

State of Wisconsin

OFFICE OF STATE EMPLOYMENT RELATIONS

- COMPENSATION & LABOR RELATIONS BULLETIN -

Date: January 29, 2014

Locator No.: OSER-0352-CLR/PP

Subject: Information for Processing FY 2013-2014 Base Wage Adjustments for Employees in the Legal Bargaining Unit (Unit 09)

This information is provided to assist appointing authorities in determining 2013-2014 fiscal year base wage adjustments for employees in the legal bargaining unit (bargaining unit 09), covering classified attorneys. The wage increases are granted in accordance with the collective bargaining agreement between the State of Wisconsin and the Wisconsin State Attorneys Association (WSAA).

SECTION I. ORDER OF PAY ADJUSTMENTS WITH THE SAME EFFECTIVE DATE

Pursuant to ER 29.04, Wis. Adm. Code, and the 2013-2015 Compensation Plan, multiple pay adjustments that are effective on the same date will be applied in the following order:

Use the FY 2013-2014 pay schedule 09 found in Section Y of the Compensation Plan for all adjustments effective on January 26, 2014, the implementation date of the general wage adjustment.

1. Completion of the first 6 months of a probationary/trial period adjustment
2. Reallocation/regrade adjustment
3. Reclassification/regrade adjustment
4. Progression adjustment provided under Section A, 2.03 of the Compensation Plan
5. Promotion/upward movement adjustment
6. Demotion/downward movement adjustment
7. Transfer/lateral movement adjustment
8. Reinstatement
9. Restoration
- 10. Negotiated General Wage Adjustment for the 2013-2014 Fiscal Year**
11. Establishment of a raised minimum rate (RMR)
12. Discretionary Equity or Retention Adjustment (DERA)
13. Discretionary Merit Compensation (DMC)
14. Original appointment

SECTION II. GENERAL WAGE ADJUSTMENT (GWA)

- A. Effective Date.** The GWA is effective January 26, 2014.
- B. Ineligible.** The following employees are not eligible for the GWA nor the Annualized GWA Payment:
1. Any employee who started permanent state service on or after June 30, 2013;
 2. Any employee who has previously been considered for or received a GWA or a corresponding fiscal year lump sum payment provided under the Compensation Plan or another collective bargaining agreement for fiscal year 2013-2014;
 3. Any employee who received a structure pay adjustment of at least 1.0% on June 30, 2013, to raise the employee's pay rate to the new pay range minimum.
 4. Any employee in the classification of Assistant Attorney General.
 5. Any employee who received an attorney progression placement wage adjustment effective July 14, 2013.
- C. Amount.**
1. Each eligible Attorney in pay status (employment types 01, 02, and 06) who received a structure pay adjustment on June 30, 2013, that was less than 1.0%, shall receive a GWA equal to the difference between 1.0% of the employee's base pay rate immediately before receiving the structure adjustment and the structure adjustment value already received.
 2. Each eligible Attorney in pay status (employment types 01, 02, and 06) who did not receive any structure pay adjustment on June 30, 2013, shall receive a GWA equal to 1.0% of the employee's base pay rate, subject to the pay range maximum. An employee who is not eligible to receive some or all of the GWA due solely to the pay range maximum limitation will be eligible to receive an Annualized GWA Payment under Section IV., below.

SECTION III. GWA AND GWA LUMP SUM PAYMENT ELIGIBILITY WHEN APPOINTED TO A WSAA-REPRESENTED POSITION

An employee hired into state service prior to June 30, 2013, and appointed to a position classified as Attorney after the implementation of the fiscal year 2013-2014 GWA, and who has not been previously considered for or did not receive a fiscal year 2013-2014 GWA due to a delay in implementation of a 2013-2014 Agreement for the employee's previous bargaining unit, will be eligible for the GWA described in Section II, above (and/or associated Annualized GWA Payments, if applicable), effective prior to any pay on appointment adjustment.

SECTION IV. ANNUALIZED GWA PAYMENTS RELATED TO THE GWA UNDER SECTION II

- A. Granting Date.** Annualized GWA Payments will be granted as soon as administratively feasible after January 26, 2014.

- B. Eligibility.** An employee who is otherwise eligible for a GWA under Section II, above, will receive an Annualized GWA Payment if either of the circumstances described under 1. or 2., below, apply:
1. The employee could not receive a GWA under Section II, above, due solely to the applicable pay range maximum limitation (i.e., the employee's base pay rate was at or above the pay range maximum).
 2. The employee received a GWA less than the full amount for which the employee would have been eligible due solely to the pay range maximum limitation.
- C. Amount.** The amount of an Annualized GWA Payment is calculated by multiplying by 2088 the value of the GWA provided under Section II, above, that would exceed the applicable pay range maximum. Any Annualized GWA Payment will be prorated based on an employee's budgeted FTE status on January 26, 2014.
- D. Employees on Leave of Absence.** Any employee who is on an unpaid leave of absence on January 26, 2014, and would otherwise qualify for an Annualized GWA Payment, will not receive such payment until s/he returns to pay status in a position in the bargaining unit during the term of the Agreement.

SECTION V. LUMP SUM PAYMENT FOR THE DELAY IN IMPLEMENTATION OF THE AGREEMENT

- A. Granting Date.** The lump sum payments provided under C., below, will be provided as soon after the effective date of the collective bargaining agreement as administratively feasible.
- B. Eligibility.**
1. **Eligible.** The following employees will be eligible to receive a lump sum payment for the delay in implementation of the 2013-2014 Agreement:
 - a. Attorneys who were at all times in the bargaining unit between June 30, 2013 and January 26, 2014.
 - b. Attorneys who were laid off from the bargaining unit or returned from layoff to the bargaining unit after June 30, 2013 and before January 26, 2014.
 - c. Attorneys hired into the bargaining unit from another certified state bargaining unit between June 30, 2013 and January 26, 2014, and prior to the effective date of the corresponding general wage adjustment in the employee's former bargaining unit.
 - d. Attorneys in the bargaining unit who are on or returned from a leave of absence between June 30, 2013 and January 26, 2014. Attorneys who went on a leave of absence from a position in the bargaining unit on or after June 30, 2013, and have not returned to pay status will receive no payment until they return to pay status in the bargaining unit during the term of the Agreement.
 2. **Ineligible.**
 - a. Any employee who started permanent state service on or after June 30, 2013.
 - b. Any employee who has previous state employment as a permanent classified employee, either represented or nonrepresented, and was considered for or received a FY 2013-14 GWA prior to his or her appointment to a position in the legal bargaining unit.
 - c. Any employee who is on a leave of absence on January 26, 2014, and who fails to return from such leave during the term of the Agreement.
 - d. Any employee classified as Assistant Attorney General.
 - e. Any employee who received an attorney progression placement adjustment effective July 14, 2013.

- C. Amount.** Eligible employees will receive a lump sum payment equal to the sum of the following:
1. The hourly amount received as a base pay increase under Section II, above, multiplied by the number of hours in pay status from June 30, 2013, through January 25, 2014.
 2. The lump sum wage payment shall also reflect an increase in the premium rate portion of overtime wages earned during the period stated in 1., above.
- D. Determining the “Hours in Pay Status.”**
1. “Hours in pay status” include the number of hours worked for cash payment plus the number of hours of paid leave time/compensatory time credits that were used during the applicable period stated in C., above.
 2. Hours excluded from hours in pay status:
 - a. Hours as an LTE employee (**employment types 9, 10 and 23**);
 - b. Work hours for which holiday or compensatory time-off credits were earned but not used;
 - c. Any leave without pay hours.
 3. For purposes of calculating employee benefits, any lump sum wage payment received under this section for the delay in implementation of the Agreement shall be considered as salary or wages earned during the applicable period from June 30, 2013 through January 25, 2014.

SECTION VI. REFERRAL OF QUESTIONS

Employee questions regarding the provisions contained in this bulletin should be referred to the agency Human Resources or Payroll Office.

Agency questions regarding the *pay provisions* contained in this bulletin should be referred to John Wiesman of the Bureau of Compensation at: Phone: (608) 266-1418 or E-mail: john.wiesman@wisconsin.gov.

Questions concerning payroll processing or file maintenance procedures should be referred to DOA Central Payroll: Sandy Karnovsky at (608) 264-9571.

Kathy Kopp

Kathy Kopp, Administrator
Division of Compensation & Labor Relations