

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

**1.00 Coverage**

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

- 2.01 Pay Administration for Justices and Judges
- 2.02 Pay Administration for Legislative Members
- 2.03 Pay Administration for Constitutional Officers
- 2.04 Pay Administration for District Attorneys

**3.00 Pay Administration for Appointed Unclassified Employees**

- 3.01 Coverage
- 3.02 Pay On Appointment
- 3.03 ESG Assignments, Pay Range Assignments and Other Pay Rate Limitations for Positions Not Assigned by Statute
- 3.04 Salary Adjustments for Employees Serving a Fixed Term
- 3.05 Base Pay Adjustments for Fiscal Years 2013-2014 and 2014-2015 for Employees Not Serving a Fixed Term
- 3.06 Pay Increases If Level of Functions Increases
- 3.07 Overtime Compensation and Supplemental Pay

**4.00 Discretionary Merit Compensation (DMC)**

**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 classified employees (General Wage Adjustment (GWA); Discretionary Merit Compensation (DMC); 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.

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:

## Section B - Introduction

Employees of the University of Wisconsin.

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.

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.

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) - Assistant Deputy Secretary and Executive Assistants
- s. 20.923(10) - Office of the Governor Staff
- s. 20.923(12) - Other Department of Safety and Professional Services Positions
- 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.

**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.

<b>Position</b>	<b>Incumbent's June 30, 2013 Pay Rate</b>	<b>June 30, 2013 – June 28, 2014 Rate for Office</b>	<b>June 29, 2014 – June 27, 2015 Rate for Office</b>
Circuit Court Judge	\$128,600	\$129,887	\$131,187
Court of Appeals Judge	\$136,316	\$137,681	\$139,059
Supreme Court Justice	\$144,495	\$145,942	\$147,403
Supreme Court Chief Justice	\$144,495*	\$145,942*	\$147,403

\* 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.

<b>Position</b>	<b>Incumbent's June 30, 2013 Pay Rate</b>	<b>June 30, 2013 – June 28, 2014 Rate for Office</b>	<b>June 29, 2014 – June 27, 2015 Rate for Office</b>
Legislative Member	\$49,943	\$50,444	\$50,950

(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 June 30, 2013 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 June 30, 2013, began his or her term of office. For the State Superintendent of Public Instruction a new term of office began on 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 3, 2011 (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.

<b>Constitutional Office</b>	<b>Executive Salary Group</b>	<b>Incumbent's June 30, 2013 Pay Rate</b>	<b>June 30, 2013 – June 28, 2014 Rate for Office</b>	<b>June 29, 2014 – June 27, 2015 Rate for Office</b>
State Treasurer	1	\$68,556	\$69,243	\$69,936
Secretary of State	1	\$68,556	\$69,243	\$69,936
Lieutenant Governor	4	\$76,261	\$77,023	\$77,795
State Superintendent, Public Instruction	7	\$120,111	\$121,307	\$122,529
Attorney General	10	\$140,147	\$141,544	\$142,966
Governor	10	\$144,423	\$145,862	\$147,328

#### **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.)

<b>Prosecutorial Unit Size (as determined under s. 978.12(1)(a)1., Wis. Stats.)</b>	<b>Incumbent's June 30, 2013 Pay Rate</b>	<b>June 30, 2013 – June 28, 2014 Rate for Office</b>	<b>June 29, 2014 – June 27, 2015 Rate for Office</b>
More than 500,000	\$134,200	\$135,543	\$136,900
More than 250,000 but not more than 500,000	\$121,405	\$122,620	\$123,848
More than 100,000 but not more than 250,000	\$115,296	\$116,450	\$117,615
More than 75,000 but not more than 100,000	\$115,296	\$116,450	\$117,615
More than 50,000 but not more than 75,000	\$109,781	\$110,880	\$111,990
More than 35,000 but not more than 50,000	\$109,781	\$110,880	\$111,990
More than 20,000 but not more than 35,000	\$98,147	\$99,130	\$100,122
Not more than 20,000	\$98,147	\$99,130	\$100,122

### 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:

- (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 unclassified civil service ("Non-ESG") employees in the executive branch, except:
  - (a) Employees of the University of Wisconsin System.
  - (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)
  - (f) Unclassified attorneys when provisions of Section C of this Plan apply.

**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:

Section B – 3.02

- (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.
  - (c) 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, 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).

**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.

- (2) ESG Assignments of Unclassified Division Administrators.

Except for positions specified in s. 20.923(4)(c)3m, Wis. Stats., (Administrator, Division of Enterprise Technology, Department of Administration and Administrator, Division of Merit Recruitment and Selection, OSER); and s. 20.923(12), Wis. Stats., (Division Administrators, Department of Safety and Professional Services); 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 3 (ESG 3).
  1. Administration, Department of: Division of Administrative Services; Division of Energy; Division of Facilities Development; Division of Facilities Management; Division of Gaming; Division of Housing; 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; Division of Management Services; and Division of Trade and Consumer Protection.
  3. Children and Families, Department of: Division of Budget, Policy and Performance Management; and Division of Management Services.
  4. Educational Communications Board: Division of Education; Division of Engineering; Division of Television Programming/Operations; and Division of Wisconsin Public Radio.
  5. State Employment Relations, Office of: Division of Affirmative Action.

6. Financial Institutions, Department of: Division of Banking; Division of Corporate and Consumer Services; and Division of Securities.
  7. Health Services, Department of: Office of Children’s Mental Health.
  8. Historical Society, State: Division of Historic Preservation and Public History; and Library and Archives Division.
  9. Justice, Department of: Division of Law Enforcement Services; and Division of Management Services.
  10. Military Affairs, Department of: Division of Emergency Management.
  11. Public Service Commission: Division of Business and Communication Services; Division of Gas and Energy; Division of Water, Compliance and Consumer Affairs; and Division of Wholesale Energy Markets.
  12. Revenue, Department of: Division of Enterprise Services.
  13. Transportation, Department of: Division of Policy, Budget, and Finance.
  14. Veterans Affairs, Department of: Division of Veterans Benefits; and Division of Veterans Home.
  15. Workforce Development, Department of: Division of Equal Rights; and Division of Workers Compensation.
- (b) 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. Children and Families, Department of: Division of Early Care and Education; and Division of Family and Economic Security.
  4. Corrections, Department of: Division of Management Services.
  5. State Employment Relations, Office of: Division of Compensation and Labor Relations.

6. Government Accountability Board: Division of Elections; and Division of Ethics and Accountability.
  7. Health Services, Department of: Division of Management Services.
  8. Historical Society, State: Division of Museums and Historic Sites.
  9. Natural Resources, Department of: Division of Administration and Technology; Division of Customer Assistance and External Relations; and Division of Enforcement and Science.
  10. State Public Defender, Office of: Trial Representation Division.
  11. 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.
  12. Revenue, Department of: Division of Lottery; Division of Research and Policy; and Division of State and Local Finance.
  13. Transportation, Department of: Division of Business Management; Division of Motor Vehicles; and Division of State Patrol.
  14. Wisconsin Technical College System Board: Division of Finance; and Division of Student Success.
  15. Workforce Development, Department of: Division of Administrative Services; Division of Employment and Training; and Division of Unemployment Insurance.
- (c) Positions assigned to Executive Salary Group 5 (ESG 5).
1. Administration, Department of: Division of Executive Budget and Finance.
  2. Children and Families, Department of: Division of Safety and Permanence
  3. Corrections, Department of: Division of Adult Institutions; Division of Community Corrections; and Division of Juvenile Corrections.

4. Health Services, Department of: Division of Long Term Care; Division of Mental Health and Substance Abuse Services; and Division of Public Health.
  5. Justice, Department of: Division of Legal Services.
  6. Natural Resources, Department of: Division of Air and Waste; Division of Forestry; Division of Lands; and Division of Water.
  7. Transportation, Department of: Division of Transportation Investment Management; and Division of Transportation System Development.
  8. Workforce Development, Department of: Division of Vocational Rehabilitation.
- (d) Positions assigned to Executive Salary Group 6 (ESG 6).
1. Health Services, Department of: Division of Health Care Access and Accountability.

(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) Children and Families, Department of: Office of Urban Development, Director (NTE PR 81-01)

Section B – 3.03

- (d) 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.)
- (e) Health Services, Department of: Psychiatric Residents (NTE 0.75 of the minimum of PR 10-52).
- (f) Historical Society: Specialists identified under s. 230.08 (2)(c), Wis. Stats., (NTE PR 81-03).
- (g) Lower Wisconsin State Riverway Board, Executive Director (NTE PR 81-03).
- (h) Offices of the Governor and Lieutenant Governor, staff other than the Executive Secretary (NTE ESG 3).
- (i) Office of the State Public Defender, Assistant State Public Defender Supervisors (NTE PR 71-01).
- (j) Tourism, Department of: Kickapoo Reserve Management Board, Executive Director (NTE PR 81-03) and Program Assistant (NTE PR 81-05).
- (k) Various Agencies: Chief Legal Counsel (NTE ESG 5).
- (l) Various Agencies: Legislative Advisor (NTE ESG 2).
- (n) Various Agencies: Communications Director (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 2013-2014 and 2014-2015 for Employees Not Serving a Fixed Term**

For the 2013-2015 biennium, these provisions apply to all indefinite-term employees identified in 3.01 except for unclassified attorneys who are covered in Section C of this Plan.

General Wage Adjustment (GWA).

- (1) **Effective Dates.** The GWAs will be effective June 30, 2013, in FY 2013-2014 and June 29, 2014 in FY 2014-2015.
- (2) **Eligibility.** All eligible employees who are in pay status on the effective date are eligible to receive a GWA, except:
  - (a) 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.
- (3) **Amount.** All eligible employees will receive a GWA of 1.0% on June 30, 2013 and 1.0% on June 29, 2014. Also effective June 30, 2013, any employee whose base pay rate is less than \$15.000 per hour after implementation of the 1.0% GWA effective on that date, will receive an additional GWA increase of \$0.250 per hour, except that the increase cannot result in a base pay rate exceeding \$15.000 per hour.
  - (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.
- (d) 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.
- (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 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; or

- (b) One within-range pay step (WRPS) of the new ESG or applicable pay range if the position is covered in s. 20.923(4) and (7) through (12), Wis. Stats.
- (c) 8.0% of the minimum of the new applicable pay range if the position is not covered in s. 20.923(4) and (7) through (12), Wis. Stats.

### **3.07 Overtime Compensation and Supplemental Pay**

- (1) Definitions.
  - (a) The definitions contained in Section A. 4.01 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(3). 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 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(3) 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(3) of this Section (Section B) may be paid up to forty-five cents (\$0.45) 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(3) 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 (c) 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.

Section B – 3.07

- (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.**

**4.00 Discretionary Merit Compensation (DMC)**

Discretionary Merit Compensation (DMC) shall be granted to unclassified employees not serving a fixed term, excluding Crafts Worker and Crafts Worker related employees, in accordance with Section J of this Plan.