

OVERVIEW: CONTRACT LANGUAGE MIGRATION TO COMPENSATION PLAN

Note: The information included in this document assumes approval of the 2011-2013 Compensation Plan by the Joint Committee on Employment Relations (JCOER), as recommended by the Office of State Employment Relations (OSER)

This summary overview discusses issues that were previously included in collective bargaining agreements and identifies the provisions that succeed and replace the prior contract language. These issues will now be covered by provisions from a variety of sources: statute, administrative code, Compensation Plan, Wisconsin Human Resource Handbook Chapter, and/or agency policy. The vast majority of these sources have existed for years and previously applied primarily to nonrepresented employees. Based on the changes in 2011 Wisconsin Acts 10 and 32, the relevant provisions of the sources listed above will now cover almost all state employees, *except* for those covered under the new public safety bargaining unit which includes State Patrol Troopers and Inspectors.

It is important to note that very little is changing in the Compensation Plan from the former collective bargaining agreements in terms of employee base pay, supplemental pay, and benefits. Provisions covering base pay, vacation, holidays, and sick leave (including sick leave conversion credits) remain largely unchanged. Also, the vast majority of pay progression and supplemental pay and differential provisions from the former contracts were incorporated into the new Compensation Plan, with only minor changes in some areas. For the most part, the modified language results in consistency and equity in application of pay and benefit provisions across employee groups.

Key Employment Issues:

Following is a brief summary of some of the key Compensation Plan provisions that are likely of greatest interest to employees. For additional information on specific contract provisions, please refer to the detailed contract migration tables for each of the bargaining units (unions). An explanation of how to use the contract migration tables is included on the last page of this document, as well as a definition of union acronyms.

Wages include a variety of compensation provisions. For ease of reference, these provisions are broken out by specific topic below. With a few exceptions, these provisions remain largely the same.

Wages: Compensation Plan, Section A

- There are no General Wage Adjustments or Market Adjustments proposed.
- Employees' current base pay rates remain **unchanged**.

Add-ons: Compensation Plan, Section A

- Most of the former contractual add-ons are included.
- Some add-ons may now be discretionary versus mandatory.
- Some amounts have been increased.

Broadband pay systems: Compensation Plan, Section I and J

- Classifications formerly covered under the Wisconsin Education Association Council (WEAC) and Wisconsin State Public Defender Association (WSPDA) collective bargaining agreements have been placed in broadband pay ranges.

Pay administration, including pay upon promotion, transfer, demotion, reclassification and reallocation: Chapters [ER 1](#) and [ER 29](#), Wis. Adm. Code; Compensation Plan, Sections C, E, I, and J

- Section E covers pay administration for non-broadbanded classifications.
- Section I covers pay administration for broadbanded classifications.
- Seniority grids and other grid structures formerly covered under the Wisconsin State Employees Union (WSEU) contract have been eliminated and replaced by pay administration provisions (slightly modified) formerly included in Article 12 of the WSEU contract.
- All employees will be covered by Discretionary Merit Compensation (DMC) in Section J. Under the DMC provisions, employees in nonbroadbanded pay ranges, except those in Trades, State Patrol Trooper and State Patrol Inspector positions, will be eligible for merit-based lump sum DMC.

Pay progression: Compensation Plan, Section A

- Progressions generally remain the same for most formerly represented employees.
- Certain annual progression amounts formerly included in the Professional Employees in Research, Statistics and Analysis (PERSA) contract have been reduced to match those provided to nonrepresented employees.
- **Automatic** reclassifications after completion of the progression were removed from the semi-automatic progressions included in the State Engineering Association (SEA) and Wisconsin Science Professionals (WSP) contracts. Reclassifications will now be subject to the agency's reclassification procedures.

Pay schedules: Compensation Plan, Section Z

- Except as noted below, pay schedules generally remain the same as those previously included in contracts.
- WEAC and WSPDA pay ranges have been broadbanded and WSEU seniority grids and other grid structures have been eliminated.

Shift, weekend, and night differentials: Compensation Plan, Section A

- Language and amounts previously covering nonrepresented employees will be used for all employees now covered by the Plan. This may result in different payment amounts for some employees than they received under their former contracts.

Standby and call back pay: Compensation Plan, Section A

- Language previously covering nonrepresented employees will be used for all employees (except that some of the special 'on call' provisions from the WSEU contract have been retained). This may result in different payment amounts for some employees than they received under their former contracts.

Benefits include a variety of benefit provisions. For ease of reference, these provisions are broken out by specific topic. With a few exceptions, these provisions remain largely the same.

Health insurance: Section [40.05\(4\)](#), [Chapter 40](#), and s. [111.91\(3\)](#), Wis. Stats. and Chapter [ER 18](#), Wis. Adm. Code

- Health Insurance premiums previously set in the Compensation Plan and contracts are now set by statute, per 2011 Wisconsin Act 10.

Income continuation insurance: [Chapter 40](#), Wis. Stats.

- Unchanged

Life insurance: [Chapter 40](#), Wis. Stats.

- Unchanged

Retirement: Section [40.05\(1\)](#), and s. [111.91\(3\)](#), Wis. Stats.

- Employee contributions that were previously set in the Compensation Plan and contracts are now covered by statute, per 2011 Wisconsin Act 10.

Supplemental Health Insurance Conversion Credits (SHICC): Compensation Plan, Section H

- SHICC provisions remain **unchanged** except to clarify that Trades employees are not eligible for this benefit, pursuant to their former collective bargaining agreement.

Sick Leave: [Chapter 40](#), Wis. Stats. and [ER 18.03](#), Wis. Adm. Code

- Accrual rates remain **unchanged** except provisions allowing employees to earn additional sick leave credits based on overtime hours worked have been eliminated.

Vacation: Section [230.35](#), Wis. Stats., Chapter [ER 18](#), Wis. Adm. Code and Wisconsin Human Resources Handbook [Chapter 716](#)

- Accrual rates remain **unchanged** with the following exception.
- Professional Social Services employees formerly covered under the WSEU contract who are considered exempt under the Fair Labor Standards Act (FLSA) will now be subject to the vacation schedule for exempt employees resulting in accrual of an additional 16 hours of vacation per year at certain earnings levels.

State Service Seniority will be defined in accordance with: [ER 18.02 \(2\)](#), Wis. Adm. Code

- Seniority provisions remain **unchanged**; however, the term “continuous service” is used in place of seniority.

Hours of Work includes scheduling of work, overtime, travel time, compensatory time, rest periods, and related actions. Overtime and compensatory time will be administered in accordance with the United States Department of Labor’s Fair Labor Standards Act (FLSA) and the rules of the Wisconsin Department of Workforce Development (DWD) Labor Standards Bureau. For detailed information on the administration of overtime in accordance with the FLSA and DWD rules, refer to: Wisconsin Human Resources Handbook [Chapter 520](#); Compensation Plan, Section A

- Administering overtime in accordance with FLSA results in payment for overtime based on hours *worked* instead of hours *in pay status* as formerly existed in some contracts.
- Scheduling of paid leave and hours of work, including the assignment of overtime, will be governed by agency policies, since different agency work units may require various types of work scheduling, particularly in 24/7 institutions.

Transfers within employing units, between employing units, and between agencies will now be governed by: Chapter [ER-MRS 15](#), Wis. Adm. Code; Section [230.29](#), Wis. Stats.

- Agencies have discretion to determine transfer policies, e.g., how vacancies are posted and how the selection process will be handled.

Layoff includes general layoff procedures, employee options upon notification of layoff, the definition of a reasonable offer, reinstatement, restoration, layoff benefits, and layoff assistance. The layoff provisions are identified in: Chapter [ER-MRS 22](#), Wis. Adm. Code; Section [230.34](#), Wis. Stats.; Wisconsin Human Resources Handbook [Chapters 232](#) and [234](#)

- Classified employees will continue to be covered by a layoff process that requires the layoff group be determined by classification and employees therein ranked by seniority.
- Represented employees laid off prior to the effective date of the Compensation Plan will retain five-year restoration rights and employment status eligibility which applied at the time of layoff.

Professional Development Time will be administered in accordance with: Section [230.046](#), Wis. Stats.; Chapter [ER 44](#), Wis. Adm. Code

- Former contractual provisions that included a guaranteed number of days off for professional development purposes have been eliminated.
- Agencies will have discretion to approve professional development activities for employees.

Grievance Procedure includes the agency grievance hearing process and the arbitration of grievances before the Wisconsin Employment Relations Commission (WERC). The grievance procedure will now be covered by: [Chapter ER 46](#), Wis. Adm. Code; Wisconsin Human Resources Handbook [Chapter 430](#)

- Employees will continue to have appeal rights on actions specified in the above source documents.
- The Wisconsin Employment Relations Commission (WERC) will serve as the neutral party in hearing appeals.

If you have questions regarding provisions included in former collective bargaining agreements or your pay and benefits, please contact your agency Human Resources Office.

Contract Migration Tables – Instructions:

Following are instructions for using the contract migration tables.

1. Open the document for the union you want to reference. Walking through the different columns on each table from left to right:
 - a. First column: Each contract has its provisions broken down in detail by article, section, and paragraph (such as Article VI, 6/1/1, 6/2/1, etc.).
 - b. Second column: Title – Describes the article or section’s title.
 - c. Third column: Title Definition – Explains the purpose of each title and section and the actions it describes.
 - d. Fourth column: Applicable Reference is a header for the sub-columns explained in e. and f., below.
 - e. The sub-column entitled “Reference Code” identifies the type of provision that replaces the former contractual language identified in that row. The footer at the bottom of the page defines the reference codes (e.g., Code 1 means pursuant to State Employment Labor Relations Act (SELRA), etc.).
 - f. The next four sub-columns identify the specific provisions that replace the former contractual language identified in that row, including the relevant administrative code (4), Compensation Plan (5), Statute (6), or Wisconsin Human Resources Handbook Chapter (7), that will now govern any given individual issue.
2. Hot links are included so that clicking on a contract title, contract language article/section number, or specific cite will take you to the document in which you can find that reference.

UNION ACRONYMS:

<u>Acronym</u>	<u>Title</u>	<u>Acronym</u>	<u>Title</u>
ASP	Association of State Prosecutors	WLEA	Wisc. Law Enforcement Assoc.
MGAA	Milwaukee Graduate Assistants Association	WPDA	Wisc. Physician & Dentist Assoc.
PERSA	Prof Employees in Research, Statistics & Analysis	WPEC	Wisc. Professional Employees Council
SEA	State Engineering Association	WSAA	Wisc. State Attorneys Association
SEIU	Service Employees International Union	WSEU	Wisconsin State Employees Union
TAA	Teaching Assistants’ Association – Madison	WSP	Wisconsin Science Professionals
Trades	Crafts	WSPDA	Wisc. State Public Defenders Assoc.
WEAC	Wisconsin Education Association Council		