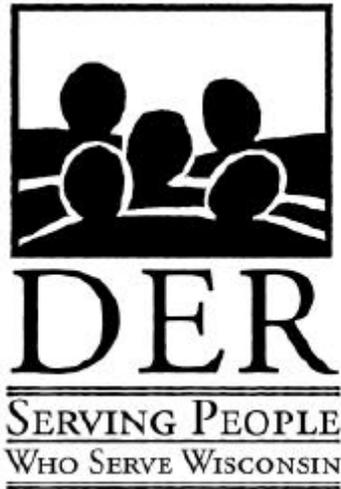


# State of Wisconsin

## Department of Employment Relations



### 1997-99 Biennial Report

*Tommy G. Thompson*  
Governor

*Peter D. Fox*  
Secretary

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October 1999

The Honorable Tommy G. Thompson  
Governor of Wisconsin

Members of the State Legislature  
State Capitol

Dear Governor Thompson and Members of the Legislature:

It is with pleasure that I submit the 1997-1999 Biennial Report for the Department of Employment Relations, as required by s. 15.04 (1)(d), Wisconsin Statutes.

This report documents the achievements of our agency during the 1997-99 biennium and also outlines our goals for 1999-2001.

In 1998, Wisconsin's human resource system was rated as one of the best in the nation by the "Government Performance Project." The groundbreaking initiative, jointly sponsored by *Governing* magazine and the Maxwell School of Citizenship and Public Affairs at Syracuse University, graded each state in five key functional areas. In human resources, Wisconsin was one of only seven states to receive a grade of "B+" or better. According to *Governing*, "Wisconsin has done a terrific job of reworking its civil service provisions to make them more flexible."

Management of human resources and the civil service system for state government is a tremendous responsibility, but one with the potential for great dividends. We look forward to the upcoming biennium – and the new millennium – as an opportunity to enhance the services we provide to the citizens of Wisconsin, state agencies and state employees. We greatly appreciate the support and resources that you have provided the department and anticipate continued cooperation to achieve our common goals.

Respectfully submitted,

Peter D. Fox  
Secretary

## OVERVIEW OF DEPARTMENT OF EMPLOYMENT RELATIONS

The Department of Employment Relations serves the citizens of the State of Wisconsin by establishing, implementing, and monitoring personnel policies and programs to ensure a competent work force and to promote equitable treatment of all current and prospective employees of the State. The department assists the Governor and the Legislature to develop human resource initiatives that meet the needs of the State and provides guidance, advice and services to the state agencies in managing human resources.

The Department of Employment Relations (DER) was created by Chapter 196, Laws of 1977, to consolidate the responsibility for the state civil service system into a cabinet-level department. The functions of the department are described in Chapter 230 and Subchapter V of Chapter 111, Wisconsin Statutes.

The state civil service system includes functions such as recruitment, examinations and selection; classification and compensation; labor-management relations; affirmative action; employee performance evaluation; employee development and training; the State Employee Suggestion Program; the Employee Assistance Program; and various other functions related to personnel management and employee relations.

The DER is administered by a secretary who is appointed by and serves at the pleasure of the Governor with the consent and advice of the Senate. A deputy secretary and an executive staff are appointed by and serve at the pleasure of the secretary. There are four divisions and four offices.

Peter D. Fox was appointed secretary of the DER by Governor Thompson in January 1999 and is the seventh person to serve in this capacity. Janet Tidwell was appointed to the position of deputy secretary in August, 1999.

### DEPARTMENT MISSION

We are dedicated to the continuous development and improvement of the Wisconsin Human Resources and Civil Service Systems while being committed to the fundamental principles of innovation, fairness, effectiveness and efficiency. We manage a comprehensive, integrated human resource service for the public, Wisconsin state agencies and state employees.

Our mission is to:

- Recruit, assess and certify a well-qualified and diverse applicant pool through fair and open competition.
- Develop and monitor affirmative action policies and practices to ensure equal employment opportunity.
- Classify and compensate positions based upon accurate assessments of tasks, duties, responsibilities and labor market factors.
- Equitably compensate employees based upon accurate market factors and improve compensation mechanisms to provide rewards for recognized employee achievements.
- Initiate alternative means of communication in bargaining to successfully reach mutually fair contracts with all legally recognized labor organizations and administer the respective contracts in good faith.
- Develop and train employees to improve current and future job performance.

- Provide leadership in the development of a common, shared employe database that will ensure accurate employment information.
- Demonstrate creativity in accomplishing our mission, including the creation of a multidisciplinary human resources team to facilitate increased cooperation among divisions.

### DEPARTMENT GOALS

1. Develop a strategic workforce development plan for state government in cooperation and consultation with all other state agencies. The workforce development plan will forecast state human resources needs and anticipate the evolution of new workplace skills, finding increased efficiencies by merging existing workplace responsibilities as a result of technological changes, and the long-term potential for classifications to be merged or eliminated as technology or customer-service needs change over time. The ultimate goal of the strategic workforce development plan is to increase the efficiency of government operations and improve the delivery of services to the public.
2. Work with state agencies to strive to reduce the amount of time necessary to recruit and hire prospective state employes in order to meet pressing state needs, while protecting the integrity of the state civil service system..
3. Develop and maintain a positive and productive union/management relationship with labor unions representing state employes.
4. To ensure quality information technology (IT) services and support for its staff and customers, continue to effectively manage, improve, expand and build its IT resources. The department will identify and use new, innovative IT strategies and resources as appropriate. All necessary planning and actions will be taken to ensure all IT resources are Year 2000 compliant.
5. Lead the business analysis, development and implementation of the enterprise-wide Shared Human Resources System (SHRS), in partnership with the Department of Administration Info-Tech Services and Division of Technology Management. With the completion and acceptance of the SHRS 2.0 module for production, DER will be Year 2000 compliant in its critical business applications and strategically positioned to deliver quality human resources services through information technology to the people and businesses of Wisconsin.
6. Implement initiatives that will increase diversity among intern and permanent positions in Wisconsin State Government.
7. Develop flexible classification and compensation systems to provide fair compensation in terms of employe skills and job responsibilities.
8. Provide agencies with clear and concise human resources policy guidance through the update and redesign of the Policies and Procedures Manual (Handbook). This is accomplished by the review, consolidation and re-issuing of an updated, user friendly Handbook (paper and electronic) of current policies, procedures and practices contained in a wide variety of diverse and sometimes outdated or obscure documents. Handbook implementation will be accompanied with formal training using state of the art training techniques and materials.
9. Evaluate, develop and implement a plan to convert paper reference files into a coordinated electronic data processing system in conjunction with SHRS. This project will be accomplished in three phrases and completed by the end of the 1999-2001 biennium.

10. Maintain a quality Employee Assistance Program (EAP) by monitoring implementation efforts of the agencies on the state EAP Standards approved on January 1, 1995. Develop a proposal to effectively implement EAP services statewide based on the Standards.
11. Reduce the current arbitration appeal backlog by 20 percent by December 2000 and expand the Umpire/Expedited Arbitration process to five additional labor agreements by December 2000.
12. Present seven to nine Advanced Labor/Management training programs each year. Develop and present four to five specialized Labor Relations programs per year for state agency management and other public employers. Develop and present new labor contract training for each labor agreement.
13. Evaluate the effectiveness of the Office of Employee Development and Training (OEDT) in assisting agencies with their training needs.
14. Work with the State Employee Suggestion Board and agency program coordinators to revitalize the Employee Suggestion Program by increasing visibility and participation by state employees.
15. Provide increased training and development opportunities to help DER staff acquire the knowledge, skills and abilities they need to (1) provide human resource management leadership to state agencies and (2) maximize productivity and effectiveness.
16. Continue to improve efficiency, effectiveness, timeliness and customer service.

These goals will provide the department a set of standards which we will use to evaluate the success of our efforts.

## DIVISION OF AFFIRMATIVE ACTION

### A. FUNCTIONS AND STRUCTURE

The mission of the Division of Affirmative Action (DAA), as stated in s. 230.04 (9), Wis. Stats., is to advise and assist the Secretary, the Administrator [of the DER Division of Merit Recruitment and Selection], and agency heads on establishing policies and programs to promote equal employment opportunity (EEO) and affirmative action (AA) in the civil service system.

The division's responsibilities include: (1) developing EEO/AA policies and procedures; (2) recommending legislation; (3) establishing standards for agency EEO/AA plans; (4) reviewing, approving, and monitoring agencies' EEO/AA plans; (5) analyzing state work force data for use in developing EEO/AA reports and recommendations; (6) providing information and technical assistance to agencies to assist in developing innovative personnel programs to increase the effectiveness of the state EEO/AA program; (7) providing EEO/AA and diversity training to supervisors and managers; and (8) providing staff support to the Council on Affirmative Action.

In addition, the division administers the following EEO/AA programs: (1) the Cooperative Education Program (CEP), which provides on-the-job training to students in higher education programs, and upon completion of training, places them in permanent positions; (2) the Summer Affirmative Action Intern Program (SAAIP), in which agencies hire students in summer internship positions to familiarize them with state employment; (3) the Alternative Work Patterns program (AWP), which provides information to agencies and employees in implementing the state AWP policy; (4) the Information Technology Employment for Minority Students program (ITEMS), which provides on-the-job training to students pursuing careers in information

technology; (5) the AFDC/W-2 Standards, which provide direction in fulfilling the State mandate to move AFDC/W-2 recipients from welfare dependency to economic independence; and (6) the EEO/AA Information System which provides information on the State work force.

## B. PERFORMANCE AND OPERATIONS DURING THE 1997-99 BIENNIUM

### 1. Efforts to improve the efficiency of the division

The division implemented the following initiatives and programs to increase the efficiency of the State EEO/AA program: (1) encouraged development of legislative proposals that would reduce the frequency of mandatory reports from the agencies; (2) surveyed the state workforce to efficiently determine and report on the proportion of veterans; (3) utilized user-end information technology equipment and training to produce state and federal reports; (4) worked with the Department of Workforce Development to increase hiring and retention of W-2 recipients and persons with disabilities; (5) held a unit-based strategic planning session to identify service delivery concerns of the division stakeholders.

### 2. Reports and technical assistance

The division prepared and distributed a comprehensive "Affirmative Action Report for Wisconsin State Government" each year of the biennium. The report contains extensive statistical data to evaluate EEO/AA progress. The report includes information about employees with severe disabilities and statistics for the Entry Professional Program.

Other statutorily required annual reports developed by the division include: the "Veterans Employment Report for State Government," the "Written Hiring Reasons Report," the "Federal EEO-4 Report," and the "W-2 Hiring Report."

Additional reports developed and distributed by the division are: "Summer Affirmative Action Intern Program Report," the "Standards for State Agency EEO/AA Action Plans," and the "Policy and Procedures for State Agency EEO/AA Action Plans."

## C. MAJOR PROGRAM GOALS AND OBJECTIVES DURING THE 1999-2001 BIENNIUM

1. Evaluate the "Standards for State Agency Affirmative Action Plans" and the "Affirmative Action Policy and Procedure Standards" for effectiveness and make appropriate revisions for the next planning period.
2. Prepare the underutilization analysis to be used in developing goals for the next Affirmative Action plan for state agencies and the UW System.
3. Continue to improve and implement the EEO/AA training programs, AA officer orientations, and quarterly AA officer meetings.
4. Implement a more efficient monitoring system to enhance agencies' EEO/AA Plans.
5. Continue to enhance database management skills in the division to meet the needs of the agencies.
6. Provide staff support to the Council on Affirmative Action

## COUNCIL ON AFFIRMATIVE ACTION

### A. FUNCTIONS AND STRUCTURE

The Council on Affirmative Action is a 15-member citizen body appointed by the Governor and legislative leaders to oversee and evaluate the State's progress in achieving statutory affirmative action objectives. It was created under Chapter 196, Laws of 1977. The Council is advisory to the Secretary of the Department of Employment Relations.

Section 230.46, Wis. Stats., gives the Council responsibility for evaluating affirmative action programs in the state civil service system, seeking compliance with relevant state and federal regulations, and recommending improvements in the State's affirmative action efforts as an employer.

### B. PERFORMANCE AND OPERATIONS DURING THE 1997-99 BIENNIUM

1. Utilizing a facilitator, members engaged in a full day of strategic planning to identify goals and a work plan for each year of the biennium. The council's goals fell into the areas of (a) increasing the council's visibility in the state's affirmative action programs and (b) monitoring the affirmative action programs and performance of state agencies.
2. Council meetings have been re-constituted to last for a half day. Shorter meetings with a working agenda, oriented to the work plan have helped the council become more focused and action-oriented and has improved attendance.
3. Co-sponsored the employment seminar for students enrolled in the Summer Affirmative Action Intern Program (SAAIP) each year of the biennium. Members further assisted in the success of the SAAIP by serving as workshop presenters.
4. Supported civil service reform legislation that increased efficiency without negatively affecting the participation of racial/ethnic minorities, women and persons with disabilities in these programs.

### C. MAJOR PROGRAM GOALS AND OBJECTIVES DURING THE 1999-2001 BIENNIUM

1. Implement the Council's Annual Diversity Award that recognizes exemplary commitment and measurable achievement in diversity.
2. Keep abreast of significant issues in affirmative action and make recommendations to the Secretary of the Department of Employment Relations and the Governor for improvements in the State's program.
3. Conduct on-site reviews in selected agencies on upward mobility and diversity.
4. Continue to meet with agency heads, affirmative action officers and personnel directors to discuss their agency's EEO/AA program and diversity concerns.

## DIVISION OF COMPENSATION AND LABOR RELATIONS

### A. FUNCTIONS AND STRUCTURE

The mission of the Division of Compensation and Labor Relations (DCLR) is to research and develop fiscally responsible compensation strategies and programs, to efficiently oversee and administer comprehensive classification, job evaluation, and compensation programs on a statewide basis for all classified and certain unclassified positions in the state civil service system, to represent the State as the Employer in labor contract negotiations with unions representing state employees, and be responsible for establishing and maintaining consistent employment relations policies and practices throughout state civil service in the administration of labor agreements.

DCLR administers the compensation provisions of the federal Fair Labor Standards Act (FLSA), the Wisconsin Fair Employment Law and the state and federal Family Medical Leave Act (FMLA) for state employees.

The DCLR Bureau of Compensation develops and administers the biennial compensation and benefit plans for non-represented, classified and unclassified executive branch employees. The bureau is responsible for the evaluation and development of fiscally responsible compensation programs in connection with the collective bargaining process. This bureau has the ongoing responsibility for conducting a comprehensive pay and benefits survey program to maintain a competitive position in the market place and assisting in the assignment of all new and revised classifications to the proper pay ranges. The bureau also administers the state and federal Family Medical Leave Act (FMLA) for state employees and provides consultative services to state agencies on FMLA requirements, developing policies and procedures to ensure statewide compliance.

The DCLR Bureau of Classification provides a central policy coordination role by facilitating the resolution of state employee FLSA complaints, providing consultative services to state agencies on FLSA requirements, developing policies and procedures to ensure statewide compliance, and functioning as the primary liaison for the State with the U.S. Department of Labor Wage and Hour Division. This bureau is responsible for the development and ongoing maintenance of the state classification system through the conduct of personnel management surveys of occupational areas and individual position reviews in an effort to maintain statewide equity within the classification structure. Bureau staff monitor the inclusion or exclusion of employees in the protective occupation retirement category and participate in the collective bargaining process as members of the management master bargaining teams.

The DCLR Bureau of Collective Bargaining (BCB) represents the State as the employer in labor contract negotiations with unions representing state employees, and is responsible for establishing and maintaining consistent employment relations policies and practices throughout state civil service in the administration of labor agreements. Since 1987, when Wisconsin Act 331 made the assignment of job classifications to pay ranges a subject of collective bargaining, effective with the 1989-91 biennium, staff from each bureau within the DCLR work closely with the chief negotiators during the contract negotiation process as well as during the life of the Agreements. The department mandate, set forth in ss. 230.04(4) and 111.815(2), Wis. Stats., directs the Secretary of the Department of Employment Relations to "establish and maintain a collective bargaining capability" as the representative of the State as an employer. DCLR and BCB staff consult regularly throughout negotiations with the Governor's Office, legislative leaders on the

Joint Committee on Employment Relations and with management representatives in the various state agencies, boards and commissions.

More than 85 percent of the state classified work force, organized into statutorily-defined bargaining units, are represented by labor organizations.

The major functions of the Bureau of Collective Bargaining are to:

1. Negotiate, as the employer, all state labor agreements;
2. Provide guidance to and work with all state agencies to ensure uniform implementation and labor agreement administration;
3. Represent and/or assist in representing the State before the Wisconsin Employment Relations Commission on such matters as unfair labor practices, bargaining unit determinations, bargaining unit representation elections, and other labor/management issues;
4. Represent the State and its agencies as the employer in arbitration proceedings under the state labor agreements; and
5. Develop, plan and present labor relations training for all levels of state agency management.

## B. PERFORMANCE AND OPERATIONS DURING THE 1997-99 BIENNIUM

1. Efforts to improve the efficiency of the division
  - a. Occupational Studies – The division completed and implemented a number of classification and/or compensation surveys covering more than 2,000 employees. These activities were intended to maintain and improve the classification structure and ranged in size from one position to more than 1,200 positions. The Bureau of Classification identified more than 500 classifications populated by approximately 4,000 employees that will be reviewed for possible inclusions in a flexible pay structure known as broadbanding.
  - b. Labor Market Information/Compensation Reserve Development – The division continued to enhance the application and effectiveness of the State of Wisconsin labor market program to the State and participating employers through a revision in the program schedule and information being surveyed. The labor market survey program effectively provides valuable labor market data and information during the DCLR and DER determination and development of the compensation reserve recommendation that is submitted to the Department of Administration, during the development of collective bargaining strategies, and in the development of the non-represented employee Compensation Plan.
  - c. Policy Manual Revision – DCLR participated with other divisions in the establishment of a new format designed to provide users with up-to-date information on existing policies for the Human Resources Handbook. New policy chapters were issued on the subjects of annual leave/holiday benefits and the state catastrophic leave program.
  - d. Evaluation of Existing Pay Systems – Extensive input was solicited from agency management as well as state employees on the pay structures that were implemented during the last biennium. The overall evaluations of the broadband pay system were positive and the concept has received the approval of the Joint Committee on Employment Relations to be expanded to the professional supervisor and professional staff occupations.

- e. Training for Agency Personnel – The DCLR staff provides ongoing formal training to agency staff and first-line supervisors in the areas of performance evaluation, position description writing, advancement in the civil service system and basic and advanced labor relations skills. Additionally, an experiential training program was developed which allows human resource professionals employed by other agencies to be temporarily assigned to the division in order to gain experience within DER which can be applied when the employee returns to his/her permanent assignment.
2. Major policy issues
- a. Pay Structures Modification – The pay structures developed in 1993-95 and continued in the 1997-99 biennium provided a form of pay progression for most employees and supervisors which established formal linkages between groups of represented classifications and the related supervisory and confidential classifications. This represents a significant break from the State's traditional approach and pay schedule. Management representatives and affected employees were surveyed in an effort to determine the level of satisfaction with the new system. The results were influential in the decision to significantly modify the compensation system for the majority of employees in the classified service.
  - b. Pay Progression Concept – The division evaluated a mechanism of providing progression through the pay range, known as the pay progression concept. The pay progression system is a compensation system that replaces the reclassification system. The evaluation resulted in elimination of the grid system for the majority of professional state employees and implementation of the pay progression system for certain occupational areas.
  - c. Broadbanding – Flexibility continued to be the main objective in improving the broadbanding approach used in the Senior Manager schedule. The program was expanded into the professional Information Systems occupational area that is experiencing significant labor market volatility with the need for pay setting flexibility for new and current employees, in response to recommendations from the Governor's State Human Resource Reform Commission.
  - d. Family and Medical Leave Act (FMLA) – During this biennium, ongoing technical assistance, consultation, and formal and informal training were provided to human resource staff and supervisors. The state policy regarding provisions for family leave for purposes of birth or adoption was modified in response to a decision by the Court of Appeals.
  - e. Fair Labor Standards Act (FLSA) – DCLR provides technical assistance to state agencies in complying with the provisions of the FLSA through liaison activities with the Madison Area Office of the Wage and Hour Division of the U.S. Department of Labor, coordinating investigations of complaints filed by state employees, and reviewing and modifying classification designations as appropriate. The division continues to provide input into efforts to reform the legislation at the national level to ensure appropriate application and interpretation of the law within public sector employment.
  - f. Protective Occupation Status – DER is required to review and approve or disapprove each determination by an agency head regarding the designation of a state employee as a "protective occupation participant" for purposes of the Wisconsin Retirement System. DCLR represented the DER Secretary in "protective status" appeals brought before the Employee Trust Funds Board, and monitored proposed legislation to include additional classifications and groups of state employees in the "protective occupation" category.

- g. Labor-Management Cooperation Grant – In 1998, DER and the Wisconsin State Employees Union (WSEU) jointly received a Labor-Management Cooperation grant from the Federal Mediation and Conciliation Service. Wisconsin is the only state to receive a Cooperation grant during the 1998-2000 funding period. DER and the WSEU are using the \$90,000 grant to identify and replicate "best practices" in labor-management cooperation at work sites across the State. A best practice is a successful example of cooperation between labor and management. A Labor-Management Committee, co-chaired by DER Secretary Fox and WSEU Executive Director Marty Beil, is identifying best practices, conducting training on how to improve cooperation, and providing on-site assistance to work sites that want to improve cooperation. The project began with a series of forums across the state that drew over 700 labor and management representatives. The grant provides funding for this project through the spring of 2000.

### 3. Organizational or Administrative Changes

DCLR classification, compensation, and costing staff work as a team with the Bureau of Collective Bargaining (BCB) chief spokesperson for each of the bargaining units. These representatives are responsible for directing and/or conducting all classification and compensation surveys involving their designated units. Beginning with the FY 97-99 bargaining cycle, the DCLR chief economic spokespersons were responsible for representing management in negotiating the economic component of assigned collective bargaining agreements. The BCB chief spokespersons work directly with the Bureau of Compensation economic spokespersons and the Bureau of Classification class and survey spokespersons regarding the coordination of any classification, survey, or costing needs.

Bureau of Collective Bargaining staff served as chief negotiators and back-up negotiators during the negotiation of labor contracts covering 19 represented bargaining units for the biennium. The Wisconsin State Employees Union, affiliated with the American Federation of State, County, and Municipal Employees, represents six of those units. The remaining thirteen bargaining units represented by other labor organizations are the Building Trades and Crafts; Legal (Attorneys); Assistant District Attorneys; State Public Defenders; Patient Care; Patient Treatment; Fiscal and Staff Services; Research, Statistics and Analysis; Education; Engineering; Science; Teaching Assistants at the University of Wisconsin (UW) -Madison; and Teaching Assistants at UW-Milwaukee.

Bureau of Collective Bargaining staff represented the various state agencies, as employers, in arbitration proceedings under labor contract grievance procedures. On July 1, 1997, the division had an arbitration appeal backlog of 1,083 appeals. During the 1997-99 biennium, 1,302 new appeals were received. Of the pending appeals, 760 were dropped following discussions/negotiations with the unions and/or grievants, 335 appeals were resolved through formal settlement agreements, and 415 cases were heard and decided before impartial arbitrators. Altogether 1,510 appeals were closed during the 1997-99 biennium, compared with 2,421 case closures in the 1995-97 biennium. There were 862 cases pending as of June 30, 1999.

Bureau of Collective Bargaining staff, along with Bureau of Compensation and Bureau of Classification staff, provided orientation and training on new labor agreements for more than 1,100 agency management personnel in all major regions of the state.

Bureau of Collective Bargaining staff represented and/or assisted legal counsel in representing the State before the Wisconsin Employment Relations Commission.

### C. MAJOR PROGRAM GOALS AND OBJECTIVES DURING THE 1999-2001 BIENNIUM

1. Implement, where feasible, civil service reform activities recommended by the Governor's State Human Resource Reform Commission.
2. Continue research and development of alternative pay models with special emphasis on those that would be conducive to simplifying the classification and compensation system and increasing line management flexibility.
3. Expand pay progression concepts and pay flexibility to a much greater number of nonrepresented groups in response to recommendations from the Governor's State Human Resource Reform Commission.
4. Continue to develop Compensation Plan amendments that will provide parity between non-represented and represented employees based on the terms of negotiated agreements.
5. Update and reissue selected portions of the "Wisconsin Personnel Manual - Classification, Compensation and Administration," converting the information to the "Wisconsin Human Resources Handbook."
6. Continue refinements/enhancements to the modified pay structures that were implemented in 1997-99 and increase efforts to educate employees and managers on the new structures.
7. Review, confirm or change FLSA code designations for all existing classifications as well as those in the process of being developed, based on recent decisions of the U.S. Department of Labor.
8. Provide consultation to agencies to assist in implementing the personnel-related portions of re-engineering or reorganizing of functions in accordance with the 1999-2001 budget.
9. Develop and implement basic and advanced classification and compensation training for new and current human resource professionals in State Government.
10. Negotiate sound labor agreements so as to ensure labor/management peace and stability. Obtain negotiated and ratified agreements prior to the expiration dates of existing agreements.
11. Expand the use of consensus bargaining principles to other certified bargaining units. The consensus bargaining format is being or has been used with the Wisconsin State Employees Union representing six bargaining units, the United Professionals for Quality Health Care representing the Patient Care unit, and the Wisconsin Federation of Teachers representing the Science unit and the Research, Statistics and Analysis unit. The remaining units are using the traditional model for collective bargaining that is oriented to using other problem-solving approaches to contract negotiations.
12. Expand the Advanced Labor-Management Certification Program to a larger audience. This popular program, created in 1988 and annually updated and upgraded, is an in-depth course providing state managers and supervisors with strategies and techniques in labor relations geared to promoting the interests of the State in a collective bargaining environment.
13. Reduce grievance appeals and resolve problem issues through effective management training and staff utilization, developing sound labor-management relations, promoting mutual problem-solving techniques prior to formal grievance appeals, and promoting special arbitration processes and settlement mechanisms.
14. Improve the division's research and arbitration handling capabilities through updating the file locator system, enhancing the division's Internet access and usage in retrieving precedent-setting labor arbitration decisions, and expanding the use of the new arbitration data base system (Time Matters).
15. Develop a labor relations seminar geared for top executives in state government.
16. Establish and conduct joint training efforts with unions representing state employees.

17. Work towards establishing an ongoing labor/management cooperation program as an outgrowth of the AFSCME Council 24 and State of Wisconsin joint Federal Mediation and Conciliation Service (FMCS) Grant project.

## DIVISION OF MERIT RECRUITMENT AND SELECTION

### A. FUNCTIONS AND STRUCTURE

The Division of Merit Recruitment and Selection (DMRS) coordinates state recruiting and hiring of classified (civil service) employees. The mission of DMRS is to provide Wisconsin citizens with merit-based, open and user-friendly competition for civil service jobs; and to provide state government agencies with qualified job candidates who represent the diversity of the state labor force. The division vision is to be a model public sector organization that efficiently provides its customers with high-quality and responsive products and services.

The division works cooperatively with state agencies and the University of Wisconsin System to:

- Recruit applicants for classified civil service vacancies;
- Develop and administer valid evaluations of civil service applicants, including written civil service examinations and other assessment techniques;
- Create lists of eligible candidates (employment registers) and provide lists of best-qualified candidates (employment certifications) to state agencies and University of Wisconsin (UW) campuses;
- Administer the Wisconsin Code of Ethics for classified and some unclassified employees;
- Investigate cases of potential civil service violations;
- Provide training and consultation on staffing issues;
- Provide personnel and testing services for local governments through the Wisconsin City and County Testing Service; and
- Administer layoffs for non-represented classified positions.

### B. PERFORMANCE AND OPERATIONS DURING THE 1997-99 BIENNIUM

During this biennium, DMRS managed a high-volume workload, while also implementing programs to improve service to state agencies and the public. During this period, the division managed systems that processed more than 60,000 employment applications and established over 1,000 registers of qualified candidates. The division also referred more than 6,000 lists of best-qualified candidates to agencies for hiring consideration. Further, to ensure that civil service exams remain up-to-date, DMRS worked with state agencies to develop or revise more than 650 exams. As a result of these activities, DMRS enabled agencies and UW campuses to hire or promote over 5,000 employees.

DMRS is committed to helping DER achieve its vision of being at the forefront of human resource management by stressing excellence, diversity, efficiency, responsiveness, continual improvement, and innovation. During this biennium, the division continued to take aggressive steps to provide responsive service to our customers – State agencies and the public.

## Implementing Civil Service Reform

During this biennium, DMRS implemented a series of major changes to the state civil service laws. These changes, recommended by the Governor's Commission on Human Resource Reform, have helped create one of the most flexible civil service systems in the nation. The amendments:

- Eliminated all arbitrary restrictions on the number of qualified candidates who can be interviewed by hiring agencies. This "flexible certification" allows DMRS to work with agencies to determine the number of names to certify for interviews, using sound statistical methods and personnel management principles. The result is that larger numbers of qualified applicants are being interviewed;
- Repealed the residency requirement for permanent classified positions;
- Eliminated all restrictions on recruiting outside Wisconsin, allowing DMRS and agencies to greatly expand state government's recruiting scope;
- Increased reinstatement eligibility from three to five years, thereby making it easier for former employees to return to state government without re-taking civil service exams;
- Allow employment registers to expire in three months (rather than six), to improve the quality of registers for jobs where applicant turnover is high;
- Allow agencies to make non-competitive appointments of certain veterans (with disabilities of 30 percent or more) to classified civil service vacancies; and
- Eliminated the requirement that, for oral examinations, one oral board member come from outside state government. This change eliminated a requirement that often slowed the hiring process.

## Aggressive Recruiting to Attract Qualified Candidates to Wisconsin State Government

During this biennium, DMRS greatly expanded its recruiting activities to attract qualified applicants to Wisconsin state government. For example, our recruiters and other staff attended over 100 recruiting events in 1999 alone. We also successfully introduced innovative recruiting approaches such as conducting immediate, on-site interviews at job fairs.

A particular emphasis has been to attract qualified applicants for information technology (IT) positions. To do this, DMRS has worked closely with state agencies, including the statewide Information Technology Advisory Board (ITAB). In cooperation with the ITAB, DMRS:

- Hired a full-time information technology recruiter. After a national search, the division hired a former IT "headhunter" from the private sector. The IT recruiter position, located in DMRS, is being funded by a consortium of state agencies through the ITAB.
- Created a separate web page specifically to recruit IT staff.
- Introduced a web-based system that allows applicants for IT positions to apply directly through the Internet, and also allows hiring managers to obtain their lists of qualified candidates directly through the Internet. The system is "open for business" 7 days a week, 24 hours a day. This innovative new approach is a prototype of how state government plans to accept applications and refer candidates in the future.

## Enhancing the Diversity of State Government

This biennium, DMRS continued to help diversify the state government work force. By increasing the use of alternatives to written exams, expanding recruiting activities, and creating partnerships with community-based organizations, DMRS helped agencies hire minorities and

women at levels far above the availability of these groups in Wisconsin's overall labor force. For example, in 1998 (the most recent year for which data are available), almost 15 percent of all permanent classified employees hired were members of minority groups and almost 56 percent were women. These hiring percentages far exceed the proportion of minorities and women in Wisconsin's overall work force – 7 percent and 47 percent, respectively.

### Developing the Shared Human Resource System (SHRS)

Throughout this biennium, DMRS worked closely with the DER Office of Information Services, DOA, and other state agencies to develop SHRS. This new system will provide, for the first time ever, a centralized, comprehensive and easily accessible source of human resource data. When SHRS is deployed to state agencies, all applicant, examination and hiring data will be accessible through a single system. This information is currently scattered throughout several automated systems within DER and in the agencies.

The first SHRS module was implemented in DER in February 1999 to manage applicant data and create employment registers. By March 2000, SHRS will be deployed to all state agencies. When this phase is completed, agencies will be able to access and manage their own applicant data – a feature not available with our current automated systems.

SHRS will also allow DER and other agencies to certify candidates to vacancies using the flexibility provided by the amendments to the civil service law described above. Our current automated systems cannot do this.

### Reorganizing to Improve Efficiency

In 1998, DMRS implemented a major reorganization to improve the division's efficiency and ability to provide responsive service. As a result of the reorganization, the division eliminated a management position, "flattened" its structure, and created teams organized along product lines. The result is an improved ability to respond to the needs of agencies and the public.

### Other Initiatives to Improve Service and Responsiveness

- DMRS continued to deliver a comprehensive training program on staffing for managers and staff throughout state government. This six-day program, which covers the full range of recruiting and hiring issues, continues to be successful. During this biennium, DMRS trained almost 200 employees from agencies and UW campuses. Participant evaluations continue to be overwhelmingly positive.
- The division improved opportunities for W-2 participants to compete for classified positions. For example, DMRS tested more than 1,000 welfare recipients at special testing centers in Dane, Milwaukee, and Rock counties. DMRS also worked closely with the Department of Workforce Development to successfully develop and administer alternative testing methods geared to W-2 recipients' work training. During this biennium, this new approach has enabled 13 former welfare recipients to obtain permanent state government positions.
- In response to customer demand, DMRS re-instituted make-up centers for written exams during the biennium. In 1995, because of budget cuts, we eliminated the make-up centers. In August 1998, we re-instituted the centers, which we now conduct on the Monday

following each Saturday exam center, at four locations around the state. Since August 1998, over 800 applicants tested at the make-up centers.

- The division implemented an automated telephone information system at the DER Job Information Center, thus providing more efficient service to our customers and freeing our staff to perform other duties.

### C. MAJOR PROGRAM GOALS AND OBJECTIVES DURING THE 1999-2001 BIENNIUM

DMRS will continue to improve the responsiveness and flexibility of Wisconsin's merit hiring system by:

- Aggressively expanding recruiting activities, including making greater use of the Internet, and recruiting outside Wisconsin;
- Continuing to work closely with the state Information Technology Advisory Board to improve state government's ability to attract and retain qualified applicants for IT positions;
- Expanding the Internet-based application and certification system to positions in addition to IT vacancies;
- Continuing to develop more effective and user-friendly alternatives to written exams;
- Working with the SHRS development team to fully deploy the SHRS hiring component, which will include recruitment, examination, and certification;
- Continuing to help W-2 participants compete for civil service positions;
- Implementing additional changes to civil service laws, as approved by the Legislature and the Governor, to improve flexibility and responsiveness;
- Playing a major role in DER's initiative to create a strategic work force planning capability for state government;
- Expanding the services the Wisconsin City and County Testing Service provides to local Wisconsin governments; and
- Updating and re-issuing the staffing sections of the "Human Resource Handbook" to improve policy and procedural guidance for agencies.

## DIVISION OF ADMINISTRATIVE SERVICES

The Division of Administrative Services (DAS) provides administrative support services to other units in the department and also encompasses the Office of Employee Development and Training (OEDT) and the State Employment Options (SEO) programs. These two programs are described separately.

### A. FUNCTIONS AND STRUCTURE

This division maintains the internal operations of the department, with the exception of information technology services which are provided through the Office of Information Systems. The major DAS responsibilities for the department include budgeting, fiscal monitoring and control, accounting, personnel, payroll, conducting management and policy analysis, purchasing, printing, the DER employee assistance program, facilities management, records and forms management, and telecommunications. The division is also responsible for coordination of the statewide Employee Assistance Program.

## B. PERFORMANCE AND OPERATIONS DURING THE 1997-99 BIENNIUM

1. Continued development of the Fiscal Policy and Procedures Manual to document department internal fiscal policies and provide a guide for division and office staff involved in fiscal operations. The manual was made available to employees in electronic format, thus saving the cost of materials and printing of hard copies.
2. Updated and re-issued the DER Employee Handbook in an improved format. The handbook was made available to employees in electronic format, thus saving the cost of materials and printing of hard copies.
3. Coordinated the move of the department to new building facilities at 345 West Washington Avenue in Madison. The new facility was designed to DER specifications and provides a more efficient and conducive working environment for DER employees and customers.
4. Streamlined the purchasing process through greater use of the state procurement card and direct payments.

## C. MAJOR PROGRAM GOALS AND OBJECTIVES DURING THE 1999-2001 BIENNIUM

1. Utilize the fiscal and budget reporting capabilities of the state WisMART accounting system to monitor fiscal operations and generate up-to-date budget reports.
2. Prepare a Supervisory Handbook that contains relevant policies and resources which will assist DER supervisors in the performance of their duties. Develop training and ongoing collaboration that will support supervisors.
3. Analyze options for revitalization of the agency Affirmative Action Committee and support a committee that promotes diversity and equal opportunities within the department.
4. Explore options for enhanced administration of the statewide Employee Assistance Program, including restoration of a separate position to serve as statewide EAP director.
5. Continue the development of the Fiscal Policy and Procedures Manual to document department internal fiscal policies and provide a guide for division and office staff involved in fiscal operations.
6. Develop a department-wide, coordinated approach to designing and using internal and external department forms in electronic format.
7. Coordinate the development and implementation of a business recovery plan in the event that department functions or facilities are interrupted by natural disasters or other unforeseen events.

## OFFICE OF EMPLOYEE DEVELOPMENT AND TRAINING

(Division of Administrative Services)

### A. FUNCTIONS AND STRUCTURE

The Office of Employee Development and Training (OEDT) provides training services through a variety of methods.

#### 1. TRAINING PROGRAMS

- a. Management Training for New Supervisors

This program provides the statutorily required components of training for new state supervisors and managers. The program is divided into two parts: a three-day unit taught by DER staff on topics of civil service personnel administration, such as labor relations, staffing, diversity, and performance evaluation. The second part is a two-day leadership skills unit, taught by instructors at the UW-Madison Certified Public Manager program in an arrangement with DER.

b. Advanced Labor Management (ALM) Program

The Advanced Labor Management (ALM) program is taught by experienced labor relations specialists from the DER Bureau of Collective Bargaining. The ALM program is a five-day, in-depth, participatory training program for state managers and supervisors. It provides managers and supervisors with critical information concerning theories and issues underlying the labor-management relationship in a public sector environment

c. Recruitment/Selection Training Series

The Division of Merit Recruitment has developed a series of recruitment and selection training modules, most of which are half-day offerings, that meet the diverse needs of human resource staff at the agencies. Topics offered include the role of the supervisor in staffing, exam development, special innovative hiring programs, recruitment planning, writing employment ads, policy, and special programs.

d. Affirmative Action/Equal Employment Opportunity (AA/EEO)

The Division of Affirmative Action provides a one-day training program specially designed for new agency Affirmative Action Committee members. The program includes AA/EEO laws, regulations, and rules as well as recent information on the status of AA groups in the Wisconsin civil service workforce.

e. Employee Assistance Program (EAP) Coordinator Training

The department coordinates training for agency Employee Assistance Program Coordinators, both for newly appointed coordinators as well as refresher training. This training is pursuant to the Governor's Executive Order 94, and is taught by experienced members of the Statewide EAP Advisory Committee. The program provides new coordinators with the knowledge and skills that will enable them to effectively carry out their functions while the refresher training provides a more advanced look at EAP.

f. Other Courses

During the biennium, other training programs were coordinated by OEDT, for which instructors were provided by the Department of Administration (DOA) for the purchasing series and the risk management component of supervisor training. Private vendors for training in topics such as communication, conflict resolution, stress management, reading and writing skills. As noted later, vendor-taught courses have been discontinued, and DOA will assume administration of DOA-taught courses.

## 2. STATE EMPLOYEE SUGGESTION PROGRAM

OEDT provides staffing to the State Employee Suggestion Board, a three-member body appointed by the Governor. The board reviews employee-initiated suggestions for cost-saving business methods, improvement in efficiency, and better service to customers and citizens, and decides on state-level recognition of employees for their suggestions, including certificates and cash awards. At the department level, each agency has a program coordinator who oversees the agency's internal program.

### 3. "DER NEWS & VIEWS" (NEWSLETTER)

OEDT coordinates printing of the department newsletter with an audience of 6,000 state supervisors, managers, and non-represented staff. Topics focus on human resources issues in the State Government civil service system.

## B. PERFORMANCE AND OPERATION DURING 1997-99 BIENNIUM

### 1. TRAINING PROGRAMS

#### Narrative Summary

At the beginning of the biennium, DER began to change its training programs in response to the recommendations of the Human Resources Reform Commission in its 1996 report. As recommended in that report, a state training council was formed in 1997 and it made several recommendations for additional improvements to DER training programs.

In 1997, improved marketing efforts resulted in a 41.7 percent increase in students, a 46.8 percent increase in revenues, and a positive ending balance in Fiscal Year 1997-98.

In 1998, DER developed a strategic training plan to comprehensively address the issues raised in the 1996 reform commission report, and to develop a "road map" for the next three to five years. The strategic training report was issued in December 1998 and was the basis for significant changes during the first half of 1999.

Electronic communication methods to all agency training directors were enhanced in 1998 and 1999. The course catalog was made available on the training web site and monthly E-mail newsletters and targeted marketing efforts promoting training were sent to agency training directors to be distributed to all state staff.

The restructured, improved training web site – professionally designed by OEDT staff – went on-line in November 1998. It includes the registration form, course listings and "learning links" to a variety of resources for education and training.

In the first six months of 1999, increased marketing using electronic methods – and very selective course scheduling – virtually eliminated previous course cancellation problems. Of the 74 scheduled classes in January-June 1999, only 1 was cancelled, representing a 98 percent success rate.

In January 1999, DER moved to a new building and OEDT opened two new training classrooms which offer a quality learning environment for both instructors and students.

Also in January 1999, the State Training Council was reconvened and developed into a self-directed association of training directors representing all state agencies, with elected officers, approved by-laws and a workplan. OEDT provided leadership to the State Training Council, assisting state agency training directors in the development of a vision for the future, including training needs, training standards, upgraded classes, and development measurement systems.

In November 1998, the Legislative Audit Bureau began an audit of the training program covering the previous five years. The first three years of that period (1994-1996) had produced weak training results that had been later addressed after the reform commission report. The audit report, released in the spring of 1999, reflected this earlier negative performance.

Following the audit report, the State Legislature voted to limit DER's training role to programs directly related to its mission as a human resources/personnel agency. In the future, the department will focus on offering basic supervisory and other human resources training programs for state agency managers, supervisors, and HR personnel.

#### Training Schedule and Attendance Statistics

During 1997-98, approximately 125 courses were offered at 279 classes to 1,943 students. The class cancellation rate for private vendor courses was 75.2 percent while the great majority of the state-taught classes were held as scheduled.

During 1998-99, 96 state-taught class occurrences attracted 1,889 students. Only one state-taught class was cancelled. Forty private vendor classes were held for 373 students. Sixty-four vendor classes were cancelled. The total number of students attending both state and private vendor classes during FY 1998-99 was 2,262.

### 2. STATE EMPLOYEE SUGGESTION PROGRAM

The State Employee Suggestion Board reviewed and decided on awards for employee-initiated suggestions for business process improvements and service enhancements that saved the State an estimated \$500,000. A special awards ceremony was held in November 1998 at the State Capitol to honor individual and group suggestions of the year, agency of the year, and agency coordinator of the year. Also in November 1998, a [new web site for the State Employee Suggestion Program \(SESP\)](#) was started.

### 3. "DER NEWS & VIEWS" (NEWSLETTER)

In January 1999, the first issue of the *DER News & Views* newsletter was mailed to an audience of approximately 6,000 state managers and supervisors, non-represented employees, unclassified staff, legislators, and agency heads. A second issue was released in May 1999. Issues of the newsletter are available on DER's website at <http://der.state.wi.us/static/newsindx.htm>.

## C. MAJOR PROGRAM GOALS AND OBJECTIVES DURING 1999-2001 BIENNIUM

### 1. TRAINING PROGRAMS

Due to anticipated legislative budget action for the 1999-2001 biennium, OEDT has narrowed its training focus to exclusively offering courses directly related to the human resources mission of the department. DER has revised its basic

supervisory course and is committed to continuous improvement in its training programs, including presentation techniques, measurement tools, and improved content that is up-to-date and responsive to agency needs. OEDT will utilize DER professional staff as expert instructors on human resource topics, such as labor relations, classification, compensation, affirmative action, and staffing.

DER will continue to be a member of the State Training Council along with the other agencies and is strongly committed to the Council in its effort to recommend state-level training guidelines for individual agency training programs which will be common for all state staff. In particular, DER supports joint efforts to encourage greater use of innovative learning strategies such as on-line learning, video-conferencing, resource-sharing, and common methods of measuring the results of training. OEDT will partner with other organizations, such as the UW-Madison's Certified Public Manager program and the State Employee Assistance Program Advisory Committee, to provide appropriate learning opportunities.

DER will continue to use electronic means as a primary method of communicating and promoting training opportunities. These will include regular E-mail newsletters, and a continuously improved training web site which includes DER course information, schedule, and registration information. Additionally, the DER training web site will include "learning links" to other training sources within the State Government community as well as the State Training Council.

## 2. STATE EMPLOYEE SUGGESTION PROGRAM

OEDT will support and staff the State Employee Suggestion Board, and will work with agency program coordinators and the UW-Platteville Design Studio (composed of graphic design and marketing students) to revitalize the Employee Suggestion Program by increasing visibility and participation by state employees.

## 3. "DER NEWS & VIEWS" (NEWSLETTER)

The department will continue to publish the *DER News & Views* newsletter.

# STATE EMPLOYMENT OPTIONS (Division of Administrative Services)

## A. FUNCTIONS AND STRUCTURE

The State Employment Options (SEO) program provides training to Wisconsin Works (W-2) and other Job Center customers on how to obtain employment with Wisconsin State Government. As part of the W-2 State Employment Team (W-2 SET), SEO works closely with state agencies to provide recruitment and retention services to meet the state mandated goals to hire customers of the W-2 program.

The Department of Workforce Development (DWD), Division of Economic Support (DES) contracts with the Department of Employment Relations to provide the training and recruitment services.

## B. PERFORMANCE AND OPERATIONS DURING THE 1997-99 BIENNIUM

### 1. Highlights of program performance

- a. Conducted 211 "How to Get a State Job" workshops across the state. Invited participants of the Food Stamp (FS) and the Children First programs, clients of the Division of Vocational Rehabilitation and general job seekers to attend workshops. Expanded SEO workshops to include on-site exams in Milwaukee and participation in statewide job fairs.
- b. Coordinated and managed the implementation of cooperative agreements with 18 state agencies for promotion of employment opportunities of individuals making the transition from W-2 to work. The agreements identify the responsibilities of each entity to promote recruitment, retention and employment of W-2 customers.
- c. Expanded the targeted recruitment program to assist state agencies meet the agency goals by sending announcements directly to customers, identifying specific agency positions for on-site exams at W-2 agencies, working with W-2 agencies to refer individuals to specific positions and participating in job fairs.
- d. Provided training to state agency supervisors by organizing the supervisors' support group and created mentoring guidelines. Provided statewide training via teleconferencing to insure retention of W-2 hires.
- e. Assisted with expanding the eligibility for W-2 certification to Food Stamp customers with dependent children.
- f. Assisted with the transition of the Administrative Support Training and Experience Questionnaire (ASTEQ) from a pilot to a process that may be used by all agencies in Dane County. The ASTEQ, a take-home exam, was developed to assist W-2 customers who had received work experience and training in state agencies obtain permanent positions.

### 2. Efforts to improve the effectiveness of the program

- a. Developed a targeted recruitment program, which focused SEO efforts on the needs of state agencies to hire W-2 customers. Madison, Milwaukee and university campuses, institutions and correctional facilities are areas of the State where positions are being filled. Coordinated state agency tours, job fairs, on-site examinations at W-2 agencies and assisted agencies with direct mailings to individuals.
- b. Worked closely with staff at DWD/DES to develop strategies to encourage state agencies to hire W-2 participants.
- c. Developed a supervisors' support group to provide support and training to supervisors of W-2 customers working in training, limited term employment and permanent positions. Developed mentoring guidelines that may be used to assist state supervisors ensure success for the work unit and the employee.

## C. MAJOR PROGRAM GOALS AND OBJECTIVES DURING THE 1999-2001 BIENNIUM

1. Present "How to Get a State Job" workshops to participants of the W-2, Food Stamps and the Children First Programs. Conduct staff briefings for new W-2 agency personnel, to keep them informed of State Government employment opportunities.

2. Continue to provide technical assistance to state and W-2 Administrative agencies in developing strategies to recruit W-2 participants for targeted positions.

## OFFICE OF INFORMATION SYSTEMS

### A. FUNCTIONS AND STRUCTURE

The Department of Employment Relations Office of Information Systems (OIS) delivers a broad variety of Information Systems (IS) services to department internal and external customers. These services fall into the following categories: development services; management/administration; and technical services/support.

The Development Services Unit provides management, development and enhancement of the department statewide human resources systems. In 1997-1999, OIS developers worked on the design and rollout of a new Shared Human Resource System (SHRS). SHRS is the new DER statewide client/server application supporting innovative and expanded centralized human resource functions. SHRS Version 1.5 successfully went into production for the department in February 1999.

The Technical Services/Support Unit supports the department Local Area Network (LAN) operation and maintenance. This unit provides a wide variety of technical services/support, which covers diverse products such as NT and Netware servers, firewall hardware and software, desktop hardware and software, CD-Rom towers and the design, delivery and maintenance of human resources information on the World Wide Web.

OIS management leads the department strategic information technology (IT) planning process and the planning and implementation of the department's approved IT projects.

### B. PERFORMANCE AND OPERATIONS DURING THE 1997-99 BIENNIUM

1. Updated the department Strategic IT Plan for 1998-2003.
2. Installed new office applications throughout the department: Microsoft NT, a new PC operating system and Office 97. This is the state standard desktop software and represents an important step for the department toward all Year 2000 compliant software.
3. Installed, implemented and transferred to a department Exchange Server. This was required by the State's move to a new electronic mail environment.
4. Planned, disconnected, moved and reconnected successfully all IS in the department's new physical location. This included designing the new OIS area, building electrical and cabling layouts, selection of IS vendors for the move of special equipment, backups of critical data as well as preparation of current equipment prior to the move date.
5. Deployed SHRS Version 1.5 in February 1999. This SHRS version replaced the department legacy Applicant Information Management System (AIMS) with a Year 2000 compliant system. This moved a significant piece from DER's in-house Unisys mainframe.
6. Redesigned the department World Wide Web page and dramatically increased the volume of information available on this page.
7. Migrated all remaining applications and printing functions from the department Unisys mainframe. This equipment was disconnected in May 1999.

8. Inventoried and assessed IT functions to ensure functionality in Year 2000.
9. Completed a department Year 2000 Contingency Plan.

#### C. MAJOR PROGRAM GOALS AND OBJECTIVES DURING THE 1999-2001 BIENNIUM

1. Ensure successful rollover of all department IT functions to Year 2000.
2. Update department strategic IT plan to include new technology, goals and objectives which support the department strategic business plan.
3. Complete development and bring into production SHRS 2.0 for all state agencies and universities.
4. Complete maintenance and installation of replacement servers to ensure continued function of department LAN and applications.
5. Install and implement remote access hardware and software to allow department staff to access department LAN resources when working offsite. This access will support improved information exchange during collective bargaining negotiations, out-of-state conferences, agency consultations, job and compliance audits and arbitrations.

### OFFICE OF LEGAL COUNSEL

#### A. FUNCTIONS AND STRUCTURE

The office is responsible for providing legal services to the management staff of the department, as well as providing advice to other state agencies on programs and policies administered by DER, such as the Fair Labor Standards Act, Family Medical Leave Act, Americans With Disabilities Act, protective occupational status of state employes for retirement purposes, compensation plans for state employes, open records requests involving personnel files, and unfair labor practices.

The office provides basically three types of legal services: (1) legal advice and counsel to department staff and management concerning policy issues, statutory interpretation, and other legal questions concerning the department; (2) representation of the department and other state agencies in a variety of administrative hearings and liaison to the Department of Justice (DOJ) on cases concerning the department which have been filed in state or federal court; and (3) legal advice to other state agencies on personnel issues, FLSA, FMLA, and related law and labor law questions.

In terms of representing the department in various hearings, the office represents the department in classification survey appeals, employment discrimination cases, and whistle-blower cases before the State Personnel Commission; represents all state agencies in unfair labor practice complaints filed with the Wisconsin Employment Relations Commission (WERC); assists the Division of Compensation and Labor Relations in handling arbitration hearings whenever possible; and defends department determinations of the "protective occupational status" of employes for retirement program purposes. In its role as liaison to the DOJ, the office coordinates with DOJ attorneys to answer complaints, interrogatories and other motions and pleadings; and to provide information necessary to respond to discovery requests and other court-related proceedings.

## B. PERFORMANCE AND OPERATIONS DURING THE 1997-99 BIENNIUM

During this time period, the Division of Compensation and Labor Relations completed several personnel management (classification) surveys of state employes. These surveys resulted in classification survey appeals being filed with the Personnel Commission. The office handled appeals (prehearings, motions to dismiss, motions for summary judgment and hearings) involving the following surveys: loan analysts; grants/contracts senior manager, human resources management, information systems technical and related revenue clerical, criminal history records, PIO/PE: public information officer and publication information systems editor supervisor, professional program support. The office also handled appeals before the Personnel Commission of other personnel transactions (reclassifications, reallocations and merit recruitment and selection) as well as a variety of discrimination, whistleblower and/or retaliation claims.

In addition to handling hearings before the Personnel Commission, the office has represented other state agencies in a number of unfair labor practice hearings before the WERC.

Further, during this time period, the Office of Legal Counsel has defended department determinations on the "protective occupational status" of state employes for the purposes of the state retirement program. The Office of Legal Counsel was also actively involved in coordinating with DOJ to represent the State in several complex court cases involving challenges to the FLSA as it applies to state employes.

## C. MAJOR PROGRAM GOALS AND OBJECTIVES DURING THE 1999-2001 BIENNIUM

The office will continue to provide timely, complete and accurate legal advice to department staff and management, and will assist other state agencies whenever possible, while identifying and anticipating potential legal issues related to department policies or programs.