

SECTION G - MISCELLANEOUS PROVISIONS

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INTRODUCTION

This Section (Section G) contains provisions for allowable charges for laundry, meals, wholesale provisions and other maintenance provisions furnished to employees and/or his or her family. It also contains provisions that allow employees to file claims with their agency for reimbursement for damaged personal articles and reimbursement for certain required safety equipment and Master Plumbers License.

1.00 Charges for Maintenance

1.01 Charges for Meals and Other Provisions

As provided under s. 230.12(1)(e), Wis. Stats., where meals, wholesale provisions and other maintenance provisions are furnished by the employing department to the employee and/or the employee's family in view of the nature and location of the job, charges for the value of such meals or provisions shall be made, and therefore, deducted from the employee's pay as may be approved by the OSER Director, based upon recommendations made by the agency furnishing meals or provisions.

1.02 Meals Furnished Employees without Charge

As provided under s. 230.12(1)(c)3, Wis. Stats., when a state agency provides meals to employees who are required as a condition of employment to take such meals in

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the performance of employer-assigned duties or responsibilities, these meals shall be provided without charge to the employee or deduction from the employee's salary.

2.00 Reimbursement for Damaged Personal Articles

As provided by ss. 20.918 and 230.12(1)(dm), Wis. Stats., a state agency may reimburse its employees for the cost of repairing or replacing articles of clothing, watches, or eye glasses damaged in the line of duty if such damage is not caused by employee carelessness or normal wear and tear resulting from the type of work performed by the employee. Payments under this section are subject to the approval of the appointing authority.

2.01 Determination of Value

The appointing authority shall determine the value of damaged personal articles at the time damage occurs. If the appointing authority determines that the personal articles are damaged beyond repair, the reimbursement amount shall not exceed the actual replacement value, less depreciation, of the damaged articles.

2.02 Reimbursement Limitations

The reimbursement amount shall not exceed \$100.00 for any one incident except that reimbursement for watches shall not exceed \$75.00.

These provisions shall not apply to articles where the actual replacement value, less depreciation, or repair cost is less than \$10.00.

NOTE: Forms for claiming reimbursement for Damaged Personal Articles can be obtained from the OSER, Division of Compensation and Labor Relations.

3.00 Master Plumbers License

If the employer requires a Crafts Worker Supervisor, Shop Supervisor, or Crafts Operations Manager-UW-Milwaukee to obtain or retain a Master Plumbers License, the employer shall annually reimburse the employee, upon evidence of acquisition and retention, the difference between the cost of a Master Plumbers License and the cost of a Journeyman Plumbers License.

4.00 Safety Equipment

As provided under s. 230.12(1)(d), Wis. Stats., employees shall be reimbursed for safety and protective equipment if, in the performance of their assigned duties, the equipment is required by the employer.

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4.01 Protective Clothing

The employer shall furnish, at no cost to the employee, required protective clothing and equipment necessary for the performance of assigned duties. Such equipment shall be in accordance with the standards established by the Department of Workforce Development.

4.02 Protective Shoes

If the employer requires the purchase of safety shoes necessary in the performance of assigned duties, the employer shall pay an allowance of \$15.00 per year as an expense check payable the first pay period of the calendar year.

4.03 Safety Glasses

If the employer requires the purchase of safety glasses and/or safety sunglasses for the performance of assigned duties, the employer shall reimburse the employee for such expense including the cost of any eye examination required for such purposes and not covered by any health insurance program. Reimbursement for eye examinations under this provision shall not exceed one per fiscal year.

5.00 Special Clothing Requirements

Department of Corrections and Department of Health and Family Services employees who are required to wear black belts and black shoes in the performance of assigned duties consistent with the agency's uniform policy shall be paid an allowance of \$65.00 per calendar year. Any such payment will not be made more than once in a calendar year.

**SECTION H - SUPPLEMENTAL HEALTH INSURANCE CONVERSION CREDITS FOR
CERTAIN NONREPRESENTED CLASSIFIED AND UNCLASSIFIED
EMPLOYEES**

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6.00 Conversion Chart

INTRODUCTION

This Section (Section H) contains provisions for a health insurance premium credit program provided under s. 230.12(9), Wis. Stats., for certain employees whose compensation is established under s. 20.923(2) or s. 230.12, Wis. Stats. Under these provisions, additional health insurance credits are granted to eligible employees in order to pay post-retirement health insurance premiums.

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1.00 Coverage

1.01 Classified Employees

The provisions of this Section (Section H) apply to all permanent or project employees in the classified service who are not covered by a collective bargaining agreement.

For purposes of this Section, layoff will not include temporary, school year, seasonal, or sessional layoff.

1.02 Unclassified Employees

The provisions of this Section (Section H) apply to the following unclassified employees:

- (1) Constitutional officers and other state officials in positions identified in s. 20.923(2), Wis. Stats., including the following:
 - (a) Justices of the supreme court, court of appeals judges, and circuit court judges;
 - (b) State senators and representatives to the assembly;
 - (c) The governor, lieutenant governor, secretary of state, state treasurer and attorney general;
 - (d) The state superintendent of public instruction;
 - (e) District attorneys.
- (2) "ESG" employees in positions identified under ss. 20.923(4), (8), (9), and (12), Wis. Stats., in the executive or legislative branches;
- (3) All other unclassified employees in the executive branch except for employees whose pay is specifically excluded from governance by the pay provisions of this plan under s. 230.12(1)(a)1.b., Wis. Stats., or employees who would be limited term employees (LTEs) if their employment were in the classified service.

2.00 Effective Dates

2.01 Classified Employees

For all classified employees, the provisions of this Section (Section H) took effect on January 21, 1996.

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2.02 Unclassified Employees

- (1) For unclassified employees, other than those specified in (2) below, the provisions of this Section (Section H) took effect on January 21, 1996.
- (2) For constitutional officers, other state officials, and unclassified employees serving fixed-term appointments, the provisions of this section took effect as specified under (a) through (f), below:
 - (a) For justices and judges: when any justice or judge took the oath of office, on or after January 21, 1996. (The Honorable Patrick C. Haughney was sworn in as a circuit court judge on April 29, 1996. These provisions, therefore, took effect for all judges and justices as of that date.)
 - (b) For Legislative members: January 6, 1997.
 - (c) For the governor, lieutenant governor, secretary of state, state treasurer and attorney general: January 4, 1999.
 - (d) For the state superintendent of public instruction: July 1, 1997.
 - (e) For district attorneys: January 6, 1997.
 - (f) For unclassified employees appointed to fixed-term positions: upon appointment or reappointment, on or after January 21, 1996.

NOTE: Under Art. IV, Sec. 26, sub. (2), Wis. Const., the compensation of a public officer "may not be increased or diminished during the term of office," except as provided under that section. Art. IV, Sec. 26, par. (2)(b), Wis. Const., further provides that, "Any increase in the compensation of members of the legislature shall take effect, for all senators and representatives to the assembly, after the next general election beginning with the new assembly term." The supplemental health insurance premium credits provided in this section constitute an increase in compensation for the affected employees. Such employees, therefore, first become eligible for the supplemental credits on the dates specified in 2.02(2) of this Section (Section H). For such employees, the provisions of this Section (Section H), therefore, took effect as specified in 2.02(2) of this Section (Section H).

NOTE: Under s. 978.12(1)(a)2., Wis. Stats., "If an individual is appointed to fill a vacancy in the office of the district attorney, the appointee shall be compensated for the residue of the unexpired term at the same rate that applied to the individual who vacates the office filled by the appointee on the date the vacancy occurs." The supplemental health insurance premium credits provided in this section constitute an increase in compensation for the affected employees. For such employees, the provisions of this Section (Section H), therefore, took effect as specified in 2.02(2) of this Section (Section H).

3.00 Eligibility

The following supplemental health insurance conversion credits are provided for covered employees who, on or after January 24, 2004, are laid off or retire from the service, or for the surviving insured dependents of employees who are laid off or die while in service, under the following conditions:

- (1) The credits shall be based upon an employee's full number of years of adjusted continuous service on the date of retirement, layoff or death.
- (2) The credits shall be calculated based on the employee's sick leave balance on the date of retirement, layoff or death.
- (3) An employee is not required to retire immediately upon termination from the service to be eligible if the employee has 20 years of creditable service under the Wisconsin Retirement System. See ss. 40.02(25)(b)6e. and 40.95(1)(a) intro, Wis. Stats.

4.00 Amount

4.01 General and Executive

For employees who retire, are laid off, or die while in state service with at least fifteen (15) full years of adjusted continuous service, the employer shall match each one (1) hour of accumulated sick leave up to a maximum of fifty-two (52) hours per year multiplied by the number of years of service through twenty-four (24) years. For years of adjusted continuous service over twenty-four (24) years, the employer shall match each one (1) hour of accumulated sick leave credit up to a maximum of one hundred and four (104) hours per year multiplied by the number of years of continuous service over twenty four (24) years.

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4.02 Protective

For employees who have earned all of their adjusted continuous service while having protective occupation status and who retire, are laid off, or die while in state service with at least fifteen (15) full years of adjusted continuous service, the employer shall match each one (1) hour of accumulated sick leave up to a maximum of seventy-eight (78) hours per year multiplied by the number of years of service through twenty-four (24) years. For years of adjusted continuous service over twenty-four (24) years, the employer shall match each one (1) hour of accumulated sick leave credit up to a maximum of one hundred and four (104) hours per year multiplied by the number of years of continuous service over twenty-four (24) years.

4.03 Proration of General, Executive, and Protective

Employees who have earned part of their adjusted continuous service while in protective occupation status shall have their credits prorated as specified in (1) or (2) below.

- (1) If at the time of retirement, layoff, or death, the employee has adjusted continuous service of less than twenty-five (25) years, multiply the number of years as general and/or executive by fifty-two (52) hours. Multiply the number of years as protective by seventy-eight (78) hours. Combine these totals to determine the maximum matching credits.
- (2) If at the time of retirement, layoff, or death, the employee has adjusted continuous service of over twenty-four (24) years, determine the proration based on the first twenty-four (24) years of service and then add one hundred and four (104) hours for each year of adjusted continuous service over twenty four (24) years.

5.00 Miscellaneous Administrative Provisions

5.01 Credits for Sick Leave Used

- (1) Employees who suffer from a personal illness or injury that requires them to use at least five hundred (500) hours of accrued sick leave during the three (3) years immediately prior to retirement, layoff, or death shall receive five hundred (500) hours credited to this account upon retirement, layoff, or death.
- (2) Employees shall be required to provide medical documentation of such illness or injury to the employer on forms provided by the employer at the time the leave is taken. Employees who have suffered such an illness or injury during the three (3) years immediately preceding the effective date of this benefit shall also be required to provide supporting medical documentation.

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5.02 Access to Supplemental Credits

Access to these credits for payment of post retirement health insurance premiums shall occur only after all Accumulated Sick Leave Conversion Credits (ASLCC) have been exhausted.

Credits granted to a laid off employee or that person's surviving insured dependents, shall be available until credits are exhausted, the laid off employee is reemployed, or five (5) years have elapsed from the date of layoff, whichever occurs first.

5.03 Rehired Annuitant

In the event an employee returns to a position covered by these provisions after having retired, the credits in this account shall be held in escrow until the employee again retires. The credits will then be adjusted to reflect additional years of continuous service and sick leave accrual.

5.04 Conversion Pay Rate

Sick leave shall be converted to credits using the employee's highest base pay rate received as a state employee.

5.05 Conversion Pay Rate for Employees Receiving Educational Credit Add-Ons

The educational credit add-on set forth in Section A., 4.14 of this Plan will be considered a part of an employee's basic pay rate for purposes of the supplemental health insurance conversion credits provided under this Section (Section H). This treatment of the educational credit add-on applies to participants in the Wisconsin Retirement System who apply for the conversion of unused sick leave credits on or after July 4, 1999.

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6.00 Conversion Chart - For informational purposes, a chart portraying this benefit is provided.

Full Years of Adjusted Continuous Service	Maximum Matching Credits - General and/or Executive	Maximum Matching Credits - Protective
15	780	1170
16	832	1248
17	884	1326
18	936	1404
19	988	1482
20	1040	1560
21	1092	1638
22	1144	1716
23	1196	1794
24	1248	1872
25	1352	1976
26	1456	2080
For each additional year:	Add 104 hours	Add 104 hours

SECTION I – PAY ADMINISTRATION FOR BROADBAND PAY SCHEDULES

1.00 Coverage

2.00 Increase Limitations

2.01 Individual Increase Limitations

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3.00 Definitions

4.00 Transaction Pay Adjustments

4.01 Multiple Pay Adjustments on Same Date (Order of Application)

4.02 Pay on Completion of All Pay Transactions

4.03 Pay on Completion of the First Six Months of Probation, Project Appointment, or Career Executive Trial Period

4.04 Pay on Appointment

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4.07 Pay on Reinstatement

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4.09 Pay on Regrade for Reallocation or Reclassification to a Classification in a Higher Pay Range

4.10 Pay on Regrade for Reallocation or Reclassification to a Classification in the Same or Counterpart Pay Range

4.11 Pay on Regrade for Reallocation or Reclassification to a Classification in a Lower Pay Range

4.12 Pay on Accretion

4.13 Raised Minimum Rate

4.14 Trainee Minimum Rate

4.15 Pay on Movement from Craft-Related Positions

5.00 Abuse of Discretion

1.00 Coverage

The provisions of this Section (Section I) apply to classified permanent and project employees in positions allocated to classifications assigned to the broadband pay schedules. In addition, certain unclassified attorney positions, those included in Section C of this Plan, are covered by 4.04 of this Section (Section I). These provisions supersede those of ch. ER 29 and ER 30, Wis. Adm. Code.

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2.00 Increase Limitations

2.01 Individual Increase Limitations

Except where specified, the individual increase limit provided in s. 230.12(5)(d), Wis. Stats., does not apply to base pay adjustments granted pursuant to provisions of this Section (Section I).

2.02 Retroactive Increases or Decreases

Except for action in accordance with ss. 230.43(4), 230.44(4)(c), and 230.45, Wis. Stats., or to correct an error, no pay increases or decreases associated with provisions of this Section (Section I) shall be retroactive.

3.00 Definitions

The definitions set forth in ss. ER 1.02 and ER-MRS 1.02, Wis. Adm. Code, will be used for purposes of this Section (Section I) with the following additions:

- (1) **“Appointment Maximum”** means the maximum base rate an employee may be granted when appointed to a position assigned to that “appointment maximum,” except as otherwise provided under 4.04 (Pay on Appointment), 4.07 (Pay on Reinstatement) and 4.08 (Pay on Restoration) of this Section (Section I). The “appointment maximum” is not the maximum of the pay range. See also “Temporary Appointment Maximum.”
- (2) **“Effective receipt”** means the date a recommendation is received by the office within the agency that has been delegated, in writing, effective receipt authority by the appointing authority.
- (3) **“Present rate of pay”** means the base pay rate currently authorized for the position that determines the type of personnel transaction that will occur, unless otherwise specified.
- (4) **“Red circled pay rate”** means a base pay rate received by an employee that is above the pay range maximum for the classification of the employee’s position. Employees whose pay has been red circled shall continue to receive their present rate of pay until the pay range maximum for the class exceeds their present red circled pay rate, and shall not receive any base pay adjustments unless authorized by this Plan. However, employees whose pay has been red circled as a result of a layoff, and whose restoration rights have been forfeited as a result of a failure to accept a reasonable offer of appointment or reappointment pursuant to ch. ER-MRS 22, Wis. Adm. Code, shall have their base pay reduced to the maximum of the applicable pay range.
- (5) **“Temporary Appointment Maximum”** means an appointment maximum that is established temporarily for a specific position due to special market needs. Except as otherwise provided in 4.04 (Pay on Appointment), 4.07 (Pay on

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Reinstatement), or 4.08 (Pay on Restoration), below, the “temporary appointment maximum” is the maximum base rate an employee (new or current) may be granted when appointed to the specific position for which the “temporary appointment maximum” is approved. Once the position for which the “temporary appointment maximum” has been approved is filled, the “temporary appointment maximum” expires.

A “temporary appointment maximum” will be established only under exceptional circumstances and must be pre-approved by OSER. See also “Appointment Maximum.”

- (6) “**Within-Range Pay Step (WRPS)**” means an amount equal to three percent (3.0%) of the minimum of the applicable pay schedule.

4.00 Transaction Pay Adjustments

4.01 Multiple Pay Adjustments on Same Date (Order of Application)

Multiple pay adjustments that are effective on the same date will be applied in the following order:

- (1) Completion of the first 6 months of a probationary period, career executive trial period or project appointment.
- (2) Regrade of an employee as a result of a reallocation decision.
- (3) Regrade of an employee as a result of a reclassification decision.
- (4) Progression Adjustment provided under Section A, 2.05 of this Plan.
- (5) Promotion.
- (6) Career executive voluntary movement to a higher class.
- (7) Demotion.
- (8) Career executive reassignment or voluntary movement to a lower class.
- (9) Transfer.
- (10) Career executive reassignment or voluntary movement to a position allocated to a classification in the same pay range.
- (11) Reinstatement.
- (12) Restoration.

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- (13) Compensation Plan adjustments pursuant to s. 230.12(3), Wis. Stats., including but not limited to within range pay adjustments other than those made under (1) through (12), (15), and (16) of 4.01 of this Section (Section I).
- (14) Compensation Plan schedule adjustments under s. 230.12, Wis. Stats.
- (15) Establishment of a raised minimum rate.
- (16) Discretionary Compensation Adjustment (DCA).
- (17) Original appointment.

4.02 Pay on Completion of All Pay Transactions

Upon completion of any personnel transaction:

- (1) Except for (2) below, employees will receive a base pay rate not less than the minimum rate for the classification regardless of whether the employee is serving a probationary or career executive trial period.
- (2) Employees will receive not less than the minimum rate for the training program if the employee is serving a probationary period in a trainee classification.
- (3) Unless otherwise stated in this Section (Section I), the base pay rate will be subject to the applicable pay range maximum.

4.03 Pay on Completion of the First Six Months of Probation, Project Appointment, or Career Executive Trial Period

No six-month probationary increases will be granted to employees upon completion of the first six months of any probationary period, project appointment, or career executive trial period.

4.04 Pay on Appointment

- (1) Pay on Appointment provisions apply to the following transactions:
 - (a) Original Appointment;
 - (b) Promotion;
 - (c) Voluntary Transfer;
 - (d) Career Executive reassignment to the same pay range;
 - (e) Career Executive voluntary movement to the same or higher pay range;
 - (f) Project Appointments.

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- (g) Appointment of employees to unclassified attorney positions covered by Section C of this Plan.
- (2) Pay on Original Appointment, Project Appointment, and Appointment of Employees to Unclassified Attorney Positions Covered by Section C of this Plan.
- (a) An employee's base pay may be set at any rate that is not less than the minimum of the applicable pay range and not greater than the applicable appointment maximum.
 - (b) For a project appointment in a broadband pay schedule, an employee's base pay may be set at the following:
 - 1. In accordance with (a) above;
 - 2. Subject to the maximum of the new pay range, project appointees who have previously served as permanent classified employees and who could have been appointed to a permanent position without an interruption of continuous service under s. ER 18.02(2), Wis. Adm. Code, may be appointed to a project position assigned to a higher classification than their previous permanent classified position and may be paid up to their previous rate of pay if higher than the pay range minimum of the classification for the project appointment.
 - 3. Project appointees who have previously served as permanent classified employees and who could have been appointed to a permanent position without an interruption of continuous service under s. ER 18.02(2), Wis. Adm. Code, may be appointed to a project position assigned to the same, a counterpart, or a lower classification than their previous permanent classified position and may be paid a rate of pay determined in accordance with the provisions regarding pay on reinstatement as contained in 4.07 of this Section (Section I) or the applicable collective bargaining agreement.
 - 4. Subject to the maximum of the new pay range, project appointees appointed directly from a permanent unclassified position without an interruption in employment status may be paid up to their previous rate of pay if higher than the pay range minimum of the classification for the project position.

NOTE: Refer to Chapter ER 34, Wis. Adm. Code for additional employment information regarding Project Employees

- 5. On subsequent project appointment to a different position, the pay rate attained as a result of a project appointment shall not serve as the basis for the establishment of subsequent pay rates on appointment to any other position.

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- (3) Pay on Appointment for all of the transactions listed in (1) above, other than Original Appointment, Project Appointment, and Appointment of Employees to Unclassified Attorney Positions Covered by Section C of this Plan, or movements to a broadband from a craft-related position in which base pay was based on a prevailing rate.
 - (a) Except as provided in (b) below, an employee's base pay may be set in accordance with either of the following:
 1. The minimum of the pay range through its applicable appointment maximum; or
 2. The minimum of the pay range through a rate equal to the employee's current base pay rate plus 4 WRPS, subject to the pay range maximum.
 - (b) For promotions an employee's base pay may be set in accordance with (a) above, except the employee's present rate of pay will be increased by an amount not less than 8.0% of the pay range minimum, subject to the applicable appointment maximum.
 1. For promotion of an employee currently serving a promotional probation, the present rate of pay will be calculated as if the employee were restored to the position in the highest class in which permanent status in class was held at the time the employee started that promotional probation.
 2. For promotion of a former employee in layoff status or a current employee in layoff status who is serving a probationary period, the present rate of pay will be calculated as if the employee were restored to the position from which the layoff occurred.
 3. For promotion of a current employee in layoff status who is not serving a probationary period, the present rate of pay will be the greater of the current rate of pay or the rate calculated as if the employee were restored to the position from which the layoff occurred.
 4. For promotion of an employee on an approved leave of absence, the present rate of pay will be calculated as if the employee were restored to the position in the highest class in which permanent status in class was held at the time the employee began the leave of absence.

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4.05 Pay on Involuntary Transfer

The appointing authority may use the pay on appointment flexibility of 4.04(3) of this Section (Section I), except an employee who is involuntarily transferred for reasons other than discipline shall be paid at least their present rate of pay. If the present rate of pay exceeds the new pay range maximum, it shall be red circled.

4.06 Pay on Demotion or Career Executive Movement to a Lower Pay Range

- (1) Except as specified in (2) through (4) below, a demoting or demoted employee, or a career executive employee voluntarily moved to a lower pay range, may receive any base pay rate which is not greater than the present rate of pay, subject to the new pay range maximum.
- (2) If an employee demotes within an agency after being notified in writing by the appointing authority that the employee's position may be affected by impending layoffs, the employee's present rate of pay **may** be retained and that rate **may** be red circled if it is above the maximum for the new classification, subject to the following:
 - (a) For movement between broadband pay ranges, the demotion is no more than one pay range;
 - (b) For movement between non-broadband pay ranges, the demotion is no more than three pay ranges; or
 - (c) For all other movements, the new pay range minimum is at least 75.0% of the pay range minimum from which the demotion occurs.
- (3) If an employee exercises a mandatory right of demotion as a result of layoff to the highest level vacancy available pursuant to s. ER-MRS 22.08(2), Wis. Adm. Code for which the employee is qualified within the agency from which the layoff occurred or an employee who exercises displacement rights and demotes pursuant to s. ER-MRS 22.08(3), Wis. Adm. Code, the employee's present rate of pay **shall** be retained. If the present rate of pay is above the maximum for the new classification, it shall be red circled.
- (4) If an employee demotes within an agency after written notification of layoff, and the demotion is a permissive appointment to the highest level vacancy available for which the employee is qualified within the agency, the employee's present rate of pay **may** be retained. If the present rate of pay is above the maximum for the new classification, it **may** be red circled.
- (5) If a career executive is reassigned to a position allocated to a classification in a lower pay range, the employee shall retain his or her present rate of pay. If the present rate of pay is above the new pay range maximum, the employee's pay shall be red circled.

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4.07 Pay on Reinstatement

Pay on reinstatement will be set as follows:

- (1) An employee who has not held permanent status in class within the last 5 years shall have his or her pay determined in accordance with the pay on original appointment provisions of 4.04 of this Section (Section I).
- (2) Except as otherwise provided in 4.07 of this Section (Section I), an employee may be granted a base pay rate which is not greater than the last rate received plus intervening adjustments pursuant to s. 230.12, Wis. Stats., or the applicable collective bargaining agreement, subject to the pay range maximum. When intervening adjustments are discretionary, the amount shall be limited to the amount that would have been generated by the employee. The intervening adjustments applied shall be those of the appropriate pay schedule and classification from which reinstatement eligibility is derived, subject to the applicable pay range maximum.

NOTE: DCAs provided for in Section J of this Plan may not be included when determining pay on reinstatement, **except** that DCAs may be included when returning from a leave of absence granted for serving in an unclassified position.

“Last rate received” for an employee who is reinstated is defined as the highest base pay rate received in any position in which the employee had previously held permanent status in class within the last 5 years.

- (3) If the appointment maximum corresponding to the position to which the employee is reinstating is greater than the last rate received plus intervening adjustments, as determined under (2) above, the appointing authority may set the employee’s base pay at a rate not to exceed the appointment maximum.
- (4) If the employee is reinstated following layoff, the base pay rate shall be calculated in accordance with (2) or (3) above. However, if the employee is reinstated to the highest level vacancy available for which the employee is qualified within the agency from which layoff occurred, and if the last rate received in the position from which layoff occurred exceeds the new pay range maximum, the employee may be paid any base pay rate that does not exceed that last rate received.
- (5) If the employee is reinstated and the employee’s present rate of pay is red circled in the highest position currently held, the base pay rate shall be calculated in accordance with (2) or (3) above. However, if the employee’s red circled pay rate exceeds the new pay range maximum, the employee may be paid any base pay rate which does not exceed the red circled pay rate.
- (6) The OSER Director may waive the limit on intervening discretionary **Compensation Plan** adjustments provided in (2) above, upon reinstatement of

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an employee following employment in the unclassified service if the work in the unclassified service was closely related to and at a higher level than the work of the position to which reinstated. Upon approval by the OSER Director, intervening Compensation Plan adjustments shall not be limited by the amount that would have been generated, but shall be subject to the limits specified in the applicable Compensation Plan and s. 230.12, Wis. Stats.

4.08 Pay on Restoration

Pay on restoration will be set as follows:

- (1) Except as otherwise provided in 4.08 of this Section (Section I), an employee shall be granted a base pay rate which is not greater than the last rate received plus intervening adjustments pursuant to s. 230.12, Wis. Stats., or the applicable collective bargaining agreement. When intervening adjustments are discretionary, the amount shall be limited to the amount that would have been generated by the employee. The intervening adjustments applied shall be those of the appropriate pay schedule and classification from which restoration eligibility is derived. "Last rate received" means the last base pay rate received in the position from which restoration rights are derived. If the employee's base pay on restoration is greater than the new pay range maximum, it shall be red circled.

NOTE: DCAs provided for in Section J of this Plan may not be included when determining pay on restoration, except that DCAs may be included when returning from a leave of absence granted for serving in an unclassified position.

- (2) If the appointment maximum corresponding to the position to which the employee is restoring is greater than the last rate received plus intervening adjustments, as determined under (1) above, the appointing authority may set the employee's base pay at a rate not to exceed the appointment maximum.
- (3) If an employee is restored following a layoff to a vacancy at a lower level than the highest level vacancy for which the employee is qualified in the employing unit, the employee's rate of pay shall be calculated in accordance with (1) or (2) above, subject to the maximum of the pay range to which the classification is assigned.
- (4) If an employee is restored in accordance with an order of the personnel commission or a court action, the employee's rate of pay shall be as ordered by the commission or court.

Section I - 4.09

4.09 Pay on Regrade for Reallocation or Reclassification to a Classification in a Higher Pay Range

- (1) Except as modified in (2) and (3) below, pay on regrade for reallocation or reclassification to a classification in a higher pay range will be the greater of the following, subject to the new pay range maximum:
 - (a) An employee's present rate of pay increased by 8.0% of the minimum of the applicable pay range; or
 - (b) The applicable pay range minimum.
- (2) Regraded employees, except trainees, who have reinstatement eligibility or restoration rights to a higher pay range from which regraded shall receive the greater of the following:
 - (a) The pay rate calculated as if they had been reinstated or restored to the pay range from which reinstatement eligibility or restoration rights are derived; or
 - (b) The present rate of pay.
- (3) If a trainee, a regraded employee shall retain the same pay relationship within the training program, based on qualifications and specific segments of the training program that have been waived or completed.

4.10 Pay on Regrade for Reallocation or Reclassification to a Classification in the Same or Counterpart Pay Range

- (1) Except as modified in (2) and (3) below, regraded employees whose positions are reallocated or reclassified to a classification assigned to the same or counterpart pay range shall receive no pay adjustment.
- (2) Regraded employees, except trainees, whose positions are reallocated or reclassified to a higher classification series level within the same pay range will receive an increase in the amount of 8.0% of the pay range minimum, subject to the applicable appointment maximum. **This applies only if an employee has not held, within five years of the reclassification or reallocation effective date, permanent status in class at the same level of the reclassification or reallocation.**
- (3) If a trainee, a regraded employee shall retain the same pay relationship within the training program based on qualifications and specific segments of the training program that have been waived or completed.

Section I - 4.11

4.11 Pay on Regrade for Reallocation or Reclassification to a Classification in a Lower Pay Range

- (1) Regraded employees who have permanent status in class in the new classification shall continue to be compensated at their present rate of pay. If the present rate of pay exceeds the new pay range maximum, it shall be red circled.
- (2) Regraded employees who are serving an original probation shall continue to be compensated at their present rate of pay, subject to the new pay range maximum.
- (3) If an employee has previously attained permanent status in class but is serving a probationary period for a promotion or transfer within the agency, upon the request of the employee, the appointing authority shall restore the employee to his or her former position, or a similar position assigned to a class in the same or a counterpart pay range.

4.12 Pay on Accretion

Under s. 230.15(1m), Wis. Stats, when the state becomes responsible for a function previously administered by another government agency or a quasi-public or private enterprise or when positions in the unclassified service, excluding employees in the legislature, are determined to be more appropriately included in the classified service, the OSER Director shall determine the appropriate pay, subject to the maximum of the pay range to which the class is assigned. The appointing authority may determine the appropriate pay without OSER Director approval if the pay rate does not exceed the appointment maximum of the applicable pay range.

4.13 Raised Minimum Rate

Raised minimum rates for classified employees covered by this Section (Section I) will be determined in accordance with Section E, 1.02, of this Plan.

4.14 Trainee Minimum Rate

Trainee minimum rates for classified employees covered by this Section (Section I) will be determined in accordance with Section E, 1.04, of this Plan.

4.15 Pay on Movement from Craft-Related Positions

Pay for movements from craft-related positions in which base pay had been based on prevailing rates to a broadband pay range, except for restorations, will be determined in accordance with 4.04(3)(a) 1 or 2 of this Section (Section I).

Section I – 5.00

5.00 Abuse of Discretion

Abuse of discretion in use of pay on appointment flexibility provisions provided in 4.04, 4.05, 4.07 or 4.08 of this Section (Section I) could result in the Administrator, Division of Compensation and Labor Relations, reducing the appointment pay rate and/or limiting the agency's ability to use such flexibility.

SECTION J - PROVISIONS FOR ADMINISTERING THE DISCRETIONARY COMPENSATION ADJUSTMENT (DCA)

1.00 Coverage

2.00 Discretionary Compensation Adjustment (DCA)

1.00 Coverage

The provisions of this Section (Section J) apply to permanent and project employees in positions allocated to classifications assigned to broadband pay schedules and unclassified employees not serving a fixed term (Section B, 3.05 and Section C of this Plan).

2.00 Discretionary Compensation Adjustment (DCA)

- (1) **Concept.** The Discretionary Compensation Adjustment (DCA) provisions allow the appointing authority, if delegated by the Administrator, Division of Compensation and Labor Relations, the discretion to provide employees economic recognition for significant and permanent changes in job duties, increased competencies, merit or to address pay equity or retention needs.
- (2) **Effective Date.** DCAs may be granted at any time during the fiscal year. The effective date of an adjustment will be the beginning of the first pay period following effective receipt (as defined in Section I, 3.00 of this Plan) of the DCA recommendation for both delegated and non-delegated DCAs. No DCA may be retroactive. If multiple pay adjustments have the same effective date, DCAs will be applied to an employee's base pay according to Section I, 4.01 of this Plan. **No DCA may be granted on the effective date of an appointment.**
- (3) **Initial Applicability.** Agencies must develop administrative procedures that will be used to grant DCAs prior to awarding DCAs. The administrative procedures must be developed in accordance with the guidelines issued by the OSER Director and will be applied in a uniform manner throughout the agency or employing unit.
- (4) **Reporting Requirements.** Agencies shall provide reports to OSER on a quarterly basis (or more frequently as required). These reports will include the name and classification of the recipient and the reason for granting the adjustment. Copies of the supervisory or management letter of justification supporting each adjustment will be retained on file at the awarding agency. Additional information may be required at the discretion of the OSER Director.
- (5) **Eligibility.** All employees who are in pay status in positions allocated to classifications assigned to broadband pay schedules and unclassified employees not serving a fixed term (Section B, 3.05 and Section C of this Plan) are eligible to be considered for a DCA **except** the following:

Section J – 2.00

- (a) Employees whose job performance in the previous fiscal year was rated below satisfactory.
 - (b) Supervisors who did not complete formal performance evaluations on all subordinate employees for whom performance evaluations are required.
 - (c) Any employee paid at or above the applicable pay range maximum may not receive a base-building DCA.
 - (d) Trainees eligible for scheduled trainee increases.
 - (e) Crafts Worker-related employees (project crafts workers, crafts worker supervisors, shop supervisors, and the Crafts Operation Manager, UW-Milwaukee).
 - (f) Positions specifically listed in s. 20.923(2), (3), (4g) and (5), Wis. Stats.
- (6) Individual Increase Limits. The individual increase limit provided in s. 230.12(5)(d), Wis. Stats., does not apply to base pay adjustments granted pursuant to 2.00 of this Section (Section J).
- (7) Funding. The DCA is not considered a “salary adjustment” for which supplemental allotments may be provided under s. 20.865, Wis. Stats., except as provided under (12), below.
- (8) Reinstatement and Restoration. DCAs may not be included when calculating pay on reinstatement or restoration, except when returning from a leave of absence granted for service in an unclassified position. This exception is limited to 2 within pay range steps (WRPS) per fiscal year.
- (9) Amount for Employees Covered in Section A that are Assigned to Broadband Pay Schedules and Unclassified Positions Covered by Section C of this Plan.
- (a) Except as provided in (c), below, and subject to the delegation limitations provided in (11), below, the DCA may be granted to eligible classified employees and unclassified attorneys covered under Section C of this Plan in any amount up to 4 WRPS, subject to the maximum of the pay range. The DCA may be granted as a base pay adjustment, in a lump sum payment called a Discretionary Compensation Payment (DCP), or in combination at the discretion of the appointing authority. For the purpose of applying the 4 WRPS limitation, the payment shall be converted to a base pay equivalent by dividing the lump sum by 2088.
 - (b) An employee may receive more than one DCA during the fiscal year, however, the total amount granted in the form of base-building and/or lump sum DCAs in the fiscal year may not exceed an amount equal to 4 WRPS, except as

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provided in (c) below. The DCA 4 WRPS limit, per fiscal year, per employee, includes DCAs granted by a single agency or by multiple agencies.

- (c) Under exceptional circumstances, an appointing authority may submit a request to the OSER Director to exceed the 4 WRPS limit specified in (a) and (b) above. This request must be accompanied by a comprehensive written justification. Approval must be obtained prior to awarding any DCAs that exceed the 4 WRPS limit.
- (10) Amount for Employees in Unclassified Positions Not Serving a Fixed Term Under Section B, 3.05 of this Plan.
- (a) Except as provided in (c), below, and subject to the delegation limitations provided in (11), below, the DCA may be granted to eligible employees covered under Section B, 3.05 in any amount up to **2 WRPS for merit only**, subject to the maximum of the pay range. Except as noted below, a DCA may be granted as a base pay adjustment, a DCP lump sum payment, or in combination at the discretion of the appointing authority. For the purpose of applying the 2 WRPS limitation, any lump sum payment shall be converted to a base pay equivalent by dividing the lump sum by 2088. Lump sum payments are strictly prohibited for employees whose positions are referred to in s. 20.923(16), Wis. Stats. **Eligible employees who may not receive lump sum payments include those in the following positions from s. 20.923(4) and (7) through (12), Wis. Stats.:**
1. All Department Secretaries;
 2. All Department Deputy Secretaries;
 3. All Department Executive Assistants;
 4. All unclassified Division Administrators not serving a fixed term;
 5. Administration, Department of: Director of the Federal-State Relations Office;
 6. Arts Board: Executive Secretary;
 7. Corrections, Department of: Director of Prison Industries;
 8. Educational Communications Board: Executive Director
 9. Employment Relations, Office of: Director
 10. Financial Institutions, Department of: Director of the Office of Credit Unions
 11. Government Accountability Board: Legal Counsel
 12. Governor, Office of: Executive Secretary, Key Professional Staff
 13. Governor's Work-Based Learning Board: Executive Director
 14. Higher Education Aids Board: Executive Secretary
 15. Insurance, Office of: Commissioner
 16. Justice, Department of: Program Director for Crime Victims Compensation
 17. Public Defender, Office of: State Public Defender
 18. Railroads, Office of the Commissioner: Commissioner

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19. Regulation and Licensing, Department of: All Bureau Directors
20. Secretary of State, Office of: Assistant Secretary of State
21. Sentencing Commission: Executive Director
22. State Fair Park: Director
23. State Treasurer, Office of: Assistant State Treasurer
24. Wisconsin Historical Society: Director; Associate Director
25. Wisconsin Technical College System: Director
26. Workforce Development: Executive Director for Employment and Training

- (b) An employee may receive more than one DCA during the fiscal year, however, the total amount granted in the form of base-building and/or lump sum DCAs in the fiscal year may not exceed an amount equal to 2 WRPS, except as provided in (c) below. The DCA 2 WRPS limit, per fiscal year, per employee, includes DCAs granted by a single agency or by multiple agencies.
- (c) Under exceptional circumstances, an appointing authority may submit a written request to the OSER Director to exceed the 2 WRPS limit specified in (a) and (b) above. This request must be accompanied by a comprehensive justification. Approval must be obtained prior to awarding any DCAs that exceed the 2 WRPS limit.

(11) DCA Agency Delegation.

Agencies will be granted automatic delegation of up to 2 WRPS per fiscal year to provide DCAs to eligible employees covered by Sections A and C of this Plan. Agencies may receive delegation from OSER to provide up to 4 WPRS per fiscal year for eligible employees covered under Sections A and C, and for the 2 WRPS per fiscal year to eligible unclassified employees covered by Section B, 3.05 of this Plan, upon completion of additional training in broadband administration and demonstrated consistent application of acceptable broadband practices.

Agency DCA delegation does not apply if an agency uses the pay upon appointment flexibility provisions provided in Section I, 4.04, 4.05, 4.07 or 4.08 for an employee, and wishes to grant a DCA to that employee within the same fiscal year. All DCAs provided to employees who have been appointed using the above pay upon appointment provisions within the same fiscal year require prior OSER approval.

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Additional conditions of delegation may be determined by the Administrator, Division of Compensation and Labor Relations. In addition, any abuse of discretion when granting DCAs could result in OSER rescinding an agency's DCA delegation authority, and/or reducing or removing increases already granted.

(12) Minimum Level of Funded Spending Authority for Classified Employees.

- (a) Effective December 9, 2007 and July 6, 2008, a minimum level of funded spending authority will be established. This funded spending authority for a fiscal year will be established as \$0.050 per hour per employee covered by these provisions on these dates. The total funded amount available to an agency will not be less than \$0.500 per hour and not more than \$1.50 per hour in each fiscal year. The funded spending authority may be granted as base building increases or lump sum payments. The amount of funding used for lump sum payments shall be determined by dividing the lump sum amount by 2088 hours.
- (b) The funded spending authority will be established for **classified employees only**. No analogous funded spending authority will be established for unclassified employees.
- (c) The DOA will certify this funded spending authority each fiscal year for each participating agency.
- (d) The funded spending authority established for each fiscal year will lapse at the end of that fiscal year.

NOTE: The sections listed below are deleted in their entirety. To reduce printing, they will not be reproduced.

**SECTION K - PARITY PROVISIONS FOR CERTAIN NONREPRESENTED
EMPLOYEES AFFECTED BY 2005-2007 COLLECTIVE
BARGAINING AGREEMENTS**

**SECTION L - PARITY PROVISIONS FOR CERTAIN NONREPRESENTED
EMPLOYEES AFFECTED BY 2007-2009 COLLECTIVE
BARGAINING AGREEMENTS**

**SECTION M - PARITY PROVISIONS FOR CERTAIN "NON-ESG" ATTORNEY
POSITIONS IN THE UNCLASSIFIED SERVICE AFFECTED BY
2007-2009 COLLECTIVE BARGAINING AGREEMENTS**

**SECTION Z - NONREPRESENTED CLASSIFIED AND COVERED UNCLASSIFIED
EMPLOYEE PAY SCHEDULES FOR THE 2007-2009-2011 BIENNIUM**

INTRODUCTION

The Compensation Plan includes dollar values of the base pay rates and ranges and the within range pay steps of the separate pay schedules for nonrepresented classified employees and covered unclassified employees. The pay schedules are provided in the following order:

- Pay Schedule 1: General Nonrepresented Pay Schedule (Effective ~~December 9, 2007 through July 4, 2009~~ July 5, 2009 through July 2, 2011)
- Pay Schedule 50: Nonrepresented Patient-Related Broadband (Effective ~~December 9, 2007 through July 5, 2008~~)
- ~~Pay Schedule 50: Nonrepresented Patient-Related Broadband (Effective July 6, 2008 through (one day prior to the day of JCOER approval))~~
- ~~Pay Schedule 50: Nonrepresented Patient-Related Broadband (Effective (day of JCOER approval) through July 4, 2009)~~ July 5, 2009 through July 2, 2011)
- Pay Schedule 56: Nonrepresented Law Enforcement Broadband (Effective ~~December 9, 2007 through July 5, 2008~~)
- ~~Pay Schedule 56: Nonrepresented Law Enforcement Broadband (Effective July 6, 2008 through (one day prior to the day of JCOER approval))~~
- ~~Pay Schedule 56: Nonrepresented Law Enforcement Broadband (Effective (day of JCOER approval) through July 4, 2009)~~ July 5, 2009 through July 2, 2011)
- Pay Schedule 70: Nonrepresented Information Systems-Related Broadband (Effective ~~December 9, 2007 through July 5, 2008~~)
- ~~Pay Schedule 70: Nonrepresented Information Systems-Related Broadband (Effective July 6, 2008 through (one day prior to the day of JCOER approval))~~
- ~~Pay Schedule 70: Nonrepresented Information Systems-Related Broadband (Effective (day of JCOER approval) through July 4, 2009)~~ July 5, 2009 through July 2, 2011)
- Pay Schedule 71: Nonrepresented Professional Legal-Related Broadband (Effective ~~December 9, 2007 through July 5, 2008~~)
- ~~Pay Schedule 71: Nonrepresented Professional Legal-Related Broadband (Effective July 6, 2008 through (one day prior to the day of JCOER approval))~~
- ~~Pay Schedule 71: Nonrepresented Professional Legal-Related Broadband (Effective (day of JCOER approval) through July 4, 2009)~~ July 5, 2009 through July 2, 2011)

Section Z

- Pay Schedule 81: Nonrepresented General Broadband (Effective ~~December 9, 2007~~ through July 5, 2008)
- ~~Pay Schedule 81: Nonrepresented General Broadband (Effective July 6, 2008 through (one day prior to the day of JCOER approval))~~
- Pay Schedule 81: ~~Nonrepresented General Broadband (Effective (day of JCOER approval) through July 4, 2009)~~ July 5, 2009 through July 2, 2011

- Pay Schedule 90: Executive Salary Group (ESG) (Effective ~~December 9, 2007~~ through July 5, 2008)
- ~~Pay Schedule 90: Executive Salary Group (ESG) (Effective July 6, 2008 through July 4, 2009)~~ July 5, 2009 through July 2, 2011

- Pay Schedule 95: General Senior Executive Group (GSEG) (Effective ~~December 9, 2007~~ through July 5, 2008)
- ~~Pay Schedule 95: General Senior Executive Group (GSEG) (Effective July 6, 2008 through July 4, 2009)~~ July 5, 2009 through July 2, 2011

All pay schedules for nonrepresented employees covered by this Plan are contained in this section except the Limited Term Employee Schedule (Schedule 18) which is contained in Section D.