

**SECTION C - COMPENSATION PROVISIONS FOR NONREPRESENTED EMPLOYEES
IN ATTORNEY POSITIONS IN THE CLASSIFIED SERVICE AND
CERTAIN "NON-ESG" ATTORNEY POSITIONS IN THE UNCLASSIFIED
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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 provisions of Section A, 2.01 and 2.02 of this Plan for the 2007-2009 biennium. 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 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 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.

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- (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 2007-2008 and 2008-2009

2.01 General Wage Adjustment (GWA)

- (1) Effective Date. The GWA will be effective December 9, 2007, in FY 2007-2008 and July 6, 2008 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 23, 2007, for FY 2007-2008 and July 5, 2008, for FY 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 23, 2007, for FY 2007-2008 and July 5, 2008, for FY 2008-2009. (For purposes of these provisions, the requirements of Chapter ER 45, Wis. Adm. Code, will apply to both classified and unclassified employees.) . In FY 2008-2009, if the required performance evaluations are performed by December 31, 2008, a supervisor shall be granted a Delayed Award for the July 6, 2008 GWA if the supervisor had been denied the GWA solely because of the failure to complete evaluations. The GWA will be effective January 4, 2009, with no retroactive pay or lump sum payment for the delay.

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.

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- (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.)
- (d) Any employee moving from a position not covered by this Plan to a position covered by this Section (Section C) who was in employment status on the effective date of a GWA, but did not receive the GWA, will be granted:
 - 1. The GWA(s) or Annualized GWA(s) as provided in this Section (Section C).
 - 2. An associated lump sum payment for all the hours in pay status from the effective date(s) of the GWA(s) provided under 1., above, to the effective date(s) of the movement to the covered position.
 - 3. Any GWA(s) received under 1., above, will be granted prior to setting the pay upon appointment in the new position.

(3) Amount.

All eligible employees will receive a GWA of 2.0% on December 9, 2007 and 1.0% on July 6, 2008. 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.

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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 GWA amount (i.e., 2.0% on December 9, 2007 and 1.0% on July 6, 2008).
 - (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 December 9, 2007 and 1.0% on July 6, 2008) 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 December 9, 2007 and July 6, 2008. 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:

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- (a) The employee must return from the leave of absence to pay status by 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 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 December 9, 2007.
- (2) **Eligibility.** Any employee who received a FY 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 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 2007 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 December 9, 2007, and who is granted a FY 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 24, 2007 through December 8, 2007, subject to the following:

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- (a) The employee must return from the leave to pay status by 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.