

State of Wisconsin

DEPARTMENT OF EMPLOYMENT RELATIONS

*- CLASSIFICATION & COMPENSATION BULLETIN-
- MERIT RECRUITMENT AND SELECTION BULLETIN-
- OFFICE OF THE SECRETARY BULLETIN-*

Date: February 18, 1999

Locator No.: CC/POL- 50
OS-77/MRS-196

Subject: WSEU Pay Ranges used by the University of Wisconsin Hospital and Clinics Board not designated as counterpart to any other Pay Ranges used in the rest of classified service.

I INTRODUCTION

The purpose of this bulletin is to: (1) provide guidance to all state agencies¹, including the University of Wisconsin Hospital and Clinics Board ("Board"), on how to treat certain personnel transactions in light of implementation of the collective bargaining agreement between the Board and WSEU ("Board/WSEU"); and (2) modify, in part, DER Bulletin OS-72, dated October 30, 1997. The Board/WSEU agreement differs from the State/WSEU agreement in two significant ways: (1) the pay ranges in the Board/WSEU agreement are higher than those in the State/WSEU agreement for the same classifications; and (2) the Board/WSEU agreement contains additional pay range designations for specific classifications that are not found in the State/WSEU agreement and that have their own corresponding pay ranges. These differences impact on the personnel transactions involving the movement of individuals between the two agreements.

The Secretary of DER has determined, after due consideration of all pertinent facts and policy issues, that none of the pay ranges for the classifications covered by the Board/WSEU agreement will be designated as counterparts to the pay ranges of classifications within that agreement and/or pay ranges in the State/WSEU agreement or any other pay ranges established in any other State collective bargaining agreements or in the nonrepresented employe compensation plan. **As a result, there can be no designation of a "transfer" under the Wisconsin Administrative Code for employe movements to or from or within the Board unless the movement complies with the Code provisions relating to a "transfer".**² The rationale for DER's decision follows.

¹ This bulletin does not apply to the University of Wisconsin Hospital and Clinics Authority.

² This would also apply to nonrepresented employes.

II BACKGROUND

The Secretary has been granted "all powers and duties", except those specifically granted to others, necessary to effectively administer Chapter 230, Wis. Stats., and the rules created thereunder. (§230.04(1), Wis. Stats.). Because the State has multiple classifications, negotiates labor agreements with a number of unions and has nonrepresented employes at all pay levels, the State historically has had to deal with multiple pay ranges or groupings of pay ranges in different schedules which have not been aligned with each other. As a result, DER's Secretary, pursuant to s. ER 1.02(7), Wis. Adm. Code, and where appropriate³, has over the years designated pay ranges or groupings of pay ranges in different pay schedules to be at the same level or counterpart for the purpose of determining personnel transactions. Additionally over the years, the Secretary has found it necessary, for policy reasons, to remove counterpart designations for pay ranges. (See (e.g.) Bulletin CC-117/MRS-63 (6/30/87); Bulletin OS-48/CC-262/MRS-108 (7/17/90)).

The designation of pay ranges as counterparts plays a crucial role in determining the type of personnel transaction and the extent to which conventional recruitment and selection practices may or may not be required. When pay ranges are counterpartied, transfers (s. ER 1.02(46) and s. ER-MRS 1.02(33), Wis. Adm. Code) are permitted even though there may be a difference in pay ranges for the classifications to or from which an employe moves. However, in the absence of counterpart designations, the pay range maximums are the key factors in determining the type of personnel transaction. Consequently, without counterpart designation, certain transactions that are usually treated as "transfers" must be treated as promotions or demotions and thus, the recruitment and selection practices required will be different from those practices used when filling a position by transfer.

1995 Wis. Act 27, which created the Board, granted to the Board the responsibility for employer functions, including negotiating the wages, hours and conditions of employment that are found within the new Board/WSEU agreement. (§111.815(1) and (2), Wis., Stats.).⁴ With the implementation of the Board/WSEU agreement, what were once merely concerns over potential disparities between that agreement and the State/WSEU agreement have become actual disparities which are problematic and must be addressed.

The different pay schedule configurations in the Board/WSEU agreement are incompatible with those in the State/WSEU agreement. Historically, counterpart

³ Certain classifications and their corresponding pay ranges have not been counterpartied (e.g.) attorneys and physicians.

⁴ Those two subsections became effective July 1, 1997.

designations have been made for pay ranges of different classes. There have been no previous situations where there are different pay ranges for essentially the same classes. Additionally, DER must act in a manner which avoids inequities. If DER were to designate the pay ranges as counterparts, people within the same class would be allowed to "transfer" between positions under different agreements with significant pay increases or decreases. This would give Board employees a substantial pay advantage or disadvantage over employees under the State/WSEU agreement who are in the same class when moving to positions covered by the State/WSEU agreement.

III NO DESIGNATION OF COUNTERPART PAY RANGES BETWEEN THE STATE/WSEU AND BOARD/WSEU AGREEMENT AND ANY OTHER PAY RANGES ESTABLISHED BY OTHER AGREEMENTS OR THE COMPENSATION PLAN.

Accordingly, DER has concluded that to designate counterparts under these circumstances would not advance fairness and equity. Therefore, the pay ranges for the classifications covered by the State/WSEU agreement or the pay ranges for classifications covered by any other state collective bargaining agreements or by the nonrepresented employee compensation plan and the pay ranges for classifications covered by the Board/WSEU agreement will not be designated as counterparts, as long as the Board continues to use the same classifications used throughout the rest of the classified service. As a result, the applicable Administrative Rules must be used to determine the appropriate personnel transaction when an employee moves between positions covered by the Board/WSEU agreement and any other state collective bargaining agreement or the Compensation Plan.

NOTE: If an employee promotes or demotes between another state agency and the Board, and fails probation, the employee does not have restoration rights under collective bargaining agreements. The employee would have permissive reinstatement eligibility under Sec. 230.31, Wis. Stats., and Ch. ER-MRS 16, Wis. Adm. Code.

IV NO DESIGNATION OF COUNTERPART PAY RANGES WITHIN THE BOARD/WSEU AGREEMENT.

Pursuant to §230.04(1), Wis. Stats., and s. ER 1.02(7), Wis. Adm. Code, counterpart designations are not established for the classifications and pay ranges of classifications covered by the Board/WSEU agreement. DER will work with the Board in an effort to create a classification and titling structure completely separate and distinct from those classifications used throughout the rest of State government. DER may reconsider counterpart pay range designations for the Board when that process is completed. The objective is to minimize confusion on the part of employing units and employees seeking positions in all state agencies.

V REFERRAL OF QUESTIONS

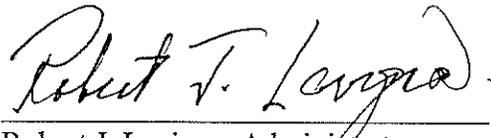
Questions regarding **pay provisions** should be directed to Jeanne Meyer, Compensation Analyst, at (608) 267-5164, E-mail: Jeanne.Meyer@der.state.wi.us, FAX 267-1020 or Paul Ostrowski, Compensation Analyst, at (608) 267-0343, E-mail: Paul.Ostrowski@der.state.wi.us, FAX 267-1020.

Questions regarding **labor agreements** should be directed to, Fred Bau, at (608) 267-9604, E-mail: Fred.Bau@der.state.wi.us or FAX 267-1020.

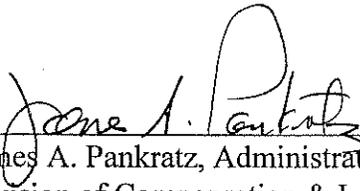
Questions regarding the **determination of a personnel transaction** should be directed to Dennis Huett, DMRS Policy Advisor, at (608) 266-7296, E-mail: Denny.Huett@der.state.wi.us or FAX 267-1000.



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