

**SECTION B - COMPENSATION PROVISIONS FOR ELECTED OFFICIALS, APPOINTED EXECUTIVE SALARY GROUP EMPLOYEES, AND CERTAIN OTHER UNCLASSIFIED EMPLOYEES**

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**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 Performance Recognition Adjustment (DCPRA); 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.

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.

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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
- 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.

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**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.

<b>Position</b>	<b>Incumbent's June 29, 2003 Pay Rate</b>	<b>June 29, 2003 – June 26, 2004 Rate For Office</b>	<b>June 27, 2004 – June 25, 2005 Rate for Office</b>
Circuit Court Judge	\$108,950	\$108,950	\$110,249
Court of Appeals Judge	\$115,488	\$115,488	\$116,864
Supreme Court Justice	\$122,418	\$122,418	\$123,876
Supreme Court Chief Justice	\$122,418*	\$122,418*	\$123,876*

\* 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.

**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.)

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- (2) Annual Rates for Office.

<b>Position</b>	<b>Incumbent's June 29, 2003 Pay Rate</b>	<b>June 29, 2003 – June 25, 2005 Rate For Office</b>
Legislative Member	\$45, 569	\$45,569

- (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 June 29, 2003, 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 June 29, 2003, began his or her term of office. For the State Superintendent of Public Instruction a new term of office begins on July 2, 2001 (i.e., the first Monday in July after election). For all other Constitutional Officers listed below, the current term of office began on January 6, 2003 (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.)

- (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.

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<b>Constitutional Office</b>	<b>Executive Salary Group</b>	<b>Incumbent's June 29, 2003 Pay Rate</b>	<b>June 29, 2003 – June 25, 2005 Rate For Office</b>
State Treasurer	1	\$62,549	\$62,549
Secretary of State	1	\$62,549	\$62,549
Lieutenant Governor	4	\$69,579	\$69,579
State Superintendent, Public Instruction	7	\$107,432	\$109,587
Attorney General	10	\$127,868	\$127,868
Governor	10	\$131,768	\$131,768

**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.)

<b>Prosecutorial Unit Size (as determined under s. 978.12(1)(a)1., Wis. Stats.)</b>	<b>Incumbent's June 29, 2003 Pay Rate</b>	<b>June 29, 2003 – June 26, 2004 Rate For Office</b>	<b>June 27, 2004 – June 25, 2005 Rate For Office</b>
More than 500,000	\$114,352	\$114,352	\$115,705
More than 250,000 but not more than 500,000	\$103,020	\$103,020	\$104,260
More than 100,000 but not more than 250,000	\$97,871	\$97,871	\$98,790
More than 75,000 but not more than 100,000	\$97,871	\$97,871	\$98,790
More than 50,000 but not more than 75,000	\$92,720	\$92,720	\$93,858
More than 35,000 but not more than 50,000	\$92,720	\$92,720	\$93,858
More than 20,000 but not more than 35,000	\$82,418	\$82,418	\$83,451
Not more than 20,000	\$82,418	\$82,418	\$83,451

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### 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.
  - (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

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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.
  - (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(2) ("Non-ESG" position), excluding the unclassified attorney positions covered by Section C of this Plan, and 3.01(3) 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.

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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, DER); 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 DER Secretary to one of the 10 ESG ranges. The following list represents the group assignments as of the printing of this document:

(a) Positions assigned to Executive Salary Group 2 (ESG 2).

1. Administration, Department of: Office of Justice Assistance.
2. Agriculture, Trade and Consumer Protection, Department of: Division of Management Services.
3. Commerce, Department of: Division of Administrative Services; Division of Community Development; Division of International and Export Services; and Division of Marketing Advocacy and Technology Development.
4. Employment Relations, Department of: Division of Affirmative Action.
5. Justice, Department of: Division of Management Services.
6. Military Affairs, Department of: Division of Emergency Management.
7. 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 Buildings and Police Services; Division of Energy and Intergovernmental Relations; Division of Gaming; and Division of Housing.
2. Agriculture, Trade and Consumer Protection, Department of: Division of Agricultural Development; Division of Agricultural Resource Management; Division of Food Safety; and Division of Trade and Consumer Protection.
3. Commerce, Department of: Division of Economic Development; and Division of Environmental and Regulatory Services.

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4. Educational Communications Board: Division of Education; Division of Engineering; Division of Television Programming/ Operations; and Division of Wisconsin Public Radio.
  5. Financial Institutions, Department of: Division of Banking; Division of Corporate and Consumer Services; Division of Savings and Loan; and Division of Securities.
  6. Historical Society, State: Division of Archives and Research Services; Division of Historic Preservation; Division of Museum; Library Division; and Division of Development and State Relations.
  7. Justice, Department of: Division of Law Enforcement Services; and Division of Narcotics and Enforcement.
  8. Public Service Commission: Division of Electric; Division of Natural Gas; Division of Telecommunications; and Division of Water, Compliance and Consumer Affairs.
  9. Revenue, Department of: Division of Administrative Services.
  10. Veterans Affairs, Department of: Division of Veterans Home; and Division of Veterans Programs.
  11. Workforce Development, Department of: Division of Connecting Education and Work; 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 Facilities Development; and Division of State Agency Services.
  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; and Division of Program, Planning and Movement.
  5. Employment Relations, Department of: Division of Compensation and Labor Relations.
  6. Health and Family Services, Department of: Division of Management and Technology.
  7. Historical Society, State: Division of Historic Sites.
  8. Natural Resources, Department of: Division of Administration and Technology; Division of Customer Assistance and External Relations; and Division of Enforcement and Science.

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9. State Public Defender, Office of: Trial Representation Division; and Appellate Division.
  10. 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.
  11. Revenue, Department of: Division of Lottery; Division of Research and Analysis; and Division of State and Local Finance.
  12. Transportation, Department of: Division of Business Management; Division of Motor Vehicles; and Division of State Patrol.
  13. Wisconsin Technical College System Board: Division of Finance, Planning and Policy; and Division of Program and Economic Development.
  14. 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 Executive Budget and Finance; Division of Information Technology Services; and Division of Technology Management.
  2. Corrections, Department of: Division of Adult Institutions; Division of Community Corrections; and Division of Juvenile Corrections.
  3. Health and Family 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 Infrastructure Development; Division of Investment Management; and Division of Transportation Districts.
  7. Workforce Development, Department of: Division of Economic Support; Division of Vocational Rehabilitation; and Division of Workforce Excellence.
- (e) Positions assigned to Executive Salary Group 6 (ESG 6).
1. Health and Family Services, Department of: Division of Disability and Elder Care; and Division of Health Care Financing.

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### (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); attorney appointed under s. 569.015(2), Wis. Stats. (NTE PR 71-01); 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 DER Secretary 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 and Family 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) Commissioner of Insurance, Office of the: Director of the Office of Health Care Information (NTE ESG 1).
- (g) Justice, Department of: Director of Research and Information (NTE PR 81-02).
- (h) Lower Wisconsin State Riverway Board, Executive Director (NTE PR 81-03).
- (i) Offices of the Governor and Lieutenant Governor, staff other than the Executive Secretary (NTE ESG 3).

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- (j) Office of the State Public Defender, Assistant State Public Defender Supervisors (NTE PR 71-01).
- (k) Tourism, Department of: Kickapoo Reserve Management Board, Executive Director (NTE PR 81-03) and Program Assistant (NTE PR 81-05).
- (l) 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).
- (m) Waste Facility Siting Board, Executive Secretary (NTE PR 81-03).

### **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 2003-04 and 2004-05 for Employees Not Serving a Fixed Term**

For the 2003-05 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 2001-03 GWA provisions that apply to these unclassified Non-ESG attorneys.)

General Wage Adjustment (GWA).

- (1) Effective Dates. There will be no GWA in FY 2003-04. The GWA will be effective June 27, 2004, in FY 2004-05.
- (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).
- (3) Amount. All eligible employees will receive a GWA of 1.0% on June 27, 2004. Those employees eligible for the 1.0% GWA will then receive an additional GWA increase of \$0.100 per hour.
  - (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

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maximum, if a new pay range maximum takes effect on the same date as GWA distribution).

- (b) ESG employees 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 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).

Except for those employees in positions listed in s. 20.923(16), Wis. Stats., employees in pay status on June 27, 2004, who receive a GWA adjustment will also receive a GWA lump sum payment of \$250.00, prorated based on FTE on that date, to be paid as soon as administratively feasible after that date.

### 3.06 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 employee under 3.01(2) of this Section (Section B), if the DER Secretary 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 DER Secretary 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.
- (3) Amount. Pay increases for increases in level of duties and responsibilities shall be limited to:

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- (a) The amount necessary to make the incumbent's rate equal to the minimum of the new ESG or applicable pay range, as determined by the DER Secretary; or
- (b) One within-range pay step (WRPS) of the new ESG or applicable pay range, as determined by the DER Secretary.

### **3.07 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 516 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), (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.
    - 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(2). 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

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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(2) 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(2) of this Section (Section B) may be paid up to forty-five cents (\$.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(2) 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 (3) below, based on their analysis of their organizational structure, 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.

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- (c) The following supplemental pay maximum for supervisory responsibility is established for eligible employees covered by these provisions:

<b>ADD-ON FOR SUPERVISORY RESPONSIBILITY SUPPLEMENTAL PAY MAXIMUM</b>		
June 29, 2003 through June 25, 2005		
<b>NTE Official Hourly Rate</b>	<b>Monthly Rate</b>	<b>Annual Rate</b>
\$2.75	\$478.50	\$5,742.00

**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.