executive branch agency during the public health emergency declared on March 12, 2020, by Executive Order 72. The agency to which an employee is transferred shall pay all salary and fringe benefit costs of that employee. No pay increase may be given to an employee on such a transfer or upon the return from such transfer. All transferred employees will be returned to their prior agency and position when determined by the Secretary, but no later than 90 days after the public health emergency is terminated.

While a need for transfers is not currently anticipated due to the success of temporary interchanges, the option will remain available for the duration of the emergency should further need arise. Questions on employee transfers under these provisions should be directed to Scott C. Thompson by phone at (608) 266-1729, or by email to scottc.thompson@wisconsin.gov.

SECTION II. PERSONNEL RECORDS DURING THE PUBLIC HEALTH EMERGENCY

Per s. 103.13(2m), Wis. Stats., the normal requirements for responding to the requests of employees to view their personnel records are suspended during the public health emergency. For the duration of the public health emergency:

- An employer is not required to provide an employee's personnel record within seven working days after receiving the employee's request;
- An employer is not required to provide the inspection of the personnel record at a location near the employee's place of employment during normal working hours.

Agencies should continue to collaborate with employees seeking to view their personnel files through alternate arrangements and should notify employees of a feasible time period for response. Questions on personnel records should be directed to Nicole Rute by phone at (608) 267-1019, or by email to nicole.rute@wisconsin.gov.

SECTION III. GRIEVANCE PROCEDURE TIME LIMITS AND IN-PERSON MEETINGS

Per s. 323.2915(1), Wis. Stats., during the public health emergency, an employee does not waive his or her right to appeal an adverse employment decision if the employee does not timely file the complaint or appeal. The tolling period begins 14 days after the termination of the public health emergency.

Per s. 323.2915(2), Wis. Stats., during the public health emergency, an appointing authority or designee is not required to hold an in-person meeting with an employee who has filed an employment grievance.

Questions on grievance procedures should be directed to Douglas Thayer by phone at (608) 266-2052, or by email to douglas.thayer@wisconsin.gov.

SECTION IV. USE OF ANNUAL LEAVE DURING THE FIRST SIX MONTHS OF ORIGINAL PROBATION

Per s. 323.2913, Wis. Stats., an employee may take annual leave during the public health emergency, even if the employee has not completed the first six months of the employee's original probationary period. Central Payroll will make the necessary changes in PeopleSoft to allow such annual leave use upon request by the agency Human Resources Manager for the exception to be granted for an individual employee.

If the employee terminates employment before earning the full amount of leave the employee used, the employer shall deduct the amount of unearned leave from the employee's final pay.

Questions on use of leave by employees on original probation should be directed to John Wiesman by e-mail at john.wiesman@wisconsin.gov.

SECTION V. HOURS FOR LIMITED TERM APPOINTMENTS

Per s. 323.2912, Wis. Stats., the director of the Bureau of Merit Recruitment and Selection in the Department of Administration may increase or suspend the number of hours permitted for a limited term appointment for the duration of the public health emergency.

Requests for an increase in hours or other questions on hours for limited term appointments should be directed to Malika Evanco by phone at (608) 266-9820, or by email to malika.evanco@wisconsin.gov.

SECTION VI. REFERRAL OF QUESTIONS

Employer questions regarding the information included in this bulletin should be directed to the person named at the end of each section above, or to DOADPMCompEmploymentRelGenI@wisconsin.gov.

Employees with questions should contact their agency human resources office.

A handwritten signature in black ink, appearing to read 'Malika S. Evanco', is written over a horizontal line.

Malika S. Evanco, Administrator
Division of Personnel Management