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February 1, 2012

MEMORANDUM

To: Representative Litjens

From: Peggy J. Hurley, Senior Legislative Attorney, (608) 266–8906

Subject: Technical Memorandum to **2011 AB 488** (LRB–3588/2) **by OSER**

We received the attached technical memorandum relating to your bill. This copy is for your information and your file.

If you wish to discuss this memorandum or the necessity of revising your bill or preparing an amendment, please contact me.

TECHNICAL MEMO

LRB# 11-3588/2
AB-0488
Preparer: John Wiesman, (608) 266-1418

Assistant District Attorney Pay Progression

I. Inconsistent Language for 17 Step Pay Progression

Under newly created s. 230.12 (10), the legislation describes seventeen equal steps, each equal to one-seventeenth of the difference between the pay range minimum and maximum. However, the legislation also states that the first step shall equal the pay range minimum and the last step the pay range maximum. Dividing the pay range into 17 equal increments and counting both the minimum and the maximum as steps means 18 steps, not 17 steps.

Options:

1) Delete the sentence: "The first step shall equal the lowest hourly salary rate for the salary range and the last step shall equal the highest hourly salary rate for the salary range." It does not seem to add any information not already specified in the preceding sentence, except to confuse the total number of steps.
2) Revise the same sentence to read: "The first step shall equal the pay rate one-seventeenth of the pay range above the lowest hourly salary rate for the salary range and the last step shall equal the highest hourly salary rate for the salary range."

II. Statutory Limit on Individual Pay Increases

The proposed legislation does not seem to contemplate the existence of s. 230.12 (5)(d), Wis. Stats., that limits pay increases received by any individual in a fiscal year. This statute states:

> **(d)** *Individual increase limit.* No appointing authority shall award an employee cumulative performance award increases or other types of cumulative within range pay adjustments exceeding a total of 10% of the employee's base pay during a fiscal year. This paragraph does not apply to a specific type of pay increase authorized by the compensation plan if the plan specifically refers to this paragraph and specifically provides that the type of pay increase referenced in the plan is not subject to this paragraph.

Options:

If the intent is that ADA pay progression increases *should **not** be* limited pursuant to s. 230.12 (5)(d), one solution may be to create a new s. 230.12 (10)(d) to read:

Pay increases granted under (b) or (c), above, are not subject to s. 230.12 (5)(d).

If the intent is that ADA pay increases *should be* limited pursuant to s. 230.12 (5)(d), no revision is necessary, but it would be desirable to affirm the statutory intent. One possibility would be to create s. 230.12 (10)(d) to read:

Pay increases granted under (b) or (c), above, are subject to s. 230.12 (5)(d).

III. Pay Increase Effective Dates

In both newly created paragraphs, s. 230.12 (10)(b) and (10)(c), July 1 is given as the effective date for possible pay increases. Pay increases that are effective in the middle of a pay period are difficult and time-consuming to process, and customarily avoided in all other state pay administration. It would be highly desirable that pay increases be effective the first day of a bi-weekly pay period.

Recommendations:

1) Modify s. 230.12 (10)(b) to begin: "Effective with the first pay period that begins on or after July 1, 2013, all assistant district attorneys. . ."

2) Modify s. 230.12 (10)(c) to begin: "Effective with the first pay period that begins on or after July 1, 2014, and with the first pay period that begins on or after each July 1 thereafter, all district attorneys..."