

SECTION C - COMPENSATION PROVISIONS FOR EMPLOYEES IN ATTORNEY POSITIONS IN THE CLASSIFIED SERVICE AND CERTAIN “NON-ESG” ATTORNEY POSITIONS IN THE UNCLASSIFIED SERVICE

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INTRODUCTION

This Section (Section C) includes provisions for GWA and Annualized GWA for nonrepresented classified attorneys and certain unclassified “Non-ESG” attorneys in state civil service. Nonrepresented classified attorneys are excluded from the provisions of Section A, 2.01 and 2.02 of this Plan for the 2015-2017 biennium. Unclassified “Non-ESG” attorneys included in this Section (Section C) are excluded from the pay on appointment and GWA provisions of Section B of this Plan for the 2015-2017 biennium. Those employees, however, will remain covered under all of the remaining applicable pay and benefit provisions of Sections A (classified employees) or B (unclassified employees) of this Plan for the 2015-2017 biennium. General Wage Adjustments will only apply to employees who are not represented by a certified collective bargaining unit.

1.00 Coverage

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

- (1) Professional legal-related classified employees.
 - (a) Permanent and project employees in positions allocated to Attorney classifications assigned to pay schedule 71.
 - (b) Permanent and project employees in positions allocated to the Attorney classification in pay schedule 09.
- (2) Unclassified “Non-ESG” attorneys.
 - (a) Employees appointed on other than an LTE basis to Deputy District Attorney, Deputy District Attorney – Supervisor, and Assistant District Attorney positions.
 - (b) Employees appointed on other than an LTE basis to Assistant State Public Defender Attorney, Assistant State Public Defender Attorney-Confidential, Assistant State Public Defender Attorney-Confidential/Supervisor, Assistant State Public Defender Attorney-Management and Assistant State Public Defender Attorney - Supervisor positions.
 - (c) Employee appointed to the attorney position established under s. 569.015(2), Wis. Stats.

2.00 Nonrepresented General Wage Adjustment (GWA) and Annualized Nonrepresented GWA Payment for Fiscal Years 2015-2016 and 2016-2017

There is no GWA or Annualized GWA in either fiscal year.

3.00 Parity Progression Plan Pay Adjustments

Employees who positions are allocated to the classifications below will be eligible for a pay adjustment under the same terms and conditions provided for the subordinate or related position in s. 230.12(11), Wis. Stats.

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

NOTE: Any employee who is dissatisfied with the evaluation methodology and results used by an agency to determine a progression adjustment, or the amount of such an adjustment received under this provision or under s. 230.12(10) to (12), Wis. Stats., may grieve the decision to the appointing authority under the agency's grievance procedure. The decision of the appointing authority is final and may not be appealed to the Commission under s. [230.44](#) or [230.45 \(1\) \(c\)](#).

4.00 Pay on Appointment

Pay on Appointment, except for Assistant District Attorney positions, shall be determined in accordance with Section I, 4.04 of this Plan.

Assistant District Attorney positions will be appointed at the minimum of the pay range, except:

- (1) A current permanent state employee not in an elected position may be hired at a rate not to exceed the employee's current base pay;
- (2) A permanent classified or permanent unclassified attorney not in an elected position who separates from the position and returns within 5 years may receive a base pay rate calculated as if the employee were reinstated to a position in classified service under s. ER 29.03(6), Wis. Adm. Code;
- (3) A District Attorney who separates from that position and within 5 years is appointed to an Assistant District Attorney position will receive a base pay rate calculated in accordance with s. 230.12(10)(d), Wis. Stats.
- (4) A Judge or Justice who separates from that position and within 5 years is appointed to an Assistant District Attorney position will receive a base pay rate calculated in accordance the language provided for District Attorneys in s. 230.12(10)(d), Wis. Stats.
- (5) When appointed using Hiring Above the Minimum in accordance with Section E of this Plan;
- (6) (1) through (5) above are subject to the pay range maximum;
- (7) For (1), (2) and (5), the appointing authority has the discretion to determine which provision to use if more than one could occur;
- (8) An Assistant District Attorney granted a leave of absence to act as a Special Prosecutor or as a Governor appointee to a District Attorney position upon return will be paid as if restoring to classified service under s. ER 29.03(7), Wis. Admin. Code. If a progression increase under s. 230.12(10), Wis. Stats, occurs while on such a leave, a progression increase may also be provided in calculating the new base pay rate.

NOTE: Pay range 71-02 will be used for pay transactions involving unclassified attorney positions covered by this Section (Section C) except range 71-01 will be used for the Attorney position listed in 1.00(2)(c), Schedule 20 will be used for Assistant District Attorney positions, and Schedule 21 will be used for Assistant State Public Defender Attorney positions.

5.00 Discretionary Compensation

Discretionary Equity or Retention Adjustments (DERA) and Discretionary Merit Compensation (DMC) may be granted to certain employees covered by this Section (Section C) in accordance with Sections I and J of this Plan, respectively.

6.00 Bar Association Meetings and Activities

Employees may be granted up to five (5) days off during the calendar year without loss of pay to attend the State Bar of Wisconsin meetings or to participate in other local, State of Wisconsin, court, or national bar association activities.

7.00 Continuing Legal Education Requirements

The Employer may pay for or provide the continuing legal education credits necessary to maintain a law license in the state of Wisconsin. The Employer may grant leave with pay each calendar year to employees for the sole purpose of meeting those continuing legal education requirements. At the discretion of the Employer, such attendance may include reimbursement of travel, lodging, and related expenses.

8.00 Sunday Domestic Violence Staffing in Milwaukee County

Assistant District Attorneys specifically assigned by the Milwaukee County District Attorney to staff the office on Sundays in order to prepare, review and process weekend and backlogged domestic violence complaints may be paid at straight time for hours assigned and worked, up to a total of ten (10) hours for the day for the assigned assistant district attorneys.

9.00 Sunday Intake Court Duty

Compensation for Sunday court duty may be made, if the following conditions are met. The county, chief judge or higher judicial authority must have established a regular, continuing Sunday intake court; and the Attorney must be specifically assigned to process and/or represent the State or persons on the charges brought to the court on that Sunday. The Attorney may be compensated at straight time for hours assigned and worked, up to eight (8) hours for the day. An Assistant District Attorney will not be paid under both this provision and 8.00 above, for the same hours worked.

10.00 Protections for Assistant State Public Defender Attorneys

Assistant State Public Defender Attorneys shall be provided the same protections as those provided to Assistant District Attorneys under s. 230.34, Wis. Stats.

11.00 Working on a Paid Holiday

When required to work on a holiday, employees covered in this Section (Section C) will be paid for the holiday as provided in s. 230.35 (4) (c), Wis. Stats., and granted equivalent time off for hours worked (i.e., hour for hour) at a later date in lieu of the compensatory time or cash payment provided in s. 230.35 (4) (b), Wis. Stats.