

SECTION I – PAY ADMINISTRATION FOR BROADBAND PAY SCHEDULES

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1.00 Coverage

The provisions of this Section (Section I) apply to classified permanent and project employees in positions allocated to classifications assigned to the broadband pay schedules. In addition, certain unclassified attorney positions, those included in Section C of this Plan except Assistant District Attorneys, are covered by 4.04 of this Section (Section I). These provisions supersede those of ch. ER 29 and ER 30, Wis. Adm. Code.

2.00 Increase Limitations

2.01 Individual Increase Limitations

Except where specified, the individual increase limit provided in s. 230.12(5)(d), Wis. Stats., does not apply to base pay adjustments granted pursuant to provisions of this Section (Section I).

2.02 Retroactive Increases or Decreases

Except for action in accordance with ss. 230.43(4), 230.44(4)(c), and 230.45, Wis. Stats., or to correct an error, no pay increases or decreases associated with provisions of this Section (Section I) shall be retroactive.

3.00 Definitions

The definitions set forth in ss. ER 1.02 and ER-MRS 1.02, Wis. Adm. Code, will be used for purposes of this Section (Section I) with the following additions:

- (1) **“Appointment Maximum”** means the maximum base rate an employee may be granted when appointed to a position assigned to that “appointment maximum,” except as otherwise provided under 4.04 (Pay on Appointment), 4.07 (Pay on Reinstatement) and 4.08 (Pay on Restoration) of this Section (Section I). The “appointment maximum” is not the maximum of the pay range. See also “Temporary Appointment Maximum.”
- (2) **“Effective receipt”** means the date a recommendation is received by the office within the agency that has been delegated, in writing, effective receipt authority by the appointing authority.
- (3) **“Present rate of pay”** means the base pay rate currently authorized for the position that determines the type of personnel transaction that will occur, unless otherwise specified.
- (4) **“Red circled pay rate”** means a base pay rate received by an employee that is above the pay range maximum for the classification of the employee’s position. Employees whose pay has been red circled shall continue to receive their present rate of pay until the pay range maximum for the class exceeds their present red circled pay rate, and shall not receive any base pay adjustments unless authorized by this Plan. However, employees whose pay has been red circled as a result of a layoff prior to July 1, 2016, and whose restoration rights have been forfeited as a result of a failure

to accept a reasonable offer of appointment or reappointment pursuant to ch. ER-MRS 22, Wis. Adm. Code, shall have their base pay reduced to the maximum of the applicable pay range.

- (5) **“Return to Previous Level”** means an original appointment or promotion to a position in the same, counterpart, or lower pay range that had been previously attained in a permanent position within five (5) years of the appointment.

NOTE: For current employees, pay on “Return to Previous Level” is only applied when an employee is moving upwards towards, or to, a pay range level previously attained. A transaction that meets the definition of a demotion cannot be considered a return to previous level, even if the employee was previously in a position at the lower level to which demoting. A transaction that meets the definition of a transfer is considered a return to previous level only if the movement is to a higher classification level in the same broadband pay range.

- (6) **“Temporary Appointment Maximum”** means an appointment maximum that is established temporarily for a specific position due to special market needs. Except as otherwise provided in 4.04 (Pay on Appointment), 4.07 (Pay on Reinstatement), or 4.08 (Pay on Restoration), below, the “temporary appointment maximum” is the maximum base rate an employee (new or current) may be granted when appointed to the specific position for which the “temporary appointment maximum” is approved. Once the position for which the “temporary appointment maximum” has been approved is filled, the “temporary appointment maximum” expires.

A “temporary appointment maximum” will be established only under exceptional circumstances and must be pre-approved by DPM. See also “Appointment Maximum.”

- (7) **“Within-Range Pay Step (WRPS)”** means an amount equal to three percent (3.0%) of the minimum of the applicable pay schedule.

4.00 Transaction Pay Adjustments

4.01 Multiple Pay Adjustments on Same Date (Order of Application)

Multiple pay adjustments that are effective on the same date will be applied in the following order:

- (1) Regrade of an employee as a result of a reallocation decision.
- (2) Regrade of an employee as a result of a reclassification decision.
- (3) Progression adjustments provided under Section A, 2.03 of this Plan.
- (4) Promotion, except when considered a return to previous level.
- (5) Career executive voluntary movement to a higher class.

- (6) Demotion.
- (7) Career executive reassignment or voluntary movement to a lower class.
- (8) Transfer.
- (9) Career executive reassignment or voluntary movement to a position allocated to a classification in the same pay range.
- (10) Reinstatement and return to previous level.
- (11) Restoration.
- (12) Compensation Plan adjustments pursuant to s. 230.12(3), Wis. Stats., or contractual adjustments, including but not limited to within range pay adjustments other than those made under (1) through (11), and (14) through (17) of 4.01 of this Section (Section I).
- (13) Compensation Plan schedule adjustments under s. 230.12, Wis. Stats.
- (14) Progression adjustments other than those provided for in (3), above.
- (15) Establishment of a raised minimum rate.
- (16) Discretionary Equity or Retention Adjustment (DERA)
- (17) Discretionary Merit Compensation (DMC).
- (18) Original appointment, except when considered a return to previous level.

NOTE: Reallocations to new broadband pay ranges will occur immediately after implementation of the ranges per (13) above.

4.02 Pay on Completion of All Pay Transactions

Upon completion of any personnel transaction:

- (1) Except for (2) below, employees will receive a base pay rate not less than the minimum rate for the classification regardless of whether the employee is serving a probationary or career executive trial period.
- (2) Employees will receive not less than the minimum rate for the training program if the employee is serving a probationary period in a trainee classification.
- (3) Unless otherwise stated in this Section (Section I), the base pay rate will be subject to the applicable pay range maximum.

4.03 Pay on Completion of Any Probation or Career Executive Trial Period

No probationary increases will be granted to employees upon completion of any probationary period or career executive trial period unless specifically provided by the Plan.

4.04 Pay on Appointment

- (1) Pay on Appointment provisions apply to the following transactions:
 - (a) Original Appointment;
 - (b) Promotion;
 - (c) Voluntary Transfer;
 - (d) Career Executive reassignment to the same pay range;
 - (e) Career Executive voluntary movement to the same or higher pay range;
 - (f) Project Appointments.
 - (g) Appointment of employees to unclassified attorney positions covered by Section C of this Plan, except Assistant District Attorneys.
- (2) Pay on Original Appointment, Project Appointment, and Appointment of Employees to Unclassified Attorney Positions Covered by Section C of this Plan. For Nurse Clinician 2 and Nurse Clinician 2-Weekend classifications, see 4.16, below. For Licensed Practical Nurses, see 4.17, below.
 - (a) An employee's base pay may be set at any rate that is not less than the minimum of the applicable pay range and not greater than the applicable appointment maximum.
 - (b) Rehire of an employee within 5 years to an unclassified attorney position covered by Section C of this Plan, may be treated as if reinstated in accordance with 4.07 of this Section (Section I). This includes new appointments for current unclassified attorneys.
 - (c) For a project appointment in a broadband pay schedule, an employee's base pay may be set at the following:
 1. In accordance with (a) above;
 2. Subject to the maximum of the new pay range, project appointees who have previously served as permanent classified employees and who could have been appointed to a permanent position without an interruption of continuous service under s. ER 18.02(2), Wis. Adm. Code, may be appointed to a project position assigned to a higher classification than their previous permanent classified position and may be paid up to their

previous rate of pay if higher than the pay range minimum of the classification for the project appointment.

3. Project appointees who have previously served as permanent classified employees and who could have been appointed to a permanent position without an interruption of continuous service under s. ER 18.02(2), Wis. Adm. Code, may be appointed to a project position assigned to the same, a counterpart, or a lower classification than their previous permanent classified position and may be paid a rate of pay determined in accordance with the provisions regarding pay on reinstatement as contained in 4.07 of this Section (Section I).
 4. On subsequent project appointment to a different position, the pay rate attained as a result of a project appointment shall not serve as the basis for the establishment of subsequent pay rates on appointment to any other position.
- (d) For original appointments considered a return to previous level, the rate of pay will be calculated in accordance with 4.07 of this Section (Section I).
- (e) For original appointments and project appointments to a pay schedule that includes specified pay progression rates for the classification, pay shall be set at the rate on the progression schedule applicable for an employee with no experience. If there is no such specified rate, pay is set at a rate below the lowest rate for experience, unless otherwise approved by DPM.
- (3) Pay on Appointment for all of the transactions listed in (1) above, other than Original Appointment, Project Appointment, and Appointment of Employees to Unclassified Attorney Positions Covered by Section C of this Plan, or movements to a broadband from a craft-related position in which base pay was based on the building trades rate schedule. For Nurse Clinician 2 and Nurse Clinician 2-Weekend classifications, see 4.16, below. For Licensed Practical Nurses, see 4.17, below. For persons coming from security pay range 05-31, 05-32, 81-33, or 81-34, see 4.18, below.
- (a) Except as provided in (b) through (d) below, an employee's base pay may be set in accordance with any of the following:
1. The minimum of the pay range through its applicable appointment maximum; or
 2. The minimum of the pay range through a rate equal to the employee's current base pay rate plus 4 WRPS, subject to the pay range maximum; or
 3. For a movement to a supervisory or management position, the minimum of the pay range through a rate equal to the employee's current base pay rate plus 6 WRPS, subject to the pay range maximum.
- (b) For transactions which involve movement to a position in a broadband classification eligible for progression adjustments under Section A of this Compensation Plan, any increase must be approved by DPM.

- (c) An employee may not receive an increase upon voluntary transfer or Career Executive voluntary movement to the same or counterpart pay range unless approved by DPM. DPM will consider an increase only if the position is considered a higher level in the same or counterpart pay range or the appointing authority can demonstrate pay compression, inversion, or inequity within the agency or statewide.
- (d) For promotions, an employee's base pay may be set in accordance with (a) above, except the employee's present rate of pay will be increased by an amount not less than 8.0% of the pay range minimum, subject to the applicable appointment maximum.
 - 1. For promotion of an employee currently serving a promotional probation, the present rate of pay will be calculated as if the employee were restored to the position in the highest class in which permanent status in class was held at the time the employee started that promotional probation.
 - 2. For promotion of a former employee in layoff status or a current employee in layoff status who is serving a probationary period, the present rate of pay will be calculated as if the employee were restored to the position from which the layoff occurred.
 - 3. For promotion of a current employee in layoff status who is not serving a probationary period, the present rate of pay will be the greater of the current rate of pay or the rate calculated as if the employee were restored to the position from which the layoff occurred.
 - 4. For promotion of an employee on an approved leave of absence, the present rate of pay will be calculated as if the employee were restored to the position in the highest class in which permanent status in class was held at the time the employee began the leave of absence.
 - 5. For promotions considered a return to previous level, the rate of pay will be calculated in accordance with 4.07 of this Section (Section I).

4.05 Pay on Involuntary Transfer

The appointing authority may use the pay on appointment flexibility of 4.04(3) of this Section (Section I), except an employee who is involuntarily transferred for reasons other than discipline shall be paid at least their present rate of pay. If the present rate of pay exceeds the new pay range maximum, it shall be red circled.

4.06 Pay on Demotion or Career Executive Movement to a Lower Pay Range

- (1) Except as specified in (2) through (4) below, and 4.16 through 4.18, below, a demoting or demoted employee, or a career executive employee voluntarily moved to a lower pay range, may receive any base pay rate which is not greater than the present rate of pay, subject to the new pay range maximum.

- (2) If an employee demotes within an agency after being notified in writing by the appointing authority that the employee's position may be affected by impending layoffs, the employee's present rate of pay **may** be retained and that rate **may** be red circled if it is above the maximum for the new classification, subject to the following:
 - (a) For movement between broadband pay ranges, the demotion is no more than one pay range;
 - (b) For movement between non-broadband pay ranges, the demotion is no more than three pay ranges; or
 - (c) For all other movements, the new pay range minimum is at least 75.0% of the pay range minimum from which the demotion occurs.
- (3) If an employee demotes within an agency after written notification of layoff and the demotion is within three (3) pay ranges or one broadband, the employee's present rate of pay **shall** be retained. If the present rate of pay is above the maximum for the new classification, it shall be red circled.
- (4) If an employee demotes within an agency after written notification of layoff and the demotion exceeds three (3) pay ranges or one broadband to the highest-level vacancy available for which the employee is qualified within the agency, the employee's present rate of pay **may** be retained. If the present rate of pay is above the maximum for the new classification, it **may** be red circled.
- (5) If a career executive is reassigned to a position allocated to a career executive position in a lower pay range, the employee shall retain his or her present rate of pay. If the present rate of pay is above the new pay range maximum, the employee's pay shall be red circled.

4.07 Pay on Reinstatement

Pay on reinstatement will be set as follows:

- (1) An employee who has not held permanent status in class within the last 5 years shall have his or her pay determined in accordance with the pay on original appointment provisions of 4.04 of this Section (Section I).
- (2) Except as otherwise provided in 4.07 of this Section (Section I), an employee may be granted a base pay rate which is not greater than the last rate received plus intervening adjustments pursuant to s. 230.12, Wis. Stats., subject to the pay range maximum. When intervening adjustments are discretionary, the amount shall be limited to the amount that would have been generated by the employee. The intervening adjustments applied shall be those of the appropriate pay schedule and classification from which reinstatement eligibility is derived, subject to the applicable pay range maximum.

NOTE: DERA provided for in 6.00 of this Section (Section I) and DMC provided for in Section J of this Plan may **not** be included as an intervening increase when determining pay on reinstatement, **except** that DMC may be included when returning from a leave of absence granted for serving in an unclassified position.

“Last rate received” for an employee who is reinstated is defined as the highest base pay rate received in any position in which the employee had previously held permanent status in class within the last 5 years.

- (3) If the appointment maximum corresponding to the position to which the employee is reinstating is greater than the last rate received plus intervening adjustments, as determined under (2) above, the appointing authority may set the employee’s base pay at a rate not to exceed the appointment maximum.
- (4) If the employee is reinstated following layoff, the base pay rate shall be calculated in accordance with (2) or (3) above. However, if the employee is reinstated to the highest level vacancy available for which the employee is qualified within the agency from which layoff occurred, and if the last rate received in the position from which layoff occurred exceeds the new pay range maximum, the employee may be paid any base pay rate that does not exceed that last rate received.
- (5) If the employee is reinstated and the employee’s present rate of pay is red circled in the highest position currently held, the base pay rate shall be calculated in accordance with (2) or (3) above. However, if the employee’s red circled pay rate exceeds the new pay range maximum, the employee may be paid any base pay rate which does not exceed the red circled pay rate.
- (6) The DPM Administrator may waive the limit on intervening discretionary **Compensation Plan** adjustments provided in (2) above, upon reinstatement of an employee following employment in the unclassified service if the work in the unclassified service was closely related to and at a higher level than the work of the position to which reinstated. Upon approval by the DPM Administrator, intervening Compensation Plan adjustments shall not be limited by the amount that would have been generated but shall be subject to the limits specified in the applicable Compensation Plan and s. 230.12, Wis. Stats.

4.08 Pay on Restoration

Pay on restoration will be set as follows:

- (1) Except as otherwise provided in 4.08 of this Section (Section I), an employee shall be granted a base pay rate which is the last rate received plus intervening adjustments pursuant to s. 230.12, Wis. Stats. When intervening adjustments are discretionary, the amount shall be limited to the amount that would have been generated by the employee. The intervening adjustments applied shall be those of the appropriate pay schedule and classification from which restoration eligibility is derived. “Last rate received” means the last base pay rate received in the position from which restoration rights are derived. If the employee’s base pay on restoration is greater than the new pay range maximum, it shall be red circled.

NOTE: DERA provided for in 6.00 of this Section (Section I) and DMC provided for in Section J of this Plan may **not** be included as an intervening increase when determining pay on restoration, **except** that DMC may be included when returning from a leave of absence granted for serving in an unclassified position per provisions of Section J.

- (2) If the appointment maximum corresponding to the position to which the employee is restoring is greater than the last rate received plus intervening adjustments, as determined under (1) above, the appointing authority may set the employee's base pay at a rate not to exceed the appointment maximum.
- (3) If an employee is restored following a layoff to a vacancy at a lower level than the highest level vacancy for which the employee is qualified in the employing unit, the employee's rate of pay shall be calculated in accordance with (1) or (2) above, subject to the maximum of the pay range to which the classification is assigned.
- (4) If an employee is restored in accordance with an order of the employment relations commission or a court action, the employee's rate of pay shall be as ordered by the commission or court.

4.09 Pay on Regrade for Reallocation or Reclassification to a Classification in a Higher Pay Range

- (1) Except as modified in (2) through (5) below, pay on regrade for reallocation or reclassification to a classification in a higher pay range will be the greater of the following, subject to the new pay range maximum:
 - (a) An employee's present rate of pay increased by 8.0% of the minimum of the applicable pay range; or
 - (b) The applicable pay range minimum.
- (2) The appointing authority **may** provide an additional pay adjustment allowing for a total pay adjustment of no more than 12% of the new pay range minimum or to the minimum of the pay range, whichever is greater.
- (3) Regraded employees, except trainees, who have reinstatement eligibility or restoration rights, or are eligible for return to previous level to a higher pay range from which regraded shall receive the greater of the following:
 - (a) The pay rate calculated as if they had been reinstated or restored to the pay range from which reinstatement eligibility, restoration rights, or the eligibility to return to previous level are derived; or
 - (b) The present rate of pay.

- (4) If a trainee, a regraded employee shall retain the same pay relationship within the training program, based on qualifications and specific segments of the training program that have been waived or completed.
- (5) For reallocations that do not solely involve a change in duties, such as pay range reassignments, title changes, reorganizations, or as a result of a survey, the increase provided in (1)(a) and (2) above **may** be provided at the discretion of the DPM Administrator.

4.10 Pay on Regrade for Reallocation or Reclassification to a Classification in the Same or Counterpart Pay Range

- (1) Except as modified in (2) and (3) below, regraded employees whose positions are reallocated or reclassified to a classification assigned to the same or counterpart pay range shall receive no pay adjustment.
- (2) Regraded employees, except trainees, whose positions are reallocated or reclassified to a higher classification series level within the same pay range will receive an increase in the amount of 8.0% of the pay range minimum. **This applies only if an employee has not held, within five years of the reclassification or reallocation effective date, permanent status in class at the same level of the reclassification or reallocation.** The appointing authority **may** provide an additional pay adjustment allowing for a total pay adjustment of no more than 12% of the new pay range minimum or to the minimum of the pay range, whichever is greater. However, for reallocations that do not solely involve a change in duties, such as pay range reassignments, title changes, reorganizations, or as a result of a survey, the increase **may** be provided at the discretion of the DPM Administrator.
- (3) If a trainee, a regraded employee shall retain the same pay relationship within the training program based on qualifications and specific segments of the training program that have been waived or completed.

4.11 Pay on Regrade for Reallocation or Reclassification to a Classification in a Lower Pay Range

- (1) Regraded employees who have permanent status in class in the new classification shall continue to be compensated at their present rate of pay. If the present rate of pay exceeds the new pay range maximum, it shall be red circled.
- (2) Regraded employees who are serving an original probation shall continue to be compensated at their present rate of pay, subject to the new pay range maximum.

4.12 Pay on Accretion

Under s. 230.15(1m), Wis. Stats, when the state becomes responsible for a function previously administered by another government agency or a quasi-public or private enterprise or when positions in the unclassified service, excluding employees in the legislature, are determined to be more appropriately included in the classified service, the

DPM Administrator shall determine the appropriate pay, subject to the maximum of the pay range to which the class is assigned. The appointing authority may determine the appropriate pay without DPM Administrator approval if the pay rate does not exceed the appointment maximum of the applicable pay range.

4.13 Raised Minimum Rate

Raised minimum rates for classified employees covered by this Section (Section I) will be determined in accordance with Section E, 1.02, of this Plan.

4.14 Trainee Minimum Rate

Trainee minimum rates for classified employees covered by this Section (Section I) will be determined in accordance with Section E, 1.04, of this Plan.

4.15 Pay on Movement from Craft-Related Positions

Pay for movements from craft-related positions in which base pay had been based on the building trades rate schedule to a broadband pay range, except for restorations, will be determined in accordance with 4.04(3)(a) 1 or 2 of this Section (Section I).

4.16 Nurse Clinician 2 and Nurse Clinician 2-Weekend Pay on Appointment

- (1) Except for Pay on Restoration and Pay on Reinstatement, these provisions supersede the other pay provisions in this Section (Section I).
- (2) Except as otherwise provided below, for personnel transactions between or into the classifications of Nurse Clinician 2 or Nurse Clinician 2-Weekend, pay will be set at the amount designated in the Pay Schedule 11-02 Nurse Clinician progression structure found in Section Z based on full years of professional nursing experience as established by the nurse license granting date.
- (3) Employees who are transferring or promoting into one of these classifications and whose current pay rate is equal to or greater than the designated amount will keep their current pay rate.
- (4) Except as provided in (5), below, an employee demoting into one of these classifications will be placed at the progression structure rate corresponding to their full years of professional nursing experience.
- (5) Notwithstanding (2) and (4), above, new hires or current employees with more than 11 years of professional nursing experience may have their pay set at a rate equitable with other employees in the classification state-wide with similar experience, with approval of DPM.

4.17 Licensed Practical Nurse Pay on Appointment

- (1) Except for Pay on Restoration and Pay on Reinstatement, these provisions supersede the other pay provisions in this Section (Section I).
- (2) Except as otherwise provided below, for personnel transactions between or into the classifications of Licensed Practical Nurse or Licensed Practical Nurse-Weekend, pay will be set at the amount designated in the Pay Schedule 06-05 Licensed Practical Nurse progression structure found in Section Z based on full years of practical nursing experience as established by the LPN license granting date.
- (3) Employees who are transferring or promoting into one of these classifications and whose current pay rate is equal to or greater than the designated amount will keep their current pay rate.
- (4) Except as provided in (5), below, an employee demoting into one of these classifications will be placed at the progression structure rate corresponding to their full years of professional nursing experience.
- (5) Notwithstanding (2) and (4), above, new hires or current employees with more than 11 years of practical nursing experience may have their pay set at a rate equitable with other employees in the classification state-wide with similar experience, with approval of DPM.

4.18 Pay on Appointment coming from Security Pay Ranges 05-31, 05-32, 81-33, or 81-34

- (1) Except for Pay on Restoration, Pay on Reinstatement, and Pay on Involuntary Transfer, these provisions supersede the other pay provisions in this Section (Section I).
- (2) On any transaction from a classification assigned to security pay range 05-31, 05-32, 81-33, or 81-34, to a broadband classification not assigned to one of these security pay ranges, pay shall be set at either:
 - (a) In the same manner as if the transaction were an Original Appointment, in accordance with 4.04(2), above, or,
 - (b) A rate set in accordance with an established pay progression structure in this Compensation Plan.

5.00 Abuse of Discretion

Abuse of discretion in use of pay on appointment flexibility provisions provided in 4.04, 4.05, 4.07 or 4.08 of this Section (Section I) could result in the Director of the Bureau of Classification and Compensation reducing the appointment pay rate and/or limiting the agency's ability to use such flexibility.

6.00 Discretionary Equity or Retention Adjustment (DERA)

- (1) Coverage. The provisions of this subsection apply to permanent and project employees in positions allocated to classifications assigned to broadband pay schedules, except attorneys listed in (6)(g) below.
- (2) Concept. Discretionary Equity or Retention Adjustments (DERA) provisions allow the appointing authority the sole discretion to provide employees economic recognition to address pay equity or retention needs. The granting, denial, and amount of any DERA is not grievable.
- (3) Effective Date. DERA may be granted at any time during the fiscal year. The effective date of an adjustment will be the beginning of the first pay period following effective receipt (as defined in 3.00 of this Section (Section I)) of the DERA recommendation. No DERA may be retroactive. If multiple pay adjustments have the same effective date, DERA will be applied to an employee's base pay according to 4.01 of this Section (Section I). **No DERA may be granted on the effective date of an appointment.**
- (4) Initial Applicability. Agencies must develop administrative procedures that will be used to grant DERA prior to awarding any DERA. The administrative procedures must be developed and followed in accordance with the guidelines issued by the DPM Administrator and will be applied in a uniform manner throughout the agency or employing unit.
- (5) Requirements. **All DERA will be approved by DPM prior to being granted, unless delegation is granted to the appointing authority.** DPM may also issue additional guidelines at any point during a fiscal year to establish further limitations regarding the award process, including limits to the number or amount of awards, availability of the program, or processing timelines. Delegation may be removed at any time. Additional information may be required at the discretion of the DPM Administrator.
- (6) Eligibility. All employees in broadband pay ranges who are in pay status in positions covered by this Section (Section I) are eligible to be considered for DERA **except** the following:
 - (a) Employees who did not receive a performance evaluation in the past 12 months or were rated unsatisfactory.
 - (b) Employees who received any form of formal discipline in the past 24 months which was not subsequently overturned through a grievance process.
 - (c) Supervisors who did not complete formal performance evaluations on all subordinate employees for whom performance evaluations are required.
 - (d) Any employee paid at or above the applicable pay range maximum may not receive a base-building DERA.
 - (e) Employees serving the first 12 months of an original probationary period, or the first year of a career executive trial period which is also the employee's original probationary period.

- (f) Trainees eligible for scheduled trainee increases.
- (g) Employees whose positions are allocated to the following attorney classifications are not eligible for DERA:

- Assistant District Attorney
- Assistant Attorney General
- Assistant Attorney General Management
- Assistant Attorney General Confidential
- Assistant Attorney General Supervisor
- Assistant State Public Defender Attorney
- Assistant State Public Defender Attorney Confidential
- Assistant State Public Defender Attorney Confidential/Supervisor
- Assistant State Public Defender Attorney Management
- Assistant State Public Defender Attorney Supervisor
- Deputy District Attorney
- Deputy District Attorney Supervisor

- (h) Equity DERA will only be approved if the employee's salary has been determined to be lower than that of other state employees performing the same or similar duties at the same level of proficiency and who have comparable years of state service or if there is significant pay compression between the employee and the subordinates supervised. Limitations to these criteria will include:
 - 1. External labor market factors will not be used.
 - 2. Salary averages will not be used for comparison purposes.
 - 3. Salary targets will not be used.
 - 4. The comparison group for determining equity will be all employees in the same classification, either in the entire agency or statewide, unless otherwise approved by DPM in advance of submission to DPM. With advance approval by DPM, an official subtitle or a working title within a classification may also be used as the comparison group.
 - 5. "Peer groups" based on agency-determined segments of state years of service or pay groupings within a classification will not be used for comparison purposes.
 - 6. The equity adjustment will not create a larger equity issue than the one being resolved.
 - 7. In determining compression, the supervisor must be able to perform the functions of, or provide technical expertise to, the employee(s) used to make the compression comparison.
- (i) Retention DERA will only be approved if the employee has a job offer in hand and the resultant loss of the employee's knowledge and experience would be a detriment to the agency.

- (j) Retention DERA will not be approved for potential movements within an agency or to another executive branch, non-UW agency.
- (7) Individual Increase Limits. The individual increase limit provided in s. 230.12(5)(d), Wis. Stats., does not apply to base pay adjustments granted pursuant to this Section (Section I).
- (8) Funding. DERA is not considered a “salary adjustment” for which supplemental allotments may be provided under s. 20.865, Wis. Stats.
- (9) Reinstatement and Restoration. DERA may not be included when calculating pay on reinstatement or restoration.
- (10) Amount.
 - (a) DERA may be granted to eligible employees in any amount up to 4 WRPS per fiscal year, subject to the maximum of the pay range. DERA may be granted as a base pay adjustment, a lump sum payment, or in combination of both at the discretion of the appointing authority. For the purpose of applying the 4 WRPS limitation, the payment shall be converted to a base pay equivalent by dividing the lump sum by 2080.
 - (b) An employee may receive more than one DERA during a fiscal year. However, the total amount granted in the form of base-building and/or lump sum DERA in the fiscal year may not exceed an amount equal to 4 WRPS, except as provided in (c) below. The DERA 4 WRPS limit, per fiscal year, per employee, includes DERA granted by a single agency or by multiple agencies.
 - (c) Under exceptional circumstances, an appointing authority may submit a request to the DPM Administrator to exceed the 4 WRPS limit specified in (a) and (b) above, up to an additional 2 WRPS. This request must be accompanied by a comprehensive written justification.

7.00 Fire/Crash Rescue Supervisor Pay

Pay transactions under this Section (Section I) for employees classified as Fire/Crash Rescue Supervisor are subject to the federally-funded pay rates allowed for the duties performed. If the maximum is increased, pay increases occurring after the effective date of the new maximum will be subject to the new maximum.

8.00 Agency Pay-Setting Policy

By May 13, 2018, each agency will submit for approval by the DPM Administrator, a pay-setting policy which documents the agency’s practice for using the discretion provided by this Section (Section I) under each transaction identified in 4.04(1). The policy will be reviewed annually, and if changed, re-submitted to DPM for approval.