

Open Session Agenda Item K.



Wisconsin Ethics Commission

Campaign Finance | Lobbying | Ethics
212 East Washington Avenue | Third Floor | P.O. Box 7125 | Madison, WI 53707-7125
(608) 266-8123 | ethics@wi.gov | <https://ethics.wi.gov>

DATE: For the June 19, 2018 Meeting
TO: Members, Wisconsin Ethics Commission
FROM: Colette Reinke, Interim Administrator
SUBJECT: Administrator Recruitment Plan

FOR COMMISSION ACTION

The Commission may:

1. Make modifications to the position announcement either as recommended by staff or based on today's discussions.
2. Direct staff to expand search and post job announcement in more places.
3. Direct staff to collect applications and be the main point of contact for the position or have these duties remain with the Department of Administration.
4. Approve staff's recommended timeline or modify based on today's discussions.

The Commission will repost the job announcement for the permanent Administrator position following this meeting. Staff has reviewed the recruitment process for the Administrator position, consulted with human resources personnel from the Department of Administration ("DOA"), and has developed recommendations for modifications to the position posting and announcement, where and how to post the position, collection of the applications, and the timeline for recruitment process.

Modifications to Position Announcement

In the previous announcement in March of this year, DOA, who were the contact for the posting, received several questions regarding the minimum qualification of a post graduate degree. The qualification language was as follows:

Minimally qualified applicants will have a post graduate degree in Public Administration, Law or a related field, two years management and staff supervisory experience, and knowledge of campaign finance, ethics, and lobbying regulation, particularly Wisconsin law.

One possible option would be to include those with only bachelor's degrees in the minimally qualified candidates, with additional years of experience in management and staff supervisory roles. Candidates with a post graduate degree and management experience would then be considered well-qualified candidates. For example, the revised minimal qualification could read as follows:

Wisconsin Ethics Commissioners

Mac Davis | David R. Halbrooks | Katie McCallum | Pat Strachota | Timothy Van Akkeren | Vacant

Administrator
Colette C. Reinke

Minimally qualified applicants will have a bachelor's degree, four-years management and staff supervisory experience, and knowledge of campaign finance, ethics, and lobbying regulation, particularly Wisconsin law.

In addition to the above qualifications, a well-qualified candidate will have a post graduate degree in Public Administration, Law, or a related field, two-years management and staff supervisory experience, and knowledge of campaign finance, ethics, and lobbying regulation, particularly Wisconsin law.

Does the Commission wish to broaden the minimal qualifications to include those with only bachelor's degrees?

Where to Post Job Announcement

The previous announcement was posted on or provided to the following: State of Wisconsin Jobs website, the State of Wisconsin Bar Association, Council on Governmental Ethics Law (organization of government ethics administrators/agencies), the Wisconsin Counties Association, Wisconsin Towns Association, League of Wisconsin Municipalities, University of Wisconsin La Follette School of Public Affairs, University of Wisconsin Law School, and Marquette University Law School.

In the next posting, DOA will post it on the state job site, as well as the state social media, including LinkedIn, Facebook, and Twitter. Staff will include all the organizations listed above and will reach out to universities in the state outside of UW-Madison and Marquette. Does the Commission wish to expand the search outside of the places listed? If so, are there any specific suggestions?

Collection of Applications

Generally, DOA collects the applications and is the point of contact for job postings. After discussing this with DOA, staff is recommending that our office be the point of contact and collect the job application materials. This may help in making the process more efficient and the Commission could possibly review applications as they are received.

Timeline for Recruitment

The previous recruitments posted the position for one month. After discussing this with DOA, they suggested a shorter posting time period, such as two to three weeks. Does the Commission wish to post for a month again or a shorter time period? If the Commission wishes to use a shorter time period, staff recommends providing applicants with at least two weekends to prepare applications.

On the next page staff has provided two proposed timelines for recruitment. The first is with a one month posting and the second is with three weeks (two weekends).

Option 1 – Four-week announcement

June 25 – First day of announcement

July 9 – Provide Commissioners with applications received within first two weeks for review

July 23 – Final day of job posting

July 24 – Provide Commissioners with applications received on July 9 through close of job posting

July 27 – Special Meeting to determine list of candidates Commission would like to interview

August 10 – Special Meeting to Conduct Interviews

August 21 – Regularly Scheduled Commission Meeting

Option 2 – Three-week announcement

June 25 – First day of announcement

July 13 – Final day of job posting, provide Commissioners with applications for review

(Deadline for applications would be either midnight July 12 or noon on July 13)

July 17 – Special Meeting to determine list of candidates Commission would like to interview

July 26 or 27 – Special Meeting to Conduct Interviews

August 21 – Regularly Scheduled Commission Meeting

Enclosures: Administrator Position Description March 2018
Administrator Job Announcement March 2018

Administrator, Ethics Commission

(Position #039216)

POSITION SUMMARY

Under the general policy direction of the Ethics Commission, this individual is responsible for providing the administrative leadership and support necessary to enable the Commission to carry out its statutory functions with respect to the administration and enforcement of Wisconsin's code of ethics for state government officials, lobbying laws, campaign finance laws, and the contract sunshine act.

This individual serves as a representative of the Commission and provides administrative leadership and support to the Commission in such areas as rule development; drafting and review of proposed legislation; data collection, analysis, and dissemination; identification of problems which may require investigation or interpretation; preparation of special reports; preparation for Commission meetings; and in other areas the Commission may assign.

The Administrator, within categories of offenses that the Commission has prescribed, may compromise and settle matters without a formal investigation, if the settlement involves a payment of \$2,500 or less. The Administrator furnishes the Commission with the names of qualified investigators, manages investigations of possible violations of statutes that the Commission administers, and reports investigation results to the Commission for their disposition. The Administrator, at the Commission's direction, files civil complaints and provides the Commission with the names of qualified individuals to serve as special counsel.

Duties and Responsibilities

"The Ethics Commission has the responsibility for administration of ch. 11, subch. III of ch. 13, and subch. III of ch. 19." [§19.49 (1)]

A. Campaign finance laws – [Chapter 11] This position is responsible for administration of Wisconsin's campaign finance laws, including:

1. Collection of information:
 - a. Registration of candidates for state office and for committees and individuals acting in support or opposition to candidates for state office [§§11.0201, 11.0301, 11.0401, 11.0501, 11.0601, 11.0701]
 - b. Registration of groups and individuals acting in support or opposition to the circulation and filing of petitions to recall individuals holding state elective offices [§§9.10(2)(d) and 11.0901]
 - c. Registration of groups and individuals acting in support of or opposition to statewide referenda [§11.0801]
 - d. Prescription of forms and instructions pertaining to reports, statements, and forms required by Wisconsin's campaign finance laws [§11.1304(1)]
 - e. Furnishing every registrant forms for making reports and statements of campaign contributions and expenditures [§§11.1304(1) and (2)]

- f. Preparation and publication of a manual describing the requirements of Wisconsin's campaign finance laws and setting forth uniform methods of bookkeeping and reporting [§11.1304(3)]
- g. Developing a filing, coding, and cross-indexing system that furthers the purposes of Wisconsin's campaign finance laws [§11.1304(4)]
- h. Compilation and maintenance of an electronic system of all reports and statements pertaining to each registered committee [§11.1304(7)]
- i. Facilitation of public inspection of campaign finance reports and statements through the commission's Internet site [§11.1304(12)]
- j. Preparation and publication of special reports comparing totals and categories of contributions and disbursements [§11.1304(14)]
- k. Maintain records of "independent expenditures" [§11.1304(8)]
- l. Make available for public inspection a list of delinquents [§11.1304(16)]
- m. Receive and maintain reports filed with the Board under the federal election campaign act [§11.1304(11)]
- n. Determine whether each financial report and statement conforms to the requirements of Wisconsin's campaign finance laws and promptly send notices of noncompliance when merited [§§11.1304(9) and (10)]
- o. Require a registrant who accepts contributions of more than \$1,000 per campaign period to file campaign finance reports in an electronic format [§11.1304(6)]

2. Dissemination of information:

- a. Creation, deployment, maintenance, and improvement of searchable online information about contributions to campaign committees and the committees' expenditures
- b. Compilation and publication of information about campaign contributions and expenditures that invites attention to their amount and nature

B. Lobbying laws – [Subchapter III of Chapter 13] This position is responsible for administration of Wisconsin's lobbying laws, including:

1. Collection of information:

- a. Prescription of forms and instructions pertaining to lobbying [§13.685 (1)]
- b. Licensing and authorization of lobbyists [§§13.63 (1) and 13.65]
- c. Registration of lobbying principals [§13.64]
- d. Identification of bills, rules, budget subjects, and topics that organizations attempt to influence [§13.67]
- e. Semi-annual statements of lobbying activities and expenditures [§13.68]
- f. Legislative activities of state agencies [§13.695]

2. Dissemination of information:
 - a. Maintenance and improvement of searchable online lobbying information
 - b. Compilation and publication of lobbying information that invites attention to the amount and nature of lobbying influences on Wisconsin's government
- C. Code of ethics for state public officials** – [Subchapter III of Chapter 13] This position is responsible for administration of Wisconsin's Code of Ethics for State Public Officials, including:
1. Collection of financial information:
 - a. Prescribe Statement of Economic Interests forms and instructions [§19.48 (2)]
 - b. Candidates [§19.43 (4)]
 - c. Nominees [§19.43 (3)]
 - d. Appointees [§19.43 (2)]
 - e. Annual update of information [§19.43 (1)]
 - f. Investment Board's members and staff [§19.43 (5)]
 2. Dissemination of financial information:
 - a. Online index to officials' financial interests [§19.48 (6)]
 - b. Identification of requestors and notice to filers [§19.48 (8)]
 - c. Referral of nominees' Statements for Senators' review [§19.43 (3)]
 - d. Investment Board's members and staff [§19.55 (2) (c)]
- D. Contract Sunshine Act** – [§19.48 (1)] This position is responsible for administration of Wisconsin's Contract Sunshine Act, including:
1. Collection of purchasing information [§19.48 (11)]
 2. Dissemination of purchasing information via searchable online database that permits identification of which offices and agencies are purchasing which goods and services from which vendors and by which process [§19.48 (11)]
- E. Compliance** – This position is responsible for compliance with reporting requirements of campaign finance, lobbying, ethics code, and contract sunshine
1. Develop and oversee a system of procedures, seminars, and reminders to foster compliance
 2. To enhance the integrity of information reported to the Commission, oversee regular audits of information filed with the Commission

3. Recommend to the Commission standard schedules of forfeitures for noncompliance

F. Investigation – Possible violations of campaign finance, election, ethics, lobbying laws:

1. Within limits established by the Commission, investigate violations of laws the Commission administers [§19.49 (1)]
2. Submit to the Commission the names of qualified individuals to serve as special investigators [§19.49 (2) (b) 3.]
3. Investigate or supervise investigations that the Board authorizes. [§19.49 (2) (b) 4.] Provide the Commission with periodic reports on the status of investigations. [§19.49 (2) (b) 4.]
4. Present the Commission with evidence of violations of law outside the scope of the investigation authorized that the Administrator discovers in the course of the authorized investigation [§§19.49 (2) (b) 11. and 12.]
5. At an investigation's conclusion, recommend that the Commission:
 - a. Find that probable cause exists to believe that one or more violations have occurred or are occurring, together with a recommended course of action
 - b. Terminate the investigation due to lack of sufficient evidence to indicate that a violation occurred or is occurring
 - c. Investigate the matter further [§19.49 (2) (a) 4.]
6. If the Commission finds probable cause to believe that a violation has occurred or is occurring, file a civil complaint and provide the Commission with the names of qualified individuals to serve as special counsel. [§19.49 (2) (a) 5. a.] Within categories of offenses that the Commission has prescribed, compromise and settle matters without a formal investigation, if the settlement involves a payment of \$2,500 or less. [§19.49 (2) (b) 10.]

G. Training and education

1. Plan and conduct training sessions for elected and appointed state officials, legislative employees, lobbyists, candidates, campaign committees, and other individuals and organizations.
2. Prepare and present training programs and instructional materials such as program guidelines, manuals, brochures, and press advisories.
3. Respond to written and oral requests for information about the Commission's procedures and the general application of Wisconsin's campaign finance, lobbying, and ethics laws.

H. Legislation – At the direction of and in consultation with the Commission:

1. Review legislation and legislative action.
2. Suggest changes in law for remedial legislation.

3. Develop fiscal and technical notes for legislation and bill analysis as required.
4. Appear before legislative committees as required.

I. Agency finances and operations – Plan, organize, and supervise the financial responsibilities and obligations of the Ethics Commission.

1. Plan, organize, and supervise the financial responsibilities of the Ethics Commission to ensure compliance with budget and procurement requirements.
2. Establish internal operating procedures to ensure the proper tracking and recording of purchases, receipts and other financial transactions of the Ethics Commission in the appropriate budget accounts:
 - a. General program operations; general purpose revenue [20.521 (1)(a)]
 - b. Investigations [20.521 (1) (be)]
 - c. Materials and service [20.521 (1) (i)]
 - d. General program operations; program revenue [20.521 (1) (g)]
 - e. Gifts and grants [20.521 (1) (h)]
3. Prepare the biennial operating budget for the Ethics Commission's approval.

J. Staff supervision and support – Plan, organize, and supervise the activities and responsibilities of the permanent and temporary staff of the Ethics Commission

1. Hire, supervise training, set goals and objectives, evaluate performance, and manage personnel matters of the Ethics Commission staff.
2. Provide leadership for the effectiveness and improvement of the health and safety program by developing a proper attitude toward health and safety in self and those supervised and participating in all aspects of the health and safety program.
 - a. Furnish the safeguards and resources required to ensure a healthy and safe workplace.
 - b. Ensure that the division operates with the utmost regard for the health and safety of all personnel involved.
 - c. Comply with all rules and regulations and continuously practice safety while performing all duties.
3. Advance equal employment opportunity and affirmative action principles in the program operations of the agency and the management of the employees.
4. Uphold federal and state equal opportunity laws by recognizing and taking active steps to eliminate work unit discrimination based on an employee's protected status (e.g., race, religion, gender, marital status, sexual orientation, arrest or conviction record, age, political affiliation, national origin or ancestry, creed, disability, or membership in the national guard, state defense force or any other reserve component of the military of the United States or this state).



Ethics Commission

Ethics Commission Administrator

Job Announcement Code(s):

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|---|---|
| Location(s): | Dane |
| Classification Title(s)/JAC: Job Working Title(s): | Civil Service Unclassified - Administrator |
| Type of Employment: | Full Time (40 hrs/week) |
| Salary: | The position is outside the classified service and is assigned to executive salary group 4, which currently has an annual salary range of \$76,066 to \$125,521. The appointee's starting salary will be determined by the Commission based on the appointee's qualifications and experience. |
| Contact: | Stephanie Holzem, Human Resources Specialist, 608-266-7212, stephanie.holzem@wisconsin.gov |
| Bargaining Unit: | Non-Represented |
| Area of Competition: | Open |
| Deadline to Apply: | 4/2/2018 |

The State of Wisconsin Ethics Commission is seeking to hire a fulltime Administrator. The Administrator is the chief executive officer and chief of staff for the Ethics Commission and serves at the pleasure of the Commission. The Administrator serves a four-year term subject to confirmation by the State Senate.

The mission of the Ethics Commission is to promote and strengthen the faith and confidence of the people of Wisconsin in their government, support the operation of open and responsible government, preserve the integrity of the governmental decision-making process, and protect the rights of individuals through the administration of Wisconsin's campaign finance, lobbying, and ethics laws, and through readily available and understandable disclosure of information

For more information about the Ethics Commission, visit our website: <http://ethics.wi.gov/>

Job Duties: Under the general policy direction of the Ethics Commission, this individual is responsible for providing the administrative leadership and support necessary to enable the Commission to carry out its statutory functions with respect to the administration and enforcement of Wisconsin's code of ethics for state government officials, lobbying laws, campaign finance laws, and the contract sunshine act. This position provides administrative leadership and support to the Commission in such areas as rule development; drafting and review of proposed legislation; data collection, analysis, and dissemination; identification of problems which may require investigation or interpretation; preparation of special reports; preparation for Commission meetings; and in other areas the Commission may assign.

See the complete position description here. [link to Position Description]

Special Notes: The Administrator may never have served in a partisan state or local office or been a lobbyist as defined by s. 13.62 (11), Stats. Additionally, during the 12 months prior to appointment and during employment, the Administrator may neither make a contribution to a candidate for a partisan state or local office nor, while employed, become a candidate for a state office or partisan

local office Due to the nature of the position, a background check will be conducted on all finalists prior to an offer of employment. In compliance with federal law, all persons hired will be required to verify identity and eligibility to work in the United States, and to complete the required employment eligibility form upon hire.

Qualifications: Minimally qualified applicants will have post graduate degree in Public Administration, Law or a related field, two-years management and staff supervisory experience, and knowledge of campaign finance, ethics and lobbying regulation, particularly Wisconsin law.

Minimally qualified candidates will have the following knowledge, skills, and abilities: The ability to communicate clearly and concisely, orally, and in writing; establish and maintain effective working relationships; analyze situations quickly and accurately and develop effective courses of action; and plan, organize, and consult with others.

How to Apply: Interested individuals should submit a letter of interest and résumé to Stephanie Holzem via email at stephanie.holzem@wisconsin.gov

If you need assistance with the online application process, please contact Stephanie Holzem at 608-266-7212 or via e-mail to Stephanie.Holzem@wisconsin.gov.

The deadline for applications is April 2, 2018.