State of Wisconsin

OFFICE OF STATE EMPLOYMENT RELATIONS

- COMPENSATION & LABOR RELATIONS BULLETIN –

Date: October 17, 2006

Locator No: OSER-0147-CLR/LR/PP

Subject: Information on Processing the FY 2005-2006 Wage Adjustments, Corresponding Lump Sum Wage Payments and Annualized Wage Adjustment Payments for the Assistant State Public Defender Attorneys (21)

This information is provided to assist appointing authorities in determining 2005-2006 fiscal year general wage adjustments and corresponding lump sum wage payments for employees in represented Assistant State Public Defender Attorney positions (bargaining unit 21). These adjustments and lump sum payments are granted in accordance with Article V, Sections 2 through 4 of the FY 2005-2007 Agreement between the State of Wisconsin and the Wisconsin State Public Defender Association (WSPDA). All base pay increases must be applied in the order set forth in this bulletin.

SECTION I. ORDER OF PAY ADJUSTMENTS WITH THE SAME EFFECTIVE DATE

Pursuant to Article V, Section 1 of the 2005-2007 WSPDA Agreement, multiple pay adjustments with the same effective date will be applied in the order consistent with the order of pay adjustments for analogous personnel transactions in the classified service under § ER 29.04, of the Wis. Adm. Code, and in Section order below for contractual adjustments.

Use the current FY 2003-2005 pay schedule for transaction adjustments 1. through 8. on May 14, 2006. Use the FY 2005-2006 pay schedule under Section III. for transaction adjustment 9., effective on May 14, 2006. Adjustments normally occurring after 9. will be made in accordance with the FY 2006-2007 provisions of the 2005-2007 collective bargaining agreement.

1. Completion of the first 6 months of a probationary/trial period adjustment
2. Reallocation/regrade adjustment
3. Reclassification/regrade adjustment
4. Promotion/upward movement adjustment
5. Demotion/downward movement adjustment
6. Transfer/lateral movement adjustment
7. Reinstatement
8. Restoration
9. **Negotiated Base Pay Adjustments for the 2005-2006 Fiscal Year**
10. Original Appointment

SECTION II. FY 2005-2006 GENERAL WAGE ADJUSTMENT (GWA)

A. Effective Date. The GWA is effective May 14, 2006.

B. Eligibility.

1. **Eligible.** Except for employees described under 2. below, all employees in pay status on May 14, 2006, are eligible to receive a GWA.

2. **Ineligible.** The following employees are ineligible to receive a GWA:

   Any employee whose pay upon appointment was set in recognition of a previously earned rate that included a wage adjustment provided under another 2005-2006 state employee labor agreement or compensation plan with an effective date of July 1, 2005, or later.

C. Amount. Each eligible employee will receive a GWA of 2.0% of the employee's base pay rate subject to the FY 2005-2006 pay range maximum provided in Section III. of this bulletin.

SECTION III. PAY SCHEDULE IMPLEMENTATION FOR FY 2005-2006 ASSISTANT STATE PUBLIC DEFENDER ATTORNEYS (SCHEDULE 21)

Pay Schedule 21, depicted below, is implemented on May 14, 2006, for FY 2005-2006. Any employee whose base pay rate falls below the pay range minimum will receive an adjustment to the new pay range minimum listed below.

Title	Minimum	Maximum	Transaction Step
Assistant State Public Defender Attorney	$20.304	$52.089	$0.610

SECTION IV. LUMP SUM PAYMENT DUE TO THE DELAY IN PROCESSING THE FY 2005-2006 WAGE ADJUSTMENTS

A. Granting Date. The lump sum payment provided under C. below, will be granted in a separate check as soon as administratively feasible.

B. Eligibility. The employees described below are eligible to receive a lump sum payment as described in C. below:

1. Any employee in pay status on May 14, 2006, who receives a FY 2005-2006 base pay adjustment under Section II. above, is eligible to receive a lump sum payment as described in C. below, due to the delay in implementation of the pay adjustments.

2. Employees who were at all times in the bargaining unit between June 26, 2005 and May 13, 2006.
3. New state employees hired into the bargaining unit between June 26, 2005 and May 13, 2006.

4. Former employees of the bargaining unit who retired or died while serving in a bargaining unit position between June 25, 2005 and May 13, 2006.

5. Subject to restrictions under a. and b. below, any employee on an approved leave of absence as of May 14, 2006, is eligible to receive a lump sum payment.

   a. The employee must return from the leave to pay status in a bargaining unit position during the term of the Agreement.

   b. The employee will not receive a lump sum payment until the employee has returned from the leave to pay status in a position in the bargaining unit.

> ***NOTE:*** *When an assistant state public defender attorney returns from an approved leave of absence without pay, the assistant district attorney receives a base pay rate equal to the last rate received, plus the intervening negotiated wage adjustments. When an intervening adjustment is discretionary, the amount will be limited to the amount that would have been generated by the employee had the employee been in pay status on the effective date of the intervening adjustment.* ***(Refer to 6/9/5 (3) of the 2005-2007 WSPDA Agreement and § ER 29.03 (7), Wis. Adm. Code.)***

> ***NOTE:*** *Unclassified employees are not eligible for unpaid leave of absences except for those provided for in the collective bargaining agreement or those required by law (e.g., Family and Medical Leave Act).*

C. Amount.

1. The lump sum payment amount is determined by multiplying the base pay increase received under Section II. by all of the employee's "hours in pay status" in an Assistant State Public Defender Attorney position from June 25, 2005, through May 13, 2006.

2. "Hours in pay status" include all hours worked plus the number of hours of paid leave time/compensatory time (approved professional time off) credits that were used during the each of the periods specified in 1. above.

3. Hours excluded from the "hours in pay status" definition are:

   a. Hours in pay status as an employee in a position other than an Assistant State Public Defender Attorney position.

   b. Work hours for which holiday or approved professional time-off credits were earned but not paid.

   c. Any leave without pay hours.

SECTION V. ANNUALIZED FY 2005-2006 GENERAL WAGE ADJUSTMENT PAYMENTS

A. Employees who receive a wage adjustment under Section II. above, of less than 2.0% of their base pay rate on May 14, 2006, solely because of the pay range maximum limitation will receive an Annualized Wage Adjustment Payment equal to the difference between the value of 2.0% of the employee's base pay rate prior to the wage adjustments and the amount the employee actually received, multiplied by 2088.

B. The Annualized Wage Adjustment Payment, will be prorated based on the employee's budgeted FTE on May 14, 2006.

C. Employees who are not in pay status on the stated effective dates for the Annualized Wage Adjustment Payment and who return from an approved leave of absence from a bargaining unit position during the term of the Agreement will receive any Annualized Wage Adjustment Payment for which they would otherwise have been eligible.

SECTION VI. REFERRAL OF QUESTIONS

Employee Questions:

Individual employee's with questions regarding their pay rates or pay adjustments indicated in this bulletin should contact their Agency Human Resources or Payroll Office directly.

Employer Questions:

Employer questions regarding the ***pay provisions*** contained in this bulletin should be referred to the Division of Compensation and Labor Relations: Dana Denny by phone at (608) 267-0342, or via e-mail at Dana.Denny@Wisconsin.gov.

Employer questions regarding ***all other contract provisions*** should be referred to the Division of Compensation and Labor Relations: Jill Thomas by phone at (608) 266-6435, or via e-mail at barbarajill.Thomas@Wisconsin.gov.

Employer questions concerning payroll processing or file maintenance procedures should be referred to:

DOA Central Payroll: **Shelley Schwartz (608) 264-9571.**

James A. Pankratz, Administrator
Division of Compensation and Labor Relations

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