

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

1.00 Coverage

**2.00 General Wage Adjustment (GWA) and Annualized GWA for the Fiscal Years 2003-04
and 2004-05**

2.01 General Wage Adjustment (GWA)

2.02 Annualized General Wage Adjustment (GWA) Payment

3.00 Pay on Appointment

4.00 Discretionary Compensation Adjustment (DCA)

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 following provisions of Section A of this Plan for the 2003-2005 biennium: 2.01 (General Wage Adjustment (GWA)) and 2.02 (Annualized General Wage Adjustment (GWA) Payment). Unclassified “Non-ESG” attorneys are excluded from the pay on appointment and GWA provisions of Section B, 3.02(2) and 3.05(1) of this Plan for the 2003-2005 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 2003-2005 biennium.

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) Project employees in positions allocated to the Attorney classification in the Professional Legal bargaining unit (pay schedule 09).
- (2) Unclassified “Non-ESG” attorneys.
 - (a) Employees appointed on other than an LTE basis to deputy district attorney positions.

- (b) Employees appointed on other than an LTE basis to nonrepresented assistant state public defender attorney positions.
- (c) Employee appointed to the attorney position established under s. 569.015(2), Wis. Stats.

2.00 General Wage Adjustment (GWA) and Annualized GWA Payment for Fiscal Years 2003-04 and 2004-05

2.01 General Wage Adjustment (GWA)

- (1) **Effective Date.** There will be no GWA in FY 2003-04. The GWA will be effective June 27, 2004, in FY 2004-05.
- (2) **Eligibility.** All employees who are in pay status on the effective date are eligible to receive a GWA except the following:
 - (a) Employees whose job performances were rated below satisfactory as a result of formal performance evaluations conducted in the twelve-month period ending June 26, 2004, for FY 2004-05.
 - (b) Supervisors who have not completed formal performance evaluations on all subordinate employees, for whom performance evaluations are required, within the 12-month period ending June 26, 2004, for FY 2004-05. (For purposes of these provisions, the requirements of Chapter ER 45, Wis. Adm. Code, will apply to both classified and unclassified employees.)

NOTE: Extenuating circumstances may exist (e.g., leaves of absence) that would allow a supervisor to receive a GWA even though the required performance evaluations were not completed within the mandated timeframes. Contact DER, Division of Compensation and Labor Relations for further assistance.

- (c) Any employee paid at or above the applicable pay range maximum. (An employee who is not eligible to receive a GWA solely because his or her base pay is at or above the pay range maximum may qualify for an Annualized GWA Payment under 2.02 of this Section.)
- (3) **Amount.**

All eligible employees will receive a GWA of 1.0% on June 27, 2004. Those employees eligible for the 1.0% GWA will then receive an additional GWA increase of \$0.100 per hour. These increases are subject to the following restrictions:

- (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). (Refer to Annualized GWA Payment provisions under 2.02 of this Section.)

- (b) No employee may, during any fiscal year, receive a total cumulative adjustment (GWA) exceeding a total of 10% of the employee's base pay at the beginning of the fiscal year, immediately prior to GWA distribution.

Employees in pay status on June 27, 2004, who receive a GWA adjustment will also receive a GWA lump sum payment of \$250.00, prorated based on FTE on that date, to be paid as soon as administratively feasible after that date.

- (4) Grievances. If an employee is dissatisfied with the evaluation methodology and results used by an agency to determine any GWA, the employee may file a grievance under s. 230.12(5)(e), Wis. Stats. The decision of the appointing authority is final and may not be appealed to the Personnel Commission under ss. 230.44 or 230.45(1)(c), Wis. Stats. Agencies will submit a copy of each grievance filed and the written decision of the appointing authority to the DER Secretary within 14 days of the decision.

2.02 Annualized General Wage Adjustment (GWA) Payment

- (1) Granting Date. The Annualized GWA Payment will be granted as soon as administratively feasible after the effective date of any GWA granted under 2.01 of this Section (Section C).
- (2) Eligibility. Any employee may qualify for an Annualized GWA Payment if either of the conditions described under (a) or (b), below, apply:
 - (a) The employee was not eligible to receive a GWA solely because his or her base pay was at or above the pay range maximum.
 - (b) The employee did not receive the full GWA because of the pay range maximum limitation.
- (3) Amount. The amount of any Annualized GWA Payment granted to an employee is subject to the restrictions under (a) and (b) below:
 - (a) For employees who qualify for an Annualized GWA Payment because of the condition described in (2)(a) above: The hourly amount used in calculating an employee's Annualized GWA Payment will equal the full GWA amount (i.e., 1.0% plus \$0.100 per hour on June 27, 2004).
 - (b) For employees who qualify for an Annualized Payment because of the circumstances described under (2)(b) above: The hourly amount used in calculating an employee's Annualized GWA Payment will equal the difference between the full GWA amount (i.e., 1.0% plus \$0.100 per

hour on June 27, 2004) and the partial GWA actually received by the employee.

- (4) Calculating Annualized GWA Payments. Annualized GWA Payments will be calculated by multiplying the hourly amount determined to be appropriate for the employee in accordance with (3)(a) or (b) above, by 2088. Annualized GWA Payments provided to permanent part-time or seasonal employees will be prorated on the basis of the budgeted percentage of Full-Time Equivalency (FTE) on the GWA distribution date.
- (5) Annualized GWA Payments for employees on approved unpaid leaves of absence. Any employee who is on an approved unpaid leave of absence as of the effective date of the GWA distribution and who qualifies for an Annualized GWA Payment will receive the payment, subject to the following restrictions:
 - (a) The employee must return from the leave of absence to pay status by June 25, 2005, and the employee's restoration right must be derived from a position covered by the GWA Payment provisions of this Section (Section C) or Section A of this Plan.
 - (b) The employee will not receive a GWA Payment until he or she has returned to pay status.
 - (c) The hourly GWA amount used in the calculation of an employee's Annualized GWA payment will equal the amount determined to be appropriate under (3) above.

3.00 Pay on Appointment

Pay on Appointment shall be determined in accordance with Section I, 4.04 of this Plan.

<p>NOTE: Pay Schedule 71 will be used for pay transactions involving unclassified attorney positions covered by this Section (Section C).</p>
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4.00 Discretionary Compensation Adjustment (DCA)

Discretionary Compensation Adjustments (DCAs) shall be granted in accordance with Section J of this Plan.