SECTION I – PAY ADMINISTRATION FOR BROADBAND PAY SCHEDULES

1.00 Coverage

2.00 Increase Limitations

2.01 Individual Increase Limitations
2.02 Retroactive Increases or Decreases

3.00 Definitions

4.00 Transaction Pay Adjustments

4.01 Multiple Pay Adjustments on Same Date (Order of Application)
4.02 Pay on Completion of All Pay Transactions
4.03 Pay on Completion of the First Six Months of Probation, Project Appointment, or Career Executive Trial Period
4.04 Pay on Appointment
4.05 Pay on Involuntary Transfer
4.06 Pay on Demotion or Career Executive Movement to a Lower Pay Range
4.07 Pay on Reinstatement
4.08 Pay on Restoration
4.09 Pay on Regrade for Reallocation or Reclassification to a Classification in a Higher Pay Range
4.10 Pay on Regrade for Reallocation or Reclassification to a Classification in the Same or Counterpart Pay Range
4.11 Pay on Regrade for Reallocation or Reclassification to a Classification in a Lower Pay Range
4.12 Pay on Accretion
4.13 Raised Minimum Rate
4.14 Trainee Minimum Rate
4.15 Pay on Movement from Craft-Related Positions

5.00 Abuse of Discretion

1.00 Coverage

The provisions of this Section (Section I) apply to classified permanent and project employees in positions allocated to classifications assigned to the broadband pay schedules. In addition, certain unclassified attorney positions, those included in Section C of this Plan, are covered by 4.04 of this Section (Section I). These provisions supersede those of ch. ER 29 and ER 30, Wis. Adm. Code.

2.00 Increase Limitations

2.01 Individual Increase Limitations

Except where specified, the individual increase limit provided in s. 230.12(5)(d), Wis. Stats., does not apply to base pay adjustments granted pursuant to provisions of this Section (Section I).

2.02 Retroactive Increases or Decreases

Except for action in accordance with ss. 230.43(4), 230.44(4)(c), and 230.45, Wis. Stats., or to correct an error, no pay increases or decreases associated with provisions of this Section (Section I) shall be retroactive.

3.00 Definitions

The definitions set forth in ss. ER 1.02 and ER-MRS 1.02, Wis. Adm. Code, will be used for purposes of this Section (Section I) with the following additions:

(1) **"Appointment Maximum"** means the maximum base rate an employee may be granted when appointed to a position assigned to that "appointment maximum," except as otherwise provided under 4.04 (Pay on Appointment), 4.07 (Pay on Reinstatement) and 4.08 (Pay on Restoration) of this Section (Section I). The "appointment maximum" is not the maximum of the pay range. See also "Temporary Appointment Maximum."

(2) **"Effective receipt"** means the date a recommendation is received by the office within the agency that has been delegated, in writing, effective receipt authority by the appointing authority.

(3) **"Present rate of pay"** means the base pay rate currently authorized for the position that determines the type of personnel transaction that will occur, unless otherwise specified.

(4) **"Red circled pay rate"** means a base pay rate received by an employee that is above the pay range maximum for the classification of the employee's position. Employees whose pay has been red circled shall continue to receive their present rate of pay until the pay range maximum for the class exceeds their present red circled pay rate, and shall not receive any base pay adjustments unless authorized by this Plan. However, employees whose pay has been red circled as a result of a layoff, and whose restoration rights have been forfeited as a result of a failure to accept a reasonable offer of appointment or reappointment pursuant to ch. ER-MRS 22, Wis. Adm. Code, shall have their base pay reduced to the maximum of the applicable pay range.

(5) **"Temporary Appointment Maximum"** means an appointment maximum that is established temporarily for a specific position due to special market needs. Except as otherwise provided in 4.04 (Pay on Appointment), 4.05 (Pay on

Reinstatement), or 4.08 (Pay on Restoration), below, the "temporary appointment maximum" is the maximum base rate an employee (new or current) may be granted when appointed to the specific position for which the "temporary appointment maximum" is approved. Once the position for which the "temporary appointment maximum" has been approved is filled, the "temporary appointment maximum" expires.

A "temporary appointment maximum" will be established only under exceptional circumstances and must be pre-approved by OSER. See also "Appointment Maximum."

(6) **"Within-Range Pay Step (WRPS)"** means an amount equal to three percent (3.0%) of the minimum of the applicable pay schedule.

4.00 Transaction Pay Adjustments

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

Multiple pay adjustments that are effective on the same date will be applied in the following order:

(1) Completion of the first 6 months of a probationary period, career executive trial period or project appointment.

(2) Regrade of an employee as a result of a reallocation decision.

(3) Regrade of an employee as a result of a reclassification decision.

(4) Progression Adjustment provided under Section A, 2.05 of this Plan.

(5) Promotion.

(6) Career executive voluntary movement to a higher class.

(7) Demotion.

(8) Career executive reassignment or voluntary movement to a lower class.

(9) Transfer.

(10) Career executive reassignment or voluntary movement to a position allocated to a classification in the same pay range.

(11) Reinstatement.

(12) Restoration.

(13) Compensation Plan adjustments pursuant to s. 230.12(3), Wis. Stats., including but not limited to within range pay adjustments other than those made under (1) through (12), (15), and (16) of 4.01 of this Section (Section I).

(14) Compensation Plan schedule adjustments under s. 230.12, Wis. Stats.

(15) Establishment of a raised minimum rate.

(16) Discretionary Compensation Adjustment (DCA).

(17) Original appointment.

4.02 Pay on Completion of All Pay Transactions

Upon completion of any personnel transaction:

(1) Except for (2) below, employees will receive a base pay rate not less than the minimum rate for the classification regardless of whether the employee is serving a probationary or career executive trial period.

(2) Employees will receive not less than the minimum rate for the training program if the employee is serving a probationary period in a trainee classification.

(3) Unless otherwise stated in this Section (Section I), the base pay rate will be subject to the applicable pay range maximum.

4.03 Pay on Completion of the First Six Months of Probation, Project Appointment, or Career Executive Trial Period

No six-month probationary increases will be granted to employees upon completion of the first six months of any probationary period, project appointment, or career executive trial period.

4.04 Pay on Appointment

(1) Pay on Appointment provisions apply to the following transactions:

(a) Original Appointment;

(b) Promotion;

(c) Voluntary Transfer;

(d) Career Executive reassignment to the same pay range;

(e) Career Executive voluntary movement to the same or higher pay range;

(f) Project Appointments.

(g) Appointment of employees to unclassified attorney positions covered by Section C of this Plan.

(2) Pay on Original Appointment, Project Appointment, and Appointment of Employees to Unclassified Attorney Positions Covered by Section C of this Plan.

(a) An employee's base pay may be set at any rate that is not less than the minimum of the applicable pay range and not greater than the applicable appointment maximum.

(b) For a project appointment in a broadband pay schedule, an employee's base pay may be set at the following:

1. In accordance with (a) above;

2. Subject to the maximum of the new pay range, project appointees who have previously served as permanent classified employees and who could have been appointed to a permanent position without an interruption of continuous service under s. ER 18.02(2), Wis. Adm. Code, may be appointed to a project position assigned to a higher classification than their previous permanent classified position and may be paid up to their previous rate of pay if higher than the pay range minimum of the classification for the project appointment.

3. Project appointees who have previously served as permanent classified employees and who could have been appointed to a permanent position without an interruption of continuous service under s. ER 18.02(2), Wis. Adm. Code, may be appointed to a project position assigned to the same, a counterpart, or a lower classification than their previous permanent classified position and may be paid a rate of pay determined in accordance with the provisions regarding pay on reinstatement as contained in 4.07 of this Section (Section I) or the applicable collective bargaining agreement.

4. Subject to the maximum of the new pay range, project appointees appointed directly from a permanent unclassified position without an interruption in employment status may be paid up to their previous rate of pay if higher than the pay range minimum of the classification for the project position.

NOTE: Refer to Chapter ER 34, Wis. Adm. Code for additional employment information regarding Project Employees.

5. On subsequent project appointment to a different position, the pay rate attained as a result of a project appointment shall not serve as the basis for the establishment of subsequent pay rates on appointment to any other position.

(3) Pay on Appointment for all of the transactions listed in (1) above, other than Original Appointment, Project Appointment, and Appointment of Employees to Unclassified Attorney Positions Covered by Section C of this Plan, or movements to a broadband from a craft-related position in which base pay was based on a prevailing rate.

(a) Except as provided in (b) and (c) below, an employee's base pay may be set in accordance with either of the following:

1. The minimum of the pay range through its applicable appointment maximum; or

2. The minimum of the pay range through a rate equal to the employee's current base pay rate plus 4 WRPS, subject to the pay range maximum.

(b) For promotions an employee's base pay may be set in accordance with (a) above, except the employee's present rate of pay will be increased by an amount not less than 8.0% of the pay range minimum, subject to the applicable appointment maximum.

1. For promotion of an employee currently serving a promotional probation, the present rate of pay will be calculated as if the employee were restored to the position in the highest class in which permanent status in class was held at the time the employee started that promotional probation.

2. For promotion of a former employee in layoff status or a current employee in layoff status who is serving a probationary period, the present rate of pay will be calculated as if the employee were restored to the position from which the layoff occurred.

3. For promotion of a current employee in layoff status who is not serving a probationary period, the present rate of pay will be the greater of the current rate of pay or the rate calculated as if the employee were restored to the position from which the layoff occurred.

4. For promotion of an employee on an approved leave of absence, the present rate of pay will be calculated as if the employee were restored to the position in the highest class in which permanent status in class was held at the time the employee began the leave of absence.

4.05 Pay on Involuntary Transfer

The appointing authority may use the pay on appointment flexibility of 4.04(3) of this Section (Section I), except an employee who is involuntarily transferred for reasons other than discipline shall be paid at least their present rate of pay. If the present rate of pay exceeds the new pay range maximum, it shall be red circled.

4.06 Pay on Demotion or Career Executive Movement to a Lower Pay Range

(1) Except as specified in (2) through (4) below, a demoting or demoted employee, or a career executive employee voluntarily moved to a lower pay range, may receive any base pay rate which is not greater than the present rate of pay, subject to the new pay range maximum.

(2) If an employee demotes within an agency after being notified in writing by the appointing authority that the employee's position may be affected by impending layoffs, the employee's present rate of pay **may** be retained and that rate **may** be red circled if it is above the maximum for the new classification, subject to the following:

(a) For movement between broadband pay ranges, the demotion is no more than one pay range;

(b) For movement between non-broadband pay ranges, the demotion is no more than three pay ranges; or

(c) For all other movements, the new pay range minimum is be at least 75.0% of the pay range minimum from which the demotion occurs.

(3) If an employee exercises a mandatory right of demotion as a result of layoff to the highest level vacancy available pursuant to s. ER-MRS 22.08(2), Wis. Adm. Code for which the employee is qualified within the agency from which the layoff occurred or an employee who exercises displacement rights and demotes pursuant to s. ER-MRS 22.08(3), Wis. Adm. Code-the employee's present rate of pay **shall** be retained. If the present rate of pay is above the maximum for the new classification, it shall be red circled.

(4) If an employee demotes within an agency after written notification of layoff, and the demotion is a permissive appointment to the highest level vacancy available for which the employee is qualified within the agency, the employee's present rate of pay **may** be retained. If the present rate of pay is above the maximum for the new classification, it **may** be red circled

(5) If a career executive is reassigned to a position allocated to a classification in a lower pay range, the employee shall retain his or her present rate of pay. If the present rate of pay is above the new pay range maximum, the employee's pay shall be red circled.

4.07 Pay on Reinstatement

Pay on reinstatement will be set as follows:

(1) An employee who has not held permanent status in class within the last 5 years shall have his or her pay determined in accordance with the pay on original appointment provisions of 4.04 of this Section (Section I).

(2) Except as otherwise provided in 4.07 of this Section (Section I), an employee may be granted a base pay rate which is not greater than the last rate received plus intervening adjustments pursuant to s. 230.12, Wis. Stats., or the applicable collective bargaining agreement, subject to the pay range maximum. When intervening adjustments are discretionary, the amount shall be limited to the amount that would have been generated by the employee. The intervening adjustments applied shall be those of the appropriate pay schedule and classification from which reinstatement eligibility is derived, subject to the applicable pay range maximum.

> **NOTE:** DCAs provided for in Section J of this Plan may **not** be included when determining pay on reinstatement, **except** that DCAs may be included when returning from a leave of absence granted for serving in an unclassified position.

"Last rate received" for an employee who is reinstated is defined as the highest base pay rate received in any position in which the employee had previously held permanent status in class within the last 5 years.

(3) If the appointment maximum corresponding to the position to which the employee is reinstating is greater than the last rate received plus intervening adjustments, as determined under (2) above, the appointing authority may set the employee's base pay at a rate not to exceed the appointment maximum.

(4) If the employee is reinstated following layoff, the base pay rate shall be calculated in accordance with (2) or (3) above. However, if the employee is reinstated to the highest level vacancy available for which the employee is qualified within the agency from which layoff occurred, and if the last rate received in the position from which layoff occurred exceeds the new pay range maximum, the employee may be paid any base pay rate that does not exceed that last rate received.

(5) If the employee is reinstated and the employee's present rate of pay is red circled in the highest position currently held, the base pay rate shall be calculated in accordance with (2) or (3) above. However, if the employee's red circled pay rate exceeds the new pay range maximum, the employee may be paid any base pay rate which does not exceed the red circled pay rate.

(6) The OSER Director may waive the limit on intervening discretionary **Compensation Plan** adjustments provided in (2) above, upon reinstatement of

an employee following employment in the unclassified service if the work in the unclassified service was closely related to and at a higher level than the work of the position to which reinstated. Upon approval by the OSER Director, intervening Compensation Plan adjustments shall not be limited by the amount that would have been generated, but shall be subject to the limits specified in the applicable Compensation Plan and s. 230.12, Wis. Stats.

4.08 Pay on Restoration

Pay on restoration will be set as follows:

(1) Except as otherwise provided in 4.08 of this Section (Section I), an employee shall be granted a base pay rate which is not greater than the last rate received plus intervening adjustments pursuant to s. 230.12, Wis. Stats., or the applicable collective bargaining agreement. When intervening adjustments are discretionary, the amount shall be limited to the amount that would have been generated by the employee. The intervening adjustments applied shall be those of the appropriate pay schedule and classification from which restoration eligibility is derived. "Last rate received" means the last base pay rate received in the position from which restoration rights are derived. If the employee's base pay on restoration is greater than the new pay range maximum, it shall be red circled.

> **NOTE:** DCAs provided for in Section J of this Plan may **not** be included when determining pay on restoration, **except** that DCAs may be included when returning from a leave of absence granted for serving in an unclassified position.

(2) If the appointment maximum corresponding to the position to which the employee is restoring is greater than the last rate received plus intervening adjustments, as determined under (1) above, the appointing authority may set the employee's base pay at a rate not to exceed the appointment maximum.

(3) If an employee is restored following a layoff to a vacancy at a lower level than the highest level vacancy for which the employee is qualified in the employing unit, the employee's rate of pay shall be calculated in accordance with (1) or (2) above, subject to the maximum of the pay range to which the classification is assigned.

(4) If an employee is restored in accordance with an order of the personnel commission or a court action, the employee's rate of pay shall be as ordered by the commission or court.

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

(1) Except as modified in (2) and (3) below, pay on regrade for reallocation or reclassification to a classification in a higher pay range will be the greater of the following, subject to the new pay range maximum:

(a) An employee's present rate of pay increased by 8.0% of the minimum of the applicable pay range; or

(b) The applicable pay range minimum.

(2) Regraded employees, except trainees, who have reinstatement eligibility or restoration rights to a higher pay range from which regraded shall receive the greater of the following:

(a) The pay rate calculated as if they had been reinstated or restored to the pay range from which reinstatement eligibility or restoration rights are derived; or

(b) The present rate of pay.

(3) If a trainee, a regraded employee shall retain the same pay relationship within the training program, based on qualifications and specific segments of the training program that have been waived or completed.

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

(1) Except as modified in (2) and (3) below, regraded employees whose positions are reallocated or reclassified to a classification assigned to the same or counterpart pay range shall receive no pay adjustment.

(2) Regraded employees, except trainees, whose positions are reallocated or reclassified to a higher classification series level within the same pay range will receive an increase in the amount of 8.0% of the pay range minimum, subject to the applicable appointment maximum. **This applies only if an employee has not held, within five years of the reclassification or reallocation effective date, permanent status in class at the same level of the reclassification or reallocation**.

(3) If a trainee, a regraded employee shall retain the same pay relationship within the training program based on qualifications and specific segments of the training program that have been waived or completed.

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

(1) Regraded employees who have permanent status in class in the new classification shall continue to be compensated at their present rate of pay. If the present rate of pay exceeds the new pay range maximum, it shall be red circled.

(2) Regraded employees who are serving an original probation shall continue to be compensated at their present rate of pay, subject to the new pay range maximum.

(3) If an employee has previously attained permanent status in class but is serving a probationary period for a promotion or transfer within the agency, upon the request of the employee, the appointing authority shall restore the employee to his or her former position, or a similar position assigned to a class in the same or a counterpart pay range.

4.12 Pay on Accretion

Under s. 230.15(1), Wis. Stats, when the state becomes responsible for a function previously administered by another government agency or a quasi-public or private enterprise or when positions in the unclassified service, excluding employees in the legislature, are determined to be more appropriately included in the classified service, the OSER Director shall determine the appropriate pay, subject to the maximum of the pay range to which the class is assigned. The appointing authority may determine the appropriate pay without OSER Director approval if the pay rate does not exceed the appointment maximum of the applicable pay range.

4.13 Raised Minimum Rate

Raised minimum rates for classified employees covered by this Section (Section I) will be determined in accordance with Section E, 1.02, of this Plan.

4.14 Trainee Minimum Rate

Trainee minimum rates for classified employees covered by this Section (Section I) will be determined in accordance with Section E, 1.04, of this Plan.

4.15 Pay on Movement from Craft-Related Positions

Pay for movements from craft-related positions in which base pay had been based on prevailing rates to a broadband pay range, except for restorations, will be determined in accordance with 4.04(3)(a) 1 or 2 of this Section (Section I).

5.00 Abuse of Discretion

Abuse of discretion in use of pay on appointment flexibility provisions provided in 4.04, 4.05, 4.07 or 4.08 of this Section (Section I) could result in the Administrator, Division of Compensation and Labor Relations, reducing the appointment pay rate and/or limiting the agency's ability to use such flexibility.