

**SECTION M - PARITY PROVISIONS FOR CERTAIN “NON-ESG” ATTORNEY
POSITIONS IN THE UNCLASSIFIED SERVICE AFFECTED BY 2007-2009
COLLECTIVE BARGAINING AGREEMENTS**

1.00 Coverage

2.00 Parity Adjustments

2.01 Eligibility

2.02 Market Adjustments

3.00 Annualized Lump Sum Payments

1.00 Coverage

The provisions of this Section (Section M) apply to employees who are not covered by a collective bargaining agreement and who are unclassified “Non-ESG” attorneys covered by 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 M) who is in pay status on the effective date indicated for a parity adjustment is eligible to be considered for that particular adjustment.
 - (a) Any employee whose performance was rated below satisfactory as a result of a formal performance evaluation conducted in the 12-month period ending July 5, 2008.
 - (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 July 5, 2008. If the required performance evaluations are performed by December 31, 2008, a supervisor shall be eligible for a Delayed Parity Award if the supervisor had been denied any parity effective July 6, 2008 through December 31, 2008, solely because of the failure to complete evaluations. The Delayed Parity Award will be effective January 4, 2009, with no retroactive pay or lump sum payment for the delay.

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- (c) Any employee paid at or above the pay range maximum or NTE rate.
- (2) All parity adjustments granted are subject to the applicable pay range maximum.
- (3) The individual increase limit provided in s. 230.12(5)(d), Wis. Stats., does not apply to base pay adjustments granted pursuant to this Section (Section M).

NOTE: The parity adjustments provided under this Section (Section M) will be applied in the order set forth below, and after all adjustments other than Discretionary Compensation Adjustments and Original Appointments, if multiple adjustments occur on the effective date.

2.02 Market Adjustments

- (1) Effective Date. The adjustments will be effective on the dates provided in (4), below.
- (2) Amount. Appointing authorities may grant 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 2007-2009 collective bargaining agreements.
 - (a) **Criteria for distribution of these market adjustments will be applied in a uniform manner throughout the agency or employing unit.**
 - (b) **If an employee is granted less than the amount generated, the appointing authority must provide OSER with an appropriate justification for doing so.**
 - (c) **Amounts granted in excess of the amount generated by an employee must receive prior approval from OSER.**
- (3) Funding.
 - (a) Subject to (b) through (e), below, on the effective date designated in (4), below, agencies will generate the amount indicated for each employee in positions allocated to the classifications listed.
 - (b) Any funds that are not distributed on the effective date will remain unspent.
 - (c) **Funds generated have no bearing on the rights of individual employees to these funds.**

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- (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 granted to anyone other than to the individual employee generating the funding, nor may it be combined with the discretionary parity funds provided for distribution in any other section of this Plan.
- (4) Effective October, 12, 2008, any employee whose position is allocated to one of the following classifications who is in pay status on that date will receive an adjustment of \$1.250 per hour.

Code	Classification	Per Hour Increase
97810	Asst. State Public Defender Atty - Conf	*
97830	Asst. State Public Defender Atty - Conf – Supv	*
97840	Asst. State Public Defender Atty – Mgmt	*
97820	Asst. State Public Defender Atty – Mgmt	*

3.00 Annualized Lump Sum Payments

Employees not receiving a base building increase, or receiving only a partial increase, in this Section (Section M) solely because of the pay range maximum or NTE rate limitation in 2.01(1)(c), shall receive a lump sum payment equal to the difference between the base rate increase received and the increase the employee would have received multiplied by 1520.