



Frequently Asked Questions about Unit Clarification for Academic Staff

What is a Unit Clarification?

Unit clarification is a legal process through which the Wisconsin Employment Relations Commission (WERC) reviews specific job classifications to determine whether or not they should be part of a union, or “collective bargaining unit.” Typically, job classifications conducting the same or similar work across state agencies, including the UW System, are grouped together in one bargaining unit so as to provide the strongest voice in contract negotiations.

Staff across the UW System are generally grouped into two large categories—those who are represented through collective bargaining agreements and those who are not. Represented employees are further subdivided into “bargaining units,” while academic staff are broken down into three academic staff groups.

Represented staff belong to different unions, depending on the work they do. Some examples of unions that represent professional staff are the Wisconsin Professional Employees Council (WPEC), the Wisconsin Science Professionals (WSP), Professional Employees in Research and Statistical Analysis (PERSA), the Wisconsin Physicians and Dentists Association (WPDA), and the Wisconsin State Employees Union (WSEU).

Non-represented staff are grouped into Academic Staff groups A, B, and C. Group C is made up of administrators and coaches, group B is composed of researchers and non-tenured instructional staff, and group A is a catch-all category. Group A includes many job classifications that UW System Administration has intentionally excluded from represented groups; such positions have therefore been denied the right of union representation.

The goal of unit clarification is to determine which job classifications should have been represented all along and move those positions into the proper bargaining unit so that they can enjoy the protections of a collective bargaining agreement. When positions doing similar work are left outside of the proper bargaining unit, it erodes standards and negatively impacts employees inside and outside the bargaining unit.

Who will be affected by unit clarification?

UW employees who are currently categorized as Academic Staff A and who perform duties that are identical (or very similar) to those performed by classified employees either in the UW System or in state agencies will be affected. Generally speaking, this includes employees in the following areas:

- Information Technology
- Clinical/Medical
- Outreach and Communications
- Research/Lab Techs
- Student Services
- Technical
- Marketing

Why is this happening now?

Prior to 2009, unrepresented UW staff (i.e., academic staff and faculty) were the only groups of state employees denied the right to vote on collective bargaining representation. The 2009-2011 state budget extended this basic right to UW faculty and academic staff. Many anticipate that faculty and academic staff throughout the UW System will quickly begin to vote on collective bargaining representation.

Because many job classifications that should have been enjoying the protections of a collective bargaining agreement were erroneously lumped into the Academic Staff A category, there are many employees who would not properly be able to participate in representation elections. Before elections can take place, the Wisconsin Employment Relations Commission (WERC) needs to determine which classifications properly belong in which bargaining units.

Do I get to choose which union represents me?

A unit clarification is not a process by which a union is formed; it is a process by which an error is corrected. Unit clarification is about bargaining units, not unions. It is a standard procedure used to determine which job classifications belong in a particular bargaining unit and which do not. Those classifications that WERC determines properly belong to a bargaining unit will be moved into that unit and will be immediately covered by the unit's collective bargaining agreement.

What are the benefits of being represented by a union?

A union is an employee's collective vehicle for having a real voice in the workplace. Unions provide collective bargaining where employees negotiate with employers as equals. This results in many positives for workers. For example, while non-represented employees are "at-will" and have conditions of employment and compensation unilaterally dictated by the employer, union-represented employees have the ability to negotiate their conditions of employment with power in numbers. Collective bargaining has led to many concrete victories for professional public employees, including:

- guaranteed transfer rights;
- presumption of continuous employment;
- guaranteed salary increases that build on base salaries and include clear, transparent salary steps; and
- improvements in benefits such as health insurance, pensions, sick leave, vacation, comp time, tuition reimbursement, and the conversion of leave

Most recently, the benefits of union protection were realized when represented employees maintained their salary increases at a time when non-represented faculty and academic staff saw their raises rescinded. Likewise, any additional state budget shortfalls will likely be passed directly to non-represented staff while further cuts will have to be negotiated with represented staff.

Unions achieve contractually guaranteed protections, benefits, and steady gains for all individual employees because of collective organization; in short, everyone achieves more together. Also, unions are democratic organizations where members choose the organization's direction and carry it out. While workplaces are not inherently democratic, unions are—unions bring democracy to the workplace.

Will I have to be a member of the union and pay dues?

The union is only as strong as its members. While there is no membership requirement, joining the union is the only way to ensure that you have a say in the way the union is run. Only members may submit issues for bargaining (contract negotiations) or vote on the contract, and only members select the leadership of their local unions.

Unions are required by law to represent all bargaining unit members equally and fairly. Accordingly, WPEC (like many unions) has voted to enact a “maintenance of membership” fee. Contract negotiation and enforcement requires resources. A “maintenance of membership” fee is assessed to people who are in the bargaining unit but who are not full members of the union, so that they can pay their share of those expenses. This funding is essential to ensure that all employees in the unit have fair and effective representation.

What will happen to my pay and benefits?

If WERC rules that some existing Academic Staff A classifications appropriately belong in the WPEC bargaining unit, the union is committed to moving those people forward from where they are according to the collective bargaining agreement. We do not believe that anyone should be harmed because the employer has misclassified their position, and WPEC will work to make sure that affected Academic Staff members do not lose salary or benefits as a result of this process.

What about seniority?

Seniority will be determined according to the WPEC contract. Members’ seniority is determined by their date of hire (with any state agency, including UW) and is only altered if there is a break in state service. Seniority dates are important since they are used in a number of circumstances, including layoff and recall, transfer, and leave time.

What about shared governance? I feel that I’m well represented there. I don’t want to lose that relationship if I become represented.

Though shared governance is a respected tradition throughout the UW System, it has often fallen short when it comes to issues of job security, compensation, benefits, and workloads. Academic Staff who experience problems in the workplace are often quickly reminded that the role of shared governance is strictly “advisory;” as such System Administration rarely addresses their concerns in an effective manner.

The only way to ensure that employees have a meaningful voice in their conditions of employment is through the collective bargaining process. Only through a union can workers have an equal seat at the table, with guaranteed protections from a binding collective bargaining agreement.

What is System Administration’s reaction to the unit clarification?

System Administration realizes that an increase in represented staff means an increasingly democratic workplace; System Administration therefore has opposed the unit clarification from its inception. This has led

them to engage in inappropriate behavior, including issuing aggressive written communication to academic staff, restricting access to information, and raising several legal challenges to delay the process as long as possible.

How can I get more information about the progress of the unit clarification process?

In addition to individual meetings with affected academic staff in the coming months, periodic updates will be available on the web at www.wpec.org.