

## **SECTION H - SUPPLEMENTAL HEALTH INSURANCE CONVERSION CREDITS FOR CERTAIN CLASSIFIED AND UNCLASSIFIED EMPLOYEES**

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## **INTRODUCTION**

This Section (Section H) contains provisions for a health insurance premium credit program provided under s. 230.12(9), Wis. Stats., for certain employees whose compensation is established under s. 20.923(2) or s. 230.12, Wis. Stats. Under these provisions, additional health insurance credits are granted to eligible employees in order to pay post-retirement health insurance premiums.

## **1.00 Coverage**

### **1.01 Classified Employees**

The provisions of this Section (Section H) apply to all permanent or project employees in the classified service except those in positions allocated to pay schedule 04.

**For purposes of this Section, layoff will not include temporary, school year, seasonal, or sessional layoff.**

### **1.02 Unclassified Employees**

The provisions of this Section (Section H) apply to the following unclassified employees:

- (1) Constitutional officers and other state officials in positions identified in s. 20.923(2), Wis. Stats., including the following:
  - (a) Justices of the supreme court, court of appeals judges, and circuit court judges;
  - (b) State senators and representatives to the assembly;
  - (c) The governor, lieutenant governor, secretary of state, state treasurer and attorney general;
  - (d) The state superintendent of public instruction;
  - (e) District attorneys.
- (2) "ESG" employees in positions identified under ss. 20.923(4), (8), (9), and (12), Wis. Stats., in the executive or legislative branches;
- (3) All other unclassified employees in the executive branch except for employees whose pay is specifically excluded from governance by the pay provisions of this plan under s. 230.12(1)(a)1.b., Wis. Stats., or employees who would be limited term employees (LTEs) if their employment were in the classified service.

## **2.00 Effective Dates**

### **2.01 Classified Employees**

For all classified employees except those employees in positions allocated to pay schedule 04, the provisions of this Section (Section H) took effect on January 21, 1996 or took effect in accordance with previous collective bargaining agreements.

## 2.02 Unclassified Employees

- (1) For unclassified employees, other than those specified in (2) below, the provisions of this Section (Section H) took effect on January 21, 1996.
- (2) For constitutional officers, other state officials, and unclassified employees serving fixed-term appointments, the provisions of this section took effect as specified under (a) through (f), below:
  - (a) For justices and judges: when any justice or judge took the oath of office, on or after January 21, 1996. (The Honorable Patrick C. Haughney was sworn in as a circuit court judge on April 29, 1996. These provisions, therefore, took effect for all judges and justices as of that date.)
  - (b) For Legislative members: January 6, 1997.
  - (c) For the governor, lieutenant governor, secretary of state, state treasurer and attorney general: January 4, 1999.
  - (d) For the state superintendent of public instruction: July 1, 1997.
  - (e) For district attorneys: January 6, 1997.
  - (f) For unclassified employees appointed to fixed-term positions: upon appointment or reappointment, on or after January 21, 1996.

**NOTE:** Under Art. IV, Sec. 26, sub. (2), Wis. Const., the compensation of a public officer "may not be increased or diminished during the term of office," except as provided under that section. Art. IV, Sec. 26, par. (2)(b), Wis. Const., further provides that, "Any increase in the compensation of members of the legislature shall take effect, for all senators and representatives to the assembly, after the next general election beginning with the new assembly term." The supplemental health insurance premium credits provided in this section constitute an increase in compensation for the affected employees. Such employees, therefore, first become eligible for the supplemental credits on the dates specified in 2.02(2) of this Section (Section H). For such employees, the provisions of this Section (Section H), therefore, took effect as specified in 2.02(2) of this Section (Section H).

**NOTE:** Under s. 978.12(1)(a)2., Wis. Stats., “If an individual is appointed to fill a vacancy in the office of the district attorney, the appointee 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.” The supplemental health insurance premium credits provided in this section constitute an increase in compensation for the affected employees. For such employees, the provisions of this Section (Section H), therefore, took effect as specified in 2.02(2) of this Section (Section H).

### **3.00 Eligibility**

The following supplemental health insurance conversion credits are provided for covered employees who, on or after January 24, 2004, are laid off or retire from the service, or for the surviving insured dependents of employees who are laid off or die while in service, under the following conditions:

- (1) The credits shall be based upon an employee's full number of years of adjusted continuous service on the date of retirement, layoff or death.
- (2) The credits shall be calculated based on the employee's sick leave balance on the date of retirement, layoff or death.
- (3) An employee is not required to retire immediately upon termination from the service to be eligible if the employee has 20 years of creditable service under the Wisconsin Retirement System. See ss. 40.02(25)(b)6e. and 40.95(1)(a) intro, Wis. Stats.

### **4.00 Amount**

#### **4.01 General and Executive**

For employees who retire, are laid off, or die while in state service with at least fifteen (15) full years of adjusted continuous service, the employer shall match each one (1) hour of accumulated sick leave up to a maximum of fifty-two (52) hours per year multiplied by the number of years of service through twenty-four (24) years. For years of adjusted continuous service over twenty-four (24) years, the employer shall match each one (1) hour of accumulated sick leave credit up to a maximum of one hundred and four (104) hours per year multiplied by the number of years of continuous service over twenty four (24) years.

#### **4.02 Protective**

For employees who have earned all of their adjusted continuous service while having protective occupation status and who retire, are laid off, or die while in state service with at least fifteen (15) full years of adjusted continuous service, the employer shall match each one (1) hour of accumulated sick leave up to a maximum of seventy-eight (78) hours per year multiplied by the number of years of service through twenty-four (24) years. For years of adjusted continuous service over twenty-four (24) years, the employer shall match each one (1) hour of accumulated sick leave credit up to a maximum of one hundred and four (104) hours per year multiplied by the number of years of continuous service over twenty-four (24) years.

#### **4.03 Proration of General, Executive, and Protective**

Employees who have earned part of their adjusted continuous service while in protective occupation status shall have their credits prorated as specified in (1) or (2) below.

- (1) If at the time of retirement, layoff, or death, the employee has adjusted continuous service of less than twenty-five (25) years, multiply the number of years as general and/or executive by fifty-two (52) hours. Multiply the number of years as protective by seventy-eight (78) hours. Combine these totals to determine the maximum matching credits.
- (2) If at the time of retirement, layoff, or death, the employee has adjusted continuous service of over twenty-four (24) years, determine the proration based on the first twenty-four (24) years of service and then add one hundred and four (104) hours for each year of adjusted continuous service over twenty four (24) years.

### **5.00 Miscellaneous Administrative Provisions**

#### **5.01 Credits for Sick Leave Used**

- (1) Employees who suffer from a personal illness or injury that requires them to use at least five hundred (500) hours of accrued sick leave during the three (3) years immediately prior to retirement, layoff, or death shall receive five hundred (500) hours credited to this account upon retirement, layoff, or death.
- (2) Employees shall be required to provide medical documentation of such illness or injury to the employer on forms provided by the employer at the time the leave is taken. Employees who have suffered such an illness or injury during the three (3) years immediately preceding the effective date of this benefit shall also be required to provide supporting medical documentation.

**5.02 Access to Supplemental Credits**

Access to these credits for payment of post retirement health insurance premiums shall occur only after all Accumulated Sick Leave Conversion Credits (ASLCC) have been exhausted.

Credits granted to a laid off employee or that person's surviving insured dependents, shall be available until credits are exhausted, the laid off employee is reemployed, or five (5) years have elapsed from the date of layoff, whichever occurs first.

**5.03 Rehired Annuitant**

In the event an employee returns to a position covered by these provisions after having retired, the credits in this account shall be held in escrow until the employee again retires. The credits will then be adjusted to reflect additional years of continuous service and sick leave accrual.

**5.04 Conversion Pay Rate**

Sick leave shall be converted to credits using the employee's highest base pay rate received as a state employee in an appointment providing sick leave, as defined in s. ETF 10.01 (3e), Wis. Admin. Code.

**5.05 Conversion Pay Rate for Employees Receiving Educational Credit Add-Ons**

The educational credit add-on set forth in Section A., 4.14 of this Plan will be considered a part of an employee's basic pay rate for purposes of the supplemental health insurance conversion credits provided under this Section (Section H). This treatment of the educational credit add-on applies to participants in the Wisconsin Retirement System who apply for the conversion of unused sick leave credits on or after July 4, 1999.

**6.00 Conversion Chart - For informational purposes, a chart portraying this benefit is provided.**

<b>Full Years of Adjusted Continuous Service</b>	<b>Maximum Matching Credits - General and/or Executive</b>	<b>Maximum Matching Credits - Protective</b>
15	780	1170
16	832	1248
17	884	1326
18	936	1404
19	988	1482
20	1040	1560
21	1092	1638
22	1144	1716
23	1196	1794
24	1248	1872
25	1352	1976
26	1456	2080
For each additional year:	Add 104 hours	Add 104 hours