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 hiring rate in the range for the class on a statewide basis or for a specific job location headquarters. Such actions shall be reported to the board quarterly.

(c) When unique special technical or professional training or experience is required to fill a specified vacancy, or when well qualified candidates are available with experience or training beyond the minimum for the class, the director, at the request of the employing department, may approve recruitment for and appointment of eligibles who have more than the minimum qualifications for the classification at a starting salary within an announced hiring range above the minimum. Such actions shall be reported to the board quarterly.

(2) PERMANENT STATUS IN CLASS MINIMUM. (a) 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.

(b) Subject to the salary range maximum, if the initial hiring rate is adjusted, the permanent status in class minimum shall be adjusted by a like amount and the provisions in the rules relating to PSICM shall apply.

(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; emerg. am. (1) (b) and (c) and (2), eff. 3–2–67; am. (1) (b) and (c) and (2), Register, June, 1967, No. 138, eff. 7–1–67; emerg. am. (1), eff. 11–1–68; am. (1), Register, December, 1968, No. 156, eff. 1–1–69.

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 the beginning of the pay period closest to the completion date of the first 6 months of the established probationary period in accordance with section 16.105 (7), Wis. Stats.

(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 13.05 (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), 16.105 (6) and 16.25, 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 16.105 (6), 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. Salary adjustments resulting from personnel transactions that have the same effective date shall occur in the following order:

(a) Reallocation

(b) Reclassification

(c) Probationary Increase

(d) Promotional Increase

(e) Compensation Plan Adjustment to section 16.105 Wis. Stats.

(f) Merit Increase

Any combination of the above transactions shall occur in the order listed.

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; am. (1), Register, June, 1968, No. 150, eff. 7-1-68; emerg. am. (1), (2) (c), (4) and (6) (b) intro. par., r. and recr. (9) eff. 6-27-71; am. (1), (2) (c), (4), (6) (b) intro. par., r. and recr. (9), Register, September, 1971, No. 189, eff. 10-1-71.

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 while unable to work as the result of the injury or until the termination of their employment. 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; emerg. am. eff. 11–1–68; am. Register, December, 1968, No. 156, eff. 1–1–69.

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 (7).

(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.

(5) An employe may elect to use unlapsed accrued sick leave to supplement the Workmen's Compensation benefits provided pursuant to Chapter 102, Wis. Stats., to the extent that the employe shall receive the equivalent of his regular base pay as defined under Pers 5.04, Wis. Adm. Code. Notice of such election by the employe shall be reported in the same manner provided for in (2) of this section.

History: Cr. Register, June, 1964, No. 102, eff. 7–1–64; emerg. am. (3) and cr. (5), eff. 6–27–71; am. (3) and cr. (5), Register, September, 1971, No. 189, eff. 10–1–71.

Pers 5.07 Maintenance charges. (1) Except as provided in subsection (2), 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.

(2) As provided under section 16.105 (5) (b), Wis. Stats., when a state agency provides meals to employes who are required as a condition of employment to take such meals in the performance of employer assigned duties or responsibilities, said meals shall be provided without charge to the employe. All of the following conditions must be met for an employe to be eligible for such meals:

(a) An employe works a straight 8-hour shift without an unpaid lunch period.

(b) Meals eaten while on duty must be taken at the employe's assigned work post.

(c) Meals are presently delivered to the assigned work post or would have been if so requested and facilities are in operation at the time the meal is to be consumed.

History: Cr. Register, June, 1964, No. 102, eff. 7–1–64; emerg. renum. to be (1) and am. and cr. (2), eff. 12–7–69; renum. to be (1) and am. and cr. (2), Register, April, 1970, No. 172, eff. 5–1–70.

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 prescribed 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 5.085 Length of service pay. (1) STATUTORY AUTHORITY. As provided under section 16.105 (2) (bf), Wis. Stats. an eligible classified employe shall be paid an annual length of service payment. It is the intent of this subsection that no employe shall be given more than one length of service payment for the twelve month period beginning January 1 and ending the following December 31.

(2) ELIGIBILITY. All classified employes, except employes paid on a prevailing rate and employes on part-time (which is less than half-time, on a daily, weekly or monthly basis), short-term, project and student employments, who have completed 10 or more years continuous service as defined in Wis. Adm. Code section Pers 18.02 (2) prior to December 31, shall be paid a length of service payment specified under section 16.105 (2) (bf), Wis. Stats. To be eligible an employe must have completed the required number of years of continuous service prior to or during the calendar year in which the payment is to be made.

(3) COMPUTATIONS. Computations for determining such continuous service and number of years of service shall be made according to provisions of Wis. Adm. Code sections Pers 18.02 (2) and (3).

(4) PAYMENT. (a) When the rate of length of service payment changes during the 10th, 15th, 20th or 25th calendar year, such payment shall be based upon the highest rate for which eligibility has been gained during the calendar year.

(b) The length of service payment for eligible employes shall be prorated according to the number of paid work hours during the

period specified in (1) above excluding time considered to be overtime as defined in Wis. Adm. Code section Pers 5.09 (1) (a) or additional employment as defined under Wis. Adm. Code section Pers 5.10 (1). Any absences without pay totaling 30 calendar days or less in a calendar year may be counted in computing paid work hours.

(c) Pursuant to section 16.105 (2) (bf), Wis. Stats. such payments shall be made on a date in December as determined by the director.

(d) Upon termination, retirement, or death of an eligible employe the length of service payment shall be prorated and paid on a date as determined by the director in accordance with section 16.105 (2) (bf), Wis. Stats.

(5) TRANSFER OF CREDITS. Transfer of length of service credits shall be consistent with Wis. Adm. Code section Pers 18.04 (2).

History: Emerg. cr. eff. 12-7-69; cr. Register, April, 1970, No. 172, eff. 5-1-70; emerg. am. (4) (d), eff. 6-27-71; am. (4) (d), Register, September, 1971, No. 189, eff. 10-1-71.

Pers 5.09 Overtime. (1) DEFINITION: (a) *Overtime:* Time that an employe works in excess of 40 hours per each 7 consecutive calendar day period.

(b) *Regular rate:* Rate based on the basic pay rate plus the total paid in night differential compensation.

(c) *Premium rate:* Compensation in cash at a rate of one and one-half times the regular rate paid the employe for the workweek in which overtime is worked *or* compensation in time off at a rate of one and one-half the number of hours worked.

(d) *Continuing overtime:* Overtime which can be anticipated within 3 or more weeks in advance of its occurrence and which is expected to require 40 or more hours of overtime for any one employe within any 10 week period.

(2) GENERAL POLICY ON OVERTIME. (a) Overtime work is to be held to a minimum consistent with the needs of the service.

(b) All overtime work for either compensatory time off or for cash payment must be authorized by the appointing authority.

(c) Bureau of Personnel approval is also required for cash payment when the conditions of employment are expected to require continuing overtime.

(d) Additional pay for overtime work shall not be considered as a part of an employe's base pay.

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

(f) Any additional cash compensation shall cease to be payable without the right of appeal whenever the employe's scheduled hours of work are reduced to 40 hours per week.

(g) Compensatory time off for overtime hours shall be used as soon as possible after the time is earned. If compensatory time off is to be granted to an included employe, it must be granted within the pay period that it is earned except that if requested by an included employe who is not an employe of a hospital, nursing home, school or institution of higher education, compensatory time off may be granted in accordance with the following provision pertaining to exempt employes. If compensatory time off is to be granted to an exempt employe, it must be granted within the calendar year earned, except that with the approval of the appointing authority, compensatory

time off may be used within the first 6 months of the ensuing calendar year. Within the time limitations specified herein, the appointing authority shall respect the wishes of employes relative to the time at which compensatory time off may be used, insofar as he determines the needs of the service will permit.

(h) The state is considered as one employer for the purposes of determining the number of hours worked.

(i) Employes shall be categorized as *included* or *exempt* from requirements of premium pay for overtime according to the standards established by the director.

(3) PROVISIONS FOR INCLUDED EMPLOYES. Included employes shall be paid at a premium rate for all hours worked in excess of 40 hours per workweek.

(4) PROVISIONS FOR EXEMPT EMPLOYES. (a) The pay rates for exempt employes are generally intended to compensate for all regular employment work hours. If an emergency or other non-regular occurrence requires overtime work compensation in cash or time off at up to a straight time basis for work hours over 40 per week may be granted at the discretion of the appointing authority.

(b) If continuing overtime work is required by the nature of the function to be performed and in the judgment of the appointing authority payment for such overtime in cash or compensatory time off at up to one and one-half times the basic rate is in the best interest of the service, or if cash or compensatory time off at a rate in excess of straight time at up to one and one-half times the basic rate for non-continuing overtime is considered appropriate by the appointing authority the appointing authority shall submit a request to the director for authorization of such payment. Each such request shall be considered based on the facts in each situation and a decision shall be made by the director to authorize or not authorize such payment, consistent with the needs of the service and fair treatment of employes.

History: Cr. Register, June, 1964, No. 102, eff. 7–1–64; emerg. r. and recr. eff. 7–1–67; r. and recr. Register, October, 1967, No. 142, eff. 11–1–67; r. and recr., Register, June, 1968, No. 150, eff. 7–1–68; emerg. am. (3) eff. 6–27–71; am. (3), Register, September, 1971, No. 189, eff. 10–1–71.

Pers 5.10 Additional employment. (1) DEFINITION: Additional employment is work performed by an employe outside of his regular full time position. 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. (a) Included employes shall be paid a premium rate for additional employment work hours which together with regular employment hours exceed 40 hours of work per week according to Pers 5.09 (3). It shall be the responsibility of the department employing a person on additional employment to determine the total hours worked by the employe and to pay the premium rate when applicable.

(b) Exempt employes shall be paid the straight time rate for the additional employment except that in exceptional cases a rate at up

to one and one-half times the basic rate may be authorized by the director at the request of an appointing authority.

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

History: Cr. Register, June, 1964, No. 102, eff. 7-1-64; r. and recr., Register, June, 1968, No. 150, eff. 7-1-68; emerg. am. (2) (a) eff. 6-27-71; am. (2) (a), Register, September, 1971, No. 189, eff. 10-1-71.

Pers 5.105 Joint employment. (1) DEFINITION. Joint employment is employment of a person in more than one permanent position by more than one department during the same workweek.

(2) POLICY. When an employe works on joint employment the hiring departments shall coordinate with each other the total number of hours worked by the employe in any workweek. If any premium pay is required, the costs of such additional pay shall be shared on the basis of time worked for each department or on some other basis agreeable to the departments involved.

History: Emerg. cr. eff. 7-1-67; cr. Register, October, 1967, No. 142, eff. 11-1-67.

Pers 5.11

History: Cr. Register, June, 1964, No. 102, eff. 7-1-64; r. Register, June, 1968, No. 150, eff. 7-1-68.

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 20.916 (2), 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; emerg. am. (intro. par.) eff. 6-27-71; am. (intro. par.), Register, September, 1971, No. 189, eff. 10-1-71.

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.

Pers 5.17 Night differential compensation. (1) DEFINITION. Extra compensation for regularly scheduled shift hours worked of not less than 2 hours duration between 6 p.m. and 6 a.m. by employes in permanent and seasonal positions (as defined in chapter Pers 8) whose employment regularly equals or exceeds one-half time on a daily, weekly or monthly basis.

(2) POLICY ON NIGHT DIFFERENTIAL. (a) Night differential compensation shall be at the rate specified in the state's compensation plan.

(b) Subject to (c) night differential work that is compensable shall be on an hour-for-hour basis for each regularly scheduled hour worked between 6 p.m. and 6 a.m. as authorized and certified by the appointing officer.

(c) No employe shall be eligible for such extra compensation unless he has worked for a period of 2 or more qualifying hours on a regularly scheduled shift basis between 6 p.m. and 6 a.m.

(d) Night differential payment shall be considered separately from an employe's basic pay rate and such payment shall be separately recorded on the payroll.

(e) Night differential compensation shall not be paid to an employe absent on leave with pay (vacation, sick leave, military leave, etc.) during the period in which the employe would otherwise be regularly scheduled to work between 6 p.m. and 6 a.m.

(f) Night differential compensation shall not be authorized for irregularly scheduled hours of work.

(g) Any night differential compensation shall cease to be payable without the right of appeal whenever the employe's regularly scheduled hours of work on a shift between 6 p.m. and 6 a.m. are reduced to under 2 hours.

(h) For purposes of this section the following interpretation shall apply:

1. REGULARLY SCHEDULED HOURS shall mean work hours repetitively occurring on a standard, split, or rotated shift basis.

2. IRREGULARLY SCHEDULED HOURS shall mean work hours not scheduled on a permanent and repetitive basis.

3. FRACTIONAL HOURS. In computing total shift hours worked each day between 6 p.m. and 6 a.m. any remaining fractional work period of 30 or more minutes shall be rounded off to the next highest full hour. Fractional periods of less than 30 minutes shall not be compensable.

4. SUBSTITUTION. Night differential compensation shall be paid to an employe who is temporarily assigned to fill a position that requires regularly scheduled work hours between 6 p.m. and 6 a.m. provided the substitute employe works for 2 or more hours within the prescribed time period.

History: Emerg. cr. eff. 7-1-67; cr. Register, October, 1967, No. 142, eff. 11-1-67.