



1995 ASSEMBLY BILL 473

June 27, 1995 - Introduced by JOINT COMMITTEE ON EMPLOYMENT RELATIONS.
Referred to calendar.

1 **AN ACT to amend** 20.916 (8) (a), 20.923 (2) (e), 230.12 (1) (a) 3. and 230.12 (4) (b);
2 and **to create** 20.916 (9) (d) 3. and 230.35 (2r) of the statutes; **relating to:** state
3 employe compensation, the salary level of the attorney general, leaves of
4 absence and travel.

Analysis by the Legislative Reference Bureau

This bill is introduced under s. 230.12, stats., which requires that it be put on the calendar. The bill accomplishes certain statutory changes necessary to implement the nonrepresented state employe compensation plan, as modified and approved by the joint committee on employment relations. The bill does all of the following:

1. Under current law, wages, pay rates, and certain employe benefits of state employes in the classified service and certain employes in the unclassified service who are not included in a collective bargaining unit for which a representative is recognized or certified are determined in the compensation plan. Provisions for the administration of the compensation plan and salary transactions are provided either in rules promulgated by the department of employment relations (DER) or the compensation plan itself. This bill specifies that the secretary of employment relations determines whether provisions relating to the administration of the compensation plan or salary transactions shall be contained in the compensation plan or in rules promulgated by DER.

2. Under current law, the secretary of employment relations may grant an across the board salary adjustment to employes under the compensation plan who are removed from a position in a collective bargaining unit for which a representative is recognized or certified and appointed to a position that is not in a collective bargaining unit for which a representative is recognized or certified, but who did not receive a salary adjustment on the effective date of any adjustment provided under a collective bargaining agreement. Any across the board adjustment granted by the

secretary must have been previously approved by the joint committee on employment relations.

This bill provides that the secretary of employment relations may determine the circumstances under which it is appropriate for an appointing authority to grant, as well as authorize an appointing authority to grant, a wage or parity adjustment to any nonrepresented state employe whose position is covered under the compensation plan and who did not receive such an adjustment on the effective date of the adjustment set forth in the compensation plan. In addition, the bill provides that the secretary may authorize an appointing authority to grant a lump sum payment to any employe to reflect any wage or parity adjustment that the employe did not receive after the effective date of the adjustment in the compensation plan.

3. The bill also authorizes the secretary to establish, by rule, a catastrophic leave program that permits classified employes to donate certain types and amounts of leave credits to other classified employes who have been granted an unpaid leave of absence on account of a catastrophic need for which absence there is no paid leave benefits or replacement income available. Under the bill, "catastrophic need" is defined as an illness or injury that incapacitates or is expected to incapacitate an employe or an employe's family member, that requires the employe to take time off from work for an extended period of time and that creates a financial hardship for the employe. Such a catastrophic leave program shall apply to employes in a collective bargaining unit for which a representative is recognized or certified to the extent provided in any applicable collective bargaining agreement.

4. Finally, under current law, the secretary of employment relations is required to submit to the joint committee on employment relations uniform travel schedule amounts, including maximum amounts for meals and lodging costs and portage tips, for state officer and employe business-related travel. This bill authorizes the secretary to submit to the joint committee on employment relations a per diem amount and method of reimbursement for expenses for lodging, meals and special allowance expenses, which include expenses for laundry, tips and travel-related personal telephone calls. Such a per diem amount and method of reimbursement shall apply to employes in a collective bargaining unit for which a representative is recognized or certified to the extent provided in any applicable collective bargaining agreement.

5. Under current law, the annual salary of the attorney general is set at the level established for an associate justice of the supreme court. This bill provides that the annual salary of the attorney general shall be set at 18% above the minimum salary range for executive salary group 10.

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:

1 **SECTION 1.** 20.916 (8) (a) of the statutes is amended to read:

1 20.916 (8) (a) The secretary of employment relations shall recommend to the
2 joint committee on employment relations uniform travel schedule amounts for travel
3 by state officers and employes whose compensation is established under s. 20.923 or
4 230.12. Such amounts shall include maximum permitted amounts for meal and
5 lodging costs, special allowance expenses under sub. (9) (d) and portorage tips, except
6 as authorized under s. 16.53 (12) (c). In lieu of the maximum permitted amounts for
7 expenses under sub. (9) (b), (c) and (d), the secretary may recommend to the
8 committee a per diem amount and method of reimbursement for any or all expenses
9 under sub. (9) (b), (c) and (d). The secretary shall also recommend to the committee
10 the amount of the allowance for legislative expenses under s. 13.123 (1) (a) 1.

11 **SECTION 2.** 20.916 (9) (d) 3. of the statutes is created to read:

12 20.916 (9) (d) 3. For a reasonable number of travel-related, personal telephone
13 calls.

14 **SECTION 3.** 20.923 (2) (e) of the statutes is amended to read:

15 20.923 (2) (e) The annual salary of the attorney general shall be set at the same
16 ~~level established for an associate justice of the supreme court under par. (b) 18%~~
17 above the minimum of the salary range for executive salary group 10.

18 **SECTION 4.** 230.12 (1) (a) 3. of the statutes is amended to read:

19 230.12 (1) (a) 3. Provisions for administration of the compensation plan and
20 salary transactions shall be provided, as determined by the secretary, in either the
21 rules of the secretary or the compensation plan.

22 **SECTION 5.** 230.12 (4) (b) of the statutes is amended to read:

23 230.12 (4) (b) The secretary may, without prior approval of the joint committee
24 on employment relations, ~~grant an across the board~~ determine the circumstances
25 under which it is appropriate for an appointing authority to grant, and authorize an

1 appointing authority to grant, a general wage or parity adjustment, or appropriate
2 portion thereof, previously approved by the committee under this section to employes
3 who did not receive the adjustment on the effective date of the adjustment set forth
4 in the plan. “Employes” as used in this paragraph means those employes who are
5 removed from a collective bargaining unit represented by a certified representative
6 as the result of an approved transaction after the effective date of the compensation
7 plan but prior to the effective date of any general adjustments provided under the
8 bargaining unit agreement. No such across the board increase general wage or
9 parity adjustment may become effective for any employe prior to the effective date
10 of the individual employe transaction, but the secretary may authorize an
11 appointing authority to grant a lump sum payment to an employe to reflect any wage
12 or parity adjustment that the employe did not receive during the period between the
13 effective date of the adjustment set forth in the plan and the effective date of the
14 individual employe transaction. In like manner an appointing authority may grant
15 within range pay adjustments to similarly affected employes, subject to sub. (5) and
16 applicable funding limitations.

17 **SECTION 6.** 230.35 (2r) of the statutes is created to read:

18 230.35 **(2r)** (a) In this subsection, “catastrophic need” means an illness or
19 injury that incapacitates or is expected to incapacitate an employe or an employe’s
20 family member, that requires the employe to take time off from work for an extended
21 period of time and that creates a financial hardship for the employe.

22 (b) The secretary may establish, by rule, a catastrophic leave program that
23 permits classified employes to donate certain types and amounts of leave credits to
24 other classified employes who have been granted an unpaid leave of absence on
25 account of a catastrophic need for which absence there is no paid leave benefits or

1 replacement income available. The secretary shall determine the types and amounts
2 of leave credits that may be donated.

3 (c) No classified employe may grieve under an agency's grievance procedure
4 any appointing authority's decision relating to a catastrophic leave program under
5 this subsection or appeal any such decision to the commission under s. 230.44 or
6 230.45 (1) (c).

7 **SECTION 7. Initial applicability.**

8 (1) The treatment of section 20.916 (8) (a) of the statutes first applies to travel
9 expense reimbursement for the 1st month beginning after the effective date of this
10 subsection.

11 (2) The treatment of section 230.12 (4) (b) of the statutes first applies to
12 adjustments for the period beginning on the effective date of this subsection.

13 (END)