

Chapter ER-Pers 29

COMPENSATION ADMINISTRATION PROVISIONS

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Note: Chapter Pers 29 was renumbered Chapter ER-Pers 29, effective March 1, 1983.

ER-Pers 29.01 Definitions. (1) **BASIC PAY.** The terms "basic pay" and "base pay" mean the pay rate excluding any overtime or supplementary compensation.

(2) **PRESENT RATE OF PAY.** For purposes of this chapter, "present rate of pay" means the base pay rate currently authorized the employe for the position which determines the type of personnel transaction which will occur.

History: Cr. Register, February, 1981, No. 302, eff. 3-1-81; renum. (2) to be ER-Pers 29.015, cr. (2), Register, February, 1983, No. 326, eff. 3-1-83.

ER-Pers 29.015 Official hourly rates. The official hourly rates and ranges prescribed in the compensation plan are the rates authorized for employment in the classified service.

History: Cr. Register, February, 1981, No. 302, eff. 3-1-81; renum. from Pers 29.01 (2), Register, February, 1983, No. 326, eff. 3-1-83.

ER-Pers 29.02 Beginning pay. (1) **MINIMUM RATE.** The minimum 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 in this section.

(2) **RAISED MINIMUM RATE.** (a) When competitive labor market conditions have been evaluated and the minimum rate is determined to be below the market rate for a class or subtitle for a class, or when a class or subtitle for a class has unique requirements and it is unlikely that quality applicants would be available under such conditions, the administrator, at the request of the appointing authority, may establish a raised minimum rate above the pay range minimum for recruiting, hiring and retaining employes. Such rates may be established on a statewide or smaller geographic basis.

(b) The raised minimum rate shall be the lowest rate payable to any employe whose position is assigned to the class or class and subtitle in the geographic area where the raised hiring minimum is in effect.

(c) Subject to the pay range maximum, if a raised minimum rate is established, the PSICM rate shall also be raised by a like dollar amount and any provisions in this chapter relating to PSICM shall apply to the raised PSICM so established.

(3) **HIRING ABOVE THE MINIMUM.** (a) The administrator may authorize hiring above the minimum (HAM) when:

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1. The duties and responsibilities of a position require the employment of a person with qualifications that differ significantly from those normally required for other positions in the same class, and the persons who possess such qualifications are not readily available in the labor market at the minimum rate in the pay range; or

2. A recruitment effort has failed to produce or would likely not produce a full certification of qualified candidates.

(b) Hiring above the minimum must be authorized prior to formal recruitment and the increased pay potential must be included in all recruitment information where pay is stated.

(c) Only those candidates who possess qualifications which significantly exceed the requirements for the class or subtitle or who possess qualifications which differ significantly from those normally required for other positions in the same class may be hired above the minimum of the pay range.

(4) **TRAINEE MINIMUM RATE.** (a) The minimum rate established for the training program shall be the lowest rate payable on original appointment to a trainee position.

(b) If the administrator, at the request of the appointing authority, reviews the qualifications of the person to be appointed and determines that the qualifications are equivalent to specific segments of the training program, such segments may be waived and considered as completed. The rate payable on appointment may then exceed the minimum rate established for the training program and shall be based on the length of time required to complete the remaining segments of the training program.

History: Cr. Register, February, 1981, No. 302, eff. 3-1-81.

ER-Pers 29.025 Red circled pay rates. (1) Except as otherwise provided under subs. (2) and (3) of Section 2015 of ch. 317, Laws of 1981, in accordance with ss. 230.09 (2) (f), 230.15 (1), and 230.34 (1) and (2), Stats., the administrator shall determine whether or not an employee's pay rate may remain above the pay range maximum.

(2) "Red circled pay rate" means the pay rate which is established when the administrator determines that an employee's pay rate shall remain above the pay range maximum.

(3) Red circled pay rates shall be established only when an employee is not serving a probationary period. The specific personnel transactions and circumstances which may result in a red circled pay rate are specified in ss. ER-Pers 22.08, 29.03 and 30.09 (3) and (4).

(4) Employees whose pay has been red circled shall continue to receive their present rate of pay until the pay range maximum for the class exceeds their present red circled pay rate. Such employees shall not be eligible to receive any cumulative pay adjustments.

History: Cr. Register, February, 1981, No. 302, eff. 3-1-81; am. (1), (3) and (4), Register, February, 1983, No. 326, eff. 3-1-83.

ER-Pers 29.03 Transaction pay adjustments. (1) **GENERAL.** Upon the completion of any personnel transaction, employees shall be paid not less than:

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(a) The PSICM rate for the class if the employe is not serving a probationary period.

(b) The minimum rate for the class if the employe is serving a probationary period.

(c) The minimum rate for the training program if the employe is serving a probationary period in a trainee class.

(2) PAY ON COMPLETION OF PROBATION. (a) In schedules where appropriate, a probationary increase of either one within range pay step or the amount required to bring the employe's pay to PSICM, whichever is greater, shall be granted to an employe effective the beginning of the pay period closest to the completion date of first 6 months of an original or promotional probationary period served in a non-trainee status. However, such increase shall not exceed the maximum rate of the pay range. If an employe transfers while serving an original or promotional appointment probationary period, the probationary increase shall be granted only upon completion of the first 6 months of the new original appointment or promotional probationary period, which may include carry over time under s. ER-Pers 15.07.

(b) When an employe is required to serve a permissive probationary period, completion of such probationary period shall not make the employe eligible to receive a pay increase as provided in par. (a). However, upon completion of any such probationary period, an employe shall be paid not less than the PSICM.

(3) PAY ON REGRADE. (a) Pay adjustments resulting from regrading an employe shall be effective in accordance with schedules established by the administrator or on specific dates approved by the board when such approval is necessary.

(b) Regraded employes whose positions are reallocated under s. ER-Pers 3.01 (2), to a higher class shall:

1. Receive a pay increase to the PSICM of the new class if the employe has permanent status in class and is below this rate.

2. Receive a pay increase to the minimum of the new class if the employe does not have permanent status in class and is below this rate.

3. Receive no pay increase if the employe's present pay rate is at or above PSICM of the new class.

4. If a trainee, retain the same pay relationship within the training program, based upon qualifications and the specific segments of the training program that have been waived or completed, when trainee classes are affected.

(c) Regraded employes whose positions are reclassified under s. ER-Pers 3.01 (3), to a higher class shall, in schedules where appropriate, receive a pay increase to the PSICM of the new class or a one within range pay step increase, whichever is greater. Such increase shall not exceed the maximum of the pay range. However, if the employe also has reinstatement eligibility or restoration rights to the higher class level, the employe's pay shall be calculated in accordance with s. ER-Pers 29.03 (6) or (7), respectively, or the employe shall retain his or her present rate of pay, whichever is greater.

(d) Regraded employes whose positions are reallocated or reclassified to a class assigned to the same or counterpart pay range shall receive no pay increase if the employe's present pay rate is at or above the PSICM of the new class. When trainee classes are affected, the trainee shall retain the same pay relationship within the training program, based upon qualifications and the specific segments of the training program that have been waived or completed.

(e) Regraded employes whose positions are reclassified or reallocated pursuant to s. ER-Pers 3.01 (2) or (3), to a lower class shall have their pay adjusted as follows:

1. Employes serving a probationary period for an original appointment shall continue to be compensated at their present rate of pay as long as it does not exceed the pay range maximum for the new class. If the present rate of pay exceeds the pay range maximum, it shall be reduced to the pay range maximum. If the employe has previously attained permanent status in class but is serving a probationary period as a result of a promotion or transfer within the agency, the appointing authority, under s. 230.28 (1) (d), Stats., shall restore the employe to his or her former position or a similar position assigned to a class in the same or counterpart 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 received prior to the promotion or transfer plus intervening general pay adjustments and intervening within range pay adjustments.

2. Employes who have permanent status in the new class shall continue to be compensated at their present rate of pay. If the present rate of pay exceeds the pay range maximum, it shall be red circled and continued under the provisions of s. ER-Pers 29.025.

(4) PAY ON PROMOTION. (a) In this subsection, "range" means the pay range for the class to which an employe is promoted.

(b) In pay schedules where appropriate, on promotion an employe's present pay rate shall be increased to either 110% of the employe's present pay rate, or to the minimum of the new range, whichever is greater. For promotions to trainee classes, the minimum of the pay range means the minimum established for the training program.

(c) When an employe is promoted while serving a promotional probationary period, the last pay rate earned in the class in which the employe last had permanent status, shall be adjusted by any intervening across-the-board general pay adjustment, excluding intervening within range pay adjustments for that class, and the resulting pay rate shall then be increased in accordance with par. (b).

(d) Promotional increases are subject to the maximum of the range. However, employes whose pay is red circled and exceeds the new pay range maximum shall retain their red circled rate.

(5) PAY ON TRANSFER. (a) In schedules where appropriate, when an employe transfers, the rate paid may be any rate within the pay range which is not greater than the last rate received in the employe's former position with the following exceptions:

1. Employes with permanent status in class shall be paid not less than PSICM for the class.

2. Employees on probation shall be paid not less than the pay range minimum for the class.

3. Employees in trainee status shall be paid not less than the minimum for the training program.

4. Employees who are involuntarily transferred for reasons other than disciplinary reasons shall retain their present rate of pay. If the present rate of pay exceeds the new pay range maximum, it shall be red circled and continued under the provisions of s. ER-Pers 29.025.

(b) Employees whose pay has been red circled and who voluntarily transfer to a different position shall lose their red circle rate.

(6) PAY ON REINSTATEMENT. (a) For the purposes of this subsection, "last rate received" refers to the highest rate received in the classified civil service position from which reinstatement eligibility is derived or the highest rate received within the last 3 years in a position in which the employee had attained permanent status in class, whichever is greater.

(b) When an employee is reinstated, the pay may be at any rate within the pay range for the class to which the employee is reinstated which is not greater than the last rate received, plus intervening across-the-board general pay adjustments but excluding intervening within range pay adjustments. The adjustments applied to the employee's last rate received shall be that of the appropriate pay schedule for the class from which reinstatement eligibility is derived.

1. Employees placed on probation when reinstated shall be paid not less than the minimum of the pay range to which the class is assigned.

2. Employees not placed on probation when reinstated shall be paid not less than the PSICM of the pay range to which the class is assigned.

(7) PAY ON RESTORATION. (a) When an employee is restored following military service, pursuant to s. 230.32, Stats., or following a leave to serve in the unclassified service, pursuant to s. 230.33, Stats., the employee shall, subject to the maximum of the pay range or rate to which the class is assigned, be paid the last rate received plus intervening across-the-board general pay adjustments for the pay range to which the class is assigned, other intervening within range pay adjustments and, in pay schedules where applicable, shall also be eligible to receive an equity award. The adjustment applied to the employee's last rate shall be that of the appropriate pay schedule for the class from which restoration rights are derived.

(b) When an employee is restored following a layoff pursuant to s. 230.34 (2), Stats., the employee's rate of pay shall be calculated in accordance with par. (a). If the employee is restored to a counterpart or lower classification than that from which restoration rights were earned and the employee's last rate received is higher than the pay range maximum for that class, the employee's pay rate shall be red circled if the employee is restored to the highest level vacancy for which he or she is qualified within the employing unit or agency. If the employee's pay is red circled, the employee shall be granted only the intervening across-the-board general pay adjustments.

(c) When an employee is restored upon return from a summer leave or an approved leave of absence without pay, the employee's rate of pay

shall be calculated in accordance with par. (a). If the employe is restored to the same or counterpart class as that from which restoration rights were earned and the employe's last rate received is higher than the pay range maximum for the class restored to, the employe's pay rate shall be red circled and subject to s. ER-Pers. 29.025.

(d) When an employe is restored as a result of the non-completion of a promotional probationary period within an agency under s. ER-Pers 14.03 (1), the employe's rate of pay shall be determined in accordance with s. ER-Pers 29.03 (6).

(e) When an employe is restored in accordance with an order of the personnel commission or a court action, the employe's rate of pay shall be as ordered by the commission or court.

(8) **PAY ON DEMOTION.** (a) An employe demoted for disciplinary purposes may be paid at any rate within the new pay range which is not greater than the last rate received and not less than PSICM.

(b) An employe who voluntarily demotes may be paid at any rate within the new pay range which is not greater than the last rate received and not less than:

1. PSICM, if the employe is not serving a probationary period.
2. The pay range minimum, if the employe is serving a probationary period.
3. The trainee program minimum, if the employe was demoted to a trainee class.

(c) Employes who are demoted by an appointing authority in lieu of being laid off shall retain their present rate of pay. If the pay rate is above the maximum for the new class, it shall be red circled.

History: Cr. Register, February, 1981, No. 302, eff. 3-1-81; am. (3) (c), (4) (c), (5) (a) 4. and (b) and (7) (c), Register, February, 1983, No. 326, eff. 3-1-83.

ER-Pers 29.04 Multiple pay adjustments on same date, order of application. (1) Completion of the first 6 months of a probationary of career executive trial period.

- (2) Regrading an employe as a result of a reallocation decision.
- (3) Regrading an employe as a result of a reclassification decision.
- (4) Assignment of an attorney to a regrade point.
- (5) Promotion.
- (6) Career executive reassignment or voluntary movement to a higher class.
- (7) Demotion.
- (8) Career executive reassignment or voluntary movement to a lower class.
- (9) Transfer.
- (10) Career executive reassignment or voluntary movement to a class assignment to the same pay range.

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- (11) Reinstatement.
- (12) Restoration.
- (13) Across-the-board or general salary scheduled adjustments pursuant to ss. 230.12 (3) or 111.92, Stats.
- (14) Compensation plan schedule adjustments under s. 230.12, Stats.
- (15) Establishment of a raised minimum rate.
- (16) Within range pay adjustments other than those made under subs. (1) to (12) and (15).
- (17) Original appointment.

History: Cr. Register, February, 1981, No. 302, eff. 3-1-81; r. and recr. (1) to (3), renum. (4) to (7) to be (6), (13), (14) and (16) and am. (5) and (16), cr. (4), (8) to (12), (15) and (17), Register, February, 1983, No. 326, eff. 3-1-83.

ER-Pers 29.05 Retroactive salary increase or decrease. Except for action in accordance with ss. 230.43 (4), 230.44 (4) (c) and 230.45, Stats., or to correct an error, no pay increases or decreases shall be retroactive.

History: Cr. Register, February, 1981, No. 302, eff. 3-1-81.