

1999 Assembly Bill 911

Date of enactment: April 5, 2000
Date of publication*: April 7, 2000

1999 WISCONSIN ACT 42

AN ACT *to repeal* 20.923 (4m); *to renumber and amend* 20.923 (4g) (a); *to amend* 19.42 (13) (c), 20.923 (4g) (intro.), 20.923 (4g) (b), 20.923 (4g) (c), 20.923 (4g) (d), 20.923 (4g) (e), 20.923 (4g) (f), 20.923 (5), 20.923 (14) (a), 20.923 (15) (b), 20.923 (16), 36.09 (1) (e), 36.09 (1) (j), 40.02 (30), 230.08 (2) (cm), 230.12 (1) (a) 1. b., 230.12 (5) (d), 230.35 (1m) (a) 2. and 230.35 (2); *to repeal and recreate* 36.09 (1) (e); and *to create* 20.923 (4g) (ae), 20.923 (4g) (am) and 20.923 (4g) (bm) of the statutes; **relating to:** the University of Wisconsin System senior executive compensation plan.

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

SECTION 1. 19.42 (13) (c) of the statutes is amended to read:

19.42 (13) (c) All positions identified under s. 20.923 (2), (4), (4g), ~~(4m)~~, (6) (f) to (h) and (8) to (10), except clerical positions.

SECTION 2. 20.923 (4g) (intro.) of the statutes is amended to read:

20.923 (4g) UNIVERSITY OF WISCONSIN SYSTEM SENIOR EXECUTIVE POSITIONS. (intro.) A compensation plan consisting of ~~6~~ 2 university senior executive salary groups is established for certain administrative positions at the University of Wisconsin System. The salary ranges for the university senior executive salary groups shall be contained in the recommendations of the secretary of employment relations under s. 230.12 (3) (e). The board of regents of the University of Wisconsin System shall set the salaries for these positions within the ranges to which the positions are assigned to reflect the hierarchical structure of the system, to recognize merit, to permit orderly salary progression and to recognize competitive factors. The salary of any incumbent in the positions identified in

pars. ~~(a)~~ (ae) to (f) may not exceed the maximum of the salary range for the group to which the position is assigned. The positions are assigned as follows:

SECTION 3. 20.923 (4g) (a) of the statutes is renumbered 20.923 (4g) (ar) and amended to read:

20.923 (4g) (ar) The positions assigned to university senior executive group ~~1~~ 3 are the chancellors at the University of Wisconsin System campuses at Eau Claire, Green Bay, La Crosse, Oshkosh, Parkside, Platteville, River Falls, Stevens Point, Stout, Superior and Whitewater and the chancellors of the University of Wisconsin Colleges and the University of Wisconsin–Extension.

SECTION 4. 20.923 (4g) (ae) of the statutes is created to read:

20.923 (4g) (ae) The positions assigned to university senior executive group 1 are each of the vice chancellors who is serving as deputy at the University of Wisconsin System campuses at Eau Claire, Green Bay, La Crosse, Oshkosh, Parkside, Platteville, River Falls, Stevens Point, Stout, Superior and Whitewater and each of the vice chancellors who is serving as deputy at the University of Wisconsin Colleges and the University of Wisconsin–Extension.

* Section 991.11, WISCONSIN STATUTES 1997–98: Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated” by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

SECTION 5. 20.923 (4g) (am) of the statutes is created to read:

20.923 (4g) (am) The positions assigned to university senior executive group 2 are the vice presidents of the University of Wisconsin System.

SECTION 6. 20.923 (4g) (b) of the statutes is amended to read:

20.923 (4g) (b) The position assigned to university senior executive group 2 ~~4~~ is the vice chancellor who is serving as deputy at the University of Wisconsin-Milwaukee.

SECTION 7. 20.923 (4g) (bm) of the statutes is created to read:

20.923 (4g) (bm) The positions assigned to university senior executive group 5 are the senior vice presidents of the University of Wisconsin System.

SECTION 8. 20.923 (4g) (c) of the statutes is amended to read:

20.923 (4g) (c) The position assigned to university senior executive group 3 ~~6~~ is the vice chancellor who is serving as deputy at the University of Wisconsin-Madison.

SECTION 9. 20.923 (4g) (d) of the statutes is amended to read:

20.923 (4g) (d) The position assigned to university senior executive group ~~4~~7 is the chancellor at the University of Wisconsin-Milwaukee.

SECTION 10. 20.923 (4g) (e) of the statutes is amended to read:

20.923 (4g) (e) The position assigned to university senior executive group 5 ~~8~~ is the chancellor at the University of Wisconsin-Madison.

SECTION 11. 20.923 (4g) (f) of the statutes is amended to read:

20.923 (4g) (f) The position assigned to university senior executive group 6 ~~9~~ is the president of the University of Wisconsin System.

SECTION 12. 20.923 (4m) of the statutes is repealed.

SECTION 13. 20.923 (5) of the statutes is amended to read:

20.923 (5) OTHER UNIVERSITY OF WISCONSIN SYSTEM ADMINISTRATIVE POSITIONS. The board of regents of the University of Wisconsin System shall assign the positions of associate and assistant vice presidents, vice chancellors not identified in sub. (4g) ~~or (4m)~~, assistant chancellors, associate and assistant vice chancellors and administrative directors and associate directors of physical plant, general operations and services and auxiliary enterprises activities or their equivalent, of each University of Wisconsin institution, the University of Wisconsin-Extension and the University of Wisconsin System administration to salary ranges. ~~The salary for each such position is limited only by the maximum dollar value of the salary range to which the position is assigned. No position specified in this subsection may be assigned to a salary range having a maximum dollar value higher~~

~~than the maximum dollar value of the salary range for executive salary group 6. The board of regents shall annually review the assignment of the positions specified in this subsection and report any changes therein to the governor and the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172 (3) established under s. 36.09 (1) (k) 2.b.~~

SECTION 14. 20.923 (14) (a) of the statutes is amended to read:

20.923 (14) (a) ~~Except as provided in s. 36.09 (1) (j), any~~ Any adjustment of salary for any incumbent in a position specified in subs. (4), ~~(4m)~~, (8), (9) and (12) is governed by the provisions of the compensation plan concerning executive salary groups as adopted by the joint committee on employment relations under s. 230.12 (3) (b).

SECTION 15. 20.923 (15) (b) of the statutes is amended to read:

20.923 (15) (b) ~~Except for the positions identified in subs. (4g) and (4m) (5), the pay of any incumbent whose salary is subject to a limitation under this section may not equal or exceed that amount paid the governor.~~

SECTION 16. 20.923 (16) of the statutes is amended to read:

20.923 (16) OVERTIME AND COMPENSATORY TIME EXCLUSION. The salary paid to any person whose position is included under subs. (2), (4), (4g), ~~(4m)~~, (5) and (8) to (12) is deemed to compensate that person for all work hours. No overtime compensation may be paid, and no compensatory time under s. 103.025 may be provided, to any such person for hours worked in any workweek in excess of the standard basis of employment as specified in s. 230.35 (5) (a).

SECTION 17. 36.09 (1) (e) of the statutes is amended to read:

36.09 (1) (e) The board shall appoint a president of the system; a chancellor for each institution; a dean for each college campus; the state geologist; the director of the laboratory of hygiene; the director of the psychiatric institute; the state cartographer; with the advice of the land information board; and the requisite number of officers, other than the vice presidents, associate vice presidents and assistant vice presidents of the system; faculty; academic staff and other employes and fix the salaries, subject to the limitations under par. (j) and ss. 20.923 (4g), ~~(4m)~~ and ~~(5)~~ and 230.12 (3) (e), the duties and the term of office for each. The board shall fix the salaries, subject to the limitations under par. (j) and ss. 20.923 (4g), ~~(4m)~~ and ~~(5)~~ and 230.12 (3) (e), and the duties for each chancellor, vice president, associate vice president and assistant vice president of the system. No sectarian or partisan tests or any tests based upon race, religion, national origin or sex shall ever be allowed or exercised in the appointment of the employes of the system.

SECTION 18. 36.09 (1) (e) of the statutes, as affected by 1997 Wisconsin Act 237 and 1999 Wisconsin Act ... (this act), is repealed and recreated to read:

36.09 (1) (e) The board shall appoint a president of the system; a chancellor for each institution; a dean for each college campus; the state geologist; the director of the laboratory of hygiene; the director of the psychiatric institute; the state cartographer; and the requisite number of officers, other than the vice presidents, associate vice presidents and assistant vice presidents of the system; faculty; academic staff and other employes and fix the salaries, subject to the limitations under par. (j) and ss. 20.923 (4g) and 230.12 (3) (e), the duties and the term of office for each. The board shall fix the salaries, subject to the limitations under par. (j) and ss. 20.923 (4g) and 230.12 (3) (e), and the duties for each chancellor, vice president, associate vice president and assistant vice president of the system. No sectarian or partisan tests or any tests based upon race, religion, national origin or sex shall ever be allowed or exercised in the appointment of the employes of the system.

SECTION 19. 36.09 (1) (j) of the statutes is amended to read:

36.09 (1) (j) Except where such matters are a subject of bargaining with a certified representative of a collective bargaining unit under s. 111.91, the board shall establish salaries for persons not in the classified staff prior to July 1 of each year for the next fiscal year, and shall designate the effective dates for payment of the new salaries. In the first year of the biennium, payments of the salaries established for the preceding year shall be continued until the biennial budget bill is enacted. If the budget is enacted after July 1, payments shall be made following enactment of the budget to satisfy the obligations incurred on the effective dates, as designated by the board, for the new salaries, subject only to the appropriation of funds by the legislature and s. 20.928 (3). This paragraph does not limit the authority of the board to establish salaries for new appointments. The board may not increase the salaries of employes specified in ss. 20.923 (5) and (6) (m) and 230.08 (2) (d) under this paragraph unless the salary increase conforms to the proposal as approved under s. 230.12 (3) (e) or the board authorizes the salary increase to correct salary inequities under par. (h), to fund job reclassifications or promotions, or to recognize competitive factors. ~~The board may not increase the salary of any position identified in s. 20.923 (4m) under this paragraph unless the salary increase conforms to the compensation plan for executive salary group positions as approved under s. 230.12 (3) (b) or the board authorizes the salary increase to correct a salary inequity or to recognize competitive factors.~~ The board may not increase the salary of any position identified in s. 20.923 (4g) under this paragraph unless the salary increase conforms to the proposal as approved under s. 230.12 (3) (e) or the board authorizes the salary increase

to correct a salary inequity or to recognize competitive factors. The board may not increase the salary of any position identified in s. 20.923 (4g) to correct a salary inequity that results from the appointment of a person to a position identified in s. 20.923 (4g) unless the increase is approved by the department of employment relations. The granting of salary increases to recognize competitive factors does not obligate inclusion of the annualized amount of the increases in the appropriations under s. 20.285 (1) for subsequent fiscal bienniums. No later than October 1 of each year, the board shall report to the joint committee on finance and the departments of administration and employment relations concerning the amounts of any salary increases granted to recognize competitive factors, and the institutions at which they are granted, for the 12-month period ending on the preceding June 30.

SECTION 20. 40.02 (30) of the statutes is amended to read:

40.02 (30) "Executive participating employe" means a participating employe in a position designated under s. 19.42 (10) (L) or 20.923 (4), (4g), ~~(4m)~~, (8) or (9) or authorized under s. 230.08 (2) (e) during the time of employment. All service credited prior to May 17, 1988, as executive service as defined under s. 40.02 (31), 1985 stats., shall continue to be treated as executive service as defined under s. 40.02 (31), 1985 stats., but no other service rendered prior to May 17, 1988, may be changed to executive service as defined under s. 40.02 (31), 1985 stats.

SECTION 21. 230.08 (2) (cm) of the statutes is amended to read:

230.08 (2) (cm) All positions of the University of Wisconsin System identified in s. 20.923 (4g), ~~(4m)~~ and (5).

SECTION 22. 230.12 (1) (a) 1. b. of the statutes is amended to read:

230.12 (1) (a) 1. b. The provisions governing the pay of all unclassified positions except positions for employes of the University of Wisconsin System ~~which are not identified under s. 20.923 (4m)~~, for employes of the legislature which are not identified under s. 20.923 (4), for employes of a service agency under subch. IV of ch. 13, for employes of the state court system, for employes of the investment board identified under s. 230.08 (2) (p), for one stenographer employed by each elective executive officer under s. 230.08 (2) (g), and for 3 sales representatives of prison industries and one sales manager of prison industries identified under s. 303.01 (10).

SECTION 23. 230.12 (5) (d) of the statutes is amended to read:

230.12 (5) (d) *Individual increase limit.* ~~Except as authorized in s. 36.09 (1) (j) for a position specified in s. 20.923 (4m), no~~ **No** appointing authority shall award an employe 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.

SECTION 24. 230.35 (1m) (a) 2. of the statutes is amended to read:

230.35 (1m) (a) 2. A position designated in s. 19.42 (10) (L) or 20.923 (4), ~~(4m)~~, (8) and (9).

SECTION 25. 230.35 (2) of the statutes is amended to read:

230.35 (2) Leave of absence with pay owing to sickness and leave of absence without pay, other than annual leave and leave under s. 103.10, shall be regulated by rules of the secretary, except that unused sick leave shall accumulate from year to year. After July 1, 1973, employees appointed to career executive positions under the program established under s. 230.24 or positions designated in s. 19.42 (10) (L) or 20.923 (4), ~~(4m)~~, (8) and (9) or authorized under s. 230.08 (2) (e) shall have any unused sick leave credits restored if they are reemployed

in a career executive position or in a position under s. 19.42 (10) (L) or 20.923 (4), ~~(4m)~~, (8) and (9) or authorized under s. 230.08 (2) (e), regardless of the duration of their absence. Restoration of unused sick leave credits if reemployment is to a position other than those specified above shall be in accordance with rules of the secretary.

SECTION 26. Nonstatutory provisions.

(1) SALARY ADMINISTRATION. Any person whose salary was determined before the effective date of this subsection under section 20.923 (4g), (4m) or (5), 1997 stats., shall continue to have his or her salary administered under section 20.923 (4g), (4m) and (5), 1997 stats., until such time that the secretary of employment relations recommends and the joint committee on employment relations, under section 230.12 (3) (e) of the statutes, approves salary ranges for positions specified in section 20.923 (4g) and (5) of the statutes, as affected by this act.

SECTION 27. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The repeal and recreation of section 36.09 (1) (e) of the statutes takes effect on September 1, 2003.