

The Wisconsin Department of Administration proposes to amend Chapters ER 10 and 18 relating to the Hours Worked and Vacation Calculations

**Analysis Prepared by the Department of Administration**

**1. Statutes interpreted:** ss. 230.26, 230.35 (1m) and 230.04 (5), Stats.

**2. Statutory authority:** ss. 227.11, Stats. and 230.04 (5), Stats.

**3. Explanation of agency authority:**

The administrator of the Division of Personnel Management is empowered to promulgate rules related to state employment.

**4. Related statute or rule:** ss. 230.26, 230.35 (1m) and 230.04 (5), Stats.

**5. Summary of Proposed Rule:**

The objective of the rules are to conform the administrative code to statutory and technological changes. The proposed rule will do the following:

Section 1: Adjust the maximum number of hours that an LTE may work in accordance with statute.

Section 2: Adjust the amount of a hours of annual leave for nonrepresented employees with FLSA nonexempt status to receive an annual leave schedule identical to that of FLSA nonexempt status employees covered by collective bargaining agreements, in accordance with statute.

Section 3: Adjust the number of hours worked for every full time employee in conformance with the presumption of software purchased and implemented for the administration of payroll.

Section 4: Adjust the number of hours used in proration calculations to conform to the system requirements of the State's new ERP program, PeopleSoft, commonly referred to as the STAR project.

**6. Summary of and comparison with, existing or proposed federal regulations.**

Not applicable.

**7. Comparison with rules in adjacent states:**

Not applicable.

**8. Summary of factual data and analytical methodologies:**

Not applicable.

**9. Effect on small business:** The proposed rule changes will have no impact upon small businesses.

**10. Agency contact person:**

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**11. Place Where Comments are to be Submitted:**

Comments may be submitted to the agency contact person that is listed above until the date given in the upcoming notice of public hearing, or as otherwise indicated in the notice. The deadline for submitting comments and the notice of public hearing will be posted on the Wisconsin Administrative Rules website at: <http://adminrules.wisconsin.gov> after the public hearing is scheduled.

**SECTION 1:** Section ER 10.01 is amended to read:

ER 10.01 Definition and categories of limited term appointments. The total time worked in any one position by an individual limited term employee shall not exceed 1043 1039 hours of employment during a block of time which consists of 26 consecutive biweekly payroll periods and which ends on the anniversary date of the appointment. The maximum time durations for provisional appointments are provided under s. 230.26 (2), Stats.

**SECTION 2:** Section ER 18.02(3)(c) 1. to read:

1. Full-time, full-year employment employees in nonexempt status under the federal Fair Labor Standards Act, 29 USC 201 to 219. Annual leave shall be based upon accumulated continuous state service and earned at the rate for each year as shown in the following table:

ANNUAL LEAVE RATE FOR  
 FULL YEAR OF SERVICE

Years of Service	Hours Earned Each Year
During First 5	80 104
5+ to 10	120 144
10+ to 15	136 160
15+ to 20	160 184
20+ to 25	176 200
25 & Over	200 216

**SECTION 3:** Section ER 18.02(4)(d) is amended to read:

(d) The amount of annual leave earned by an employee during a calendar year is based on the employee’s hours in pay status up to a maximum of 80 hours per biweekly pay period. Annual leave is not earned during overtime work hours. Hourly annual leave amounts earned for each hour in pay status can be computed by using the following:

ANNUAL LEAVE RATE	CONVERSION FACTOR
80 hr. rate	.038314 per hour
104 hr. rate	.050000 per hour
120 hr. rate	.057471 .057692 per hour

136 hr. rate	.065134 .065385 per hour
144 hr. rate	.069231 per hour
160 hr. rate	.076628 .076923 per hour
176 hr. rate	.084291 .084615 per hour
184 hr. rate	.088462 per hour
200 hr. rate	.095785 .096154 per hour
216 hr. rate	.103448 .103846 per hour

**SECTION 4:** Section ER 18.02(5)(c) is amended to read:

(c) The number of hours available for use under pars. (a) and (b) shall be prorated at the pertinent annual leave rate or rates for employees who work less than 2088 2080 hours during the calendar year.

**SECTION 5:** EFFECTIVE DATE. The rules contained in this order shall take effect as emergency rules upon publication in the official state newspaper as provided in s. 227.24(1)(c), Stats.

By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Scott Neitzel, Secretary  
 Wisconsin Department of Administration