

**SECTION L - PARITY PROVISIONS FOR CERTAIN “NON-ESG” ATTORNEY
POSITIONS IN THE UNCLASSIFIED SERVICE AFFECTED BY 2001-2003
COLLECTIVE BARGAINING AGREEMENTS**

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1.00 Coverage

The provisions of this Section (Section L) apply to employees who are not covered by a collective bargaining agreement and who are unclassified “Non-ESG” attorneys covered under Section C of this Plan.

2.00 Parity Adjustments

2.01 Eligibility

- (1) Except for employees specified in (a) through (d), below, any employee included in 1.00 of this Section (Section L) who is in pay status on the effective date indicated for a parity adjustment is eligible to be considered for that adjustment.
 - (a) Any employee who did not qualify for a FY 2002-2003 General Wage Adjustment because his or her job performance was rated below satisfactory as a result of a formal performance evaluation conducted in the 12-month period ending June 29, 2002.
 - (b) Any supervisor who has not completed formal performance evaluations on all subordinate employees, for whom performance evaluations are required, within the 12-month period ending June 29, 2002.
 - (c) Any employee paid at or above the pay range maximum or NTE rate.
 - (d) All parity adjustments granted are subject to the applicable pay range maximum.
- (2) The individual increase limit provided in s. 230.12(5)(d), Wis. Stats., does not apply to base pay adjustments granted pursuant to 2.02 of this Section (Section L).

NOTE: The Parity Adjustments provided under 2.02 of this Section (Section L) will be applied after all pay transactions occurring on the same date, except for any Discretionary Compensation Performance Recognition Award.

2.02 Discretionary Market Adjustments

(1) Effective Date.

The discretionary market adjustments will be effective on May 18, 2003.

(2) Amount.

Appointing authorities may grant discretionary market adjustments to eligible employees affected by pay compression or inequities resulting from the negotiated adjustments provided to represented subordinate or counterpart employees covered by the 2001-2003 collective bargaining agreements.

Criteria for distribution of the discretionary market adjustments will be applied in a uniform manner throughout the agency or employing unit.

(3) Funding.

(a) Subject to (b) through (e), below, on May 18, 2003, agencies will generate the amount indicated for each employee in positions allocated to the classifications listed in (4), below, for distribution as discretionary market adjustments.

(b) **Funds generated have no bearing on the rights of individual employees to these funds.**

(c) Any funds that are not distributed on the effective date will remain unspent.

(d) **Costs of pay adjustments will be supplemented under the authority of s. 20.865, Wis. Stats., subject to the availability of funds for this purpose as determined by the secretary of the Department of Administration.**

(e) Funds generated for distribution in (4), below, may not be combined with the discretionary parity funds provided for distribution in any other section of this Plan.

(4) Generation.

(a) Each eligible employee at the Office of the State Public Defender in pay status on May 18, 2003, will generate an amount equal to \$1.000 per hour.

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- (b) Each eligible employee who is a nonrepresented deputy district attorney in pay status on May 18, 2003 will generate an amount equal to \$0.850 per hour.

3.00 Parity Lump Sum Payments

3.01 Eligibility

Any employee eligible for an adjustment under 2.02 of this Section (Section L) will also be eligible for a parity lump sum payment..

NOTE: Any employee who is on an approved unpaid leave of absence as of May 18, 2003, and who otherwise would be eligible will also receive any applicable Parity Lump Sum Payment upon restoration, subject to the following restrictions:

1. The employee must return from the leave of absence to pay status by June 28, 2003, and the employee's restoration rights must be derived from a position covered by the provisions of this Section (Section L).
2. The employee will not receive a lump sum payment until he or she has returned to pay status.

3.02 Non-Discretionary Lump Sum Payments

- (1) Granting Date. Non-discretionary lump sum payments shall be granted as soon as administratively feasible after the date specified.
- (2) Funding.
 - (a) Each eligible employee in pay status on the effective date will generate the amount provided in (3), below.
 - (b) Any funds that are not distributed on the effective date will remain unspent.
 - (c) Costs of pay adjustments will be supplemented under the authority of s. 20.865, Wis. Stats., subject to the availability of funds for this purpose as determined by the secretary of the Department of Administration.

(3) Lump Sum Payments

Employees in pay status on May 18, 2003, who received a base pay rate increase under 2.02, above, will receive a lump sum payment equal to the amount of the base rate received multiplied by the number of hours in pay status in those classifications for the period December 29, 2002 through May 17, 2003.

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NOTE: These payments are not the equivalent of a retroactive adjustment. Intervening pay and benefit transactions between the specified date and May 17, 2003, will not be reconstructed.