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83 WisACT 140

1983 Assembly Bill 1046

Date of enactment: March 2, 1984  
Date of publication: March 7, 1984

## 1983 Wisconsin Act 140

AN ACT to renumber 40.02 (25) (b) 7; to amend 20.916 (4) (e), 40.02 (25) (b) 6. b, 40.02 (40), 40.05 (4) (b), 230.35 (4) (b) and 230.35 (4) (d) (intro.); and to create 40.02 (25) (b) 7, 40.05 (4) (bm), 230.12 (3) (cm), 230.35 (1) (f) and (1m) (eb) and 230.35 (4) (b) 2 of the statutes; and to affect 1983 Wisconsin Act 27, section 2157 (1) (a) to (c), relating to the limitation upon amounts expendable from state employe salary and fringe benefit supplements, correcting pay inequities in the compensation plan for nonrepresented employes in the state classified service, reimbursement for use of personal automobiles and conversion of sick leave credits for health insurance premiums for nonrepresented state employes and to annual leave during temporary layoff, overtime pay on Good Friday, paid personal holidays for nonrepresented employes in the state classified service and making an appropriation.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 20.916 (4) (e) of the statutes, as affected by 1983 Wisconsin Act 27, is amended to read:

20.916 (4) (e) When an assigned or pool state-owned automobile is available and tendered to an employe, and the employe exercises the option to utilize the employe's personal automobile on state business, the mileage allowance shall be at a rate equal to 75% of the rate established under par. (a) the approximate cost per mile of operation of state automobiles, including depreciation, as determined by the secretary of administration.

SECTION 2. 40.02 (25) (b) 6. b of the statutes is amended to read:

40.02 (25) (b) 6. b. Who is eligible for an immediate annuity but defers application; or

SECTION 3. 40.02 (25) (b) 7 of the statutes is renumbered 40.02 (25) (b) 8.

SECTION 4. 40.02 (25) (b) 7 of the statutes is created to read:

40.02 (25) (b) 7. Any employe whose health insurance premiums are being paid under s. 40.05 (4) (bm); or

SECTION 5. 40.02 (40) of the statutes is amended to read:

40.02 (40) "Leave of absence" means any period during which an employe has ceased to render services for and receive earnings from a participating employer and there has been no formal termination of the employer-employe relationship. For purposes of the fund every leave of absence, except a military leave or union service leave, shall terminate 3 years after it begins or, if earlier, upon the date specified by the employer in a notification to the department that the employer-employe relationship has terminated. A leave of absence is not deemed ended or interrupted by reason of resumption of active duty until the employe has resumed active performance of duty for 30 consecutive calendar days for at least 50% of what is considered that employe's normal work time with that employer. For the purpose of group health insurance coverage, every leave of absence due to employe layoff which has not been terminated before 3 years have elapsed shall continue for affected insured employes until an additional 2 years elapse or until sick leave credits used to pay health insurance premiums are exhausted, whichever occurs first.

SECTION 6. 40.05 (4) (b) of the statutes is amended to read:

40.05 (4) (b) Accumulated unused sick leave under ss. 13.121 (4), 36.30, 230.35 (2), 757.02 (5) and subch. V of ch. 111 of any eligible employe shall, at the time of death, upon qualifying for an immediate annuity or for a lump sum payment under s. 40.25 (1) or upon termination of creditable service and qualifying as an eligible employe under s. 40.02 (25) (b) 6, be converted, at the employe's current basic pay rate, to credits for payment of health insurance premiums on behalf of the employe or the employe's surviving insured dependents. The full premium for any eligible employe who is insured at the time of retirement, or for the surviving insured dependent of an eligible employe in the event of death, shall be deducted from the credits until the credits are exhausted, and then from annuity payments, if the annuity is sufficient. The department shall provide for the direct payment of premiums by the insured to the insurer if the premium to be withheld exceeds the annuity payment. The employe may elect to delay initiation of deductions for up to 5 years after the date of retirement if that employe is covered by a comparable health insurance plan or policy between the date of retirement and the time the employe elects to initiate deductions from his or her sick leave credits. A health insurance plan or policy is considered comparable if it provides hospital and medical benefits which are substantially equivalent to the standard health insurance plan established under s. 40.52 (1).

SECTION 7. 40.05 (4) (bm) of the statutes is created to read:

40.05 (4) (bm) Accumulated unused sick leave under ss. 36.30 and 230.35 (2) of any eligible employe shall, upon request of the employe at the time the employe is subject to layoff under s. 40.02 (40), be converted at the employe's current basic pay rate to credits for payment of health insurance premiums on behalf of the employe. The full amount of the required employe contribution for any eligible employe who is insured at the time of the layoff shall be deducted from the credits until the credits are exhausted, the employe is reemployed, or 5 years have elapsed from the date of layoff, whichever occurs first.

SECTION 8. 230.12 (3) (cm) of the statutes is created to read:

230.12 (3) (cm) *Correction of pay inequity.* If the secretary finds that a pay inequity exists in the compensation plan affecting nonrepresented classified employes as a result of hiring at a rate above the pay range minimum, increasing pay upon promotion or engaging in a similar personnel transaction, the secretary may propose an action to remedy the inequity. The secretary shall notify the joint committee on employment relations in writing of his or her proposed action. If the cochairpersons of the committee do not notify the secretary that the committee has scheduled a meeting to review the proposed action within 15 days after the secretary's notification, the secretary may implement his or her proposal. If, within 14 days after the secretary's notification, the cochairpersons of the committee notify the secretary that the committee has scheduled a meeting to review the proposed action, the secretary may not proceed with the proposed action unless the committee meets and fails to modify or disapprove the proposed action under par. (b).

SECTION 9. 230.35 (1) (f) and (1m) (eb) of the statutes are created to read:

230.35 (1) (f) An employe under this subsection earns annual leave any time he or she is on temporary layoff for a period not to exceed 20 working days.

(1m) (eb) An employe under this subsection earns annual leave any time he or she is on temporary layoff for a period not to exceed 20 working days.

SECTION 10. 230.35 (4) (b) of the statutes, as affected by 1983 Wisconsin Act 30, is amended to read:

230.35 (4) (b) Compensatory time off or payment, either of which shall be at the rate of time and one-half, shall be granted to state employes for:

1. All work performed on the holidays enumerated in par. (a) 1 and 3 to 9.

SECTION 11. 230.35 (4) (b) 2 of the statutes is created to read:

230.35 (4) (b) 2. The 5th through 8th hours worked on Good Friday.

SECTION 12. 230.35 (4) (d) (intro.) of the statutes, as affected by 1983 Wisconsin Act 30, is amended to read:

230.35 (4) (d) (intro.) In addition to the holidays granted under par. (c), all employes except limited term employes shall earn ~~a total of 2~~ paid personal holidays each calendar year. Beginning on July 1, 1984, all employes except limited term employes shall earn an additional 0.5 paid personal holiday, for a total of 2.5 paid personal holidays for calendar year 1984. Beginning on July 1, 1985, all employes except limited term employes shall earn an additional 0.5 paid personal holiday, for a total of 3 paid personal holidays for calendar year 1985. Beginning January 1, 1986, all employes except limited term employes shall earn 3 paid personal holidays each calendar year. Eligibility to take the personal holidays during the year earned is subject to the following:

SECTION 13. 1983 Wisconsin Act 27, section 2157 (1) (a) to (c) are amended to read:

(1983 Wisconsin Act 27) Section 2157 (1) (a) Supplements provided from the appropriations under section 20.865 (1) (c), (ci), (cm), (d) and (di) of the statutes may not exceed in total the amount of \$21,630,600 in 1983-84 and the amount of \$49,562,200 in 1984-85, except that if less than the total amount authorized to be expended in 1983-84 is expended, the amount unexpended in 1983-84 may be expended in 1984-85, with the approval of the joint committee on employment relations.

(b) Supplements provided from the appropriations under section 20.865 (1) (i), (ic), (im), (j) and (ji) of the statutes may not exceed in total the amount of \$18,487,500 in 1983-84 and the amount of \$42,387,100 in 1984-85, except that if less than the total amount authorized to be expended in 1983-84 is expended, the amount unexpended in 1983-84 may be expended in 1984-85, with the approval of the joint committee on employment relations.

(c) Supplements provided from the appropriations under section 20.865 (1) (s), (si), (sm), (t) and (ti) of the statutes may not exceed in total the amount of \$6,012,100 in 1983-84 and the amount of \$13,110,800 in 1984-85, except that if less than the total amount authorized to be expended in 1983-84 is expended, the amount unexpended in 1983-84 may be expended in 1984-85, with the approval of the joint committee on employment relations.

SECTION 14. **Program responsibility changes.** In the sections of the statutes listed in Column A, the program responsibilities references shown in Column B are deleted and the program responsibilities references shown in Column C are inserted:

(1) ADMINISTRATION.

A	B	C
Statute Sections	References Deleted	References Inserted
15.101 (intro.)	20.916 (7)	20.916

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