State of Wisconsin

OFFICE OF STATE EMPLOYMENT RELATIONS

– COMPENSATION & LABOR RELATIONS BULLETIN –

Date: August 30, 2013

Locator No: OSER-0337- CLR/PP

Subject: Processing July 14, 2013 Initial Placement and Future Fiscal Year 2014 Non-Discretionary Placements on Pay Points for Certain Classified and Unclassified Attorneys

The information in this bulletin is provided to assist appointing authorities in determining eligibility and processing non-discretionary placement of certain attorneys on pay progression points, initially effective July 14, 2013, and ending by July 1, 2014, in accordance with the provisions of s. 230.12 (10), (11), and (12), Wis. Stats., and Section C, 3.00, of the Compensation Plan. This bulletin does *not* address merit pay progression for these same attorneys, which will be implemented beginning July 13, 2014. That information will be provided in a subsequent bulletin to be distributed early in CY 2014.

SECTION I. ELIGIBLE ATTORNEYS

Employees in the following attorney classifications or unclassified job titles are eligible:

Class Code	Classification or Title	Source of Eligibility
97960	Assistant District Attorney	s. 230.12 (10), Wis. Stats.
97990	Deputy District Attorney	s. 230.12 (10), Wis. Stats.
97991	Deputy District Attorney Supervisor	s. 230.12 (10), Wis. Stats.
97800	Assistant State Public Defender Attorney	s. 230.12 (11), Wis. Stats.
97810	Asst State Public Defender Attorney Confidential	Section C, Compensation Plan
97830	Asst State Public Defender Attorney Conf/Supv	Section C, Compensation Plan
97840	Asst State Public Defender Attorney Management	Section C, Compensation Plan
97820	Asst State Public Defender Attorney Supervisor	Section C, Compensation Plan
30200	Assistant Attorney General	s. 230.12 (12), Wis. Stats.
30210	Assistant Attorney General-Confidential	s. 230.12 (12), Wis. Stats.
30220	Assistant Attorney General-Supervisor	s. 230.12 (12), Wis. Stats.

SECTION II. ELIGIBILITY FOR PLACEMENT ON NEXT PAY POINT

A. Initial Non-Discretionary Placement on July 14, 2013

On July 14, 2013, attorneys in an eligible classification or unclassified title who have served with their current agency in an eligible classification or title for a continuous period of 12 months or more as of July 14, 2013, will be paid an hourly salary at the step that is immediately above their hourly salary on June 30, 2013. Attorneys already paid at the highest step (pay range maximum) do not receive a placement adjustment.

B. Non-Discretionary Placement Effective July 28, 2013 through June 29, 2014

Attorneys in an eligible classification or unclassified title who attain a continuous period of 12 months of service in their current agency in one or more of the eligible titles will be paid an hourly salary at the step that is immediately above their hourly salary on June 30, 2013. The placement will be effective the beginning of the pay period that starts on or after the date of attaining 12 months of continuous service. The last possible date for such non-discretionary placement will be June 29, 2014.

C. Interpreting "A Continuous Period of 12 Months of Service"

1. Under each statutory section (s. 230.12 (10), (11), and (12), Wis. Stats.) the non-discretionary placement of an attorney on a progression step is in relation to the attorney's pay rate on June 30, 2013. Therefore, no attorney is eligible for placement if they were not in employment status in an eligible position on June 30, 2013, and consequently did not have a June 30, 2013 pay rate for an eligible position. (The definition of employment status is found at s. ER 18.01 (3), Wis. Adm. Code.)

2. An employee is eligible if the employee has served in an eligible classification or title for a continuous period of 12 months in the agency in which currently employed. The continuous period of 12 months of service need not be the immediately preceding 12 months. This means that the service may be from a prior year in the same appointment or from a previous appointment in the same agency, provided that the employee's continuous service was not reset to zero since the prior period of 12 months of continuous service, and provided that the employee was in employment status on June 30, 2013, per 1., above.

3. An eligible employee may have served in more than one classification or unclassified job title during the continuous 12 month period, provided that each classification or title held in the 12 month qualifying period was one of the eligible classifications or titles listed in Section I., above, and in the same agency in which currently employed.

4. Time on an approved leave of absence will not count towards a continuous period of 12 months of service. However, periods of service immediately before and after an approved leave of absence may be added together to attain "a continuous period of 12 months." For example, if an employee works 4 months, goes on unpaid medical leave for 3 months, then returns to work for 8 months, the 4 months prior to the medical leave and 8 months following medical leave are added together to total a continuous period of 12 months. In the special case of timely reemployment after a military leave of absence, the entire period of military leave is deemed to be uninterrupted continuous service with the state

5. If an employee terminates state service before attaining "a continuous period of 12 months of service" as described in 2. through 4., above, upon rehire the employee starts over with no credit from past employment towards the continuous period of 12 months of service. However, if the employee did attain "a continuous period of 12 months of service" as described in 2. through 4., above, prior to termination and is rehired under conditions where the employee receives continuing state service credit for that prior period of employment, then that employee has attained eligibility for placement on a progression point. However, the employee must still have also been in employment status on June 30, 2013, per 1., above.

6. If a former state employee is rehired under conditions such that the employee does not receive continuous service credit for his/her former state employment, the employee likewise will receive no credit from the former employment towards qualifying for placement on a progression point, regardless of the length of the former service.

D. No Pay Decrease on Placement

No employee will receive a pay decrease as a result of placement. If an employee has had an intervening pay transaction and, as a result, would receive a pay decrease when placed at the step that is immediately above his/her hourly salary on June 30, 2013, the employee will instead maintain his/her current pay rate.

SECTION III. PAY STEP STRUCTURE

Shown below is the pay step structure, including the pay range minimum and the 17 steps, with the 17th step equal to the pay range maximum. On the date an attorney is eligible for non-discretionary placement, the pay rate of the attorney will be increased to the next higher step above their June 30, 2013 pay rate. An attorney paid at the rate of $57.218 on June 30, 2013, will remain at that pay rate.

Examples:

June 30, 2013 Hourly Pay Rate	Pay Rate Upon Placement
$23.673	$25.646
$35.500	$35.512

ATTORNEY PROGRESSION
PAY RANGES 09-76, 20-75, 21-75 AND 71-02
June 30, 2013 through June 27, 2015

Pay Step	Step Rates
Pay Range Minimum	23.673
1	25.646
2	27.619
3	29.593
4	31.566
5	33.539
6	35.512
7	37.486
8	39.459
9	41.432
10	43.405
11	45.379
12	47.352
13	49.325
14	51.298
15	53.272
16	55.245
17	57.218

SECTION IV. ORDER OF PAY ADJUSTMENTS ON THE SAME DATE

Placement on a pay point will be considered a progression adjustment for determining the order of multiple pay transactions on the same date. Refer to the 2013-2015 Compensation Plan, Section I, 4.01, for the order of multiple pay adjustments on the same date.

SECTION V. PLACEMENT CONSIDERED AS AN INTERVENING PAY ADJUSTMENT

Placement on a pay progression point will be considered an intervening pay adjustment for setting pay rates for returning attorneys provided that the attorney was in employment status on June 30, 2013, in the same agency and in an eligible class or title listed in Section I., and had attained "a continuous period of 12 months of service" as described in Section II.,C., in one or more eligible classifications, prior to the break in pay status.

SECTION VI. REFERRAL OF QUESTIONS

Employee Questions: Employees with questions regarding their pay rates or pay adjustments included 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 directed to:

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

Employer questions regarding ***payroll processing or file maintenance*** should be directed to DOA Central Payroll: Sandy Karnovsky at (608) 264-9571.

Kathy Kopp

Kathy Kopp, Administrator
Division of Compensation and Labor Relations