



September 22, 2009

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:

In accordance with the provisions of s. 230.12(3)(c), Wis. Stats., I am submitting, under cover of this letter, modifications and amendments to the 2009-2011 Compensation Plan for Nonrepresented and Certain Unclassified Employees and Elected Officials. Changes provide parity pay adjustments to those nonrepresented employees covered by the Compensation Plan that reflect similar adjustments provided to represented employees in the 2007-2009 collective bargaining agreements the State has reached with the Association of State Prosecutors and the Professional Employees in Research, Statistics and Analysis.

The revised language is provided in Attachment A. Details of the 2007-2009 fiscal impact of the revisions are provided on the attached costing sheet (Attachment B).

I would be pleased to respond to any questions you may have.

Sincerely,

Jennifer Donnelly
Director

JD:PO

Attachments:

Attachment A: Page B-5 of Section B, and Section K of the 2009-2011
Compensation Plan

Attachment B: Revised 2007-2009 Compensation Plan Cost Estimate

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 5, 2009 Pay Rate	July 5, 2009 – July 2, 2011 <u>(one day prior to the first day of the pay period following JCOER approval Rate for Office</u>	<u>(first day of the pay period following JCOER approval) – July 2, 2011 Rate for Office</u>
More than 500,000	\$129,010	\$131,590	<u>\$134,200</u>
More than 250,000 but not more than 500,000	\$116,465	\$118,795	<u>\$121,405</u>
More than 100,000 but not more than 250,000	\$110,474	\$112,686	<u>\$115,296</u>
More than 75,000 but not more than 100,000	\$110,474	\$112,686	<u>\$115,296</u>
More than 50,000 but not more than 75,000	\$105,069	\$107,171	<u>\$109,781</u>
More than 35,000 but not more than 50,000	\$105,069	\$107,171	<u>\$109,781</u>
More than 20,000 but not more than 35,000	\$93,662	\$95,537	<u>\$98,147</u>
Not more than 20,000	\$93,662	\$95,537	<u>\$98,147</u>

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

1.00 Coverage

2.00 Parity Adjustments

2.01 Eligibility

2.02 Market Adjustments

3.00 Parity Lump Sum Payments Due to Delayed Implementation

3.01 Eligibility

3.02 Non-Discretionary Lump Sum Payments

4.00 Annualized Lump Sum Payments

1.00 Coverage

The provisions of this Section (Section K) apply to permanent or project employees in the classified service, or certain “Non-ESG” attorneys in the unclassified service, who are not covered by a collective bargaining agreement:

- (1) A “permanent employee” is a person who is an employee as a result of an appointment to a position in which permanent status can be attained, whether or not the employee has attained permanent status.
- (2) A “project employee” is a person who is an employee as a result of an appointment to a project position under conditions of employment that do not provide for attainment of permanent status.
- (3) Only unclassified attorneys covered by Section C of this Plan are eligible for adjustments under the provisions of this Section (Section K).

2.00 Parity Adjustments

2.01 Eligibility

- (1) Except for employees specified in (a) through (c), below, any employee in a position allocated to a classification listed in 2.02 of this Section (Section K) who is in pay status on the effective date indicated for a parity adjustment is eligible to be considered for that particular adjustment.

Added (first day of the pay period following JCOER approval)

Section K – 2.01

- (a) Any employee whose performance was rated below satisfactory as a result of a formal performance evaluation conducted in the 12-month period ending July 5, 2008.
- (b) Any supervisor who has not completed formal performance evaluations on all subordinate employees, for whom performance evaluations are required, within the 12-month period ending July 5, 2008, for parity adjustments effective on or after July 6, 2008. However, if the required performance evaluations were performed by December 31, 2008, a supervisor shall be eligible but any lump sum payment will be for hours after January 4, 2009 only.
- (c) Any employee paid at or above the pay range maximum.
- (2) All parity adjustments granted are subject to the applicable pay range maximum.
- (3) Permanent and project employees in positions allocated to other nonrepresented classifications in the classified service, or nonrepresented project employees in represented classifications, are eligible if such positions provide technical supervision, spend the majority of their time in, or are primarily responsible for the duties performed by the employees receiving market adjustments under a 2007-2009 collective bargaining agreement. **Such positions will be included only upon an agency's recommendation and OSER's approval.** OSER approval will also include determination of the funding source, (i.e., market or agency).
- (4) The individual increase limit provided in s. 230.12(5)(d), Wis. Stats., does not apply to base pay adjustments granted pursuant to this Section (Section K).

NOTE: The parity base pay rate adjustments provided under this Section (Section K) may be considered when determining pay on reinstatement or restoration in accordance with the applicable provisions relating to pay on reinstatement or restoration under Section I, 4.07 and 4.08, respectively, of this Plan. Required base pay rate adjustments provided **shall** be included, at the amount generated, when determining pay on restoration.

NOTE: The parity adjustments provided under this Section (Section K) will be applied in the order set forth below, and after all adjustments other than Discretionary Compensation Adjustments and Original Appointments, if multiple adjustments occur on the effective date.

Added (first day of the pay period following JCOER approval)

2.02 Market Adjustments

- (1) Effective Date. The market adjustments will be effective on the applicable date provided in (4), below. Adjustments will be granted in the order they are shown in (4), below, if an employee is eligible for more than one parity adjustment on a given date.
- (2) Amount. Appointing authorities may grant market adjustments to eligible employees affected by pay compression or inequities resulting from the negotiated adjustments provided to represented subordinate or counterpart employees covered by the 2007-2009 collective bargaining agreements.
 - (a) **Criteria for distribution of these market adjustments will be applied in a uniform manner throughout the agency or employing unit.**
 - (b) **If an employee is granted less than the amount generated, the appointing authority must provide OSER with an appropriate justification for doing so.**
 - (c) **Amounts granted in excess of the amount generated by an employee must receive prior approval from OSER. Requests shall be made in the same manner as requests made in accordance with 2.01(3), above.**
- (3) Funding.
 - (a) Subject to (b) through (e), below, on the effective date designated agencies will generate the amount indicated for each employee in positions allocated to the classifications listed.
 - (b) Any funds that are not distributed on the effective date will remain unspent.
 - (c) **Funds generated have no bearing on the rights of individual employees to these funds.**
 - (d) **Costs of pay adjustments will be supplemented under the authority of s. 20.865, Wis. Stats., subject to the availability of funds for this purpose as determined by the Secretary of the Department of Administration.**
 - (e) Funds generated for distribution may not be granted to anyone other than to the individual employee generating the funding, nor may it be combined with the discretionary parity funds provided for distribution in any other section of this Plan.

Added (first day of the pay period following JCOER approval)

Section K – 2.02

(4) Market Adjustments Effective (first day of the pay period following JCOER approval).

(a) Any employee whose position is allocated to one of the following classifications who is in pay status on the effective date will receive a market adjustment as follows:

<u>Code</u>	<u>Classification</u>	<u>Per Hour Increase</u>
54110	Economist-Conf	*
46110	Research Analyst-Adv-Conf	*
46120	Research Analyst-Adv-Supv	*
46140	Research Administrator	*

<u>*Full Years of Adjusted Continuous Service as of June 30, 2008</u>	<u>Per Hour Increase</u>
Zero through 9	\$0.650
10 through 14	\$0.760
15 through 19	\$0.910
20 or more years	\$1.010

(b) Any employee whose position is included in the list below who is in pay status on the effective date will receive a market adjustment of \$1.250 per hour:

<u>Code</u>	<u>Classification</u>
97990	Deputy District Attorney
97991	Deputy District Attorney Supv

3.00 Parity Lump Sum Payments Due to Delayed Implementation

3.01 Eligibility. Any employee receiving a market adjustment in accordance with 2.01(3), or 2.02, above, is eligible for lump sum payment consideration.

3.02 Non-Discretionary Lump Sum Payments

(1) Granting Date. Non-discretionary lump sum payments shall be granted as soon as administratively feasible after the date specified.

(2) Funding.

(a) Each eligible employee in pay status on the effective date will generate the amount provided in (3), below.

Added (first day of the pay period following JCOER approval)

Section K – 3.02

- (b) Any funds that are not distributed on the effective date will remain unspent.
- (c) Costs of lump sum payments associated with pay adjustments in 2.01(3) or 2.02(4) above, will be supplemented under the authority of s. 20.865, Wis. Stats., subject to the availability of funds for this purpose as determined by the Secretary of the Department of Administration.

(3) Lump Sum Payments.

- (a) Employees in pay status on (first day of the pay period following JCOER approval), who received a base pay rate increase under 2.01(3) or 2.02(4), will receive a lump sum payment equal to the amount of the base rate increase received multiplied by the number of hours in pay status in those classifications for the period October 12, 2008 through (one day prior to the first day of the pay period following JCOER approval).
- (c) In accordance with 2.01(1)(b), a supervisor who received a base pay rate increase under 2.01(3) or 2.02(4) by completing performance evaluations by December 31, 2008, instead of by July 5, 2008, will receive a lump sum payment equal to the amount of the base rate increase received multiplied by the number of hours in pay status in those classifications for the period January 4, 2009 through (one day prior to the first day of the pay period following JCOER approval).

4.00 Annualized Lump Sum Payments

Employees not receiving a base building increase, or receiving only a partial increase, in this Section (Section L) solely because of the pay range maximum limitation in 2.01(1)(c), shall receive a lump sum payment equal to the difference between the base rate increase received and the increase the employee would have receive multiplied by 1,520.

The amount shall be pro-rated by the employee's budgeted FTE on the effective date.

<p>NOTE: <u>Any lump sum payments received in this Section (Section K) are not the equivalent of a retroactive adjustment. Intervening pay and benefit transactions between the dates specified will not be reconstructed.</u></p>

Added (first day of the pay period following JCOER approval)

2007-2009 COMPENSATION PLAN AMMENDED COST ESTIMATE
September 2009

Attachment B

SUMMARY TOTALS

<u>FISCAL YEAR</u>		<u>ALL FUNDS WITHOUT FRINGE</u>	<u>ALL FUNDS WITH FRINGE</u>	<u>GPR WITH FRINGE</u>	<u>OTHER FUNDS WITH FRINGE</u>
2007-2008	1st Year Cost	\$0	\$0	\$0	\$0
	1st Year Cost in 2nd Year	\$0	\$0	\$0	\$0
2008-2009	2nd Year Cost	\$65,656	\$78,426	\$32,939	\$45,487
Biennial Total:		<u>\$65,656</u>	<u>\$78,426</u>	<u>\$32,939</u>	<u>\$45,487</u>

2007-2009 COMPENSATION PLAN AMMENDED COST ESTIMATE
September 2009

Attachment B

A) FISCAL YEAR INCREASES:

1) Nonrepresented Classified General Wage Adjustments

		ALL FUNDS			
FISCAL YEAR		WITHOUT FRINGE	ALL FUNDS WITH FRINGE	GPR WITH FRINGE	OTHER FUNDS WITH FRINGE
2007-2008	1st Year Cost	\$0	\$0	\$0	\$0
	1st Year Cost in 2nd Year	\$0	\$0	\$0	\$0
2008-2009	2nd Year Cost	\$25,756	\$30,766	\$12,922	\$17,844
Biennial Total:		<u>\$25,756</u>	<u>\$30,766</u>	<u>\$12,922</u>	<u>\$17,844</u>

2) Nonrepresented Unclassified

		ALL FUNDS			
FISCAL YEAR		WITHOUT FRINGE	ALL FUNDS WITH FRINGE	GPR WITH FRINGE	OTHER FUNDS WITH FRINGE
2007-2008	1st Year Cost	\$0	\$0	\$0	\$0
	1st Year Cost in 2nd Year	\$0	\$0	\$0	\$0
2008-2009	2nd Year Cost	\$39,900	\$47,661	\$20,017	\$27,643
Biennial Total:		<u>\$39,900</u>	<u>\$47,661</u>	<u>\$20,017</u>	<u>\$27,643</u>

2007-2009 COMPENSATION PLAN AMMENDED COST ESTIMATE
September 2009

Attachment B

3) Increases in Rates for Office for Constitutional Officers and State Legislators

FISCAL YEAR		ALL FUNDS			
		WITHOUT FRINGE	ALL FUNDS WITH FRINGE	GPR WITH FRINGE	OTHER FUNDS WITH FRINGE
2007-2008	1st Year Cost	\$0	\$0	\$0	\$0
	1st Year Cost in 2nd Year	\$0	\$0	\$0	\$0
2008-2009	2nd Year Cost	\$0	\$0	\$0	\$0
Biennial Total:		<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

4) Increases in Rates for Office for Justices and Judges

FISCAL YEAR		ALL FUNDS			
		WITHOUT FRINGE	ALL FUNDS WITH FRINGE	GPR WITH FRINGE	OTHER FUNDS WITH FRINGE
2007-2008	1st Year Cost	\$0	\$0	\$0	\$0
	1st Year Cost in 2nd Year	\$0	\$0	\$0	\$0
2008-2009	2nd Year Cost	\$0	\$0	\$0	\$0
Biennial Total:		<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

2007-2009 COMPENSATION PLAN AMMENDED COST ESTIMATE
September 2009

Attachment B

5) Increases in Rates for Office for State Prosecutors

<u>FISCAL YEAR</u>		<u>ALL FUNDS WITHOUT FRINGE</u>	<u>ALL FUNDS WITH FRINGE</u>	<u>GPR WITH FRINGE</u>	<u>OTHER FUNDS WITH FRINGE</u>
2007-2008	1st Year Cost	\$0	\$0	\$0	\$0
	1st Year Cost in 2nd Year	\$0	\$0	\$0	\$0
2008-2009	2nd Year Cost	\$0	\$0	\$0	\$0
Biennial Total:		<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>