

SECTION B - COMPENSATION PROVISIONS FOR ELECTED OFFICIALS, APPOINTED EXECUTIVE SALARY GROUP EMPLOYEES, AND CERTAIN OTHER UNCLASSIFIED EMPLOYEES

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INTRODUCTION

This Section (Section B) contains provisions governing the pay of all elected officials and certain unclassified civil service employees. For elected officials, this includes the annual salary rates for each of the elective offices. For elected officials and appointed fixed-term employees, this includes an explanation of the constitutional prohibition on pay adjustments during the term of office. For appointed indefinite-term unclassified employees, this includes many of the same types of provisions contained in Section A and/or Section J for nonrepresented classified employees (General Wage Adjustment (GWA); Discretionary Compensation ~~Performance Recognition~~ Adjustment (DCPRA); Supplemental Pay and Overtime Compensation). In addition, certain types of pay provisions analogous to those for classified employees (e.g., pay increases analogous to regrade upon reallocation and reclassification) are contained in Sections E and I of this Plan for certain appointed indefinite-term unclassified employees.

Section B – Introduction

In accordance with s. 230.12(1)(a)1.b., Wis. Stats., the pay of all unclassified civil service employees is governed by the pay provisions of the Compensation Plan, except for the following:

Employees of the University of Wisconsin System who are identified under ss. 20.923 (4g) and (5), Wis. Stats.

Employees of the legislature who are not identified under s. 20.923(4), Wis. Stats.

Employees of a legislative service agency under subch. IV of ch. 13, Wis. Stats.

Employees of the state court system.

Employees of the Investment Board identified under s. 230.08(2)(p), Wis. Stats.

One stenographer employed by each elective executive officer under s. 230.08(2)(g), Wis. Stats., and

Three sales representatives of prison industries and one sales manager of prison industries identified under s. 303.01(10), Wis. Stats.

Certain other compensation provisions, such as those relating to employer payments toward benefit contributions, are contained in this Plan. The benefit provisions cover all nonrepresented unclassified employees including those not covered by the pay provisions of this Plan.

Compensation provisions for unclassified civil service employees covered by this Plan who would be Limited Term Employees (LTEs) if their employment were in the classified service are contained in Section D.

1.00 Coverage

This Section (Section B) covers justices and judges, legislative members and constitutional officers. This Section (Section B) also covers appointed employees whose pay is governed by the Executive Salary Groups (ESGs) under s. 20.923, Wis. Stats., as well as certain other unclassified employees whose pay is not governed by the ESGs.

Covered employees occupy the following positions:

- s. 20.923(2) - Constitutional Officers and Other Elected State Officials
- s. 20.923(3) - Justices and Judges
- s. 20.923(4) - State Agency Positions (including unclassified Division Administrators listed under 3.03(2))
- s. 20.923(7) - Director and Executive Assistant of the Wisconsin Technical College System
- s. 20.923(8) - Deputies
- s. 20.923(9) - Executive Assistants
- s. 20.923(10) - Office of the Governor Staff
- s. 20.923(12) - Other Department of Regulation and Licensing Positions

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s. 230.12(1) - All unclassified positions for which pay is covered by this Plan in accordance with s. 230.12(1)(a)1.b., Wis. Stats. All nonrepresented unclassified employees, including employees in positions not listed above, are covered by provisions governing employer contributions for health insurance premiums contained in 4.01 of this Section (Section B) and state payment of employee retirement contributions under 4.02.

NOTE: Provisions regarding employees who would be considered LTEs if their employment were in the classified service are contained in Section D of this Plan.

2.00 Pay Administration for Elected Officials under s. 20.923(2) and (3), Wis. Stats.

2.01 Pay Administration for Justices and Judges

(1) Annual Rates for Incumbents.

The rate for office becomes the incumbent's rate at the time any judge or justice takes the oath of office in accordance with s. 20.923(3), Wis. Stats., and Article IV, Section 26, of the Wisconsin Constitution.

(2) Annual Rates for Office.

Position	Incumbent's July 24, 2005(first day of the pay period following JCOER approval) Pay Rate	July 24, 2005 – June 24, 2006(first day of the pay period following JCOER approval) – July 5, 2008 Rate for Office	June 25, 2006 – March 31, 2007 July 6, 2008 – April 11, 2009 Rate for Office	April 1, 2007 – June 23, 2007 April 12, 2009 – July 4, 2009 Rate for Office
Circuit Court Judge	\$110,249 <u>\$122,297</u>	\$112,456 <u>\$124,744</u>	\$119,605 <u>\$127,239</u>	\$122,297 <u>\$128,513</u>
Court of Appeals Judge	\$116,864 <u>\$129,635</u>	\$119,204 <u>\$132,229</u>	\$126,782 <u>\$134,874</u>	\$129,635 <u>\$136,224</u>
Supreme Court Justice	\$123,876 <u>\$137,414</u>	\$126,357 <u>\$140,163</u>	\$134,389 <u>\$142,967</u>	\$137,414 <u>\$144,398</u>
Supreme Court Chief Justice	\$123,876 <u>\$137,414*</u>	\$126,357 <u>\$140,163*</u>	\$134,389 <u>\$142,967*</u>	\$137,414 <u>\$144,398</u>

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* s. 20.923(2)(b), Wis. Stats., stipulates that pay established for the chief justice of the supreme court shall be different than pay established for the associate justices of the supreme court. Therefore, the chief justice of the supreme court receives a supplemental pay add-on of \$8,000.

2.02 Pay Administration for Legislative Members

(1) Legislative Compensation, Effective Date.

Article IV, Section 26 of the Wisconsin Constitution prohibits increasing or decreasing the compensation of public officers during their term of office except that any increase in the compensation of members of the legislature will take effect; for all senators and representatives to the assembly, after the next general election beginning with the new assembly term. (Refer also to incumbent salary limitation under s. 20.923(15)(b), Wis. Stats.)

(2) Annual Rates for Office.

Position	Incumbent's July 24, 2005 (first day of the pay period following JCOER approval) Pay Rate	July 24, 2005 – June 24, 2006 (first day of the pay period following JCOER approval – July 5, 2008 Rate for Office	June 25, 2006 – March 31, 2007 July 6, 2008 – April 11, 2009 Rate for Office	April 1, 2007 – June 23, 2007 April 12, 2009 – July 4, 2009 Rate for Office
Legislative Member	\$45,569 \$47,413	\$46,481 \$49,450	\$47,413 \$50,438	\$48,480 \$50,944

(3) Sick Leave Accrual for Legislators.

For the purposes of premium determinations under ss. 40.05(4) and (5), Wis. Stats., legislative members will accrue sick leave at 65% of the full time accrual rate established under s. ER 18.03, Wis. Adm. Code.

2.03 Pay Administration for Constitutional Officers

(1) Annual Rates for Incumbents.

The "Rate for Office" becomes the incumbent's rate at the time the incumbent begins his or her term of office. "Incumbent's July 24, 2005 (first day of the pay period following JCOER approval) Pay Rate," as provided in the Chart under (2), is based on the rate for office in effect on the date the incumbent, in the office on July 24, 2005 (first day of the pay period following JCOER approval), began his or her term of office. For the State Superintendent of

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Public Instruction a new term of office begins on ~~July 4, 2005~~ July 6, 2009 (i.e., the first Monday in July after election). For all other Constitutional Officers listed below, the current term of office began on ~~January 6, 2003~~ January 8, 2007 (i.e., the first Monday in January after election).

Article IV, Section 26, of the Wisconsin Constitution prohibits compensation increases or decreases for incumbent Constitutional Officers during the term of office. (Refer also to incumbent salary limitation under s. 20.923(15)(b), Wis. Stats. and s. 13.04 Wis. Stats.)

(2) Annual Rates for Offices.

The "Rate for Office" for the Constitutional Offices listed in the chart below are based on the Executive Salary Groups provided in Section Z of this Plan.

Constitutional Office	Executive Salary Group	Incumbent's July 24, 2005 (first day of the pay period following JCOER approval) Pay Rate	July 24, 2005 – June 24, 2006 (first day of the pay period following JCOER approval) – July 5, 2008 Rate for Office	June 25, 2006 – March 31, 2007 July 6, 2008 – April 11, 2009 Rate for Office	April 1, 2007 – June 23, 2007 April 12, 2009 – July 4, 2009 Rate for Office
State Treasurer	1	\$62,549	\$63,801	\$65,079	\$66,543
		\$65,079	\$67,877	\$69,234	\$69,930
Secretary of State	1	\$62,549	\$63,801	\$65,079	\$66,543
		\$65,079	\$67,877	\$69,234	\$69,930
Lieutenant Governor	4	\$69,579	\$70,972	\$72,394	\$74,026
		\$72,394	\$75,505	\$77,016	\$77,789
State Superintendent, Public Instruction	7	\$109,587	\$111,779	\$114,015	\$116,588
			\$118,916	\$121,301	\$122,516
Attorney General	10	\$127,868	\$130,425	\$133,033	\$136,036
		\$133,033	\$138,752	\$141,529	\$142,951
Governor	10	\$131,768	\$134,403	\$137,092	\$140,185
		\$137,092	\$142,987	\$145,847	\$147,313

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2.04 Pay Administration for District Attorneys

Pursuant to s. 978.12(1), Wis. Stats., the rates for office for District Attorneys are reviewed and established in the Compensation Plan, in the manner set forth under s. 230.12(3), Wis. Stats. Pursuant to s. 978.12(1)(a)2., Wis. Stats., any individual appointed to fill a vacancy in the office of district attorney 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. (Refer also to incumbent salary limitation under s. 20.923(15)(b), Wis. Stats.)

Prosecutorial Unit Size (as determined under s. 978.12(1)(a)1., Wis. Stats.)	Incumbent's July 24, 2005 (first day of the pay period following JCOER approval) Pay Rate	July 24, 2005 – June 24, 2006 (first day of the pay period following JCOER approval) – July 5, 2008 Rate for Office	June 25, 2006 – March 31, 2007 July 6, 2008 – April 11, 2009 Rate for Office	April 1, 2007 – June 23, 2007 April 12, 2009 – July 4, 2009 Rate for Office
More than 500,000	\$115,705	\$118,021	\$122,470	\$125,226
	\$122,470	\$127,732	\$130,288	\$131,590
More than 250,000 but not more than 500,000	\$104,260	\$106,344	\$110,560	\$113,049
	\$110,560	\$115,310	\$117,618	\$118,795
More than 100,000 but not more than 250,000	\$98,790	\$100,767	\$104,872	\$107,234
	\$104,872	\$109,380	\$111,569	\$112,686
More than 75,000 but not more than 100,000	\$98,790	\$100,767	\$104,872	\$107,234
	\$104,872	\$109,380	\$111,569	\$112,686
More than 50,000 but not more than 75,000	\$93,858	\$95,737	\$99,742	\$101,987
	\$99,742	\$104,027	\$106,108	\$107,171
More than 35,000 but not more than 50,000	\$93,858	\$95,737	\$99,742	\$101,987
	\$99,742	\$104,027	\$106,108	\$107,171
More than 20,000 but not more than 35,000	\$83,451	\$85,120	\$88,912	\$90,914
	\$88,912	\$92,733	\$94,589	\$95,537
Not more than 20,000	\$83,451	\$85,120	\$88,912	\$90,914
	\$88,912	\$92,733	\$94,589	\$95,537

3.00 Pay Administration for Appointed Unclassified Employees

3.01 Coverage

The following employee groups are covered by the pay administration provisions of 3.00:

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- (1) "ESG" employees in positions identified under ss. 20.923(4), (8), (9), and (12), Wis. Stats., in the executive or legislative branches;
- (2) "GSEG" employees in positions identified under s. 20.923(7), Wis. Stats; and
- (3) All other nonrepresented unclassified civil service ("Non-ESG") employees in the executive branch, except:
 - (a) Employees of the University of Wisconsin System who are not employees in positions under 3.01(1).
 - (b) Stenographers under s. 230.08(2)(g), Wis. Stats.
 - (c) Employees of the Investment Board under s. 230.08 (2)(p), Wis. Stats.
 - (d) Three sales representatives of prison industries and one sales manager of prison industries identified under s. 303.01(10), Wis. Stats.
 - (e) Employees who would be limited term employees if their employment were in the classified service. (See Section D)
- (4) Employees in Assistant District Attorney and Assistant State Public Defender Attorney positions covered by a collective bargaining agreement are only covered under the pay on appointment provisions of 3.02(3) and (4) of this Section (Section B).

NOTE: The legislative branch includes the legislature and legislative service agencies under subch. IV of Chapter 13, Wis. Stats. The executive branch includes all other units of state government outside the state court system. Incumbents of positions in the organized militia are employed outside the civil service and, therefore, are not covered by this Plan. See s. 230.03(6), Wis. Stats.

3.02 Pay on Appointment

- (1) The rate payable upon appointment to any unclassified civil service position identified in 3.01(1) ("ESG" position) of this Section (Section B) will be set by the appointing authority at a rate that most adequately reflects both the individual's qualifications and the economic and employment conditions prevailing at the time of appointment subject to the following restraints:
 - (a) For positions identified under s. 20.923(4), Wis. Stats., the rate must be within the range of the appropriate ESG. (See 3.04 for special provisions regarding fixed-term positions under s. 20.923(4), Wis. Stats.)
 - (b) For positions identified under ss. 20.923(8) through (12), Wis. Stats., the rate must not exceed the maximum of the appropriate ESG.

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- (c) With the exception of certain University of Wisconsin System positions specified under ss. 20.923(4g), Wis. Stats., the pay of an incumbent of a position, whose salary is subject to a limitation under s. 20.923, Wis. Stats., is limited to a rate below that paid the governor (salary of the current governor).
- (2) The rate payable upon appointment to any unclassified civil service position identified in 3.01(2) ("GSEG" position) of this Section (Section B) will be set by the appointing authority at a rate that most adequately reflects both the individual's qualifications and the economic and employment conditions prevailing at the time of appointment subject to the following restraints:
 - (a) For positions identified under s. 20.923(7), Wis. Stats., the rate must be within the range of the appropriate GSEG.
 - (b) The pay of an incumbent of a position is not limited to a rate below that paid the governor (salary of the current governor).
- (3) The rate payable upon appointment to an unclassified civil service position identified in 3.01(3) ("Non-ESG" position), excluding the unclassified attorney positions covered by Section C of this Plan, and 3.01(4) of this Section (Section B) will be determined in accordance with the principle of equal pay for work that requires equal skill, effort, and responsibility, and that is performed under similar working conditions. Thus, the rate upon appointment should be equal to the rate that would be payable upon appointment to a similar position in the classified service, as determined by the appointing authority. In addition, the rate will not exceed the pay rate or range maximum under 3.03(3).
- (4) The provisions of Section E regarding Hiring Above the Minimum are applicable in determining pay upon appointment of assistant district attorneys and assistant state public defender attorneys, provided all of the applicable requirements of Section E of this Plan are met.

NOTE: Certain appointments are also subject to s. 230.148, Wis. Stats., regarding re-appointments in the unclassified service, and s. 230.33(3), Wis. Stats., regarding appointments to positions in the unclassified service from positions in the classified service.

3.03 ESG Assignments, Pay Range Assignments and Other Pay Rate Limitations for Positions Not Assigned by Statute

- (1) ESG Limitations for the Deputy and Executive Assistant in the Department of Justice.

In the Department of Justice, the rate for the Deputy under s. 20.923(8), Wis. Stats., and Executive Assistant under s. 20.923(9), Wis. Stats., will not exceed the maximums of ESG 6 and ESG 5, respectively.

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- (2) ~~ESG assignments of unclassified division administrators~~ Assignments of
Unclassified Division Administrators.

Except for positions specified in s. 20.923(4)(c)3m, Wis. Stats., (Administrator, Division of Merit Recruitment and Selection, OSER); and s. 20.923(12), Wis. Stats., (Division Administrators, Department of Regulation and Licensing); all unclassified division administrator positions enumerated under s. 230.08(2)(e), Wis. Stats., shall be assigned, when approved by JCOER, by the OSER Director to one of the 10 ESG ranges. The following list represents the group assignments as of the printing of this document:

- (a) Positions assigned to Executive Salary Group 2 (ESG 2)
1. Administration, Department of: Office of Justice Assistance.
 2. Agriculture, Trade and Consumer Protection, Department of: Division of Management Services.
 3. Commerce, Department of: Division of Administrative Services; Division of Community Development; and Division of International and Export Services.
 4. State Employment Relations, Office of: Division of Affirmative Action.
 5. Public Service Commission: Division of Administrative Services.
- (b) Positions assigned to Executive Salary Group 3 (ESG 3).
1. Administration, Department of: Division of Administrative Services; Division of Energy; Division of Gaming; and Division of Intergovernmental Relations.
 2. Agriculture, Trade and Consumer Protection, Department of: Division of Agricultural Development; Division of Agricultural Resource Management; Division of Food Safety; and Division of Trade and Consumer Protection.
 3. Commerce, Department of: Division of Economic Development; and Division of Environmental and Regulatory Services.
 4. Educational Communications Board: Division of Education; Division of Engineering; Division of Television Programming/Operations; and Division of Wisconsin Public Radio.
 5. Financial Institutions, Department of: Division of Banking; Division of Corporate and Consumer Services; and Division of Securities.

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6. Historical Society, State: Division of Historic Preservation ~~&~~ and Public History; Division of Museum; and Library and Archives Division.
 7. Justice, Department of: Division of Law Enforcement Services; and Division of Management Services.
 8. Military Affairs, Department of: Division of Emergency Management.
 9. Public Service Commission: Division of Gas and Energy; Division of Telecommunications; and Division of Water, Compliance and Consumer Affairs.
 10. Revenue, Department of: Division of Enterprise Services.
 11. Transportation, Department of: Division of Policy, Budget, and Finance.
 12. Veterans Affairs, Department of: Division of Veterans Benefits; and Division of Veterans Home.
 13. Workforce Development, Department of: Division of Equal Rights; and Division of Workers Compensation.
- (c) Positions assigned to Executive Salary Group 4 (ESG 4).
1. Administration, Department of: Division of Enterprise Operations; and Division of State Facilities.
 2. Agriculture, Trade and Consumer Protection, Department of: Division of Animal Health.
 3. Commerce, Department of: Division of Safety and Buildings.
 4. Corrections, Department of: Division of Management Services.
 5. State Employment Relations, Office of: Division of Compensation and Labor Relations.
 6. Health and Family Services, Department of: Division of Management and Technology.
 7. Historical Society, State: Division of Historic Sites.
 8. Natural Resources, Department of: Division of Administration and Technology; Division of Customer Assistance and External Relations; and Division of Enforcement and Science.

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9. State Public Defender, Office of: Trial Representation Division.
 10. Public Instruction, Department of: Division for Academic Excellence; Division of Finance and Management; Division of Learning Support: Equity and Advocacy; Division for Libraries, Technology and Community Learning; and Division for Reading and Student Achievement.
 11. Revenue, Department of: Division of Lottery; Division of Research and Policy; and Division of State and Local Finance.
 12. Transportation, Department of: Division of Business Management; Division of Motor Vehicles; and Division of State Patrol.
 13. Wisconsin Technical College System Board: Division of Finance; and Division of Teaching and Learning.
 14. Workforce Development, Department of: Division of Administrative Services; and Division of Unemployment Insurance.
- (d) Positions assigned to Executive Salary Group 5 (ESG 5).
1. Administration, Department of: Division of Enterprise Technology; and Division of Executive Budget and Finance.
 2. Corrections, Department of: Division of Adult Institutions; Division of Community Corrections; and Division of Juvenile Corrections.
 3. Health and Family Services, Department of: Division of Children and Family Services; and Division of Public Health.
 4. Justice, Department of: Division of Legal Services.
 5. Natural Resources, Department of: Division of Air and Waste; Division of Forestry; Division of Lands; and Division of Water.
 6. Transportation, Department of: Division of Transportation Investment Management; and Division of Transportation System Development.
 7. Workforce Development, Department of: Division of Vocational Rehabilitation; and Division of Workforce Solutions.
- (e) Positions assigned to Executive Salary Group 6 (ESG 6).
1. Health and Family Services, Department of: Division of Disability and Elder Services; and Division of Health Care Financing.

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(3) Pay Range Assignments for Other ("Non-ESG") Unclassified Positions

Certain positions listed below are specifically assigned to an established pay rate, pay range, or ESG. Other positions listed below are limited by a "not to exceed" (NTE) amount. Pay upon appointment and pay adjustments for any employee in a position limited by an NTE amount shall also be limited by the rate or pay range maximum which would be applicable if the position were in the classified service as determined by the appointing authority.

NOTE: A "Not To Exceed" rate or maximum established for a position does not guarantee the assignment of the position to a certain pay range. The pay range established for a Non-ESG position should be based on an analysis of the actual duties and responsibilities of the position by the appointing authority and a consideration of the pay range to which the position would be assigned if it were in the classified service.

- (a) Administration, Department of: Federal-State Relations Office, Staff Assistant (NTE PR 81-03); Director of Indian Gaming (NTE PR 81-01); and Office of the State Prosecutor, deputy district attorneys (NTE PR 71-01).
- (b) Board of Commissioners of Public Lands: Executive Secretary (NTE PR 81-02).
- (c) Educational Communications Board: Unclassified employees (NTE PR 81-03) other than employees identified under 3.01(1).
(Exceptions to the NTE PR 81-03 limit for certain positions may be approved by the OSER Director if supported by a comparison of the functions assigned after reorganization to the functions of positions in the classified service above the PR 81-03 level.)
- (d) Health and Family Services, Department of: Office of Urban Development, Director (NTE PR 81-01); Psychiatric Residents (NTE 0.75 of the minimum of PR 10-52).
- (e) Historical Society: Specialists identified under s. 230.08 (2)(c), Wis. Stats., (NTE PR 81-03).
- (f) Lower Wisconsin State Riverway Board, Executive Director (NTE PR 81-03).
- (g) Offices of the Governor and Lieutenant Governor, staff other than the Executive Secretary (NTE ESG 3).
- (h) Office of the State Public Defender, Assistant State Public Defender Supervisors (NTE PR 71-01).

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- (i) Tourism, Department of: Kickapoo Reserve Management Board, Executive Director (NTE PR 81-03) and Program Assistant (NTE PR 81-05).
- (j) Veterans Affairs, Department of: Commandant, Wisconsin Veterans Home at King (NTE ESG 2) and Commandant, Southern Wisconsin Veterans Retirement Center at Union Grove (NTE ESG 2).

3.04 Salary Adjustments for Employees Serving a Fixed Term

Certain incumbents of positions specified in s. 20.923(4) and (8), Wis. Stats., serve fixed terms. Incumbents of fixed-term positions are prohibited by Article IV, Section 26 of the Constitution from receiving pay increases during their term of office other than those granted pursuant to a predetermined schedule of increases authorized at the time of appointment. The pay range minimum and maximum for the ESG range in effect at the time of hire controls the salary potential during the period of the entire fixed-term appointment. (Refer also to incumbent salary limitation under s. 20.923(15)(b), Wis. Stats.)

3.05 Base Pay Adjustments for Fiscal Years ~~2005-06~~2007-2008 and ~~2006-07~~2008-2009 for Employees Not Serving a Fixed Term

For the ~~2005-07~~2007-2009 biennium, these provisions apply to all indefinite-term employees identified in 3.01 except for deputy district attorneys, assistant state public defender attorney supervisors and the attorney appointed under s. 569.015(2), Wis. Stats., who are excluded from the GWA provisions under 3.05(1). These attorney positions remain covered, however, under all other applicable provisions of 3.00. (Refer to Section C for ~~2001-03~~2007-2009 GWA provisions that apply to these unclassified Non-ESG attorneys.)

General Wage Adjustment (GWA):

- (1) Effective Dates. The GWAs will be effective ~~July 24, 2005 (first day of the pay period following JCOER approval), in FY-2006~~ 2007-2008; ~~June 25, 2006 and April 1, 2007~~ July 6, 2008 and April 12, 2009, in FY ~~2007~~2008-2009.
- (2) Eligibility. All employees who are in pay status on the effective date are eligible to receive a GWA, except employees paid at or above the pay range maximum (or the new pay range maximum, if a new pay range maximum takes effect on the same date as GWA distribution). Any employee who retired or died between June 24, 2007, and the effective date of the 2007-2008 GWA, shall be eligible for the 2007-2008 GWA and/or any associated lump sum payment.
- (3) Amount. All eligible employees will receive a GWA of 2.0% on ~~July 24, 2005 (first day of the pay period following JCOER approval), 2.0% on June 25, 2006, and 2.25% on April 1, 2007~~ July 6, 2008 and 1% on April 12, 2009.

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- (a) An employee's new base pay after application of the GWA must not exceed the applicable pay range maximum (or the new pay range maximum, if a new pay range maximum takes effect on the same date as GWA distribution).
- (b) ESG employees, except those who have an NTE designation for their title, must be paid at least the new pay range minimum of the appropriate ESG range, if a new pay range minimum takes effect on the same date as GWA distribution.
- (c) Non-ESG employees, except those who have an NTE designation for their title, must be paid at least the applicable new pay range minimum if a new pay range minimum takes effect on the same date as GWA distribution.
- (d) No employee may, during any fiscal year, receive a total cumulative base pay adjustment (GWA) exceeding a total of 10% of the employee's base pay at the beginning of the fiscal year, immediately prior to GWA distribution.
- (e) Except for those positions specifically excluded by s. 20.923(15)(b), Wis. Stats., the pay of an incumbent of a position, whose salary is subject to a limitation under s. 20.923, Wis. Stats., is limited to a rate below that paid to the governor (salary of the current governor).

3.06 Lump Sum Payments Provided to Compensate for the Delay of the FY 2005- 062007-2008 GWA

The same employees who are excluded from the GWA under 3.05 of this Section (Section B) are also from these lump sum payment provisions.

- (1) Granting Date. Lump sum payments will be granted as soon as administratively feasible after the July 24, 2005 (first day of the pay period following JCOER approval).
- (2) Eligibility. Any employee, including any employee who retired or died between June 24, 2007 and the effective date of the GWA, who received a FY 2005-062007-2008 GWA under 3.05 of this Section (Section B) is also eligible to receive a lump sum payment if the employee is in pay status during the period June 26, 2005 through July 23, 2005 June 24, 2007 through (one day prior to the first day of the pay period following JCOER approval).
- (3) Amount.
 - (a) The amount of an employee's lump sum payment will be equal to the hourly base pay increase granted to the employee as FY 2005-20062007-2008 GWA multiplied by the number of hours in pay status during the period from June 26, 2005 through July 23, 2005 June 24, 2007 through

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(one day prior to the first day of the pay period following JCOER approval).

- (b) This payment is not the equivalent of a retroactive adjustment. Intervening pay and benefit transactions effective ~~June 26, 2005 through July 23, 2005~~ June 24, 2007 through (one day prior to the first day of the pay period following JCOER approval) will not be reconstructed.

3.07 Pay Increases if Level of Functions Increases

- (1) Effective Dates. Pay increases for increases in level of functions shall be effective on the first day of the pay period following completion of all eligibility requirements.
- (2) Eligibility. Base pay increases may be granted to any indefinite term employee under 3.01 of this Section (Section B), if the OSER Director finds that the level of the duties and responsibilities has increased substantially and one of the following conditions applies:
- (a) The position occupied is reassigned under s. 20.923, Wis. Stats., to a higher ESG; or
- (b) The position occupied is not assigned to an ESG under s. 20.923, Wis. Stats., and the OSER Director finds that, if the position were assigned to an ESG under s. 20.923, Wis. Stats., or assigned to a classification in the classified service, reassignment of the position to a higher ESG or higher classification would be justified; or
- (c) The position occupied is reassigned under s. 20.923, Wis. Stats., to higher GSEG; or
- (d) The position occupied is reassigned under s. 20.923, Wis. Stats., to GSEG from another pay schedule.
- (3) Amount. Pay increases for increases in level of duties and responsibilities shall be limited to:
- (a) The amount necessary to make the incumbent's rate equal to the minimum of the new ESG or applicable pay range, ~~as determined by the OSER Director; or~~
- (b) One within-range pay step (WRPS) of the new ESG or applicable pay range, ~~as determined by the OSER Director~~ if the position is covered in s. 20.923(4) and (7) through (12), Wis. Stats.
- (c) ~~Effective April 30, 2006, 8.0% of the minimum of the new applicable pay range, as determined by the OSER Director, may be provided if the position is not covered in s. 20.923(4) and (7) through (12), Wis. Stats.~~

3.08 Overtime Compensation and Supplemental Pay

- (1) Definitions.
 - (a) The definitions contained in Section A. 4.01(1) through (4), (10), (12) and (13) of this Plan shall apply to unclassified employees.
 - (b) Supplemental pay. Pay in addition to the base rate for circumstances not reflected in the base rate or pay range. Such circumstances are identified under (4) and (5) below.
- (2) General Policy. The general policy provisions contained in Section A. 4.02(1) through (4) of this Plan shall apply to unclassified employees.
- (3) Overtime for Unclassified Employees.
 - (a) Nonexempt Employees. Overtime pay for employees who are nonexempt from the overtime provisions of the FLSA shall be in accordance with the provisions of the FLSA and related federal regulations. See Chapter 520 of the Wisconsin Human Resources Handbook for an explanation of these provisions.
 - (b) Exempt Employees and Employees Not Covered by the FLSA.
 1. As provided in s. 20.923(16), Wis. Stats., the salary paid to any employee whose position is included under s. 20.923(2), (4), (5), (7), (8), (9), (10) and (12), Wis. Stats., is deemed to compensate that employee for all work hours. No overtime compensation in the form of cash or compensatory time off may be paid to any such employee for hours worked in any workweek in excess of the standard basis of employment as specified in s. 230.35(5)(a), Wis. Stats.
 2. The salaries paid to exempt employees and employees not covered by the FLSA are generally intended to compensate for the total responsibilities of the position regardless of the number of hours worked. However, circumstances may exist where time off or cash payment for overtime hours is appropriate for certain employees identified in 3.01(23). Section A, 4.03(2)(b) of this Plan shall be used by agencies as a basis to establish practices for additional compensation for overtime hours. Time off or cash payment authorized in Section A, 4.03(2)(b) for similar positions in the classified service may be granted to exempt employees and employees not covered by the FLSA at the discretion of the appointing authority.
 3. Appointing authorities shall have the discretion in approving scheduled use of time off earned in lieu of cash payment for

Section B – 3.08

overtime hours. Time off earned in lieu of cash payment for overtime hours which cannot be scheduled by the appointing authority within 12 months after the end of the calendar year in which the time is earned shall be paid in cash at the employee's current regular rate times the unused time off hours earned.

- (4) Weekend and Night Differential for Unclassified Employees.
 - (a) Weekend Differential. Except as provided in (c), below, employees identified in 3.01(23) of this Section (Section B) may be paid up to sixty cents (\$.60) per hour for all weekend hours worked.
 - (b) Night Differential. Except as provided in (c), below, employees identified in 3.01(23) of this Section (Section B) may be paid up to forty-five cents (\$.45) per hour for all night hours worked. To qualify for night differential between the hours of 6:00 p.m. and 12:00 midnight, an employee must be assigned a minimum of two work hours between 6:00 p.m. and 1:00 a.m.
 - (c) Employees identified under s. 20.923(10), Wis. Stats., are not eligible for weekend or night differential.
- (5) Supplemental Pay Provisions for Supervisory Attorneys.

Incumbents of attorney positions under 3.01(23) of this Section (Section B) or unclassified attorney positions covered by Section C of this Plan who supervise one or more permanent attorneys are eligible to receive a responsibility add-on in accordance with the following supplemental pay provisions:

- (a) Appointing authorities shall have the discretion to grant or adjust supplemental pay, subject to the maximum allowable amount specified in (3c) below, based on their analysis of their organizational structure, internal and external relationships, size of staff supervised and any other reasonable criteria deemed appropriate. The add-on shall be immediately discontinued when the employee is no longer employed in a position covered by these provisions. Failure to do so will result in a salary overpayment, which must be recovered by the appointing authority.
- (b) Decisions to grant and adjust supplemental pay for deputy district attorneys are subject to the review and approval of the agency (i.e., Department of Administration) responsible for the general program operations relating to Chapter 978, Wis. Stats. The agency may elect to publish decision-making criteria consistent with (1) above, and delegate in writing certain such decisions to some or all appointing authorities of deputy district attorneys.
- (c) An add-on maximum for supervisory responsibility is established for eligible employees covered by these provisions at a rate **not to exceed \$2.75 per hour.**

Section B – 4.00

4.00 Benefit Provisions

4.01 Health Insurance Premiums

As provided under Chapter 40, Wis. Stats., and this Plan, the provisions for state payment of health insurance premiums are identical to the provisions for nonrepresented permanent classified employees. See Section A, 5.01 of this Plan.

4.02 Retirement Contributions

- (1) As provided under s. 40.05(1)(b), Wis. Stats., and this plan, the state payment for employee retirement contributions shall equal 5.0% of the earnings for creditable service of each participating employee.
- (2) The State shall pay the 1.0% benefit adjustment contribution required by s. 40.05(2m), Wis. Stats., for participating employees whose formula rate is determined under s. 40.23(2m)(e)1 and 3, Wis. Stats.
- (3) Effective January 1, 1996, the State shall pay the additional three tenths of one percent (0.3%) employee share of the benefit adjustment contribution for general occupation participants required by s. 40.05(2n)2, Wis. Stats.

NOTE: This provision also applies to employees not covered by a collective bargaining agreement and whose employer paid retirement contributions are not determined under s. 230.12, Wis. Stats.

5.00 Discretionary Compensation Adjustment (DCA)

Discretionary Compensation Adjustments (DCAs) shall be granted to unclassified employees not serving a fixed term, under 3.05 of this Section (Section B), in accordance with Section J of this Plan.

**SECTION C - COMPENSATION PROVISIONS FOR NONREPRESENTED EMPLOYEES
IN ATTORNEY POSITIONS IN THE CLASSIFIED SERVICE AND
CERTAIN "NON-ESG" ATTORNEY POSITIONS IN THE UNCLASSIFIED
SERVICE**

1.00 Coverage

**2.00 General Wage Adjustment (GWA) and Annualized GWA Payment for the Fiscal
Years ~~2005-06~~2007-2008 and ~~2006-07~~2008-2009**

2.01 General Wage Adjustment (GWA)

2.02 Annualized General Wage Adjustment (GWA) Payment

2.03 Lump Sum Payments Provided to Compensate for the Delay of the FY ~~2005-06~~
2007-2008 GWA

3.00 Pay on Appointment

4.00 Discretionary Compensation Adjustment (DCA)

INTRODUCTION

This Section (Section C) includes provisions for GWA and Annualized GWA for nonrepresented classified attorneys and certain unclassified "Non-ESG" attorneys in state civil service.

Nonrepresented classified attorneys are excluded from the following provisions of Section A, 2.01 and 2.02 of this Plan for the ~~2005-07~~2007-2009 biennium: ~~2.01 (General Wage Adjustment (GWA))~~ and ~~2.02 (Annualized General Wage Adjustment (GWA) Payment)~~. Unclassified "Non-ESG" attorneys are excluded from the pay on appointment and GWA provisions of Section B, 3.02(2) and 3.05(1) of this Plan for the ~~2005-07~~2007-2009 biennium. Those employees, however, will remain covered under all of the remaining applicable pay and benefit provisions of Sections A (classified employees) or B (unclassified employees) of this Plan for the ~~2005-07~~2007-2009 biennium.

1.00 Coverage

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

- (1) Professional legal-related classified employees.
 - (a) Permanent and project employees in positions allocated to Attorney classifications assigned to pay schedule 71.
 - (b) Project employees in positions allocated to the Attorney classification in the Professional Legal bargaining unit (pay schedule 09).
- (2) Unclassified "Non-ESG" attorneys.

Section C – 1.00

- (a) Employees appointed on other than an LTE basis to deputy district attorney positions.
- (b) Employees appointed on other than an LTE basis to nonrepresented assistant state public defender attorney positions
- (c) Employee appointed to the attorney position established under s. 569.015(2), Wis. Stats.

2.00 General Wage Adjustment (GWA) and Annualized GWA Payment for Fiscal Years 2005-06~~2007-2008~~ and 2006-07~~2008-2009~~

2.01 General Wage Adjustment (GWA)

- (1) ~~Effective Date. There~~ The GWA will be effective ~~July 24, 2005 (first day of the pay period following JCOER approval), in FY 2005-06~~2007-2008; June 25, 2006 and April 1, 2007 ~~July 6, 2008 and April 12, 2009 in FY 2008-2009.~~
- (2) Eligibility. All employees who are in pay status on the effective date are eligible to receive a GWA except the following:
 - (a) Employees whose job performances were rated below satisfactory as a result of formal performance evaluations conducted in the twelve-month period ending ~~June 25, 2005~~ June 23, 2007, for FY ~~2005-06~~2007-2008 and ~~June 24, 2006~~ July 5, 2008, for FY ~~2006-07~~2008-2009.
 - (b) Supervisors who have not completed formal performance evaluations on all subordinate employees, for whom performance evaluations are required, within the 12-month period ending ~~June 25, 2005~~ June 23, 2007, for FY ~~2005-06~~2007-2008 and ~~June 24, 2006~~ July 5, 2008, for FY ~~2006-07~~2008-2009. (For purposes of these provisions, the requirements of Chapter ER 45, Wis. Adm. Code, will apply to both classified and unclassified employees.)

NOTE: Extenuating circumstances may exist (e.g., leaves of absence) that would allow a supervisor to receive a GWA even though the required performance evaluations were not completed within the mandated timeframes. Contact OSER, Division of Compensation and Labor Relations for further assistance.

- (c) Any employee paid at or above the applicable pay range maximum. (An employee who is not eligible to receive a GWA solely because his or her base pay is at or above the pay range maximum may qualify for an Annualized GWA Payment under 2.02 of this Section.)

Section C – 2.01

(3) Amount.

All eligible employees will receive a GWA of 2.0% on ~~July 24, 2005~~ (first day of the pay period following JCOER approval), 2.0% on ~~June 25, 2006~~, and ~~2.25% on April 1, 2007~~ July 6, 2008 and 1.0% on April 12, 2009. These increases are subject to the following restrictions:

- (a) An employee's new base pay after application of the GWA must not exceed the applicable pay range maximum (or the new pay range maximum if a new pay range maximum takes effect on the same date as GWA distribution). (Refer to Annualized GWA Payment provisions under 2.02 of this Section.)
 - (b) No employee may, during any fiscal year, receive a total cumulative adjustment (GWA) exceeding a total of 10% of the employee's base pay at the beginning of the fiscal year, immediately prior to GWA distribution.
- (4) Grievances. If an employee is dissatisfied with the evaluation methodology and results used by an agency to determine any GWA, the employee may file a grievance under s. 230.12(5)(e), Wis. Stats. The decision of the appointing authority is final and may not be appealed to the Employment Relations Commission under ss. 230.44 or 230.45(1)(c), Wis. Stats. Agencies will submit a copy of each grievance filed and the written decision of the appointing authority to the OSER Director within 14 days of the decision.

2.02 Annualized General Wage Adjustment (GWA) Payment

- (1) Granting Date. The Annualized GWA Payment will be granted as soon as administratively feasible after the effective date of any GWA granted under 2.01 of this Section (Section C).
- (2) Eligibility. Any employee may qualify for an Annualized GWA Payment if either of the conditions described under (a) or (b), below, apply:
 - (a) The employee was not eligible to receive a GWA solely because his or her base pay was at or above the pay range maximum.
 - (b) The employee did not receive the full GWA because of the pay range maximum limitation.
- (3) Amount. The amount of any Annualized GWA Payment granted to an employee is subject to the restrictions under (a) and (b) below:
 - (a) For employees who qualify for an Annualized GWA Payment because of the condition described in (2)(a) above: The hourly amount used in calculating an employee's Annualized GWA Payment will equal the full

Section C – 2.02

GWA amount (i.e., 2.0% on ~~July 24, 2005~~ (first day of the pay period following JCOER approval), 2.0% on ~~June 25, 2006~~ and 2.25% on ~~April 1, 2007~~ July 6, 2008 and 1.0% on April 12, 2009).

- (b) For employees who qualify for an Annualized Payment because of the circumstances described under (2)(b) above: The hourly amount used in calculating an employee's Annualized GWA Payment will equal the difference between the full GWA amount (i.e., 2.0% on ~~July 24, 2005~~ (first day of the pay period following JCOER approval), 2.0% on ~~June 25, 2006~~ and 2.25% on ~~April 1, 2007~~ July 6, 2008, and 1.0% on April 12, 2009) and the partial GWA actually received by the employee.
- (4) Calculating Annualized GWA Payments. Annualized GWA Payments will be calculated by multiplying the hourly amount determined to be appropriate for the employee in accordance with (3)(a) or (b) above, by 2088 for ~~July 24, 2005~~ and ~~June 25, 2006~~, and by 480 for ~~April 1, 2007~~ (first day of the pay period following JCOER approval) and July 6, 2008, and by 480 for April 12, 2009. Annualized GWA Payments provided to permanent part-time or seasonal employees will be prorated on the basis of the budgeted percentage of Full-Time Equivalency (FTE) on the GWA distribution date.
- (5) Annualized GWA Payments for employees on approved unpaid leaves of absence. Any employee who is on an approved unpaid leave of absence as of the effective date of the GWA distribution and who qualifies for an Annualized GWA Payment will receive the payment, subject to the following restrictions:
 - (a) The employee must return from the leave of absence to pay status by ~~June 23, 2007~~ July 4, 2009, and the employee's restoration right must be derived from a position covered by the GWA Payment provisions of this Section (Section C) or Section A of this Plan.
 - (b) The employee will not receive a GWA Payment until he or she has returned to pay status.
 - (c) The hourly GWA amount used in the calculation of an employee's Annualized GWA payment will equal the amount determined to be appropriate under (3) above.

2.03 Lump Sum Payments Provided to Compensate for the Delay of the FY ~~2005-06~~ 2007-2008 GWA

The same employees who are excluded from the GWA and Annualized GWA under 2.01 and 2.02 of this Section (Section C) are also from these lump sum payment provisions.

- (1) Granting Date. Lump sum payments will be granted as soon as administratively feasible after the ~~July 24, 2005~~ (first day of the pay period following JCOER approval).

Section C – 2.02

- (2) Eligibility. Any employee who received a ~~FY-2005-06~~ 2007-2008 GWA under 2.01 of this Section (Section C) is also eligible to receive a lump sum payment if the employee is in pay status during the period ~~June 26, 2005 through July 23, 2005~~ June 24, 2007 through (one day prior to the first day of the pay period following JCOER approval).
- (3) Amount.
 - (a) The amount of an employee's lump sum payment will be equal to the hourly base pay increase granted to the employee as ~~FY-2005-2006~~ 2007-2008 GWA multiplied by the number of hours in pay status during the period from ~~June 26, 2005 through July 23, 2005~~ June 24, 2007 through (one day prior to the first day of the pay period following JCOER approval).
 - (b) This payment is not the equivalent of a retroactive adjustment. Intervening pay and benefit transactions effective ~~June 26, 2005 through July 23, 2005~~ June 24, 2007 through (one day prior to the first day of the pay period following JCOER approval) will not be reconstructed.
- (4) Lump Sum Payments for Employees on Approved Leave of Absence. Any employee who is on an approved unpaid leave of absence as of ~~July 24, 2005 (first day of the pay period following JCOER approval)~~, and who is granted a ~~FY-2005-06~~ 2007-2008 GWA upon restoration, will also receive a lump sum payment if the employee had any hours in pay status during the period ~~June 26, 2005 through July 23, 2005~~ June 24, 2007 through (one day prior to the first day of the pay period following JCOER approval), subject to the following:
 - (a) The employee must return from the leave to pay status by ~~June 23, 2007~~ July 4, 2009, and the employee's restoration right must be derived from a position covered by provisions of this Section (Section A).
 - (b) The employee will not receive a lump sum payment until returning to pay status.

3.00 Pay on Appointment

Pay on Appointment shall be determined in accordance with Section I, 4.04 of this Plan.

NOTE: Pay Schedule 71 will be used for pay transactions involving unclassified attorney positions covered by this Section (Section C).

4.00 Discretionary Compensation Adjustment (DCA)

Discretionary Compensation Adjustments (DCAs) shall be granted in accordance with Section J of this Plan.

**SECTION D - COMPENSATION PROVISIONS FOR LIMITED TERM EMPLOYEES
(LTEs)**

1.00 Coverage

- 1.01 Classified Service
- 1.02 Unclassified Service

2.00 Beginning Base Pay Rates for Limited Term Appointments

- 2.01 Limited Term Appointments in the Classified Service
- 2.02 Limited Term Appointments in the Unclassified Civil Service
- 2.03 Incentive and Retention Award Pilot Program for Seasonal Limited Term Appointments

3.00 Base Pay Adjustments for LTEs

- 3.01 If Paid Below the Maximum Rate for LTE Class Title
- 3.02 If Pay Range of Permanent Classification is Reassigned
- 3.03 If Paid Below the Minimum of the Pay Range for a Permanent Class Title
- 3.04 Ineligibility for Regrade Increases
- 3.05 Eligibility for Other Base Pay Adjustments and Lump Sum Payments

4.00 Overtime, Supplemental, and Holiday Pay

- 4.01 Overtime Pay for LTEs with Nonexempt Status
- 4.02 Overtime Pay for LTEs with Exempt Status
- 4.03 Payment Only for Hours Worked
- 4.04 Supplemental Pay
- 4.05 Payment for Holidays Worked

5.00 Benefit Provisions

- 5.01 Health Insurance Premiums
- 5.02 Retirement Contributions

6.00 Alphabetical List of Class Titles, Codes and Maximum Pay Rates for the Limited Term Employment Pay Schedule 18

INTRODUCTION

This Section (Section D) governs the pay of limited term employees (LTEs) in the classified and unclassified service. Provisions contained in this Section (Section D) include beginning base pay rates, base pay rate adjustments, overtime, supplemental pay, and health insurance and retirement contributions for eligible participating LTEs. The alphabetical listing of LTE class titles and maximum (Not To Exceed – “NTE”) pay rates for limited term employment pay schedule 18 is also included.

Section D – 1.00

1.00 Coverage

The provisions of this Section (Section D) govern the compensation of all LTEs in the classified service and, pursuant to s. 230.12(1)(a)1.b., Wis. Stats., employees with comparable status in the unclassified service. LTEs are employed in positions in either the classified or unclassified service that meet the respective definition under 1.01 or 1.02 below.

1.01 Classified Service

An LTE appointment is employment in the classified service in which the nature and conditions do not permit attainment of permanent status in class, for which the use of normal procedures for recruitment and examination are not practicable, and is not project employment.

1.02 Unclassified Service

An LTE appointment is employment in the unclassified service in which the employee would have been considered an LTE, had employment been in the classified service.

See also s. 230.26, Wis. Stats., and Chapter ER 10, Wis. Adm. Code.

2.00 Beginning Base Pay Rates for Limited Term Appointments

LTEs must be paid at least the state or federal minimum wage, whichever is greater, unless a lower wage is authorized pursuant to Section 14 of the Fair Labor Standards Act. In addition, the following provisions apply:

2.01 Limited Term Appointments in the Classified Service

- (1) LTE appointments to positions allocated to LTE class titles in pay schedule 18.
 - (a) Base pay rates shall not exceed the limits specified in the chart found in 6.00 of this Section (Section D) for the LTE class title. In those cases where no specific rate is listed, base pay rates, generally, shall not exceed the rate paid for similar types of services provided on a permanent basis.
 - (b) The listed "Not to Exceed" rates shall not be considered the appropriate rate of pay for all appointments to a particular LTE class. Rates for appointments may be set by the appointing authority at up to the rate indicated in the chart found in 6.00 of this Section (Section D), based on the nature of the work to be performed and the prevailing pay practices where the positions are located.

Section D-2.01

- (c) For classes where the pay limitation is identified as "usual and customary fee," documentation should be retained by the appointing authority as to how the specific amount was determined.
- (2) LTE appointments to positions allocated to classifications used for permanent positions.
- (a) When the work to be performed by an LTE is not identified by an LTE class title listed in pay schedule 18, the most appropriate classification to which permanent positions are assigned should be used for the LTE position.
 - (b) LTEs are eligible to be paid up to the minimum of the pay range for the applicable classification to which permanent positions are assigned except that:
 - 1. The base pay rate shall be below the applicable pay range minimum if the employee is designated as a "trainee" for one or more of the following reasons.
 - a. The LTE employment involves either formal or informal training beyond that normally provided to a newly appointed worker.
 - b. The knowledge, skills and/or abilities of the employee are lower than those normally required of an employee in the classification.
 - c. The duties and responsibilities assigned to the LTE are fewer and/or less complex and/or responsible than those normally assigned to a permanent employee in the same classification and there is no lower level permanent classification that is applicable.

NOTE: It is not necessary to formally designate an LTE position as "trainee" to be able to pay below the minimum of the pay range. However, appointing authorities should apply consistent pay standards when determining the pay for incumbents of LTE positions deemed to be "trainee" in nature.

- 2. Under certain limited circumstances, the base pay rate may be above the pay range minimum of the applicable permanent classification. If any of the following conditions are met, the appointing authority has the discretion to establish a base pay rate above the pay range minimum.

Section D-2.01

- a. Hiring Above the Minimum (HAM) authority has been approved by OSER for the LTE position or on a continuing basis for positions in the applicable permanent classification.
- b. The LTE is a former classified permanent employee with reinstatement eligibility or restoration rights to the applicable permanent classification and the duties of the LTE position are related to those of the previous permanent position(s). If so, the allowable maximum base pay rate is determined in accordance with the reinstatement/restoration provisions of the applicable collective bargaining agreement and/or Section I, 4.07 and 4.08 of this Plan.

NOTE: Pay upon reinstatement provisions that supersede or supplement those provided in the Rules of the Director Wisconsin Administrative Code apply to classifications assigned to a number of represented and nonrepresented pay schedules.

- c. The LTE is also a current classified permanent employee; the duties and responsibilities of the LTE position are related to those of the permanent position; and the base pay rate is not higher than the employee's permanent rate of pay. However, the base pay rate may not exceed the maximum of the pay range for the counterpart permanent class of the LTE position.
 - d. A raised minimum rate (RMR) is in effect for positions in the applicable permanent classification and the LTE is performing at the same level as a permanent classified employee (i.e., not in a "trainee" status).
 - e. The LTE position is allocated to a classification in a broadband pay schedule. The pay on appointment flexibility for starting an employee (Section I, 4.04(2) of this Plan) at not more than the applicable appointment maximum may be used.
- (c) LTEs in craftworker related positions shall be paid no more than the applicable gross prevailing rate. Those who are determined to be Wisconsin Retirement System eligible may be paid no more than 89.7% of the applicable gross prevailing rate.

2.02 Limited Term Appointments in the Unclassified Civil Service

The rate upon appointment should be equal to the rate which would be payable upon appointment to a similar position in the classified service, as determined by the appointing authority.

Section D - 2.03

2.03 Incentive and Retention Award Pilot Program for Seasonal Limited Term Appointments

Subject to conditions established by the OSER Director, an appointing authority may provide an Incentive and Retention Award not to exceed \$500.00 for critical **seasonal** LTE appointments. Prior to granting any awards under this pilot project, the agency must provide a written plan to the OSER Director outlining the reason(s) for the awards and the criteria under which they will be granted.

3.00 Base Pay Adjustments for LTEs

3.01 If Paid Below the Maximum Rate for an LTE Class Title

- (1) An LTE who is paid below the maximum rate indicated for the LTE class title listed in pay schedule 18 may have his or her base pay rate adjusted, by the appointing authority during the fiscal year, to a rate not to exceed the maximum indicated rate.
- (2) For increases granted to LTEs in class titles for which a "usual and customary fee" limit applies, documentation should be retained by the appointing authority as to the basis for such increases. (For example, an increase in the usual and customary fee for the occupation, initial pay set at below the usual and customary fee, etc.)

3.02 If Pay Range of Permanent Classification is Reassigned

An LTE in a position allocated to a classification also used for permanent positions who is eligible to be paid at the minimum of the pay range may have their base pay rates adjusted to a rate not exceeding the new minimum of the pay range if the classification is reassigned to a different pay range, if the pay range minimum is adjusted, or if a raised minimum rate is in effect for the classification.

3.03 If Paid Below the Minimum of the Pay Range for a Permanent Class Title

An LTE in a position allocated to a classification used for permanent positions who is paid below the pay range minimum, but who is eligible to be paid up to the minimum, may have his or her base pay rate adjusted up to the pay range minimum of the classification.

3.04 Ineligibility for Regrade Increases

An LTE is not eligible to receive an increase as a result of a regrade (i.e., LTE positions are not reclassified).

Section D - 3.05

3.05 Eligibility for Other Base Pay Adjustments or Lump Sum Payments

An LTE is not eligible for any type of increase except:

- (1) The increases stated in 3.01 through 3.03 of this Section (Section D);
- (2) An LTE hired under 2.01(2)(b)2.b. of this Section (Section D) may have his or her base pay rate adjusted by the General Wage Adjustment (GWA) shown in Section A, 2.01(3)(a) of this Plan on the effective date of the GWA, subject to the applicable pay range maximum; and
- (3) An LTE hired under 2.01(2)(b)2.c. of this Section (Section D) may have his or her base pay rate adjusted by the GWA shown in Section A, 2.01(3)(a) of this Plan on the effective date of the GWA, not to exceed the employee's permanent rate of pay and subject to the applicable pay range maximum.

4.00 Overtime, Supplemental, and Holiday Pay

4.01 Overtime Pay for LTEs with Nonexempt Status

Overtime pay for LTEs who are nonexempt from the overtime provisions of the FLSA shall be in accordance with the provisions of the FLSA and related federal regulations. See Chapter 520 of the Wisconsin Human Resources Handbook for an explanation of these provisions.

4.02 Overtime Pay for LTEs with Exempt Status

LTEs who are exempt from the overtime provisions of the FLSA (e.g., attorneys, physicians, dentists, and teachers) must receive the straight rate for all overtime work hours unless the work performed is in an occupational area where it is customary to work overtime hours without additional payment. If LTEs work overtime hours without additional payment, agencies must maintain records to document that such appointments are for less than a total of 1044 actual work hours per year pursuant to s. 230.26, Wis. Stats.

4.03 Payment Only for Hours Worked

Pursuant to Chapter ER 10, Wis. Adm. Code, LTEs must be paid only for actual hours worked. LTEs cannot be granted compensatory time off as payment for overtime or holiday work hours.

NOTE: Pursuant to ss. 230.26 and 230.35, Wis. Stats., LTEs do not qualify for paid holidays or any other type of paid leave.

Section D - 4.04

4.04 Supplemental Pay

LTEs may receive the same types of supplemental pay (e.g., weekend differential, night differential, etc.) as permanent employees in the same or most closely related classification if the supplemental pay is based on hours worked. Medical Consultant LTE employees whose positions require the possession of a license to practice medicine pursuant to s. 448.05, Wis. Stats., may be provided the supplemental pay in all of the provisions of Section A, 4.15 of this Plan. Medical Consultant LTE employees whose positions require the performance of duties of a Dentist Supervisor or Dentist Management may be provided the supplemental pay in Section A, 4.15(2) of this Plan.

4.05 Payment for Holidays Worked

LTEs must receive payment at the premium rate for all holiday work hours as provided in s. 230.35(4)(b), Wis. Stats.

5.00 Benefit Provisions

5.01 Health Insurance Premiums

As provided under Chapter 40, Wis. Stats., and this Plan, the provisions for state payment of health insurance premiums for insured LTEs are identical to the provisions for insured nonrepresented permanent classified employees.

5.02 Retirement Contributions

See s. 40.05(1)(b), Wis. Stats., for information regarding state payment of employee retirement contributions for participating LTEs.

Section D - 6.00

6.00 Alphabetical List of Class Titles, Codes and Maximum Pay Rates for the Limited Term Employment Pay Schedule 18

ALPHABETICAL LIST OF CLASS TITLES, CODES, AND MAXIMUM PAY RATES FOR LIMITED TERM EMPLOYMENT PAY SCHEDULE 18		
CLASS TITLE	CLASS CODE	2005-07/2007-2009 MAXIMUM PAY RATE A/K/A NOT TO EXCEED (NTE) RATE
Archaeology Assistant	94009	NTE Minimum PR 06-11
Archaeology Crew Leader	94012	NTE Minimum PR 06-14
Archaeology Lab Technician	94010	NTE Minimum PR 06-12
Artists Model	94130	NTE Usual & customary fee
Guide	94150	NTE Minimum PR 06-10
Assistant Naturalist Guide	94140	NTE Minimum PR 06-08
Engineer-Student Engineer Trainee (*Student Engineer Trainee)	94290	NTE Minimum PR 14-46
Clerical Helper	94300	NTE The federal minimum wage + \$3.50
Crafts Worker	94320	NTE Area Prevailing Rate
Crowd Control Officer	94330	NTE Usual & customary fee
Dental Consultant	94350	NTE Usual & customary fee
IS Professional Consultant LTE	94000	NTE Usual & customary fee
Lifeguard	94560	NTE Minimum PR 06-08
Medical Consultant	94600	NTE Usual & customary fee
Professional Consultant	94680	NTE Usual & customary fee
Psychological Consultant	94700	NTE Usual & customary fee
Psychologist Intern-Level I	94721	NTE Minimum PR 12-04
Psychologist Intern-Level II	94722	NTE Minimum PR 12-04
Special Activities Helper	94820	NTE Minimum PR 06-11
Stage Hand	94850	NTE Prevailing rate
Temporary Nurse	94770	NTE Maximum PR 11-09
Vocational Rehabilitation Assistant	94920	NTE Minimum PR 12-04

SECTION E - PAY ADMINISTRATION FOR CLASSIFIED PERMANENT AND PROJECT EMPLOYEES IN NON-BROADBAND PAY SCHEDULES

1.00 Beginning Pay Upon Original Appointment for Permanent Classified Employees in Non-Broadband Pay Schedules

- 1.01 General
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- 3.05 Pay on Regrade for Reclassification or Reallocation to a Classification in a Lower Pay Range.

INTRODUCTION

The provisions of this Section (Section E) apply to all classified project employees and all classified represented permanent employees whose positions are **not** allocated to classifications assigned to nonrepresented or represented broadband pay schedules.

NOTE: The provisions in this Section (Section E) shall be superseded by applicable collective bargaining provisions.

Pay administration provisions for nonrepresented permanent and project employees whose positions are allocated to classifications assigned to broadband pay schedules are contained in Section I of this Plan. Provisions for determining beginning base pay rates for unclassified employees and limited term employees (LTEs) are contained in Sections B and D, respectively. The beginning rate provisions in Sections B and D apply only to employees covered by those respective Sections and have been included with other compensation provisions that are unique to unclassified employees and LTEs.

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NOTE: The provisions in this Section (Section E) supersede ch. ER 29, Wis. Adm. Code, for all project appointments in non-broadband pay schedules.

1.00 Beginning Pay Upon Original Appointment For Permanent Classified Employees in Non-Broadband Pay Schedules

Upon original appointment as a permanent nonrepresented or represented employee in the classified service beginning base pay rates shall be determined as follows:

1.01 General

The starting base pay rate upon original appointment shall be the minimum of the pay range for the classification except as otherwise provided in this Section (Section E), other sections of this Plan, or collective bargaining agreements.

NOTE: For provisions governing the pay upon original appointment for nonrepresented permanent employees in positions allocated to classifications assigned to the broadband pay schedules, refer to Section I, 4.04 of this Plan.

1.02 Raised Minimum Rate (RMR)

NOTE: Refer to individual collective bargaining agreements for any reporting requirements or limitations on the use of RMRs for represented positions.

- (1) When competitive labor market conditions have been evaluated and the minimum rate is determined to be below the market rate for a classification or subtitle for a classification, or when a classification or subtitle for a classification has unique requirements and it is unlikely that quality applicants would be available under such conditions, the OSER Director, at the request of the appointing authority, may establish a raised minimum rate above the pay range minimum for recruiting, hiring and retaining employees. Such rates may be established on a geographic basis.
- (2) The raised minimum rate shall be the lowest rate payable to any permanent or project employee whose position is assigned to the classification or classification and subtitle in the geographic area where the raised hiring minimum is in effect.
- (3) Subject to the pay range maximum, if a raised minimum rate is established, the permanent status in class minimum (PSICM) rate, if applicable, shall also be raised by a like dollar amount and any provisions in this Plan or the Wisconsin Administrative Code relating to PSICM shall apply to the raised PSICM so established.

NOTE: Refer to Chapter 560 of the Wisconsin Human Resources Handbook entitled "Raised Minimum Rates" for additional information.

1.03 Hiring Above the Minimum (HAM)

NOTE: Refer to individual collective bargaining agreements for any reporting requirements or limitations on the use of HAM for represented positions.

- (1) The OSER Director may authorize HAM for permanent and project employees whose positions are allocated to classifications assigned to non-broadband pay schedules when either:
 - (a) The duties and responsibilities of a position require the employment of a person with qualifications that differ significantly from those normally required for other positions in the same classification, and the persons who possess such qualifications are not readily available in the labor market at the minimum rate in the pay range; or
 - (b) A recruitment effort has failed to produce or would likely not produce a full certification of candidates.
- (2) HAM must be authorized prior to formal recruitment and the increased pay potential must be included in all recruitment information where pay is stated.
- (3) Only those candidates who possess qualifications which significantly exceed the requirements for the classification or subtitle or who possess qualifications which differ significantly from those normally required for other positions in the same classification may be hired above the minimum of the pay range.
- (4) Project positions allocated to represented classifications may be filled using HAM even though use of HAM would not be allowed if the position were permanent.

NOTE: Refer to Chapter 508 of the Wisconsin Human Resources Handbook entitled "Hiring Above the Minimum" for additional information.

1.04 Trainee Minimum Rate

- (1) The minimum starting pay rate for trainees will be established at one within-range pay step below the minimum of the pay range for the objective classification for each six (6) months of formal and/or "on-the-job" training required to reach the objective classification. The step referred to for trainees in this Section (Section E) is defined as a step in the pay range for the objective classification for which the employee is being trained. If the OSER Director, at the request of the appointing authority, reviews the qualifications of the person

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to be appointed and determines that the qualifications are equivalent to specific segments of the training program, such segments may be waived and considered as completed. The rate payable on appointment may then exceed the minimum rate established for the training program and shall be based on the length of time required to complete the remaining segments of the training program.

- (2) Incremental pay increases up to the pay range minimum of the objective classification shall be provided for successful completion of each segment of training as provided in the training plan for each trainee position.
- (3) Scheduled trainee pay increases shall be increased by the same percent, and at the same time as the adjustment to the pay range minimum.
- (4) In pay schedules where no within-range pay step is defined, the step used for trainee pay purposes shall be three percent (3.0%) of the minimum for the objective classification for which the employee is being trained.

2.00 Beginning Pay Rates for Project Appointees in Non-Broadband Pay Schedules

2.01 Project Appointees Who Are Former Permanent Classified or Unclassified Employees

- (1) Subject to the maximum of the new pay range, project appointees who have previously been 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 at up to their previous rate of pay if higher than the pay range minimum of the classification for the project appointment.
- (2) Project appointees who have previously been permanent classified employees, and who could have been appointed to a permanent position without an interruption of continuous service under 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 at a rate of pay determined in accordance with the provisions regarding pay on reinstatement as contained in the applicable collective bargaining agreement or Section I, 4.07(2) of this Plan. The flexible pay upon appointment provisions unique to broadband pay schedules, described in Section I, 4.04 of this Plan, shall not apply.
- (3) Subject to the maximum of the new pay range, project appointees who are appointed directly from a permanent classified or unclassified position without an interruption in employment status, or who receive a classified leave of absence for the project position, may be paid at 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 of the Wisconsin Administrative Code for additional employment information regarding project employees.

2.02 Other Project Appointees

- (1) Except as provided in 2.01, beginning base pay rates shall be determined in accordance with 1.00 above.
- (2) 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. However, experience acquired may be relevant for subsequent appointments made in accordance with HAM provisions of 1.03 above.

NOTE: Refer to Section A, 4.20, of this Plan for the provisions regarding supplemental pay and overtime provisions for project employees.

3.00 Other Transaction Pay Adjustments for Project Employees in Non-Broadband Pay Schedules

3.01 Pay on Completion of the First Six Months of a Project Appointment

No six month increase will be granted to any project employee upon completion of the first six months of a project appointment.

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

Multiple pay adjustments that are effective on the same date will be applied in the order given in Section I, 4.01 of this Plan.

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

Pay on regrade for reclassification or reallocation to a classification in a higher pay range for project appointees will be in accordance with Section I, 4.09 of this Plan.

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

Project employees shall receive no pay adjustment for reclassification or reallocation to a classification in the same or counterpart pay range.

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

Pay on regrade for reclassification or reallocation to a classification in a lower pay range for project appointees will be in accordance with Section I, 4.11(1) of this Plan.