

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 2007-2008 and 2008-2009 for Employees Not Serving a Fixed Term
- 3.06 Lump Sum Payments Provided to Compensate for the Delay of the FY 2007-2008 GWA
- 3.07 Pay Increases If Level of Functions Increases
- 3.08 Overtime Compensation and Supplemental Pay

4.00 Benefit Provisions

- 4.01 Health Insurance Premiums
- 4.02 Retirement Contributions

5.00 Discretionary Compensation Adjustment (DCA)

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 Adjustment (DCA); 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

Section B – 1.00

- 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 December 9, 2007 Pay Rate | December 9, 2007 - July 5, 2008 Rate for Office | July 6, 2008 –October 11, 2008 Rate for Office | October 12, 2008 –July 4, 2009 Rate for Office |
|--------------------------------|--|--|---|---|
| Circuit Court Judge | \$122,297 | \$124,744 | \$125,992 | \$128,600 |
| Court of Appeals Judge | \$129,635 | \$132,229 | \$133,552 | \$136,316 |
| Supreme Court Justice | \$137,414 | \$140,163 | \$141,566 | \$144,495 |
| Supreme Court Chief Justice | \$137,414* | \$140,163* | \$141,566* | \$144,495* |

* 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.

Section B – 2.02

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 December 9, 2007 Pay Rate | December 9, 2007 - July 5, 2008 Rate for Office | July 6, 2008 – July 4, 2009 Rate for Office |
|--------------------|--|--|--|
| Legislative Member | \$47,413 | \$49,450 | \$49,943 |

(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 December 9, 2007 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 December 9, 2007, began his or her term of office. For the State Superintendent of Public Instruction a new term of office begins 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 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.)

Section B – 2.03

(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 December 9, 2007 Pay Rate | December 9, 2007 – July 5, 2008 Rate for Office | July 6, 2008 – July 4, 2009 Rate for Office |
|--|------------------------|---------------------------------------|---|---|
| State Treasurer | 1 | \$65,079 | \$67,877 | \$68,556 |
| Secretary of State | 1 | \$65,079 | \$67,877 | \$68,556 |
| Lieutenant Governor | 4 | \$72,394 | \$75,505 | \$76,261 |
| State Superintendent, Public Instruction | 7 | \$109,587 | \$118,916 | \$120,111 |
| Attorney General | 10 | \$133,033 | \$138,752 | \$140,147 |
| Governor | 10 | \$137,092 | \$142,987 | \$144,423 |

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.)

Section B – 2.04

| Prosecutorial Unit Size (as determined under s. 978.12(1)(a)1., Wis. Stats.) | Incumbent's December 9, 2007 Pay Rate | December 9, 2007 – July 5, 2008 Rate for Office | July 6, 2008 – June 6, 2009 Rate for Office | June 7, 2009 – July 4, 2009 Rate for Office |
|---|--|--|--|--|
| More than 500,000 | \$122,470 | \$127,732 | \$129,010 | \$131,590 |
| More than 250,000 but not more than 500,000 | \$110,560 | \$115,310 | \$116,465 | \$118,795 |
| More than 100,000 but not more than 250,000 | \$104,872 | \$109,380 | \$110,474 | \$112,686 |
| More than 75,000 but not more than 100,000 | \$104,872 | \$109,380 | \$110,474 | \$112,686 |
| More than 50,000 but not more than 75,000 | \$99,742 | \$104,027 | \$105,069 | \$107,171 |
| More than 35,000 but not more than 50,000 | \$99,742 | \$104,027 | \$105,069 | \$107,171 |
| More than 20,000 but not more than 35,000 | \$88,912 | \$92,733 | \$93,662 | \$95,537 |
| Not more than 20,000 | \$88,912 | \$92,733 | \$93,662 | \$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:

- (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.

Section B – 3.01

- (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.
 - (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.

Section B – 3.02

- (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.

- (2) ESG 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:

Section B – 3.03

- (a) Positions assigned to Executive Salary Group 2 (ESG 2)
 - 1. Administration, Department of: Office of Justice Assistance.
 - 2. Commerce, Department of: Division of Administrative Services; Division of Community Development; and Division of International and Export Services.
 - 3. 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; Division of Management Services; 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. 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. Historical Society, State: Division of Historic Preservation and Public History; Division of Museum; and Library and Archives Division.

Section B – 3.03

8. Justice, Department of: Division of Law Enforcement Services; and Division of Management Services.
 9. Military Affairs, Department of: Division of Emergency Management.
 10. Public Service Commission: Division of Gas and Energy; Division of Telecommunications; and Division of Water, Compliance and Consumer Affairs.
 11. Revenue, Department of: Division of Enterprise Services.
 12. Transportation, Department of: Division of Policy, Budget, and Finance.
 13. Veterans Affairs, Department of: Division of Veterans Benefits; and Division of Veterans Home.
 14. 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. Government Accountability Board: Division of Elections; and Division of Ethics and Accountability.
 7. Health Services, Department of: Division of Management and Technology.
 8. Historical Society, State: Division of Historic Sites.

Section B – 3.03

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 Teaching and Learning.
 15. 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 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.

Section B – 3.03

- (e) Positions assigned to Executive Salary Group 6 (ESG 6).
 - 1. Health Services, Department of: Division of Disability and Elder Services; and Division of Health Care Financing.

(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 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).

Section B – 3.03

- (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).
- (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 2007-2008 and 2008-2009 for Employees Not Serving a Fixed Term

For the 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 2007-2009 GWA provisions that apply to these unclassified Non-ESG attorneys.)

General Wage Adjustment (GWA).

- (1) Effective Dates. The GWAs will be effective December 9, 2007, in FY 2007-2008 and July 6, 2008 in FY 2008-2009.

Section B – 3.05

- (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 December 9, 2007 and 1.0% on July 6, 2008.
 - (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 2007-2008 GWA

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

- (1) Granting Date. Lump sum payments will be granted as soon as administratively feasible after December 9, 2007.

Section B – 3.06

- (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 2007-2008 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 24, 2007 through December 8, 2007.
- (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 2007-2008 GWA multiplied by the number of hours in pay status during the period from June 24, 2007 through December 8, 2007.
 - (b) This payment is not the equivalent of a retroactive adjustment. Intervening pay and benefit transactions effective June 24, 2007 through December 8, 2007 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:

Section B – 3.07

- (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.

3.08 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.

Section B – 3.08

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,

Section B – 3.08

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.**

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.