State of Wisconsin

OFFICE OF STATE EMPLOYMENT RELATIONS

- COMPENSATION AND LABOR RELATIONS BULLETIN -

Date:	December 22, 2011	**Subject:**	Continuous Service, Benefits, Reimbursements, and Miscellaneous Provisions of the 2011-2013 Compensation Plan
Locator No:	OSER-0294-CLR		

The purpose of this bulletin is to provide information for appointing authorities regarding the administration of non-pay items covered by the 2011-2013 Compensation Plan. Many of the provisions in this bulletin normally would not be covered in the Compensation Plan, but now must be included (at least temporarily) to prevent unintended consequences due to the elimination of former collective bargaining agreements that included related provisions.

All of the information provided below is effective January 1, 2012. Collective bargaining provisions will no longer be applicable effective January 1, 2012, with the exception of the Wisconsin Law Enforcement agreement as it applies to employees covered by the public safety bargaining unit.

SECTION I. CONTINUOUS SERVICE

A. Continuous Service versus Seniority. With the elimination of seniority provisions in collective bargaining agreements, all classified and unclassified employees covered by the Compensation Plan will have adjusted continuous service calculated in accordance with s. ER 18.02(2), Wis. Adm. Code, except as noted below. In almost all cases, adjusted continuous service for those employees formerly covered by collective bargaining agreements will be the same as the seniority that had been calculated under such agreements. However, agencies should be aware that there could be rare instances in which employees who had at one time left state service and then reinstated into certain bargaining units (most notably units 05 (SPS) and 36 (LE)) lost seniority that would have been considered adjusted continuous service. If such instances are discovered, the adjusted continuous service should be corrected as soon as possible so that the employee receives proper annual leave, and to avoid future problems with leave accrual, service-based pay increases, Supplemental Health Insurance Conversion Credits eligibility and amounts, etc.

Note that the term "seniority" is still used in the Wis. Adm. Code, but is computed in accordance with the continuous service rules mentioned above. In addition, seniority provisions will still be found in collective bargaining agreements covering public safety employees (i.e., State Patrol Troopers and Inspectors).

B. Exception to Statutes and Wis. Adm. Code. According to s. 230.35(1m)(f), Wis. Stats., and s. ER 18.02(2)(b)6, Wis. Adm. Code, all nonrepresented employees who left and returned to FLSA exempt positions were not considered to have continuous service interrupted if the period outside of state service was more than five years. In accordance

with Section K, 2.01, these provisions are superseded and now only employees who leave and return to career executive positions, or positions designated in s. 19.42(10)(L) or s. 20.923(4), (7), (8), and (9), or authorized under s. 230.08(2)(e), will be eligible to have continuous service indefinitely uninterrupted (but still adjusted for the period of time outside of state service). However, the return to an eligible position cannot be subsequent to a return to an ineligible position.

C. **Exceptions to Employment Status and Restoration.** Under s. ER 18.01(3), Wis. Adm. Code, an employee is considered to have been in employment status during layoff if the employee is restored to state service within three years. Collective bargaining agreements allowed employment status during layoff if the employee restored or reinstated to state service within five years. Section K, 2.02, allows any employee laid off from a represented position prior to January 1, 2012, to continue to be covered under the employment status provisions of the former collective bargaining agreement (i.e., restored or reinstated within five years). Section K, 8.00, also allows any employee laid off from a represented position prior to January 1, 2012 to retain the five year restoration period granted under the former collective bargaining agreement.

SECTION II. ANNUAL LEAVE, SABBATICAL, AND PERSONAL HOLIDAYS

A. **Annual Leave.** Except as noted below and for elected officials, employees covered by the Compensation Plan will be provided annual leave according to the following schedules:

FLSA Exempt Employees		FLSA Nonexempt Employees	
Adj. Continuous Svc.	**Hours of Leave**	**Adj. Continuous Svc.**	**Hours of Leave**
0 to 5 yrs	120	0 to 5 yrs	104
5+ to 10 yrs	160	5+ to 10 yrs	144
10+ to 15 yrs	176	10+ to 15 yrs	160
15+ to 20 yrs	200	15+ to 20 yrs	184
20+ yrs	216	20+ to 25 yrs	200
		25+ yrs	216

Provisions for administration of these annual leave schedules will be in accordance with s. 230.35, Wis. Stats. and s. ER 18.02, Wis. Adm. Code.

B. **Fire/Crash Rescue Annual Leave.** Employees in positions allocated to the classifications of Fire/Crash Rescue 1, 2, and 3 and Fire/Crash Rescue Supervisor at the Department of Military Affairs will be provided annual leave according to the following schedule:

Fire/Crash Rescue Classification	
Adj. Continuous Svc.	**Hours of Leave**
0 to 5 yrs	120
5+ to 10 yrs	168
10+ to 15 yrs	184
15+ to 20 yrs	216
20+ to 25 yrs	232
25+ yrs	256

C. **Crafts Worker (Schedule 04) Annual Leave.** Crafts Workers in Schedule 04 will continue to be provided with annual leave based on the level of pay they select.

D. **Sabbatical.** All employees covered by the Compensation Plan who receive annual leave, except Craft Workers in Schedule 4, will be allowed to convert annual leave into termination and sabbatical leave, or cash, in accordance with s. 230.35(1p), Wis. Stats. and s. ER 18.02(5), Wis. Adm. Code. Use of accrued sabbatical will be in accordance with s. ER 18.02(7), Wis. Adm. Code.

Crafts Workers in Schedule 04 continue to be ineligible for the sabbatical provisions stated above.

E. **Personal Holidays.** All employees covered by the Compensation Plan, except elected officials and Crafts Workers in Schedule 4, will be provided personal holidays in accordance with s. 230.35(4)(d), Wis. Stats. and s. ER 18.04(4), Wis. Adm. Code, *except* that when an employee is terminated while serving a probationary period, personal holidays will be prorated only for the calendar year in which the termination occurs.

SECTION III. OTHER LEAVE PROVISIONS

Other leave provisions, except as noted below will be in accordance with s. 230.35, Wis. Stats. and ch. ER 18, Wis. Adm. Code.

A. **Military Leave.** Military leave will be in accordance with chapters 230 and 321, Wis. Stats. In addition, employees on military leave without pay for duly authorized active or inactive duty will continue to earn vacation, sick leave and legal holiday credits during the period of leave without pay covered by military orders.

B. **Special Assistant District Attorney Leave.** If appointed by a court as a special prosecutor or by the Governor to fill a vacant District Attorney position, an Assistant District Attorney will be placed on an unpaid leave of absence. Details regarding the leave, and return, may be found in Section K, 6.00, of the Compensation Plan.

C. **Other Attorney Paid Leave.** In accordance with Section C, 5.00 and 6.00, Attorneys covered by that section may be provided up to five days of paid leave to attend State Bar of Wisconsin meetings and/or activities, and paid leave for meeting continuing legal education requirements.

D. **Hostage Leave.** Hostage leave provisions allow an agency to have an employee who is considered to have been held hostage be examined, treated, counseled, and/or provided a leave of absence. See Section K, 7.00, for more details.

SECTION IV. TRAVEL REIMBURSEMENTS

A. **Mileage Reimbursement.** The mileage reimbursement language in Section F, 3.05, has been changed to allow the OSER Director to set the "non-availability rate" at an amount

not to exceed two cents below the rate paid to federal employees. At the time of this publication, the rate will remain at 48.5 cents per mile.

Section F, 3.05, was also revised to clarify that employees allowed to telecommute are not eligible to receive mileage reimbursement for trips to a location that would have been the assigned headquarters. The intent is to not allow reimbursement if the ability to telecommute was for the convenience of the employee and/or there is no direct business-related reason for the employee to telecommute.

B. **Calls Home.** The provision allowing a $5.00 reimbursement for a personal call while traveling has been deleted from the Compensation Plan.

C. **Maximum Moving Expenses.** A provision requiring the Department of Administration to determine the maximum moving expense amounts has been removed from the Compensation Plan.

SECTION V. OTHER REIMBURSEMENTS

Following is a list of reimbursement changes made to the Compensation Plan:

- Crafts Workers in Schedule 04 were added to the list of employees eligible for Master Plumber license reimbursement under Section G, 3.00.
- The protective shoe allowance was changed to $30 per year under Section G, 4.00.
- Section G, 6.00, was created to provide reimbursement for commercial motor vehicle licenses and school bus endorsements when possession is necessary but the requirement was not part of the initial conditions of employment.
- Section G, 7.00, was created to allow reimbursement of costs not covered by insurance for tests or vaccinations for Lyme disease, rabies, Hepatitis B and C, tuberculosis, or HIV.
- Section G, 8.00, was created to allow coverage of costs toward previously approved training and development granted under a former collective bargaining agreement if such costs are a continuation into 2012.

SECTION VI. OTHER PROVISIONS

Health Insurance and Benefit Provisions. OSER is no longer required by statute to provide health insurance benefits and benefit provisions in the Compensation Plan. Therefore, such provisions have been eliminated. Any communications by OSER regarding these areas will be issued by bulletin or other means.

Assistant State Public Defender Protections. Section C, 10.00, provides that Assistant State Public Defender Attorneys will be allowed the same just cause protections afforded to Assistant District Attorneys under s. 230.34, Wis. Stats.

Nonresident LTEs. Section D, 5.00, provides that a person who is not a resident of the State may be appointed to an LTE position with the approval of the Division of Merit Recruitment and Selection Administrator.

Grievance Procedures. Section G, 10.00, provides that grievance procedures will be handled in accordance with Wisconsin Human Resources Handbook Chapter 430.

SECTION VII. REFERRAL OF QUESTIONS

Employee Questions: Individual employees with questions regarding the information provided in this bulletin should contact their agency Human Resources Office or Payroll Office directly.

Employer Questions: Employer questions regarding the information provided in this bulletin may be directed to one of the following:

Paul Ostrowski at Paul.Ostrowski@Wisconsin.gov or by phone at (608) 267-0343;
Lynn Maulbetsch at Lynn.Maulbetsch@Wisconsin.gov or by phone at (608) 267-5164; or
John Wiesman at John.Wiesman@Wisconsin.gov or by phone at (608) 266-1418.

Kathy Kopp, Administrator
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