

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2467/1dn
RAC:kmg:cph

April 7, 2003

Dan Caucutt:

I made several assumptions in putting together the provisions of this bill. First, the differential pay benefit applies only to state employees with permanent status in class. This comes close to tracking s. 230.32 (1), which applies to “[a]ny classified employee of this state, except a limited term employee...,” and s. 230.35 (3), which applies to “[o]fficials and employees of the state with permanent status.” As a result, all unclassified employees and all classified employees who do not have permanent status in class will not receive the differential pay benefit.

Second, I used several of the criteria under s. 40.05 (4g) to determine which activated employees are eligible for the differential pay benefit.

Third, the intent appears to be to have the differential pay benefit paid immediately to nonrepresented and represented employees. Under current law, this benefit is bargainable and is currently not provided for in any of the expired collective bargaining agreements. For that reason, I drafted a nonstatutory provision that attempts to apply the benefit to represented employees whose benefits are currently determined by collective bargaining agreements. If challenged, it is uncertain if this language would trump the terms of a collective bargaining agreement.

With respect to other benefits that are provided to state employees on military leave, please note that s. 230.32 (1) covers seniority, status, pay, pay advancement, performance awards, and pension rights under ch. 40. Also, employees on military leave can qualify for creditable military service under s. 40.02 (15) (a), provided they return to employment with the same employer.

Once you have had an opportunity to review the draft, please call me if you have questions.

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