

State of Wisconsin

DEPARTMENT OF EMPLOYMENT RELATIONS

- COMPENSATION & LABOR RELATIONS BULLETIN -

Date: September 11, 2000

Locator No: CLR/POL-56

Subject: Limited Term Employee (LTE) Classifications and Compensation

The purpose of this bulletin is to clarify the use of LTE classifications and compensatory rates provided in the State of Wisconsin Compensation Plan under the authority of the Secretary, Department of Employment Relations, in accordance with s. 230.12, Wis. Stats.

Classifications

Most LTE positions are appropriately classified by using a classification title also used for permanent positions in the classified service. There may be situations where it is necessary to classify the duties using one of the classifications contained in Section D of the 1999-2001 State of Wisconsin Compensation Plan that are exclusively for LTE positions assigned to pay schedule 18. These LTE classifications are also reflected in the Alphabetical Listing of Classifications.

If a classification used for permanent positions adequately describes the work assigned to an LTE position, the permanent classification title must be used. LTE titles in pay schedule 18 are intended for use only in situations where no parallel classification exists in the permanent classified service.

Requests to use LTE classifications allowing payment of a “usual and customary fee” that are submitted to DER must be accompanied by documentation that supports the rate of pay recommended by the agency. As noted above, these LTE classifications are intended for use only in situations where there is no comparable classification in the permanent classified service.

Compensation

NOTE: The 1999-2001 labor agreement between the State of Wisconsin and the Wisconsin State Employees Union (WSEU) specifically prohibits use of hiring above the minimum for permanent positions represented by that bargaining unit. Consequently, that prohibition is also extended to limited term positions in classifications that are used to classify the permanent positions represented by the WSEU.

Most LTE classifications assigned to pay schedule 18 are assigned to counterpart pay range minimums as reflected in the Compensation Plan. The pay upon appointment rates for LTEs in these classifications may be established anywhere between the minimum wage rate in effect at the time and the corresponding pay range minimum [e.g., Special Activities Helper LTE (NTE PR 06-06)].

Exceptions to the pay range minimum limitation may be made if specifically authorized under Section D. 2.01(2) of the Compensation Plan. The appointing authority has the discretion to establish the pay upon appointment rate for an LTE in the classified service above the pay range minimum, when any of the following conditions apply:

1. Hiring Above the Minimum (HAM) authority has been approved by the Department of Employment Relations for the LTE position or on a continuing basis for positions in the applicable permanent classification; or
2. The LTE is a former classified permanent employee with reinstatement eligibility or restoration rights to the applicable permanent classification and the duties of the LTE position are related to those of the previous permanent position(s); or
3. The LTE is also a current classified permanent employee; the duties and responsibilities of the LTE position are related to those of the permanent position; and the base pay rate is not higher than the employee's permanent rate of pay. However, the base pay rate may not exceed the maximum of the pay range for the counterpart permanent class of the LTE positions; or
4. A raised minimum rate (RMR) is in effect for positions in the applicable classification and the LTE is performing at the same level as a permanent classified employee (i.e., not in a "trainee" status).

Usual and Customary Fee and Area Prevailing Rate

Requests for use of the LTE classifications that are paid on a "usual and customary fee" or "area prevailing rate" basis must be accompanied by documentation that reflects the requesting agency's rationale for establishment of that rate of pay. This documentation is necessary even in cases where a rate has previously been approved for a particular set of duties, due to fluctuation in labor market rates and possible changes in the customary fees charged by individuals. This includes the LTE classifications of Artists Model, Crafts Worker, Crowd Control Officer, Dental Consultant, Medical Consultant, Professional Consultant, Psychological Consultant, and Stage Hand.

Agencies requesting use of these LTE classifications are required to submit documentation supporting the requested rate of pay at the time the classification authorization is requested. The supporting documentation must include such information as: (1) local labor market data, (2) a letter from the applicant indicating the usual and customary fee s/he has charged for providing similar services to other employers and comparison by the agency of the work performed for the other employer to the work assigned to the LTE position, (3) verification of the fee by the former employer, or (4) other pertinent data that supports the requested rate of pay, as determined by the Department of Employment Relations. Absent this information, the request for use of the classification will be returned to the agency with no action taken.

Broadbanded Classifications

As noted earlier, the Compensation Plan does provide for circumstances when it may be possible to pay above the pay range or pay band minimum. It has been determined that agencies are authorized, under Section D. 2.01(2) (a), to use the pay upon appointment flexibility inherent in the broadband structure (i.e., up to the pay band appointment maximum amount) to determine the base pay rate for LTE positions in classification titles for which the parallel permanent classification is assigned to a broad band pay structure. Agencies should pay particular attention to internal equity concerns when considering establishing pay for LTE positions at any rate beyond the pay range or band minimum.

NOTE: LTEs are not eligible for the discretionary compensation adjustments available to permanent classified positions assigned to the pay bands.

Questions on information contained in this may be directed to the classification analyst responsible for the specific occupational area as noted below.

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