

State of Wisconsin

DEPARTMENT OF EMPLOYMENT RELATIONS

- CLASSIFICATION & COMPENSATION BULLETIN -

- COLLECTIVE BARGAINING BULLETIN -

**Date:** October 28, 1997

**Locator No:** CC/POL-42/  
CBB-55 (16.0800)

**Subject:** Notification of Emergency Administrative Rules  
Regarding Sick Leave Credits, Adjustment of  
Sick Leave Balances for Nonrepresented  
Employees and Changes to Certain Catastrophic  
Leave Provisions

The purpose of this bulletin is to inform appointing authorities of emergency administrative rules that went into effect October 12, 1997. These rule changes were necessary to provide uniform fringe benefit provisions for nonrepresented and represented employees. Recently negotiated contracts with 11 bargaining units increased the sick leave accrual rate for represented employees effective October 12, 1997; the sick leave accrual rate increased from 4 to 5 hours per pay period for full-time employees. Sick leave balances for individual employees will be adjusted to apply the higher accrual rate to hours worked between July 6, 1997 and October 12, 1997. The contracts also expanded the catastrophic leave program to allow exchange of leave between members of different bargaining units, between different employing units within the same agency and between classified represented and classified nonrepresented employees. Leave may also be exchanged across agency lines with the approval of each agency.

The emergency administrative rules provide the same changes for nonrepresented employees effective October 12, 1997. Unclassified employees in assistant public defender positions are covered by the emergency rule because the certification of a collective bargaining representative for that bargaining unit was not effective until October 15, 1997. (*Please refer to the note at the end of the bulletin for information on applicability of the higher sick leave accrual rate to elected officials and employees serving fixed term appointments.*) Agencies should review the changes to the rules governing catastrophic leave provisions and consider whether their agency policies should be modified. More information will be forthcoming from the Division of Collective Bargaining regarding the administration and implementation of the negotiated changes to the catastrophic leave provisions for represented employees. It is expected that the committee established to guide the administration of these expanded catastrophic leave provisions will include representatives of management, representatives of the respective unions, as well as a nonrepresented classified employee representative. The Division of Classification and Compensation will be working in conjunction with the Division of Collective Bargaining to inform agencies of any changes that may be required in the administration of the catastrophic leave program.

The text of the Order of the Secretary adopting the emergency administrative rules, as well as the text of the emergency administrative rules themselves, are attached to this bulletin. It is expected that work on the permanent rules that would codify these changes on a permanent basis will begin shortly.

The respective payroll processing centers will provide information on how the computation of the additional sick leave credits will be determined and applied to individual employee's sick leave accounts. Please direct questions of that nature to:

Elaine Gerber, DOA Central Payroll	266-9950
Scott Hamilton, UW Payroll	263-7249

Questions or comments regarding the emergency administrative rules may be directed to Eileen Kellor, Compensation Administration Manager, at (608) 267-7617.

Questions regarding the additional sick leave credits or the administration of the catastrophic leave provisions for represented employes may be directed to Allen Cottrell, Acting Assistant Administrator, Division of Collective Bargaining, at (608) 267-7240.

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James A. Pankratz, Administrator  
Division of Classification & Compensation

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Joseph P. Pellitteri, Deputy Secretary  
and Acting Administrator  
Division of Collective Bargaining

Attachment

**SPECIAL NOTE REGARDING APPLICABILITY OF INCREASED SICK LEAVE ACCRUAL TO ELECTED OFFICIALS AND EMPLOYES SERVING FIXED TERM APPOINTMENTS:** Article IV, Section 26, of the Wisconsin Constitution prohibits elected officials and fixed-term employes from receiving an increase or decrease in compensation during the term of office or appointment unless such an increase was set forth at the time of the appointment. Thus, those employes and elected officials are not eligible to accrue sick leave at the higher rate until the dates noted below:

**For judges and justices:** When any justice or judge takes the oath of office on or after October 12, 1997.

**For legislative members:** The first Monday in January, 1999.

**For the governor, lieutenant governor, secretary of state, state treasurer and attorney general:** the first Monday in January, 1999.

**For district attorneys:** The first Monday in January, 1999.

**For the state superintendent of public instruction:** The first Monday in July, 2001

**For unclassified employes appointed to fixed-term positions:** upon appointment or reappointment, on or after October 12, 1997.