

## Chapter Pers 5

## COMPENSATION PROVISIONS

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**Pers 5.01 Beginning salary.** (1) INITIAL RATE TO BE PAID. (a) The lowest or initial rate in the salary range shall be the rate payable to any person on first appointment to a position in the class except as otherwise provided.

(b) When economic and employment conditions make it exceedingly difficult to fill vacancies in a given class at the initial rate, the director may approve a higher rate in the range. Such changes shall be reported to the board quarterly.

(c) When unique special professional training and experience are required to fill a specified vacancy, the director, at the request of the employing department, may approve a rate above the minimum for recruiting and hiring. Such changes shall be reported to the board quarterly.

(2) PERMANENT STATUS IN CLASS MINIMUM. The initial rate paid to an employe who is not serving a probationary period in a class allocated to salary schedules 1 or 3 shall be not less than the permanent status in the class minimum.

(3) OTHER. For salary on red circle rates, promotion, reclassification, transfer, reinstatement, demotion and for trainees and intern classes see Wis. Adm. Code chapters Pers 3, 14, 15, 16, 17 and 20 respectively.

**History:** Cr. Register, June, 1964, No. 102, eff. 7-1-64; emerg. rules, am. (2), cr. (3), eff. 2-22-66; am. (2) and cr. (3), Register, May, 1966, No. 125, eff. 6-1-66.

**Pers 5.02 Full-time and part-time service.** Rates prescribed in the compensation plan for permanent and seasonal positions are the rates authorized for full-time employment. When employment regularly equals or exceeds half-time on a daily, weekly or monthly basis, the proportionate part of the rate shall be paid. When employment is less than half-time on a daily, weekly or monthly basis the rate paid shall be according to the salary schedule for limited term employment.

**History:** Cr. Register, June, 1964, No. 102, eff. 7-1-64.

**Pers 5.03 Salary increases.** (1) PROBATIONARY INCREASE. A probationary increase of one step shall be granted pursuant to section 16.105 (2) (d), Wis. Stats., effective at the beginning of the pay

period following completion of the first 6 months of the probationary period.

(2) **REALLOCATION INCREASES.** (a) Salary increases or decreases resulting from position reallocation or reclassification shall normally be effective at the beginning of the pay period following completion of the transaction.

(b) When a position is reallocated pursuant to Wis. Adm. Code section Pers 3.02 (2) (a) and (f) to a classification in a salary range with a higher maximum, the incumbent who has permanent status in that position and is authorized to perform the duties of the class to which the position is reallocated, shall receive a salary increase to the permanent status in class minimum of the new class or a one step increase, whichever is greater.

(c) When a position is reallocated pursuant to Wis. Adm. Code section Pers 3.02 (2) (a) and (f) to a classification in a salary range with a higher maximum and the incumbent does not have permanent status in the class, he shall receive a salary increase to the minimum of the new class if below this rate. [See Wis. Adm. Code section Pers 13.03 (5)].

(d) Salary increase to employes whose positions are reallocated pursuant to Wis. Adm. Code section Pers 3.02 (2) except (a) and (f):

1. To PSICM if the incumbent has permanent status in the class and is below this rate;
2. To the minimum of the new class if the incumbent does not have permanent status in the class and is below this rate;
3. No increases if the incumbent's present salary is above PSICM of the new class.

(3) **PROMOTIONAL INCREASE.** See Wis. Adm. Code section Pers 14.04.

(4) **MERIT INCREASES.** See sections 16.105 (2) (c) and (e), 16.25 and 20.931, Wis. Stats.

(5) **MERIT INCREASE, INTENT.** (a) *Policy.* To establish a system of evaluation through performance standards consistent with good personnel management practices so that merit increases may be granted solely in recognition of and to encourage meritorious service, and provide justification to the employe for either the award or denial of merit increases.

(b) *Application.* Each department shall adopt a plan for the distribution of merit increases to accomplish the legislative intent and the policy expressed in this rule. The plan thus adopted may be drawn up by the bureau or it may be one drafted by the given department to fit its own needs and circumstances.

(c) *Reporting of departmental plan.* Appointing officers shall report to the director their plan of employe evaluation for increase purposes, including method and procedures, and furnish any supplementary forms or related information as the director may require for his evaluation and presentation to the board on the operations of the state's merit increase program.

(6) **MERIT INCREASES, ADMINISTRATION.** (a) *Fiscal year merit increases.* Appointing officers shall file with the director and the department of administration their annual merit increase reports in the form prescribed by the director.

(b) *Interim merit increases.* Pursuant to section 20.931, Wis. Stats., appointing officers may grant merit increases throughout the fiscal year subject to the limitations contained therein and section 16.105, Wis. Stats., and the following:

1. Funds available: Only the merit increase money distributed to employes on July 1 who have terminated with the department during the fiscal year shall be used for interim increases to eligible employes.

2. Appointing officers shall report in the form prescribed by the director the source of funds for each such interim merit increase and such other information that the director may require.

3. Effective dates: Such interim merit increases shall be effective at the beginning of the pay period following receipt of written notice by the director on the form prescribed by him.

4. For the purposes of interim merit increases employes who are laid off pursuant to Wis. Adm. Code chapter Pers 22 shall not be considered as being terminated with the department.

(7) **MERIT INCREASES, ADDITIONAL REPORTS.** Appointing officers shall furnish such reports as the director may require for him to administer and evaluate the merit increase program.

(8) **RETROACTIVE SALARY INCREASE OR DECREASE.** Except for action in accordance with section 16.24 (1), Wis. Stats., or to correct an error, no salary increases or decreases shall be retroactive.

(9) **SIMULTANEOUS SALARY INCREASES, ORDER OF APPLICATION.** (a) Except as provided in subsection (b) where applicable, salary adjustments resulting from personnel transactions that have the same effective date shall be made and occur in the following order:

1. Reallocation
2. Reclassification
3. Probationary Increase
4. Promotional Increase
5. Merit Increase

(b) Whenever salary adjustments result from changes in the compensation plan, the adjustments and sequence as provided in paragraph (a) 1. shall take effect following the allocation of the employe's position to the proper class, the assignment of that class to the proper salary range, and after the mandatory salary adjustments are made by moving employes on probation to the new hiring minimum if below this rate, or to the permanent status in class minimum (PSICM) if they have permanent status in the class and are below this rate. Employes who are also eligible to receive a probationary increase on this date shall be treated as follows:

1. A full probationary increase will be granted only when the employe's salary rate is above PSICM.

2. If the move to PSICM is more than one step the probationary increase will be absorbed in this action.

3. If the move to PSICM is less than one step the employe shall receive in addition to PSICM the difference necessary to equal one step.

**History:** Cr. Register, June, 1964, No. 102, eff. 7-1-64; Emerg. rules, am. (1), (2) intro. par., (a), (b), (2) (c), (d), (3), (4), (5), cr. (5) (a), (b), (c), (d), am. (6), cr. (6) (a), (b), (7), (8), (9), eff. 2-22-66; am. (1), (2) intro. par., (2) (a), (b), (c), (d); (3), (4), (5); cr. (5) (a), (b), (c); am. (6), cr. (6) (a), (b), (7), (8), (9), Register, May, 1966, No. 125, eff. 6-1-66.

**Pers 5.04 Basic salary.** The term basic salary means the salary rate excluding any overtime or other additional compensation.

**History:** Cr. Register, June, 1964, No. 102, eff. 7-1-64.

**Pers 5.05 Injury while on hazardous duty.** Certain employes injured while performing hazardous duties as defined in section 16.31, Wis. Stats., and who are unable to work may continue to receive their full monthly salary for not to exceed 3 months. Claim shall be made by the employe or his representative to his appointing officer on forms provided by the bureau. Within 30 calendar days after receipt of the claim, the appointing officer shall notify the director in writing of his decision to recommend authorization or denial of the claim. Within 10 calendar days after receipt of the recommendation of the appointing officer the director shall notify the employe and the appointing officer of his decision to authorize or deny the claim. The employe or the appointing officer may appeal the decision of the director to the board within 10 calendar days after receipt of the director's decision.

**History:** Cr. Register, June, 1964, No. 102, eff. 7-1-64; am. Register, September, 1965, No. 117, eff. 10-1-65.

**Pers 5.06 Effect of workmen's compensation.** (1) During the period an employe is absent from work due to injury from state employment and is awaiting a determination under chapter 102, Wis. Stats., the employe personally or through his representative may elect to:

(a) Use sick leave credits to cover loss of earnings, or await payment of workmen's compensation, or

(b) Use vacation credits to cover loss of earnings until eligibility for workmen's compensation is determined.

(2) The employe shall give written notification to the employing department of the elected manner of payment for such absence before the end of the pay period in which the absence occurs.

(3) In instances where vacation credits have been used to cover an absence which is later found compensable, the appointing officer shall, if requested by the employe, provide leave without pay on a day for day basis, with such leave to be taken in accordance with Wis. Adm. Code subsection Pers 18.02 (6).

(4) If the employe elects to await workmen's compensation and the claim is later found non-compensable, sick leave and vacation credits may be used for the absence.

**History:** Cr. Register, June, 1964, No. 102, eff. 7-1-64.

**Pers 5.07 Maintenance allowance.** Where full or part maintenance such as laundry, meals, lodging or quarters is furnished for the employe or the employe and his family, the employe shall be charged for the value of the allowance as established by the bureau based upon recommendations made by the employing departments. Any exception to this policy shall require the approval of the director. The bureau shall review these rates as required.

**History:** Cr. Register, June, 1964, No. 102, eff. 7-1-64.

**Pers 5.08 Compensation from other sources.** Regardless of the source of funds, all compensation for services in a given position shall be combined to the end that the total compensation of any employe for any period shall not exceed the amount payable at the rate pre-

scribed for the class of the position concerned except as provided by section 16.105 (lm) and (2) (b) Wis. Stats., and Wis. Adm. Code section Pers 3.03 (5).

**History:** Cr. Register, June, 1964, No. 102, eff. 7-1-64; emerg. rule, am. eff. 2-22-66; am. Register, May, 1966, No. 125, eff. 6-1-66.

**Pers 5.09 Overtime.** (1) **DEFINITION OF OVERTIME.** Time that an employe is compensated for working in the capacity of his own classification in the same department in excess of required working hours pursuant to subsection 16.275 (7), Wis. Stats. and these rules.

(2) **POLICY ON OVERTIME.** (a) It is the policy of the state to reduce to a minimum the necessity for overtime work.

(b) Compensation for overtime work shall normally be by compensatory time off.

(c) Overtime shall be compensated as provided in the state's compensation plan.

(d) Overtime work that is to be paid for in cash or by compensatory time off shall normally be on an hour for hour basis.

(e) All overtime payments shall be separately recorded on the payroll.

(f) Where compensatory time off is granted for overtime work it shall be taken within 6 calendar months after it has been earned.

(g) Any additional salary shall cease to be payable without the right of appeal whenever the employe's scheduled hours of work are reduced to the normal level.

(h) All overtime work for either compensatory time off or for cash payment must be authorized by the appointing officer. For classes in salary schedule 1, range 12, and above, and classes in schedules 4 and 5, approval of the director is also required for overtime that is compensated by cash payment.

**History:** Cr. Register, June, 1964, No. 102, eff. 7-1-64.

**Pers 5.10 Additional employment.** (1) **DEFINITION.** Additional employment is of 2 types:

(a) Employment in the same employing unit but in a different class of position than that of the employe's regular position.

(b) Employment in a different employing unit of the same department or in a different department in the same or different class of position than that of the employe's regular position.

(2) **POLICY ON ADDITIONAL EMPLOYMENT.** The policy on additional employment shall be consistent, where applicable, with that expressed on overtime.

(3) **PROCESSING.** Additional employment shall be processed as limited term employment and subject to the provisions of chapter Pers 10.

**History:** Cr. Register, June, 1964, No. 102, eff. 7-1-64.

**Pers 5.11 Deviations.** (1) **DEFINITION.** Where the conditions of employment cannot be fulfilled by adhering to the standard work week provided in subsection 16.275 (7), Wis. Stats.

(2) **COMPENSATION FOR DEVIATION WORK WEEKS.** Compensation for such work weeks shall be as provided for in the state's compensation plan.

(3) **APPROVAL REQUIRED.** Requests for deviation work weeks shall be submitted by the appointing officer to the Department of Administration, attn. Bureau of Personnel, for the director's prior approval. Such requests shall define the extent and duration of the deviation, and contain a recommendation as to pay for the additional time required, and personnel by name and classification who will be included. Before submitting such requests the appointing officer shall make the necessary budgetary provisions.

(4) **REPORTING AND RECORDING PAY FOR DEVIATION WORK WEEKS.** (a) Approval is for the length of the period specified and if on continuous basis shall coincide with the fiscal year.

(b) Any additional pay authorized for deviation work weeks shall be separately recorded on the payroll.

(c) Any additional salary shall cease to be payable without the right of appeal whenever the employe's scheduled hours of work are reduced to the standard basis of employment.

**History:** Cr. Register, June, 1964, No. 102, eff. 7-1-64.

**Pers 5.12 Supervisory pay; responsibility pay.** Supervisory pay as provided in the teacher's salary schedule and responsibility pay as provided in the physician's salary schedule shall be separately recorded by the director and by the employing department, and shall cease to be payable, without the right of appeal whenever the supervisory duties or program responsibilities cease.

**History:** Cr. Register, June, 1964, No. 102, eff. 7-1-64.

**Pers 5.13 Pay for jury service.** See subsection 16.275 (5), Wis. Stats.

**History:** Cr. Register, June, 1964, No. 102, eff. 7-1-64.

**Pers 5.14 Audit of records.** As provided in subsection 16.05 (3) and section 16.26, Wis. Stats. the director shall have access to all records kept by departments relating to personnel and employment processes.

**History:** Cr. Register, June, 1964, No. 102, eff. 7-1-64.

**Pers 5.15 Employment interview travel expenses.** As provided by subsection 20.940 (3), Wis. Stats., an applicant who is eligible for selection for employment may be reimbursed for all or part of his actual and necessary travel expenses incurred in connection with an employment interview by the employing department provided:

- (1) The position is of a professional or technical nature, and
- (2) A critical shortage exists of persons eligible for selection, and
- (3) Prior authorization for such reimbursement has been obtained from the director.

**History:** Cr. Register, June, 1964, No. 102, eff. 7-1-64.

**Pers 5.16 Total remuneration.** The rates of pay prescribed shall be deemed to include pay in every form EXCEPT: approved overtime; lawful reimbursement for necessary expenses authorized and incurred incident to the employment; special equipment; clothing; or services considered necessary for performance of the job.

**History:** Cr. Register, June, 1964, No. 102, eff. 7-1-64.