

**2019 DRAFTING REQUEST**

**Bill**

For: **Administration-Budget** Drafter: **mkunkel**  
 By: **Mott** Secondary Drafters:  
 Date: **1/28/2019** May Contact:

Same as LRB:

Submit via email: **YES**  
 Requester's email:  
 Carbon copy (CC) to: **DOASBOStatLanguage@wisconsin.gov**  
**aaron.gary@legis.wisconsin.gov**  
**amandaL.Mott@wisconsin.gov**

**Pre Topic:**

DOA:.....Mott, BB0225 -

**Topic:**

Outcomes-based funding suspension for biennium and supplemental pay plan

**Instructions:**

See attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mkunkel 1/29/2019	anienaja 1/29/2019			
/P1	mkunkel 2/7/2019	anienaja 2/8/2019	lparisi 1/29/2019		State
/P2			dwalker 2/8/2019		State

FE Sent For: **<END>**

**Kunkel, Mark**

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**From:** Hanaman, Cathlene  
**Sent:** Monday, January 28, 2019 9:11 AM  
**To:** Kunkel, Mark; Gary, Aaron  
**Subject:** FW: Statutory Language Drafting Request - 2019-21

**From:** Mott, Amanda L - DOA <AmandaL.Mott@wisconsin.gov>  
**Sent:** Friday, January 25, 2019 4:14 PM  
**To:** Hanaman, Cathlene <Cathlene.Hanaman@legis.wisconsin.gov>  
**Cc:** Hynek, Sara - DOA <Sara.Hynek@wisconsin.gov>; Mott, Amanda L - DOA <AmandaL.Mott@wisconsin.gov>  
**Subject:** Statutory Language Drafting Request - 2019-21

Biennial Budget: 2019-21

Topic: Outcomes-Based Funding Suspension for Biennium and Supplemental Pay Plan

Tracking Code: BB0225

SBO Team: EWD

SBO Analyst: Mott, Amanda  
Phone: 608-266-2843  
E-mail: [amandaL.mott@wisconsin.gov](mailto:amandaL.mott@wisconsin.gov)

Agency Acronym: 285

Agency Number: 285

Priority: Low

Intent:

Suspend the statutory language in Wis. Stat. s. 36.112(4) and Wis. Stat. s. 36.112(5) for the biennium. Permit the Board of Regents to use the allocation of \$26,250,000 in Wis. Stat. s. 36.112(4) in each year of the biennium for a supplemental pay plan similar to that outlined in the 2011 Act 32 comparative summary of provisions Volume II, page 778.

Attachments: False

Please send completed drafts to [SBostatlanguage@spmail.enterprise.wistate.us](mailto:SBostatlanguage@spmail.enterprise.wistate.us)

*Per Amanda,  
don't require  
JC OER  
approval,  
but require  
Bo of Regents to  
approve  
U-W-Madison's  
plan*

### 3. SUPPLEMENTAL PAY PLANS

**Joint Finance/Legislature:** Authorize the Board of Regents to provide supplemental pay plans for UW System employees, excluding UW-Madison employees during the 2011-13 biennium. In addition, authorize UW-Madison to provide supplemental pay plans for UW-Madison employees during the 2011-13 biennium. These supplemental pay plans would be in addition to compensation plans approved for such employees by the Joint Committee on Employee Relations (JCOER).

Specify UW-Madison supplemental pay plan would require approval by the Regents and both the UW-Madison supplemental pay plan and the UW System supplemental pay plan would require approval by JCOER. These supplemental pay plans would be funded with resources available to the Board of Regents and UW-Madison including the GPR block grant, tuition, gifts and grants, and other resources. The Board of Regents would not receive pay plan supplements or request full funding of increases in salary and fringe benefit costs through the biennial budget process for costs related to these supplemental pay plans.

**Veto by Governor [B-17]:** Delete the requirement that supplemental pay plans for UW-Madison employees be approved by the Board of Regents prior to being implemented. Approval by JCOER would still be required.

[Act 32 Sections: 9152(1c) and 9452(1d)]

[Act 32 Vetoed Section: 9152(1c)(b)]

### 4. PERSONNEL SYSTEMS [LFB Paper 746]

**Joint Finance/Legislature:** Authorize the Board of Regents to establish a personnel system for all UW employees excluding UW-Madison employees and authorize UW-Madison to establish a personnel system for UW-Madison employees. Require UW-Madison to create its personnel system in consultation with the Board of Regents. Specify that these personnel systems would include a civil service system and a grievance process. The UW-Madison personnel system would require approval by the Regents and both the UW-Madison personnel system and the UW System personnel system would require approval by JCOER.

Beginning July 1, 2013, exempt UW System from all Chapter 230 provisions and transfer all UW employees from the state personnel system to the new personnel systems. Specify that UW classified employees who have achieved permanent status as of July 1, 2013, would retain protections related to demotion, suspension, discharge, layoff, reduction in base pay, and reinstatement privileges. Specify that UW classified employees who have not achieved permanent status as of July 1, 2013, would have the same protections and privileges if they successfully complete their probationary periods. All employees hired after July 1, 2013, would have the protections, privileges, and rights afforded to them by the personnel systems. Provide that UW employees would continue to participate in state group health insurance plans and the Wisconsin Retirement System.

Under this item, the Board of Regents and UW-Madison would be authorized to specify the duties, authority, and responsibilities of each position and to assign each position to a job



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-1678/2  
MDK...

PI  
amh

DOA:.....Mott, BB0225 - Outcomes-based funding suspension for biennium  
and supplemental play plan

**FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION**

No gen.

1 **AN ACT ...; relating to:** the budget.

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*Analysis by the Legislative Reference Bureau*

**EDUCATION**

**HIGHER EDUCATION**

*endash*  
This bill requires the Board of Regents of the UW System and the chancellor of the UW-Madison to provide supplemental pay plans for their employees during the 2019-21 fiscal biennium. The chancellor must submit his or her plan to the Board of Regents for approval. Current law requires the Board of Regents to annually allocate \$26,250,000 of its general program operations funding to UW institutions in accordance with an outcomes-based funding formula. In the 2019-21 fiscal biennium, this bill requires that the Board of Regents allocate that amount to fund the pay plans required under the bill, instead of in accordance with that formula.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 SECTION 9147. Nonstatutory provisions; University of Wisconsin  
2 System.

3 (1) SUPPLEMENTAL PAY PLANS.

4 (a) *Definition.* In this subsection, "board" means the Board of Regents of the  
5 University of Wisconsin System.

6 (b) *University of Wisconsin System.* During the 2019-21 fiscal biennium, the  
7 board shall provide supplemental pay plans for all of its employees, other than  
8 employees assigned to the University of Wisconsin-Madison. The supplemental pay  
9 plans shall be in addition to any pay plan approved under s. 230.12 (3) (e) 1.

10 (c) *University of Wisconsin-Madison.* During the 2019-21 fiscal biennium, the  
11 chancellor of the University of Wisconsin-Madison shall provide supplemental pay  
12 plans for all employees assigned to the University of Wisconsin-Madison. The  
13 supplemental pay plans shall be in addition to any pay plan approved under s. 230.12  
14 (3) (e) 1. The chancellor shall submit the plans to the board and may implement the  
15 plans only with the approval of the board.

16 (d) *Prohibitions.* The board may not request supplemental funding under s.  
17 20.928 to pay the costs of the plans required under pars. (b) and (c) and the board,  
18 under s. 16.42, may not request any funding of increases in salary and fringe benefit  
19 costs provided in these plans.

20 (e) *Funding.* In each fiscal year of the 2019-21 fiscal biennium, both of the  
21 following apply:

22 1. Notwithstanding s. 36.112 (4), instead of allocating \$26,250,000 of the  
23 amount appropriated under s. 20.285 (1) (a) as specified in s. 36.112 (4), the board  
24 shall allocate that amount to fund the supplemental pay plans required under pars.

25 (b) and (c).

Handwritten annotations: "en dash" with arrows pointing to the hyphen in "University of Wisconsin-Madison" in paragraphs (c) and (e); "autoref" with arrows pointing to "(b) and (c)" in paragraph (e) and "(b) and (c)." at the bottom.



## Kunkel, Mark

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**From:** Mott, Amanda L - DOA  
**Sent:** Thursday, February 07, 2019 4:01 PM  
**To:** Kunkel, Mark  
**Cc:** Hynek, Sara - DOA  
**Subject:** 19-1678\_P1

Good Afternoon Mark,

We have some additional items that we would like incorporated into this statutory language draft.

First of all, it should be supplemental pay plan (not supplemental play plan). I am sorry for that typo. ✓

Next, we would like to ensure that the supplemental pay plan cannot exceed \$26,250,000 in any fiscal year, and if the amount is less, the remainder should be allocated per s. 36.112(4), Wis. Stats. ✓

Third, a few changes to the actual language:

- ✓ • Under (1)(b), please change to the board "may" instead of "shall";
- ✓ • Under (1)(c), please change the chancellor of the University of Wisconsin-Madison "shall" to "may";
- ✓ • Under (1)(e)1., please change the board "shall" to "may"; and
- ✓ • Remove the (1)(e)2.

Please let me know if you have any questions!

Thank you so much.

Best,  
Mandy

Amanda Mott  
Executive Policy & Budget Analyst  
Department of Administration  
Phone: 608-266-2843



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-1678/P-02  
MDK:amn

DOA:.....Mott, BB0225 - Outcomes-based funding suspension for biennium  
and supplemental pay plan

**FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION**

1 AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**EDUCATION**

**HIGHER EDUCATION**

This bill ~~requires~~ <sup>allows</sup> the Board of Regents of the UW System and the chancellor of the UW-Madison to provide supplemental pay plans for their employees during the 2019-21 fiscal biennium. The chancellor must submit his or her plan to the Board of Regents for approval. Current law requires the Board of Regents to annually allocate \$26,250,000 of its general program operations funding to UW institutions in accordance with an outcomes-based funding formula. In the 2019-21 fiscal biennium, this bill ~~requires that~~ <sup>allows</sup> the Board of Regents ~~allocate that amount to fund the pay plans required under the bill, instead of in accordance with that formula.~~ <sup>to</sup> ~~allocate that amount to fund the pay plans~~ <sup>allowed</sup> ~~required~~ <sup>to</sup> under the bill, instead of in accordance with that formula.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

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

INSERT A



1 SECTION 9147. Nonstatutory provisions; University of Wisconsin  
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3 (1) SUPPLEMENTAL PAY PLANS.

4 (a) *Definition.* In this subsection, "board" means the Board of Regents of the  
5 University of Wisconsin System.

6 (b) *University of Wisconsin System.* During the 2019-21 fiscal biennium, the  
7 board ~~shall~~ <sup>may</sup> provide supplemental pay plans for all of its employees, other than  
8 employees assigned to the University of Wisconsin-Madison. The supplemental pay  
9 plans shall be in addition to any pay plan approved under s. 230.12 (3) (e) 1.

10 (c) *University of Wisconsin-Madison.* During the 2019-21 fiscal biennium, the  
11 chancellor of the University of Wisconsin-Madison ~~shall~~ <sup>may</sup> provide supplemental pay  
12 plans for all employees assigned to the University of Wisconsin-Madison. The  
13 supplemental pay plans shall be in addition to any pay plan approved under s. 230.12  
14 (3) (e) 1. The chancellor shall submit the plans to the board and may implement the  
15 plans only with the approval of the board. *allowed under this paragraph*

16 (d) *Prohibitions.* The board may not request supplemental funding under s.  
17 20.928 to pay the costs of the plans ~~required~~ <sup>allowed</sup> under pars. (b) and (c), and the board,  
18 under s. 16.42, may not request any funding of increases in salary and fringe benefit  
19 costs provided in these plans.

20 (e) *Funding.* In each fiscal year of the 2019-21 fiscal biennium, ~~both~~ <sup>any</sup> of the  
21 following apply:

22 1. Notwithstanding s. 36.112 (4), instead of allocating \$26,250,000 of the  
23 amount appropriated under s. 20.285 (1) (a) as specified in s. 36.112 (4), the board  
24 ~~shall~~ <sup>may</sup> allocate that amount to fund the supplemental pay plans ~~required~~ <sup>allowed</sup> under pars.  
25 (b) and (c).

INSET 2-25

1 2. Notwithstanding s. 36.112 (5), the board is not required to submit the reports  
2 required under s. 36.112 (5).

3

(END)

2019-2020 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1678/P2ins  
MDK:... *am*

1

**INSERT 1A:**

If the Board of Regents allocates a portion, the remainder must <sup>be</sup> allocated in accordance with the formula.

2

**INSERT 2-25:**

3

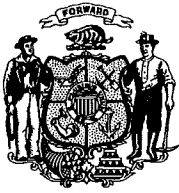
If the board allocates a portion of that amount for supplemental pay plans, the board

4

shall allocate the remainder to distribute to institutions under the formula under s.

5

36.112 (3) (b).



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-1678/P2  
MDK:amn

DOA:.....Mott, BB0225 - Outcomes-based funding suspension for biennium  
and supplemental pay plan

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*Analysis by the Legislative Reference Bureau*

**EDUCATION**

**HIGHER EDUCATION**

This bill allows the Board of Regents of the UW System and the chancellor of the UW-Madison to provide supplemental pay plans for their employees during the 2019-21 fiscal biennium. The chancellor must submit his or her plan to the Board of Regents for approval. Current law requires the Board of Regents to annually allocate \$26,250,000 of its general program operations funding to UW institutions in accordance with an outcomes-based funding formula. In the 2019-21 fiscal biennium, this bill allows the Board of Regents to allocate all or a portion of that amount to fund the pay plans allowed under the bill, instead of in accordance with that formula. If the Board of Regents allocates a portion, the remainder must be allocated in accordance with the formula.

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

1           **SECTION 9147. Nonstatutory provisions; University of Wisconsin**  
2           **System.**

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4           (a) *Definition.* In this subsection, “board” means the Board of Regents of the  
5           University of Wisconsin System.

6           (b) *University of Wisconsin System.* During the 2019-21 fiscal biennium, the  
7           board may provide supplemental pay plans for all of its employees, other than  
8           employees assigned to the University of Wisconsin–Madison. The supplemental pay  
9           plans shall be in addition to any pay plan approved under s. 230.12 (3) (e) 1.

10          (c) *University of Wisconsin–Madison.* During the 2019-21 fiscal biennium, the  
11          chancellor of the University of Wisconsin–Madison may provide supplemental pay  
12          plans for all employees assigned to the University of Wisconsin–Madison. The  
13          supplemental pay plans shall be in addition to any pay plan approved under s. 230.12  
14          (3) (e) 1. The chancellor shall submit the plans allowed under this paragraph to the  
15          board and may implement the plans only with the approval of the board.

16          (d) *Prohibitions.* The board may not request supplemental funding under s.  
17          20.928 to pay the costs of the plans allowed under pars. (b) and (c), and the board,  
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19          costs provided in these plans.

20          (e) *Funding.* In each fiscal year of the 2019-21 fiscal biennium,  
21          notwithstanding s. 36.112 (4), instead of allocating \$26,250,000 of the amount  
22          appropriated under s. 20.285 (1) (a) as specified in s. 36.112 (4), the board may  
23          allocate all or a portion of that amount to fund the supplemental pay plans allowed  
24          under pars. (b) and (c). If the board allocates a portion of that amount for

1 supplemental pay plans, the board shall allocate the remainder to distribute to  
2 institutions under the formula under s. 36.112 (3) (b).

3 (END)