



Scott Walker, Governor

Gregory L. Gracz, Director

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April 21, 2014

Co-Chairpersons and Members of the  
Joint Committee on Employment Relations  
Room 113 South, State Capitol  
Madison, WI 53703

Dear Co-Chairpersons and Committee Members:

Earlier today I submitted a list of revisions to the 2013-2015 Compensation Plan, along with the associated replacement pages. We discovered one additional change for your consideration.

- Section G -- add a definition for "professional employee"

Attached is the new Section G containing this additional language.

Sincerely,

Jessica O'Donnell  
Deputy Director

Attachment: Section G of the 2013-2015 Compensation Plan

## **SECTION G - MISCELLANEOUS PROVISIONS**

### **1.00 Charges for Maintenance**

- 1.01 Charges for Meals and Other Provisions
- 1.02 Meals Furnished Employees without Charge

### **2.00 Reimbursement for Damaged Personal Articles**

- 2.01 Determination of Value
- 2.02 Reimbursement Limitations

### **3.00 Master Plumbers License**

### **4.00 Safety Equipment**

- 4.01 Protective Clothing
- 4.02 Protective Shoes
- 4.03 Safety Glasses

### **5.00 Special Clothing Requirements**

### **6.00 Commercial Motor Vehicle Driver's License and School Bus Endorsements**

### **7.00 Job-related Exposure to Diseases**

### **8.00 Employee Development and Training**

### **9.00 Provisions Intent**

### **10.00 Grievance Procedures**

### **11.00 Federal Incentives**

### **12.00 Supervisory Probationary Period**

### **13.00 Definition of "Professional Employee"**

## **INTRODUCTION**

This Section (Section G) contains provisions for allowable charges for laundry, meals, wholesale provisions and other maintenance provisions furnished to employees and/or the employee's 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 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 in schedule 04, 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.

#### **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 regulating agencies.

#### **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 \$30.00 per year as an expense check payable the first pay period of January or July of each calendar year. Employees hired after July 1 will not be eligible for reimbursement in the year of hire.

#### **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.

**6.00 Commercial Motor Vehicle Driver’s License and School Bus Endorsements**

The Employer shall pay the cost of obtaining (i.e., fees and road test costs) a commercial motor vehicle driver’s license or school bus endorsement for employees who are required to possess such a license/endorsement, when the possession of such license was not a condition of employment prior to appointment.

**7.00 Job-related Exposure to Diseases**

When advanced written approval has been obtained, the Employer may reimburse certain employees for any part of the cost not covered by the employee’s health insurance when obtaining the tests or vaccinations for Lyme Disease, rabies, Hepatitis B and C, tuberculosis, or HIV.

**8.00 Employee Development and Training**

Employee Development and Training will be in accordance with ch. ER 44, Wis. Admin. Code, except that any development and training agreed upon prior to the effective date of this Plan will continue as agreed upon until the end of a course that extends into 2012.

**9.00 Provisions Intent**

If changes in the 2011-2013 Compensation Plan related to previous collective bargaining agreement provisions do not achieve the intended result or are accidentally omitted, the OSER Director may have them implemented or included as intended until approval by the Joint Committee on Employment Relations can be obtained. This provision does not allow the OSER Director to **create** a form of pay or benefit that did not exist in a previous agreement or **delete** a provision approved by JCOER, only change or add to the existing provisions as intended.

**10.00 Grievance Procedures**

Notwithstanding ch. ER 46, Wis. Adm. Code and s. 230.44, Wis. Stats., the employee grievance procedure shall be as identified in the Wisconsin Human Resources Handbook Chapter 430 on the Employee Grievance Procedure.

**11.00 Federal Incentives**

Monetary awards may be provided at the sole discretion of the appointing authority to employees who are working under a federal grant in accordance with the criteria and amounts established within the grant.

**12.00 Supervisory Probationary Periods**

Permissive probationary periods will be set in accordance with s. 230.28 and the Rules of the Administrator except that an employee with permanent status in class who is appointed to a non-Career Executive supervisory or management position for the first time in state service may be required to serve a permissive probation not to exceed one year. This provision does not supersede the conditions when probation is required under ER-MRS 13.03.

**13.00 Definition of “Professional Employee”**

“Professional employee” means:

- (a) Any employee in the classified service who is engaged in work:
  - 1. Predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical or physical work;
  - 2. Involving the consistent exercise of discretion and judgment in its performance;
  - 3. Of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time;
  - 4. Requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual or physical processes; or
- (b) Any employee in the classified service who:
  - 1. Has completed the courses of specialized intellectual instruction and study described in par. (a)4.; and
  - 2. Is performing related work under the supervision of a professional person to qualify to become a professional employee as defined in par. (a).