

SECTION B - COMPENSATION PROVISIONS FOR ELECTED OFFICIALS, APPOINTED EXECUTIVE SALARY GROUP EMPLOYEES, AND CERTAIN OTHER UNCLASSIFIED EMPLOYEES

1.00 Coverage

2.00 Pay Administration for Elected Officials Under s. 20.923(2) and (3), Wis. Stats.

- 2.01 Pay Administration for Justices and Judges
- 2.02 Pay Administration for Legislative Members
- 2.03 Pay Administration for Constitutional Officers
- 2.04 Pay Administration for District Attorneys

3.00 Pay Administration for Appointed Unclassified Employees

- 3.01 Coverage
- 3.02 Pay On Appointment
- 3.03 ESG Assignments, Pay Range Assignments and Other Pay Rate Limitations for Positions Not Assigned by Statute
- 3.04 Salary Adjustments for Employees Serving a Fixed Term
- 3.05 Base Pay Adjustments for Fiscal Years 2021-2022 and 2022-2023 for Employees Not Serving a Fixed Term
- 3.06 Pay Increases If Level of Functions Increases
- 3.07 Overtime Compensation and Supplemental Pay

4.00 Discretionary Merit Compensation (DMC)

INTRODUCTION

This Section (Section B) contains provisions governing the pay of all elected officials and certain unclassified civil service employees. For elected officials, this includes the annual salary rates for each of the elective offices. For elected officials and appointed fixed-term employees, this includes an explanation of the constitutional prohibition on pay adjustments during the term of office. For appointed indefinite-term unclassified employees, this includes many of the same types of provisions contained in Section A and/or Section J for classified employees (General Wage Adjustment (GWA); Discretionary Merit Compensation (DMC); Supplemental Pay and Overtime Compensation). In addition, certain types of pay provisions analogous to those for classified employees (e.g., pay increases analogous to regrade upon reallocation and reclassification) are contained in Sections E and I of this Plan for certain appointed indefinite-term unclassified employees.

In accordance with s. 230.12(1)(a)1.b., Wis. Stats., the pay of all unclassified civil service employees is governed by the pay provisions of the Compensation Plan, except for the following:

Employees of the University of Wisconsin.

Employees of the legislature who are not identified under s. 20.923(4), Wis. Stats.

Section B – INTRODUCTION

Employees of a legislative service agency under subch. IV of ch. 13, Wis. Stats.

Employees of the state court system.

Employees of the Investment Board.

One stenographer employed by each elective executive officer under s. 230.08(2)(g), Wis. Stats.

Three sales representatives of prison industries and one sales manager of prison industries identified under s. 303.01(10), Wis. Stats.

Sales and development professionals of the historical society employed under s. 44.20(4)(a).

Compensation provisions for unclassified civil service employees covered by this Plan who would be Limited Term Employees (LTEs) if their employment were in the classified service are contained in Section D.

1.00 Coverage

This Section (Section B) covers justices and judges, legislative members and constitutional officers. This Section (Section B) also covers appointed employees whose pay is governed by the Executive Salary Groups (ESGs) under s. 20.923, Wis. Stats., as well as certain other unclassified employees whose pay is not governed by the ESGs.

Covered employees occupy the following positions:

- s. 20.923(2) - Constitutional Officers and Other Elected State Officials
- s. 20.923(3) - Justices and Judges
- s. 20.923(4) - State Agency Positions (including unclassified Division Administrators listed under 3.03(2))
- s. 20.923(7) - Director and Executive Assistant of the Wisconsin Technical College System
- s. 20.923(8) - Deputies
- s. 20.923(9) - Assistant Deputy Secretary and Executive Assistants
- s. 20.923(10) - Office of the Governor Staff
- s. 20.923(12) - Other Department of Safety and Professional Services Positions
- s. 230.12(1) - All unclassified positions for which pay is covered by this Plan in accordance with s. 230.12(1)(a)1.b., Wis. Stats.

NOTE: Provisions regarding employees who would be considered LTEs if their employment were in the classified service are contained in Section D of this Plan.

2.00 Pay Administration for Elected Officials under s. 20.923(2) and (3), Wis. Stats.

2.01 Pay Administration for Justices and Judges

- (1) Annual Rates for Incumbents.

The rate for office becomes the incumbent's rate at the time any judge or justice takes the oath of office in accordance with s. 20.923(3), Wis. Stats., and Article IV, Section 26, of the Wisconsin Constitution.

- (2) Annual Rates for Office.

Position	Incumbent's January 2, 2022 Pay Rate	January 2, 2022 – December 31, 2022 Rate for Office*	January 1, 2023 Rate for Office**
Circuit Court Judge	\$147,535	\$155,023	\$164,487
Court of Appeals Judge	\$156,388	\$164,325	\$174,357
Supreme Court Justice	\$165,772	\$174,185	\$184,819

*This rate includes a 2.0% GWA plus an additional 3.0% market increase.

**This rate includes a 2.0% GWA plus an additional 4.0% market increase.

2.02 Pay Administration for Legislative Members

- (1) Legislative Compensation, Effective Date.

Article IV, Section 26 of the Wisconsin Constitution prohibits increasing or decreasing the compensation of public officers during their term of office except that any increase in the compensation of members of the legislature will take effect, for all senators and representatives to the assembly, after the next general election beginning with the new assembly term. (Refer also to incumbent salary limitation under s. 20.923(15)(b), Wis. Stats.) (Legislators convene and take the oath of office on the first Monday of January in each odd-numbered year, except if the first Monday falls on January 1 or 2, the oath shall be taken on January 3, in accordance with s. 13.02(1), Wis. Stats.)

- (2) Annual Rates for Office.

Position	Incumbent's January 2, 2022 Pay Rate	January 2, 2022 – December 31, 2022 Rate for Office	January 1, 2023 Rate for Office
Legislative Member	\$55,141	\$56,264	\$57,408

- (3) Sick Leave Accrual for Legislators.

For the purposes of premium determinations under ss. 40.05(4) and (5), Wis. Stats., legislative members will accrue sick leave at 65% of the full-time accrual rate established under s. ER 18.03, Wis. Adm. Code.

2.03 Pay Administration for Constitutional Officers

(1) Annual Rates for Incumbents.

The "Rate for Office" becomes the incumbent's rate at the time the incumbent begins his or her term of office. "Incumbent's January 2, 2022 Pay Rate," as provided in the chart under (2), is based on the rate for office in effect on the date the incumbent, in the office on January 2, 2022, began his or her term of office. For the State Superintendent of Public Instruction a new term of office began on July 5, 2021 (i.e., the first Monday in July after election). For all other Constitutional Officers listed below, the current term of office began on January 7, 2019 (i.e., the first Monday in January after election). (See s. 8.25(4)(b), Wis. Stats.)

Article IV, Section 26, of the Wisconsin Constitution prohibits compensation increases or decreases for incumbent Constitutional Officers during the term of office. (Refer also to incumbent salary limitation under s. 20.923(15)(b), Wis. Stats. and s. 13.04 Wis. Stats.)

(2) Annual Rates for Offices.

The "Rate for Office" for the Constitutional Offices listed in the chart below are based on the Executive Salary Groups provided in Section Z of this Plan and are calculated in accordance with s. 20.923(2), Wis. Stats.

Constitutional Office	Executive Salary Group	Incumbent's January 2, 2022 Pay Rate	January 2, 2022 – December 31, 2022 Rate for Office	January 1, 2023 Rate for Office
State Treasurer	1	\$72,551	\$77,023	\$78,583
Secretary of State	1	\$72,551	\$77,023	\$78,583
Lieutenant Governor	4	\$80,684	\$85,696	\$87,423
State Superintendent, Public Instruction	7	\$132,351	\$135,034	\$137,696
Attorney General	10	\$148,242	\$157,581	\$160,680
Governor	10	\$152,756	\$162,386	\$165,568

Note. The next set of elected constitutional officers will take office January 2, 2023, except that the elected State Superintendent will take office July 7, 2025, for a four-year term.

2.04 Pay Administration for District Attorneys

Pursuant to s. 978.12(1), Wis. Stats., the rates for office for District Attorneys are reviewed and established in the Compensation Plan, in the manner set forth under s. 230.12(3), Wis. Stats. Pursuant to s. 978.12(1)(a)2., Wis. Stats., any individual appointed to fill a vacancy in the office of district attorney 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. (Refer also to incumbent salary limitation under s. 20.923(15)(b), Wis. Stats.)

The salary for elected district attorneys “shall be established at the rate that is in effect for his or her office on the 2nd Tuesday of July preceding the commencement of his or her term of office” per s. 978.12(1)(a)1, Wis. Statutes. The most recent four-year terms began January 4, 2021.

Prosecutorial Unit Size (as determined under s. 978.12(1)(a)1., Wis. Stats.)	Incumbent's January 2, 2022 Pay Rate	January 2, 2022 – December 31, 2022 Rate for Office	January 1, 2023 Rate for Office
More than 750,000	\$145,288	\$145,288	\$145,288
More than 250,000 but not more than 750,000	\$131,456	\$136,781	\$139,527
More than 100,000 but not more than 250,000	\$124,842	\$129,917	\$139,527
More than 75,000 but not more than 100,000	\$124,842	\$129,917	\$139,527
More than 50,000 but not more than 75,000	\$118,872	\$123,698	\$126,173
More than 35,000 but not more than 50,000	\$118,872	\$123,698	\$126,173
More than 20,000 but not more than 35,000	\$106,288	\$110,615	\$126,173
Not more than 20,000	\$106,288	\$110,615	\$126,173

3.00 Pay Administration for Appointed Unclassified Employees

3.01 Coverage

The following employee groups are covered by the pay administration provisions of 3.00:

- (1) "ESG" employees in positions identified under ss. 20.923(4), (8), (9), and (12), Wis. Stats., in the executive or legislative branches;
- (2) "GSEG" employees in positions identified under s. 20.923(7), Wis. Stats; and
- (3) All other unclassified civil service ("Non-ESG") employees in the executive branch, except:

- (a) Employees of the University of Wisconsin System.
- (b) Stenographers under s. 230.08(2)(g), Wis. Stats.
- (c) Employees of the Investment Board under s. 230.08 (2)(p), Wis. Stats.
- (d) Three sales representatives of prison industries and one sales manager of prison industries identified under s. 303.01(10), Wis. Stats.
- (e) Employees who would be limited term employees if their employment were in the classified service. (See Section D)
- (f) Unclassified attorneys when provisions of Section C of this Plan apply.

NOTE: The legislative branch includes the legislature and legislative service agencies under subch. IV of Chapter 13, Wis. Stats. The executive branch includes all other units of state government outside the state court system. Incumbents of positions in the organized militia are employed outside the civil service and, therefore, are not covered by this Plan. See s. 230.03(6), Wis. Stats.

3.02 Pay on Appointment

- (1) The rate payable upon appointment to any unclassified civil service position identified in 3.01(1) ("ESG" position) of this Section (Section B) will be set by the appointing authority at a rate that most adequately reflects both the individual's qualifications and the economic and employment conditions prevailing at the time of appointment subject to the following restraints:
 - (a) For positions identified under s. 20.923(4), Wis. Stats., the rate must be within the range of the appropriate ESG. (See 3.04 for special provisions regarding fixed-term positions under s. 20.923(4), Wis. Stats.)
 - (b) For positions identified under ss. 20.923(8) through (12), Wis. Stats., the rate must not exceed the maximum of the appropriate ESG.
 - (c) The pay of an incumbent of a position, whose salary is subject to a limitation under s. 20.923, Wis. Stats., is limited to a rate below that paid the governor (salary of the current governor).
- (2) The rate payable upon appointment to any unclassified civil service position identified in 3.01(2) ("GSEG" position) of this Section (Section B) will be set by the appointing authority at a rate that most adequately reflects both the individual's qualifications and the economic and employment conditions prevailing at the time of appointment subject to the following restraints:
 - (a) For positions identified under s. 20.923(7), Wis. Stats., the rate must be within the range of the appropriate GSEG.

- (b) The pay of an incumbent of a position is not limited to a rate below that paid the governor (salary of the current governor).
- (3) The rate payable upon appointment to an unclassified civil service position identified in 3.01(3) ("Non-ESG" position), excluding the unclassified attorney positions covered by Section C of this Plan, will be determined in accordance with the principle of equal pay for work that requires equal skill, effort, and responsibility, and that is performed under similar working conditions. Thus, the rate upon appointment should be equal to the rate that would be payable upon appointment to a similar position in the classified service, as determined by the appointing authority. In addition, the rate will not exceed the pay rate or range maximum under 3.03(3).

NOTE: Certain appointments are also subject to s. 230.148, Wis. Stats., regarding re-appointments in the unclassified service, and s. 230.33(3), Wis. Stats., regarding appointments to positions in the unclassified service from positions in the classified service.

3.03 ESG Assignments, Pay Range Assignments and Other Pay Rate Limitations for Positions Not Assigned by Statute

- (1) ESG Limitations for the Deputy and Executive Assistant in the Department of Justice.

In the Department of Justice, the rate for the Deputy under s. 20.923(8), Wis. Stats., and Executive Assistant under s. 20.923(9), Wis. Stats., will not exceed the maximums of ESG 6 and ESG 5, respectively.

- (2) ESG Assignments of Unclassified Division Administrators.

Except for positions specified in s. 20.923(4)(c)3m, Wis. Stats., (Administrators, Division of Enterprise Technology and Personnel Management, Department of Administration); and s. 20.923(12), Wis. Stats., (Division Administrators, Department of Safety and Professional Services); all unclassified division administrator positions enumerated under s. 230.08(2)(e), Wis. Stats., shall be assigned, when approved by JCOER, by the DPM Administrator to one of the 10 ESG ranges. The following list represents the group assignments as of the printing of this document:

- (a) Positions assigned to Executive Salary Group 3 (ESG 3).
 - 1. Administration, Department of: Division of Energy, Housing, and Community Resources; Division of Gaming; Division of Intergovernmental Relations; Division of Facilities Development; and Division of Facilities and Transportation Services.
 - 2. Agriculture, Trade and Consumer Protection, Department of: Division of Agricultural Development; Division of Agricultural Resource Management; Division of Food and Recreation Safety; Division of Management Services; Division of Trade and Consumer Protection; and Division of Agriculture Development.

3. Children and Families, Department of: Division of Management Services; and Office of the Inspector General.
 4. Educational Communications Board: Division of Education; Division of Engineering; Division of Television Programming/ Operations; and Division of Wisconsin Public Radio.
 5. Financial Institutions, Department of: Division of Banking; Division of Corporate and Consumer Services; and Division of Securities.
 6. Health Services, Department of: Office of Children’s Mental Health.
 7. Historical Society, State: Division of Library, Archives, & Museum Collections.
 8. Justice, Department of: Division of Law Enforcement Services; and Division of Management Services.
 9. Military Affairs, Department of: Division of Emergency Management.
 10. Public Service Commission: Division of Business Operations and Office Management; Division of Digital Access, Consumer, and Environmental Affairs; and Division of Water Utility Regulation and Analysis.
 11. Revenue, Department of: Division of Enterprise Services.
 12. Transportation, Department of: Division of Budget and Strategic Initiatives.
 13. Veterans Affairs, Department of: Division of Veterans Benefits; and Division of Veterans Home.
 14. Workforce Development, Department of: Division of Equal Rights; and Division of Workers Compensation.
- (b) Positions assigned to Executive Salary Group 4 (ESG 4).
1. Administration, Department of: Division of Enterprise Operations.
 2. Agriculture, Trade and Consumer Protection, Department of: Division of Animal Health.
 3. Children and Families, Department of: Division of Early Care and Education; Division of Family and Economic Security; Division of Milwaukee Child Welfare; and Division of Safety and Permanence.
 4. Corrections, Department of: Division of Management Services.
 5. Health Services, Department of: Division of Enterprise Services.
 6. Historical Society, State: Division of Museums and Historic Sites.

7. Natural Resources, Department of: Division of Internal Services; and Division of Law Enforcement.
 8. State Public Defender, Office of: Trial Representation Division.
 9. Public Instruction, Department of: Division for Academic Excellence; Division for Finance and Management; Division for Learning Support: Equity and Advocacy; Division for Libraries and Technology; and Division for Student and School Success.
 10. Public Service Commission: Division of Energy Regulation and Analysis.
 11. Revenue, Department of: Division of Lottery; Division of Research and Policy; and Division of State and Local Finance.
 12. Transportation, Department of: Division of Business Management; Division of Motor Vehicles; and Division of State Patrol.
 13. Wisconsin Technical College System Board: Division of Finance; and Division of Student Success.
 14. Workforce Development, Department of: Administrative Services Division; Division of Employment and Training; and Division of Unemployment Insurance.
- (c) Positions assigned to Executive Salary Group 5 (ESG 5).
1. Administration, Department of: Division of Executive Budget and Finance.
 2. Corrections, Department of: Division of Adult Institutions; Division of Community Corrections; and Division of Juvenile Corrections.
 3. Health Services, Department of: Division of Care and Treatment Services; and Division of Public Health.
 4. Justice, Department of: Division of Legal Services.
 5. Natural Resources, Department of: Environmental Management Division; Division of External Services; Division of Fish, Wildlife and Parks; and Division of Forestry.
 6. Transportation, Department of: Division of Transportation Investment Management; and Division of Transportation System Development.
 7. Workforce Development, Department of: Division of Vocational Rehabilitation.
- (d) Positions assigned to Executive Salary Group 6 (ESG 6).

1. Health Services, Department of: Division of Medicaid Services.

(3) Pay Range Assignments for Other ("Non-ESG") Unclassified Positions

Certain positions listed below are specifically assigned to an established pay rate, pay range, or ESG. Other positions listed below are limited by a "not to exceed" (NTE) amount. Pay upon appointment and pay adjustments for any employee in a position limited by an NTE amount shall also be limited by the rate or pay range maximum which would be applicable if the position were in the classified service as determined by the appointing authority.

NOTE: A "Not To Exceed" rate or maximum established for a position does not guarantee the assignment of the position to a certain pay range. The pay range established for a Non-ESG position should be based on an analysis of the actual duties and responsibilities of the position by the appointing authority and a consideration of the pay range to which the position would be assigned if it were in the classified service.

- (a) Administration, Department of: Federal-State Relations Office, Staff Assistant (NTE PR 81-03); Director of Office of Indian Gaming and Regulatory Compliance (NTE PR 81-01); Interagency Council on Homelessness, Director (NTE PR 81-03); and Office of the State Prosecutor, deputy district attorneys (NTE PR 71-01).
- (b) Board of Commissioners of Public Lands: Executive Secretary (NTE PR 81-01).
- (c) Children and Families, Department of: Office of Urban Development, Director (NTE PR 81-01).
- (d) Educational Communications Board: Unclassified employees (NTE PR 81-03) other than employees identified under 3.01(1).
(Exceptions to the NTE PR 81-03 limit for certain positions may be approved by the DPM Administrator if supported by a comparison of the functions assigned after reorganization to the functions of positions in the classified service above the PR 81-03 level.)
- (e) Elections Commission: Elections Commission Administrator (NTE ESG 4); Elections Commission Assistant Administrator (NTE ESG 3).
- (f) Ethics Commission: Ethics Commission Administrator (NTE ESG 4); Ethics Commission Assistant Administrator (NTE ESG 3).
- (g) Health Services, Department of: Psychiatric Residents (NTE 0.75 of the minimum of PR 10-52) and Deputy Medicaid Services Director (NTE PR 81-01).
- (h) Historical Society: Specialists identified under s. 230.08 (2)(c), Wis. Stats., (NTE PR 81-03).
- (i) Labor and Industry Review Commission: General Counsel (NTE ESG 5).

- (j) Lower Wisconsin State Riverway Board, Executive Director (NTE PR 81-02) and Program Assistant (NTE PR 81-05).
- (k) Military Affairs, Department of: Director of Emergency Communications (NTE 81-01).
- (l) Offices of the Governor and Lieutenant Governor, staff other than the Executive Secretary (NTE ESG 3).
- (m) Office of the State Public Defender, Assistant State Public Defender Supervisors (NTE PR 71-01).
- (n) Tourism, Department of: Kickapoo Reserve Management Board, Executive Director (NTE PR 81-02); Property Manager (NTE PR 81-04); Training Coordinator (NTE PR 81-04); and Program Assistant (NTE PR 81-05).
- (o) Various Agencies: Chief Legal Counsel (NTE ESG 5).
- (p) Various Agencies: Legislative Advisor (NTE ESG 2).
- (q) Various Agencies: Communications Director (NTE ESG 2).

3.04 Salary Adjustments for Employees Serving a Fixed Term

Certain incumbents of positions specified in s. 20.923(4) and (8), Wis. Stats., serve fixed terms. Incumbents of fixed-term positions are prohibited by Article IV, Section 26 of the Constitution from receiving pay increases during their term of office other than those granted pursuant to a predetermined schedule of increases authorized at the time of appointment. The pay range minimum and maximum for the ESG range in effect at the time of hire controls the salary potential during the period of the entire fixed-term appointment. (Refer also to incumbent salary limitation under s. 20.923(15)(b), Wis. Stats.)

3.05 Base Pay Adjustments for Fiscal Years 2021-2022 and 2022-2023 for Employees Not Serving a Fixed Term

For the 2021-2023 biennium, these provisions apply to all indefinite-term unclassified employees identified in 3.01 except for unclassified attorneys who are covered in Section C of this Plan.

General Wage Adjustment (GWA).

- (1) **Effective Dates.** The GWAs will be effective January 2, 2022, in FY 2021-2022, and January 1, 2023, in FY 2022-2023.
- (2) **Eligibility.** All eligible employees who are in pay status on the effective date are eligible to receive a GWA, except:
 - (a) Employees paid at or above the pay range maximum, or the new pay range maximum if a new pay range maximum takes effect on the same date as GWA distribution.
- (3) **Amount.** All eligible employees will receive a GWA of 2.0% on January 2, 2022, and 2.0% on January 1, 2023.
 - (a) An employee's new base pay after application of the GWA must not exceed the applicable pay range maximum, or the new pay range maximum if a new pay range maximum takes effect on the same date as GWA distribution.
 - (b) ESG and GSEG employees, except those who have an NTE designation for their title, must be paid at least the new pay range minimum of the appropriate range, if a new pay range minimum takes effect on the same date as GWA distribution.
 - (c) Non-ESG employees, except those who have an NTE designation for their title, must be paid at least the applicable new pay range minimum if a new pay range minimum takes effect on the same date as GWA distribution.
 - (d) Except for those positions specifically excluded by s. 20.923(15)(b), Wis. Stats., the pay of an incumbent of a position, whose salary is subject to a limitation under s. 20.923, Wis. Stats., is limited to a rate below that paid to the governor (salary of the current governor).

3.06 Pay Increases if Level of Functions Increases

- (1) **Effective Dates.** Pay increases for increases in level of functions shall be effective on the first day of the pay period following completion of all eligibility requirements.
- (2) **Eligibility.** Base pay increases may be granted to any indefinite term employee under 3.01 of this Section (Section B), if the DPM Administrator finds that the level of the duties and responsibilities has increased substantially and one of the following conditions applies:

- (a) The position occupied is reassigned under s. 20.923, Wis. Stats., to a higher ESG; or
 - (b) The position occupied is not assigned to an ESG under s. 20.923, Wis. Stats., and the DPM Administrator finds that, if the position were assigned to an ESG under s. 20.923, Wis. Stats., or assigned to a classification in the classified service, reassignment of the position to a higher ESG or higher classification would be justified; or
 - (c) The position occupied is reassigned under s. 20.923, Wis. Stats., to higher GSEG; or
 - (d) The position occupied is reassigned under s. 20.923, Wis. Stats., to GSEG from another pay schedule.
- (3) Amount. Pay increases for increases in level of duties and responsibilities shall be limited to:
- (a) The amount necessary to make the incumbent's rate equal to the minimum of the new ESG or applicable pay range; or
 - (b) One within-range pay step (WRPS) of the new ESG or applicable pay range if the position is covered in s. 20.923(4) and (7) through (12), Wis. Stats.
 - (c) 8.0% of the minimum of the new applicable pay range if the position is not covered in s. 20.923(4) and (7) through (12), Wis. Stats.

3.07 Overtime Compensation and Supplemental Pay

- (1) Definitions.
- (a) The definitions contained in Section A. 4.01 of this Plan shall apply to unclassified employees.
 - (b) Supplemental pay. Pay in addition to the base rate for circumstances not reflected in the base rate or pay range. Such circumstances are identified under (4) and (5) below.
- (2) General Policy. The general policy provisions contained in Section A. 4.02(1) through (4) of this Plan shall apply to unclassified employees.
- (3) Overtime for Unclassified Employees.
- (a) Nonexempt Employees. Overtime pay for employees who are nonexempt from the overtime provisions of the FLSA shall be in accordance with the provisions of the FLSA and related federal regulations. See Chapter 520 of the Wisconsin Human Resources Handbook for an explanation of these provisions.
 - (b) Exempt Employees and Employees Not Covered by the FLSA.

1. As provided in s. 20.923(16), Wis. Stats., the salary paid to any employee whose position is included under s. 20.923(2), (4), (7), (8), (9), (10) and (12), Wis. Stats., is deemed to compensate that employee for all work hours. No overtime compensation in the form of cash or compensatory time off may be paid to any such employee for hours worked in any workweek in excess of the standard basis of employment as specified in s. 230.35(5)(a), Wis. Stats. No holiday premium may be paid to such employees.
 2. The salaries paid to exempt employees and employees not covered by the FLSA are generally intended to compensate for the total responsibilities of the position regardless of the number of hours worked. However, circumstances may exist where time off or cash payment for overtime hours is appropriate for certain employees identified in 3.01(3). Section A, 4.03(2)(b) of this Plan shall be used by agencies as a basis to establish practices for additional compensation for overtime hours. Time off or cash payment authorized in Section A, 4.03(2)(b) for similar positions in the classified service may be granted to exempt employees and employees not covered by the FLSA at the discretion of the appointing authority.
 3. Appointing authorities shall have the discretion in approving scheduled use of time off earned in lieu of cash payment for overtime hours. Section A, 4.03(3)(b) of this Plan shall be used by agencies for cashing out time off earned in lieu of cash payments which cannot be scheduled by the end of the calendar year.
- (4) Weekend and Night Differential for Unclassified Employees.
- (a) Weekend Differential. Except as provided in (c), below, employees identified in 3.01(3) of this Section (Section B) may be paid up to sixty cents (\$.60) per hour for all weekend hours worked. Effective January 1, 2023, these employees may be paid up to eighty cents (\$.80) per hour.
 - (b) Night Differential. Except as provided in (c), below, employees identified in 3.01(3) of this Section (Section B) may be paid up to forty-five cents (\$.45) per hour for all night hours worked. Effective January 1, 2023, these employees may be paid up to eighty cents (\$.80) per hour. To qualify for night differential between the hours of 6:00 p.m. and 12:00 midnight, an employee must be assigned a minimum of two work hours between 6:00 p.m. and 1:00 a.m.
 - (c) Employees identified under s. 20.923(10), Wis. Stats., are not eligible for weekend or night differential.
 - (d) Effective May 13, 2018, the payment of weekend or night differential to employees who are FLSA exempt will require approval by DPM.
- (5) Supplemental Pay Provisions for Supervisory Attorneys.

Incumbents of attorney positions under 3.01(3) of this Section (Section B) or unclassified attorney positions covered by Section C of this Plan who supervise one or more permanent attorneys are eligible to receive a responsibility add-on in accordance with the following supplemental pay provisions:

- (a) Appointing authorities shall have the discretion to grant supplemental pay, subject to the maximum allowable amount specified in (c) below, based on their analysis of their organizational structure, internal and external relationships, size of staff supervised, and any other reasonable criteria deemed appropriate. **The amount can be subsequently changed only with DPM approval.** The add-on shall be immediately discontinued when the employee is no longer employed in a position covered by these provisions. Failure to do so will result in a salary overpayment, which must be recovered by the appointing authority.
- (b) Decisions to grant supplemental pay for deputy district attorneys are subject to the review and approval of the agency (i.e., Department of Administration) responsible for the general program operations relating to Chapter 978, Wis. Stats. **The amount can be subsequently changed only with DPM approval.** The agency may elect to publish decision-making criteria consistent with (1) above, and delegate in writing certain such decisions to some or all appointing authorities of deputy district attorneys.
- (c) An add-on maximum for supervisory responsibility is established for eligible employees covered by these provisions at a rate **not to exceed \$2.75 per hour.**

4.00 Discretionary Merit Compensation (DMC)

Discretionary Merit Compensation (DMC) shall be granted to unclassified employees not serving a fixed term in accordance with Section J of this Plan.