Chapter Pers 5

COMPENSATION PROVISIONS

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Pers 5.01 Basic pay. (1) DEFINITION. The terms "basic pay" and "base pay" mean the pay rate excluding any overtime or supplementary compensation.

(2) The rates prescribed in the compensation plan 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 pay schedule for limited term employment.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72.

Pers 5.02 Beginning pay. (1) INITIAL RATE TO BE PAID. (a) The lowest or initial rate in the pay range shall be the rate payable to any person on first appointment to a position in the class except as otherwise provided.

(b) When competitive labor market conditions have been evaluated and the initial rate as established is determined to be below the market rate for a class, or when the class, or the recruitment option for the class has unique requirements or geographic location and it is unlikely that quality applicants would be available under such conditions, the director, at the request of the employing department, may establish an initial rate above the pay range minimum for recruiting and hiring. Such actions shall be reported to the board annually.

(c) When necessary for effective recruitment, the director may, at the request of the employing agency, give pay recognition at the time of appointment to individuals who have more than the minimum qualifications for the class or recruitment option provided that the increased pay potential was included in the recruitment information. A report of individuals appointed under this subsection shall be made to the board annually.

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

(3) For pay provisions of promotion, transfer, reinstatement, demotion and for trainees and intern classes see Wis. Adm. Code chapters Pers 14, 15, 16, 17 and 20 respectively.

History: Cr, Register, October, 1972, No. 202, eff. 11-1-72; am. (2), Register, September, 1975, No. 237, eff. 10-1-75.

Pers 5.03 Transaction pay adjustments. (1) PROBATIONARY INCREASE. In schedules where appropriate, a probationary increase of either one intermediate within range pay step or the amooount required to bring the employe's pay to PISCM (whichever is greater) shall be granted to an employe effective the beginning of the pay period closest to the completion date of the first 6 months of the probationary period, except that such increase shall not exceed the maximum rate of the pay range. No probationary increase shall be granted for completion of any probationary period required on a transfer, demotion or reinstatement. On lateral movements as provided under Wis. Adm. Code section Pers 13.07(1), any probationary increase shall be granted only upon completion of the new probationary period [which may include carry-over time under Wis. Adm. Code section Pers 13.07(1)], or the first 6 months of the probationary period in the current position.

(2) REGRADING INCREASE. (a) Pay adjustments resulting from regrading an employe shall be effective at the beginning of the pay period following completion of the transaction.

(b) Pay adjustments for regraded employes whose positions are reallocated pursuant to Wis. Adm. Code section Pers 3.02 (2) (a) through (f) shall be:

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. If an employe's position is reallocated to a classification in a pay range with a higher maximum, and the incumbent's present pay rate is above PSICM of the new class, the employe shall receive no pay increase as a result of the reallocation.

(c) When a position is reclassified pursuant to Wis. Adm. Code section Pers 3.02 (4) to a classification in a pay range with a higher maximum, the incumbent, who has permanent status in that position and is regraded, shall, if applicable, receive a pay increase to the permanent status in class minimum of the new class or a one step increase, whichever is greater.

(d) Regraded employes whose positions are reclassified or reallocated pursuant to Wis. Adm. Code section Pers 3.02 (2) to a classification with a lower pay range maximum than their current classification carries shall retain their current rate of pay, subject to Wis. Adm. Code section Pers 5.03 (3).

(3) RED CIRCLE RATES. In accordance with section 16.07 (2) (f), Wis. Stats., and except as provided in Wis. Adm. Code section Pers 30.09 (3), if a position in the classified service is reclassified or reallocated to a classification with a lower pay rate or pay range maximum, or if a position in the unclassified service is brought under the classified

service and allocated to a classification having a lower pay rate or pay range maximum than the incumbent's current pay rate, the effect shall be as follows:

(a) If the incumbent is serving a probationary period for an original appointment in the affected class or position, he or she shall continue to be compensated at his or her present rate of pay as long as it does not exceed the pay range maximum for the classification to which his or her position is allocated.

(b) If the incumbent has previously attained permanent status in class but is serving a probationary period in the affected class or position because he or she was promoted or transferred within the agency, the appointing authority, pursuant to section 16.22 (1) (d), Wis. Stats., shall restore the incumbent to his or her former position or a similar position allocated to a classification in the same pay range if the incumbent requests such action in lieu of continuing in the reallocated position. In such action the employe shall be paid the same rate he or she received prior to the promotion or transfer except for the addition of intervening general pay adjustments.

(c) If an incumbent has previously attained permanent status in class but is serving a probationary period in the affected class or position because he or she was promoted or transferred between agencies, the incumbent shall be compensated at his or her present rate of pay as long as it does not exceed the pay range maximum for the classification to which the position is allocated.

(d) If the incumbent of such position has permanent status in class in the class to which his or her position is allocated and his or her present pay is within the pay range for the classification, he or she shall continue to be compensated at their present rate of pay.

(e) If the incumbent of such position has permanent status in class in the class to which his or her position is allocated and his or her present pay is above the maximum of the range for the classification, he or she shall continue to receive their present rate of pay until the maximum pay rate for the classification exceeds their present rate of pay. The employe shall not be eligible to receive any pay adjustments other than the cost of living adjustments under section 16.085, Wis. Stats.

(f) Subsequent position movement (except reassignment as provided in paragraph (g)). If the incumbent under the provisions of paragraph (e) moves to a position in a different classification his or her pay shall be immediately adjusted to a certifiable rate for which he or she is eligible within the pay range for that classification. This provision shall not apply where an employe is promoted within the same agency, as provided in Wis. Adm. Code section Pers 14.03 (1), in which case the employe shall be allowed to retain the red circle rate. Any promotional or probationary pay increases shall be controlled by the maximum of the pay range for the class to which the employe is promoted, except where the red circle rate exceeds the maximum of the new pay range. In such case the employe shall retain his/her red circle rate.

(g) If the incumbent under the provisions of paragraph (e) moves by reassignment (i.e. to a different position in the same class) in the

same employing unit or between employing units of the same agency, he or she shall retain their red circle rates.

(h) In any action resulting in the red circling of an employe pay rate every effort shall be made by the appointing authority and the bureau to restore the employe to a position commensurate to his or her former status. Any such employe with the approval of the director shall be placed on the appropriate employment lists. (See Wis. Adm. Code chapter Pers 16.)

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

(8) SIMULTANEOUS PAY INCREASES, ORDER OF APPLICATION. Pay 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 pursuant to section 16.086 (3), Wis. Stats., or section 111.92, Wis. Stats.

(f) Performance and equity awards.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72; am, (1), (3) (intro par.), (3) (f) and (8) m Register, September, 1975, No. 237, eff. 10-1-75; am. (1), (3) (b) and (g), (8) (e), r. (5), (6) and (7), renum. (9) to be Pers 5.037 and r. and recr. (8) (f), Register, December, 1976, No. 252, eff. 1-1-77.

Pers 5.035 Performance and equity pay adjustments. Performance and equity pay adjustments recommended by the director to the joint committee on employment relations pursuant to section 16.086 (3), Wis. Stats., shall be awarded in accordance with section 16.086 (5) and (7), Wis. Stats.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

Pers 5.037 Retroactive salary increase or decrease. Except for action in accordance with section 16.05 (1) (e), Wis. Stats., or to correct an error, no pay increases or decreases shall be retroactive.

History: Renum. from Pers 5.03 (9), Register, December, 1976, No. 252, eff. 1-1-77.

Pers 5.04 Supplementary compensation. (1) DEFINITION. Supplementary compensation, established in the compensation plan under section 16.086 (1) (c), Wis. Stats., shall not be considered part of an employe's base pay. Supplementary compensation shall apply as provided in the compensation plan and shall be discontinued by the appointing authority when no longer applicable. Such supplementary compensation shall be separately recorded by the director and by the employing agency.

(2) NIGHT DIFFERENTIAL COMPENSATION. (a) *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 Wis. Adm. Code chapter Pers 8), and limited term employes (as defined in Wis. Adm. Code

chapters Pers 8 and 10), whose employment regularly equals or exceeds one-half time on a daily, weekly or monthly basis.

(b) *Rate for night differential.* 1. Night differential compensation shall be at the rate specified in section 16.086 (1) (c) 2., Wis. Stats.

2. Subject to 3., 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 authority.

3. No employe shall be eligible for such extra compensation unless he or she 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.

4. Night differential payment shall be considered separately from an employe's base pay rate and such payment shall be separately recorded on the payroll.

5. 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.

6. Night differential compensation shall not be authorized for irregularly scheduled hours of work.

7. 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.

8. For purposes of this section the following interpretation shall apply:

a. Regularly scheduled hours shall mean work hours repetitively occurring on a standard, split or rotated shift basis.

b. Irregularly scheduled hours shall mean work hours not scheduled on a permanent and repetitive basis.

c. 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.

d. 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 that substitute employe works for 2 or more hours within the prescribed time period.

(3) MEALS WHILE ON DUTY. As provided under section 16.086 (1) (c) 3., 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, October, 1972, No. 202, eff. 11-1-72; am. (2) (a), Register, September, 1975, No. 237, eff. 10-1-75.

Pers 5.05 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 16.086, Wis. Stats.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72.

Pers 5.06 Overtime. (1) DEFINITIONS. (a) Overtime Hours—Time that an employe (except for law enforcement personnel, security personnel at correctional institutions and fire protection personnel) works in excess of 40 hours per workweek.

(am) Overtime hours for nonexempt law enforcement personnel, security personnel at correctional institutions, and fire protection personnel—time worked in excess of 120 hours per biweekly payroll period or 240 hours in any 28-day period. (The hours covering this provision will be reduced to 116 hours on January 1, 1976, and 108 hours on January 1, 1977.)

(b) Workweek - A regularly recurring period of 168 hours in the form of 7 consecutive 24-hour periods.

(c) Regular rate. The hourly rate determined by dividing the total pay (including night differential, responsibility, specialty and on-call pay) earned in the workweek by the total hours worked in the workweek.

(d) Premium rate. Compensation at a rate of one and one-half times the regular rate paid the employe for the workweek in which the overtime is worked.

(2) GENERAL POLICY ON OVERTIME. (a) Overtime work is to be held to a minimum consistent with the needs of the service, and it is the responsibility of each agency to explore all possible alternatives before a decision is made to work employes on an overtime basis.

(b) All overtime work must be authorized by the appointing authority.

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

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

(e) 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.

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

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

(3) PROVISIONS FOR NONEXEMPT EMPLOYES. (a) Nonexempt employes shall be paid at a premium rate for all overtime hours worked.

(b) Time off at a premium rate may be granted to nonexempt employes in lieu of a premium rate cash payment for overtime hours worked. However, such time off must be granted within the same pay period in which it is earned.

(c) To compute the pay for nonexempt employes, determine the regular rate and multiply by the total number of non-overtime hours worked in the workweek; then determine the premium rate and multiply by the number of overtime hours worked in the workweek. Total pay for the workweek shall equal the sum of the two.

(4) PROVISIONS FOR EXEMPT EMPLOYES. (a) The pay rates for exempt employes are generally intended to compensate for the total responsibility assigned the position.

(b) Compensation in cash or time off at up to a straight time basis for work hours assigned beyond those normally required in paragraph (a) above may be granted at the discretion of the appointing authority.

(c) Time off which has been credited for additional assigned work, authorized under paragraph (b) above shall be used as soon as possible. Normally, credited time off which is not used by the end of the calendar year in which it is credited should be paid in cash at the rate credited. With the approval of the director, the appointing authority may carry over into the next calendar year any time off which could not be granted due to the needs of the service. All such time off carried over from the previous calendar year shall be used within the first 6 months of the ensuing calendar year or paid in cash at the rate credited.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72; r. (1) (d), renum. (1) (b) and (c) to be (1) (c) and (d) and am., cr. (1) (b), r. (2) (c) and (g), renum. (2) (d), (e) and (f) to be (2) (c), (d) and (e), (2) (h) and (i) to be (2) (f) and (g), r. and recr. (3) and (4) (b) and cr. (1) (am) and (4) (c), am. (1) (a), (2) (a) and (b) and (4), Register, September, 1975, No. 237, eff. 10-1-75.

Pers 5.07 Additional employment. (1) DEFINITION. Additional employment is work of a temporary nature performed by an employe outside of his or her permanent, seasonal, sessional or limited term position.

(2) POLICY ON ADDITIONAL EMPLOYMENT. (a) Nonexempt employes shall be paid a premium rate for additional employment work hours which together with the hours worked in their regular position under (1) result in overtime hours in a workweek according to Wis. Adm. Code section Pers 5.06 (1) (a) and (am).

(b) Exempt employes will normally be paid the straight time rate for the additional employment work. However, if the additional employment work is of nonexempt nature and is of sufficient duration to void the exempt status of all work in the workweek, the employe shall be paid at the premium rate for all overtime hours worked in the workweek according to Wis. Adm. Code section Pers 6.05 [5.06] (1) (a) and (am).

(c) The agency employing a person on an additional employment basis shall be responsible for: determining the total hours worked by the employe; determining the employe's regular rate; and paying the premium rate where applicable.

(d) Additional employement is subject to the maximum work duration set forth in Wis. Adm. Code section Pers 8.06.

(3) PROCESSING. (a) Additional employment is limited term employment and shall be processed subject to this section and the provisions of Wis. Adm. Code chapter Pers 10.

(b) All requests for additional employment shall be subject to approval by the director prior to an employe working such additional employment.

History: Cr. Register, Octoober, 1972, No. 202, eff. 11-1-72; am. Register, September, 1975, No. 237, eff. 10-1-75.

Pers 5.08 Joint employment. (1) DEFINITION. Joint employment is employment of a person in more than one permanent position by more than one agency during the same workweek.

(2) POLICY. When an employe works on joint employment the hiring agencies 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 agencies involved.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72.

Pers 5.09 Total remuneration. The rates of pay as prescribed under the appropriate pay schedules shall constitute total remuneration except for: approved overtime; lawful reimbursement for necessary expenses authorized and incurred incident to employment; special equipment; clothing; or services considered necessary for performance of the job.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72.

Pers 5.11 Pay for military service. See section 16.30 (3) (a), Wis. Stats.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72.

Pers 5.12 Pay for jury service. See section 16.30 (3) (c), Wis. Stats.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72.

Pers 5.13 Reimbursement for applicant's travel expenses. As provided by section 20.916 (2), Wis. Stats., an applicant may be reimbursed for all or part of his or her actual, reasonable and necessary travel expenses consistent with the applicable provisions of

section 20.916, Wis. Stats., and any regulations prescribed thereunder, which are incurred in connection with reporting for an oral examination or employment interview by the employing agency, provided the director, upon request of the appointing authority, determines that reimbursement for expenses is a necessary part of the effective recruitment process and prior authorization for such reimbursement has been given to each applicant to be reimbursed before the expenses are incurred.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72.

Pers 5.14 Maintenance provisions. Except as provided in Wis. Adm. Code section Pers 5.04 (3), where full or part maintenance such as laundry or meals 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 director based upon recommendations made by the employing agencies prior to implementation. Any exception to this policy shall require the approval of the director. The director shall review these rates as required.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72; am. Register, December, 1976, No. 252, eff. 1-1-77.

Pers 5.15 Audit of records. As provided in sections 16.04 (2) and 16.37 (1), Wis. Stats., the director shall have access to all records kept by agencies relating to personnel and employment processes.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72.

Pers 5.16 Hazardous duty pay; worker's compensation. See Wis. Adm. Code chapter Pers 28.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72.