

## **UNIVERSITY OF WISCONSIN SYSTEM UNIVERSITY PERSONNEL SYSTEMS**

### **EXECUTIVE SUMMARY**

#### **BACKGROUND**

The 2011-13 biennial budget (2011 Wisconsin Act 32) created Wis. Stat. § 36.115 (see Attachment 1), authorizing and directing the development of university personnel systems separate and distinct from the personnel system under Chapter 230 of the Wisconsin Statutes. The statutes authorize a personnel system for all University of Wisconsin-Madison employees and a separate personnel system for the balance of University of Wisconsin System employees. The policies for authorizing and implementing these two new personnel systems require Board of Regents and then Joint Committee on Employment Relations (JCOER) approval before being implemented. The statutes direct that the new personnel systems be implemented on July 1, 2013.

At the October Board of Regents' meeting, the Business Finance and Audit Committee received an update on the progress of the new personnel systems and also reviewed and discussed draft Regent Policy Documents. Since that meeting, briefings have been held with Regents wishing to have additional background and discussion of the policies that are being brought forward for Regent approval at the December 2012 Board of Regents meeting.

#### **REQUESTED ACTION**

Approval of resolutions I.2.b.1, I.2.b.2, I.2.b.3, and I.2.b.4.

#### **DISCUSSION**

The establishment of personnel systems separate and distinct from the state personnel system presents a great opportunity to address human resources issues that are unique to higher education, to establish strategic human resources structures for fulfilling System and institutional missions, and to consider all UW System employees under unified personnel systems. Classified staff currently under the authority of the Office of State Employment Relations will be included in a new employee category of "university staff" under the authority of the Board of Regents. The "university staff" are members of the university workforce who contribute to a wide array of positions in support of the universities' missions and are not exempt (hourly) from the overtime provisions of the Fair Labor Standard Act. For the first time, the opportunity exists to establish personnel systems that recognize the value and importance that each member of the workforce

contributes to the furtherance of the individual missions at each institution and the overall mission of the University of Wisconsin System.

The UW System has approximately 44,700 employees (see Attachment 2), which include both unclassified and classified employees. Since the creation of the UW System, the Board of Regents has had authority and administrative responsibility for the unclassified personnel system under Chapter 36 of the Wisconsin Statutes. The unclassified personnel system includes approximately 32,000 unclassified employees across the University of Wisconsin System (approximately 15,800 academic staff, 1,200 limited appointees, 8,600 graduate assistants, and 6,400 faculty). The more than 12,000 classified employees across the University of Wisconsin System are currently part of the state's classified personnel system authorized by Chapter 230 of the Wisconsin Statutes and administered by the Office of State Employment Relations (OSER). Effective July 1, 2013, the Board of Regents will have administrative authority for all of its employees.

Act 32 also provides specific direction in Wis. Stat. § 36.115(6) on the protections and rights of classified employees with permanent status on June 30, 2013 and those who have not yet achieved permanent status as of June 30, 2013. These protections specifically relate to demotion, suspension, discharge, layoff or reduction in base pay, as well as reinstatement privileges to the state classified personnel system. Act 32 did not make any changes to the protections available to unclassified staff through Chapter 36 and the resulting administrative code.

The development of the two personnel systems was done in a collaborative manner. The personnel systems for UW-Madison and for the balance of the UW System are being developed such that they can be served by the extant enterprise resource planning computer support system, are compatible one with the other, and provide the protections and privileges to employees as of June 30, 2013, as directed by Wis. Stat. § 36.115.

The statutes require that JCOER approve the personnel systems before they may be implemented. The four resolutions being offered for Board approval will be submitted to JCOER at a yet to be scheduled meeting as part of the JCOER review and approval of the personnel systems. If JCOER approval can be obtained as early as February 2013, necessary preparations for implementation of the new personnel systems can be completed by July 1, 2013.

Attached for Board of Regents approval are:

- A draft Regent Policy Document on University Personnel Systems, which applies to all UW System institutions and their employees subject to university personnel systems under Wis. Stat. § 36.115 (Attachment 3);
- A draft Regent Policy Document on University Staff Governance, which authorizes the University Staff of each UW System institution to structure themselves in a manner they determine and to select representatives to participate in institutional governance (Attachment 4);

- A draft Regent Policy Document on Code of Ethics, which adds coverage of university staff in a Code of Ethics adapted from Wis. Admin. Code Chapter ER-MRS 24 for Classified Staff in state agencies and confirms the continued application of Wis. Admin. Code Chapter UWS 8, Unclassified Staff Code of Ethics for faculty, academic staff, and limited appointees, except those who are “state public officials” subject to Subchapter III of Wis. Stat. Chapter 19 (Attachment 5); and
- Technical statutory changes needed to accomplish the intent of Wis. Stat. § 36.115 (Attachments 6a, 6b, and 6c).

Act 32 of 2011 also created a Special Task Force on UW Restructuring and Operational Flexibilities and identified six topics for the Task Force to consider. Attachment 7 of this Executive Summary includes the recommendations of the Task Force on the two topics related to the UW System personnel systems: “how System employees and those System employees assigned to the University of Wisconsin-Madison would transition from the state personnel system to the new personnel systems,” and “how compensation plans for System employees should be determined in future biennia.”

### University Personnel Systems

The framework for the new personnel systems is addressed in the draft Regent Policy Document on University Personnel Systems (Attachment 3). This new Regent policy would provide for two new personnel systems that meet the diverse and unique needs of UW System universities, colleges, and extension.

The new personnel systems will simplify titling structures, protect existing employee rights, and establish a compensation structure(s) that will allow each institution to recruit and retain a highly qualified and diverse workforce.

The purpose of the Regent policy will be to provide guidance to all UW System institutions regarding the implementation of the Board’s statutory authority and resulting responsibility to administer the university personnel systems. Both personnel systems must include a civil service system, a grievance procedure that addresses employee terminations, and provisions that address employee discipline and workplace safety. Wis. Stat. § 227.01(13)(Lm) exempts the Board from promulgating administrative rules to administer the university personnel systems. Therefore, Regent policies will provide for the administration of the university personnel systems. It is proposed that the President and the UW-Madison Chancellor, or his or her designees, formulate operating policies to administer each personnel system. Operational policies that address Wis. Stat. §36.115 requirements for all institutions except UW-Madison are included in Attachment 3 for endorsement by the Board. UW-Madison operating policies will be brought to the Board for review at a later date. Provided in Attachment 8 is the Executive Summary of the HR Design Strategic Plan for a New UW-Madison Human Resources System for your consideration and comment. The complete plan is available on line at <http://www.hrdesign.wisc.edu/wp-content/uploads/2012/11/HRD-Plan-Revised-11-19-2012-.pdf>. Final action on the HR Design Strategic Plan is expected on December 3, 2012. UW-Madison will transmit the final plan to UW System President Kevin Reilly by December 4, 2012.

The resolution approving the draft Regent Policy Document on University Personnel Systems (Attachment 3) also authorizes the Secretary of the Board to remove from the Regent Policy Documents several existing policies that primarily address titling, compensation, and leave options for Unclassified staff within UW System. While these policies will be removed from the Regent Policy Documents, relevant underlying resolutions will be incorporated into the UPS Operating Policies for all UW System institutions except UW-Madison, effective July 1, 2013.

#### “University Staff” Governance

The statutes currently provide governance rights to UW System faculty and academic staff, giving them primary responsibility for the formulation and review of policies and procedures that concern them. No such statutory provision exists for classified staff employed in the UW System. The newly created draft Regent Policy Document (Attachment 4) furthers the principle that all university employees should have a voice in the policies and procedures that directly affect their work lives. Adherence to this principle suggests that the ability to participate in this dialogue, and help find solutions that meet both staff and university needs, should not be limited based on employee category.

The project teams for both of the new personnel systems, one for UW-Madison and one for the balance of the UW System institutions, recommended the establishment of formal governance rights for classified staff, who are called “university staff” under the new personnel systems. Preference was also expressed by the work teams from both projects for pursuing statutory governance, but secondarily the teams supported the establishment of such rights through Regent policy. Establishment of “university staff” governance through Regent policy would provide the university and employees in the new “university staff” category with greater certainty that governance would be effective July 1, 2013. It was also recommended that further consideration be given to this decision and that a later assessment be made as to whether incorporating governance into statutes would better serve employees and the university.

The project teams recognize that governance is different from union representation, because the governance relationship with the university does not result in a labor contract or agreement. Instead, governance provides a formal way for employees to participate in developing university policy, including personnel policy. Through governance, it is recommended that “university staff” be able to make recommendations, consider proposals, and raise concerns to UW System institutional leadership, primarily related to personnel matters, similar to current faculty and academic staff involvement. The project teams believe that establishing this formal governance structure will contribute to the success of both of the new personnel systems because it will enable “university staff” to formally participate in the design and implementation of the longer-term components of each new personnel system. “University staff” governance, along with faculty, academic staff, and student governance, will also provide guidance on any job title and compensation analysis that might be recommended and on any future proposed changes to benefits.

The policy being proposed parallels the current language for academic staff in Wis. Stat. Chapter 36.

Each UW System institution is to:

1. Provide for its “university staff” members, subject to the responsibilities and powers of the board, the president, and the chancellor and faculty of the institution, to be active participants in the immediate governance of and policy development for the institution;
2. Provide for its “university staff” members to have the primary responsibility for the formulation and review, and be represented in the development, of all policies and procedures concerning “university staff” members, primarily “university staff” personnel matters; and
3. Provide for its “university staff” members the right to structure themselves in a manner “university staff” members determine, and to select their representatives to participate in institutional governance.

#### Code of Ethics

The establishment of a single code of ethics for UW System employees was directed by Wis. Stat. § 19.45(11)(b), for the guidance of all UW System employees. The recommendation is to establish a Regent Policy Document on Code of Ethics which confirms the continued application of Wis. Admin. Code Chapter UWS 8, Unclassified Staff Code of Ethics for faculty, academic staff, and limited appointees, except those who are “state public officials” subject to Subchapter III of Wis. Stat. Chapter 19, and adds a university staff Code of Ethics (Attachment 5) closely modeled after Wis. Admin. Code Chapter ER-MRS 24 that applies to Classified Staff in state agencies.

#### Technical Statutory Language

The following technical statutory changes are needed to accomplish the intent of Wis. Stat. § 36.115:

- References to UW System “classified” and “unclassified” staff need to be changed because beginning July 1, 2013 there will no longer be UW System employees designated as “classified” or “unclassified” staff. The Wis. Stat. Chapter 36 definition of “classified staff” and three other statutory references to UW System classified staff need to be modified, and three references to “unclassified” UW System employees need to be changed. (Attachment 6a)
- A new subchapter of Wis. Stat. Chapter 111 should be created under which University Staff (current classified staff) would no longer be covered under the State Employment Labor Relations Act (SELRA). The development of new personnel systems that are “separate and distinct” from Chapter 230 requires the creation of a new labor relations law under which the Board of Regents and the UW-Madison Chancellor will have complete administrative responsibility for labor relations. (Attachment 6b)

- The intent of a suggested revision to Wis. Stat. § 230.08 is to identify UW System employees as employees of the State of Wisconsin, subject to the personnel systems required by § 36.115 that are ‘separate and distinct’ from chapter 230. (Attachment 6c). This revision will enable UW employees to accept positions with state agencies and employees of state agencies to accept UW positions without loss of creditable Wisconsin State Retirement service and accrued sick leave benefits.

## **RELATED REGENT POLICIES AND APPLICABLE LAWS**

Chapter 36 of the Wisconsin Statutes and various human resources-related Regent Policy Documents are proposed to be eliminated or replaced.

**§36.115 Personnel systems.**

- (1) In this section, "chancellor" means the chancellor of the University of Wisconsin-Madison.
- (2) The board shall develop a personnel system that is separate and distinct from the personnel system under ch. [230](#) for all system employees except system employees assigned to the University of Wisconsin-Madison.
- (3) The chancellor shall develop a personnel system that is separate and distinct from the personnel system under ch. [230](#) for all system employees assigned to the University of Wisconsin-Madison.
- (3m) The board shall set the salary ranges for all of the following positions:
  - (ae) Each of the vice chancellors who is serving as deputy at the University of Wisconsin System campuses at Eau Claire, Green Bay, La Crosse, Oshkosh, Parkside, Platteville, River Falls, Stevens Point, Stout, Superior, and Whitewater and each of the vice chancellors who is serving as deputy at the University of Wisconsin Colleges and the University of Wisconsin-Extension.
  - (am) The vice presidents of the University of Wisconsin System.
  - (ar) The chancellors at the University of Wisconsin System campuses at Eau Claire, Green Bay, La Crosse, Oshkosh, Parkside, Platteville, River Falls, Stevens Point, Stout, Superior, and Whitewater and the chancellors of the University of Wisconsin Colleges and the University of Wisconsin-Extension.
  - (b) The vice chancellor who is serving as deputy at the University of Wisconsin-Milwaukee.
  - (bm) The senior vice presidents of the University of Wisconsin System.
  - (c) The vice chancellor who is serving as deputy at the University of Wisconsin-Madison.
  - (d) The chancellor at the University of Wisconsin-Milwaukee.
  - (e) The chancellor at the University of Wisconsin-Madison.
  - (f) The president of the University of Wisconsin System.
  - (g) The associate and assistant vice presidents, vice chancellors not identified in pars. [\(ae\)](#), [\(b\)](#), or [\(c\)](#), assistant chancellors, associate and assistant vice chancellors, and administrative directors and associate directors of physical plant, general operations and services, and auxiliary enterprises activities or their equivalent, of each University of Wisconsin institution, the University of Wisconsin-Extension, and the University of Wisconsin System administration.
- (4) The personnel systems developed under subs. [\(2\)](#) and [\(3\)](#) shall include a civil service system, a grievance procedure that addresses employee terminations, and provisions that address employee discipline and workplace safety. The grievance procedure shall include all of the following elements:
  - (a) A written document specifying the process that a grievant and an employer must follow.

(b) A hearing before an impartial hearing officer.

(c) An appeal process in which the highest level of appeal is the board.

(5)

(a) The personnel systems developed under subs. [\(2\)](#) and [\(3\)](#) shall be implemented on July 1, 2013.

(b) The board may not implement the personnel system developed under sub. [\(2\)](#) unless it has been approved by the joint committee on employment relations.

(c) The chancellor may not implement the personnel system developed under sub. [\(3\)](#) unless it has been approved by the joint committee on employment relations.

(6) All system employees holding positions in the classified or unclassified service of the civil service system under ch. [230](#) on June 30, 2013, shall be included in the personnel systems developed under subs. [\(2\)](#) and [\(3\)](#). System employees holding positions in the classified service on June 30, 2013, who have achieved permanent status in class on that date, shall retain, while serving in the positions in the system, those protections afforded employees in the classified service under ss. [230.34 \(1\) \(a\)](#) and [230.44 \(1\) \(c\)](#) relating to demotion, suspension, discharge, layoff, or reduction in base pay. Such employees shall also have reinstatement privileges to the classified service as provided under s. [230.31 \(1\)](#). System employees holding positions in the classified service on June 30, 2013, who have not achieved permanent status in class on that date are eligible to receive the protections, privileges, and rights preserved under this subsection if they successfully complete service equivalent to the probationary period required in the classified service for the positions which they hold on that date.

History: [2011 a. 32](#).



UNIVERSITY OF WISCONSIN SYSTEM  
JULY 1, 2013 WORKFORCE – AN OVERVIEW

On July 1, 2013, the Board of Regents will expand its personnel statutory authority to include the management of the University Staff currently known as classified staff. The July 1, 2013 workforce will consist of the categories identified in the following table:

| Employee Category*                          | UW-Madison | All other UW Institutions | Total  | Percent of Total |
|---|------------|---------------------------|--------|------------------|
| Faculty                                     | 2,082      | 4,307                     | 6,389  | 14.28%           |
| Academic Staff                              | 8,409      | 7,448                     | 15,857 | 35.45%           |
| University Staff                            | 6,288      | 6,408                     | 12,696 | 28.39%           |
| Limited Appointees                          | 495        | 694                       | 1,189  | 2.66%            |
| Employees-in-Training and Student Assistant | 6,747      | 1,848                     | 8,595  | 19.22%           |
| TOTAL                                       | 24,021     | 20,705                    | 44,726 | 100.00%          |

\*Headcount Data based on 2011 Management and Staff Report

The breadth and depth of the work performed by more than 44,700 staff include positions in 1,024 titles. Faculty titles include Professor, Associate Professor, Assistant Professor and Instructor. Academic Staff include both instructional and non-instructional titles such as Lecturer, Researcher, Advisor, Academic Librarian, Coach to name but just a few. Limited appointees “at will” titles include statutorily defined limited titles such as President, Chancellor, Dean and those designated as limited by the Chancellors such as Registrar, Admissions Director and other administrative directors. The Employees-in-Training and Student Assistant category includes titles such as postdoctoral fellows, graduate assistants, and teaching assistants. A group of employees not listed are many student hourly employees who perform a very wide range of jobs at all institutions across the UW System.

As with other employee categories, the University Staff perform a wide variety of work in close to 500 job titles, both Fair Labor Standards Act (FLSA) exempt and FLSA non-exempt:

| University Staff | UW-Madison | All other UW Institutions | Total  | Percent of Total |
|------------------|------------|---------------------------|--------|------------------|
| FLSA Exempt      | 1,571      | 1,131                     | 2,702  | 21.28%           |
| FLSA Non-Exempt  | 4,717      | 5,277                     | 9,994  | 78.72%           |
| TOTAL            | 6,288      | 6,408                     | 12,696 | 100.00%          |

University Staff titles are both supervisory and non-supervisory and include administrative and business affairs positions such as Auditor, Accountant, HR Specialist, Payroll and Benefits Specialist; Research positions such as Chemist, Microbiologist, Veterinary Technician, Research Technician; Healthcare positions such as Nurse Clinician, Medical Assistant, Licensed Practical Nurse; Information Technology positions such as IS Network Services, IS Technology Services, Library positions such as Library Services Assistant; Facilities Operations such as Engineering Specialist, Facilities Repair Worker, Electrician; and Protective Services such as Police Officer, Security Officer.

BUSINESS, FINANCE, AND AUDIT COMMITTEE

Resolution I.2.b.1.:

WHEREAS the 2011-13 biennial budget (2011 Wisconsin Act 32) created Wis. Stat. § 36.115, authorizing the Board of Regents and the Chancellor of UW-Madison to establish and implement two personnel systems separate and distinct from the State personnel system under Chapter 230; and

WHEREAS the University Personnel System Project Team in UW System Administration and the HR Design Project Team in UW-Madison have worked collaboratively on the development of these two systems, one for UW-Madison and one for the balance of the UW-System, for over a year; and

WHEREAS the University Personnel Systems (UPS) Task Force appointed by the UW System President and the UPS Steering Group comprised of human resources professionals from across the UW System have guided and supported this collaborative development effort over the past year; and

WHEREAS pursuant to Wis. Stat. § 36.09(1), the Board of Regents is vested with the primary responsibility for the governance of the University of Wisconsin System,

NOW, THEREFORE, BE IT RESOLVED:

That, upon the recommendation of the President of the University of Wisconsin System, the Board of Regents:

- (1) approves the attached Regent Policy Document on University Personnel Systems, which applies to all UW System institutions and their employees, effective July 1, 2013;
- (2) endorses the attached draft UPS Operating Policies for all UW System institutions except UW-Madison, effective July 1, 2013; and
- (3) authorizes the UW System President to submit this Regent Policy Document and attachments to the Joint Committee on Employment Relations for its consideration pursuant to Wis. Stat. § 36.115. (Attachment 3)

BE IT FURTHER RESOLVED that the Board of Regents authorizes the Secretary of the Board of Regents to remove from the Regent Policy Documents, effective July 1, 2013, the following policies:

- 6-1, Administrative Titles;*
- 6-2, Administrative Salary Range;*
- 20-1, System Sick Leave Policy for Faculty and Academic Staff;*
- 20-3, Academic Staff Appointments;*
- 20-4, Tuition Reimbursement to Unclassified Staff Members;*
- 20-6, Policy on Non-Medical Leaves of Absence for Unclassified Staff;*
- 20-8, Academic Staff Title and Compensation Plan;*
- 20-10, Establishment of Annual leave Reserve Accounts for Unclassified Staff Earning Vacation;*
- 20-11, Establishment of Personal Holidays for Faculty, Academic Staff and Limited Appointees;*
- 20-12, Distinguished Prefix for Certain Category B Titles;*
- 20-13, Paid Annual Leave Options for Unclassified Staff;*
- 20-15, Catastrophic Leave for Faculty and Academic Staff;*
- 20-17, Selection, Training, and Evaluation of Teaching Assistants; and*
- 20-18, Review of University Personnel Policies and Practices.*

The resolutions that created each of these policies will remain in effect and will be incorporated into the UPS Operating Policies for all UW System institutions except UW-Madison, effective July 1, 2013.

## **Regent Policy Document University Personnel Systems**

### **Scope**

This policy applies to all UW institutions and their employees subject to university personnel systems under Wis. Stat. § 36.115.

### **Purpose**

Wis. Stat. § 36.115(2) directs the Board of Regents to develop a personnel system for all system employees except system employees assigned to the University of Wisconsin at Madison (UW-Madison), and Wis. Stat. § 36.115(3) directs the Chancellor of UW-Madison to develop a personnel system for all system employees assigned to UW-Madison. The purpose of this policy is to implement the Board of Regents' statutory authority {§ 36.09(1)} to create and administer both university personnel systems.

Both personnel systems must include a civil service system, a grievance procedure that addresses employee terminations, and provisions that address employee discipline and workplace safety. These and other elements of the personnel systems will be administered through operational policies for each personnel system.

### **Policy Statement**

Under Wis. Stat. § 36.09(1), the Board of Regents is vested with the primary responsibility for the governance of the University of Wisconsin System. In discharging this responsibility, it is the Board's policy to promote the development of university personnel systems that allow UW institutions to attract, develop, and retain a diverse and highly qualified workforce that will effectively and efficiently pursue the missions of the UW System and each UW institution. The university personnel systems shall include:

1. merit-based recruitment and assessment policies, practices, and performance goals that promote the development of a productive, accountable, and trusted workforce;
2. equal employment opportunity by ensuring that all personnel actions, including hiring decisions, length of tenure or term, and condition or privilege of employment, are based on an individual's ability to perform the duties and responsibilities of the particular position without regard to race, sex, gender identity or expression, color, creed or religion, political affiliation, disability, sexual orientation, national origin, ancestry, age, or any other prohibited basis of consideration; and
3. compensation structures and tools that reflect the following factors: market, performance, internal equity, and cost of living.

The Board's authority over the personnel systems of the UW System includes but is not limited to the following:

1. designation of positions to appointment types, to include faculty appointments, academic staff appointments, limited appointments, university staff appointments, and other appointments such as employees-in-training and students;
2. position titling systems;
3. recruitment and appointment of employees;
4. pay plans;
5. workplace safety programs;
6. a leave system (i.e., sick leave, vacation, personal holiday, and other leaves of absence);
7. employer and employee paid benefits;
8. a standard work week and legal holidays;
9. support for ongoing education of supervisors and for employee education and career development;
10. a program for employee performance evaluation;
11. just cause and due process protection as applicable;
12. workplace expectations;
13. employee discipline and grievance procedures; and
14. layoff procedures.

### **Oversight, Roles & Responsibilities**

The Board of Regents delegates to the President of the UW System or his or her designees the authority to implement and maintain a personnel system for all UW System employees except employees assigned to UW-Madison. The Board of Regents authorizes the President or his or her designees to formulate operating policies to administer this personnel system. The Board of Regents delegates to the Chancellor of UW-Madison or his or her designees the authority to implement and maintain a personnel system for all System employees assigned to UW-Madison. The Board of Regents authorizes the UW-Madison Chancellor or his or her designees to formulate operating policies to administer the personnel system for all System employees assigned to UW-Madison. Prior to initial implementation, the policies related to the 14 areas enumerated above are subject to review by the Board of Regents. The Board further authorizes the President to delegate to individual Chancellors of institutions other than UW-Madison the

administration and oversight of the personnel system for all system employees except system employees assigned to UW-Madison.

### **Related RPDs and Applicable Laws**

Chapter 36 of the Wisconsin Statutes

Sec. 227.01(13)(Lm), Wisconsin Statutes

Chapters UWS 1-13, Wisconsin Administrative Code

RPD 6-3, Delegation of Authority to President for Personnel Actions

RPD 6-4, Search and Screen Procedures for chancellors, Senior Vice Presidents or Vice Presidents

RPD 6-5, Executive Salary Structure

RPD 6-6, Delegation to System President

Etc.

### **History**

*To eventually include the following resolutions ...*

6-1: Res. 58, adopted 01/07/1972.

6-2: Res. 1678, adopted 06/09/1978.

20-1: Res. 506, adopted 06/08/1973; amended by 75-9. (See also Policy 20-6 and Unclassified Personnel Guideline 10.)

20-3: Res. 984, adopted 04/11/1975.

20-4: Res. 1386, adopted 02/11/1977.

20-6: Res. 5364, adopted 11/10/1989; replaces 74-9, 78-3; amended by Res. 8457, 10/05/2001; repealed and recreated by Res. 9704, 12/11/2009; amended by Res. 9938, 06/10/2011.

20-8: Res. 5980, adopted 12/06/1991; portions delegated by Res. 9910, 04/08/2011.

20-10: Res. 6698, adopted 6/94, amended by 98-5 adopted 11/06/1998, amended by Res. 8745, adopted 10/10/2003.

20-11: Res. 7178, adopted 04/12/96; amended by Res. 7803, adopted 11/06/1998; amended by Res. 8817, adopted 04/02/2004.

20-12: Res. 7651, adopted 03/06/1998.

20-13: Res. 7802, adopted 11/06/1998; amended by Res. 8745, adopted 10/10/2003.

20-15: Res. 8227, adopted 10/06/2000.

20-17: Res. 5977, adopted 12/06/1991.

20-18: Res. 9091, adopted 11/11/2005; amended by Res. 9908, 04/08/2011.

# The University of Wisconsin System

## UPS OPERATIONAL POLICY: Transition



**SUBJECT:** Transition of Classified Staff to University Staff

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**Original Issuance Date:** July 1, 2013

**Last Revision Date:**

### 1. POLICY PURPOSE:

The purpose of this policy is to provide for the transition of classified staff under the authority of the Office of State Employment Relations pursuant to [Wis. Stat. Chapter 230](#) (State Employment Relations) to University staff under the authority of the Board of Regents of the University of Wisconsin System as required by [Wis. Stat. § 36.115](#).

### 2. POLICY BACKGROUND:

[Wis. Stat. § 36.115\(6\)](#) requires that all UW System employees holding positions in the classified service of the civil service system under [Wis. Stat. Chapter 230](#) on June 30, 2013 to be included in the university personnel system. ”

### 3. POLICY DEFINITIONS:

“University Staff” are members of the university workforce who contribute in a broad array of positions in support of the University’s mission and are not exempt (hourly<sup>1</sup>) from the overtime provisions of the Fair Labor Standards Act (FLSA).

[<sup>1</sup>Note: All FLSA exempt employees holding positions in the State of Wisconsin “classified” service as of June 30, 2013 are given the choice to remain in the University Staff for as long as they retain their existing positions, or to voluntarily be reassigned to a position that the institution has designated as either an Academic Staff or Limited Appointment position - see UPS Operational Policy #36 LINK]

### 4. POLICY:

This policy applies to those classified staff who are employed on June 30, 2013, and become University Staff on July 1, 2013. As set forth in [Wis. Stat. § 36.115\(6\)](#), employees holding positions in the classified service on June 30, 2013, who have achieved permanent status on that date, shall retain, while serving in the position as a University Staff member, those protections afforded employees in the classified service under [Wis. Stat. §§ 230.34\(1\)\(a\)](#) and [230.44\(1\)\(c\)](#) relating to

demotion, suspension, discharge, layoff, or reduction in base pay (see UPS Operational Policy #4 and link). Such employees shall also have reinstatement privileges to the classified service provided under [Wis. Stat. § 230.31\(1\)](#) (see UPS Operational Policy #09 and link). Employees holding positions in the classified service on June 30, 2013, who have not achieved permanent status on that date are eligible to receive the protections, privileges, and rights preserved as noted above for permanent staff if they successfully complete service equivalent to the probationary period required for the position held on June 30, 2013.

An employee holding a classified position on June 30, 2013, will hold a University Staff position with the same title, base salary, and benefits on July 1, 2013.

**5. RELATED DOCUMENTS:**

[Wis. Stat. § 36.115](#)

[Wis. Stat. Chapter 230](#)

**6. POLICY HISTORY:**



# The University of Wisconsin System

## UPS OPERATIONAL POLICY: #01



**SUBJECT:** Title Definitions

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**Original Issuance Date:** July 1, 2013

**Last Revision Date:**

### 1. POLICY PURPOSE:

The purpose of this policy is to provide UW System institutions with a titling structure within the framework of employee categories that covers all System employees as required by [Wis. Stat. § 36.115\(2\) and \(3\)](#).

### 2. POLICY BACKGROUND:

Employment categories within the UW System have historically been defined by two personnel structures: classified and unclassified. These structures are authorized by laws contained in [Wis. Stat. Chapter 36](#) (University Of Wisconsin System), [Wis. Stat. Chapter 111](#) (Employment Relations) and [Wis. Stat. Chapter 230](#) (State Employment Relations). [Wis. Stat. Chapter 36](#) defines the unclassified personnel structure, while [Wis. Stat. Chapter 230](#) defines the classified personnel structure. Each structure has its own set of titles to describe positions.

[Wis. Stat. § 36.115\(6\)](#) states: “All system employees holding positions in the classified or unclassified service of the civil service system under ch. 230 on June 30, 2013, shall be included in the personnel system developed under subs. (2) and (3).”

### 3. POLICY DEFINITIONS:

“Faculty” means persons who hold the rank of professor, associate professor, assistant professor, or instructor in an academic department or its functional equivalent in an institution, persons described under Wis. Stat. § 36.13(4)(c) and such academic staff as may be designated by the chancellor and faculty of the institution.

“Academic Staff” means professional and administrative personnel with duties, and subject to types of appointments, that are primarily associated with higher education institutions or their administration but does not include faculty and staff provided under [Wis. Stat. § 16.57](#).

“University Staff” means the university workforce who contribute in a broad array of positions in support of the University’s mission and are not exempt (hourly<sup>1</sup>) from the overtime provisions of the Fair Labor Standards Act (FLSA).

[<sup>1</sup>Note: All FLSA exempt employees holding positions in the State of Wisconsin “classified” service as of June 30, 2013 are given the choice to remain in the University Staff for as long as they retain their existing positions, or to voluntarily be reassigned to a position that the institution has designated

as either an Academic Staff or Limited Appointment position - see UPS Operational Policy #36 LINK].

“Limited Appointment” means an appointment to a designated administrative position, the holder of which serves at the pleasure of the authorized official who made the appointment. Certain positions must be designated as limited appointments under [Wis. Stat. § 36.17\(2\)](#), while others may be designated by the appointing authority as limited appointments at the time of the appointment.

#### **4. POLICY:**

The University Personnel System is comprised of five (5) employee categories: Faculty, Academic Staff, University Staff, Limited Appointees, and Student Assistants/Employees-in-Training. Within this framework of employee categories, salary ranges are established and job titles defined. Each salary range shall include titles that are consistent with the level of authority/responsibility and job requirements. Each title shall include positions that are comparable with respect to the nature of work, responsibilities, and job duties. Assignment of positions to titles will be based on a “best fit” concept.

The titling framework will be as follows:

- 4.1 Faculty Titles
- 4.2 Academic Staff Titles
- 4.3 University Staff Titles
- 4.4 Limited Appointee Titles
- 4.5 Student Assistants/Employees-in Training Titles
  - a. Student Assistant Titles
  - b. Employees-in-Training Titles
  - c. Student Hourly Titles

#### **5. RELATED DOCUMENTS:**

[Regent Policy 6-1](#) Administrative Titles

[Regent Policy 20-8](#) Academic Staff Title and Compensation Plan

[Regent Policy 20-12](#) Distinguished Prefix for Certain Category B Titles

#### **6. POLICY HISTORY:**

# The University of Wisconsin System

## UPS OPERATIONAL POLICY: #02



**SUBJECT:** Recruitment Policies and Procedures

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**Original Issuance Date:** July 1, 2013

**Last Revision Date:**

### 1. POLICY PURPOSE:

The purpose of this policy is to provide a framework for UW System institutions to use in development of recruitment processes that will attract, hire, develop, and retain the talent necessary for a successful workforce for UW System institutions.

### 2. POLICY BACKGROUND:

Under [Wis. Stat. § 36.115\(4\)](#) the University of Wisconsin System personnel systems must include certain provisions previously contained in [Chapter 230](#) of Wisconsin State Statutes, including a civil service system. A civil service system includes merit-based recruitment procedures. This policy provides necessary guidance for establishment of merit selection principles for University Staff.

University of Wisconsin System Faculty recruitments are subject to Chapter [UWS 3](#) of the Wisconsin Administrative Code. University of Wisconsin System Academic Staff recruitments are subject to Chapter [UWS 10](#) of the Wisconsin Administrative Code.

**Probationary Periods for University Staff:** A probationary period is mandatory for all hires. The length is governed by the nature of the duties and responsibilities of the job. At a minimum, all probationary periods are six months. Supervisory positions and positions that have duties and responsibilities which are 'cyclical' in nature are twelve months (i.e. Power Plant Operators, Police Detectives, Police Officers, Budget and Policy Analysts, Accountants, etc.). Supervisors have the authority to end an employee's probationary period prior to the scheduled end date only if approved by the UW institution's Human Resource office. Individual UW-institutions may establish the criteria on which to base such decisions. For UW System employees who do not pass probation, there are no rights back to their previous position. However, on a permissive basis, the UW institution's appointing authority may allow for an internal hire to return to a former position at the employer's option. Candidates should be clearly informed of the terms and conditions of the probationary period at the time of offer.

**NOTE** – An Appendix with best practices and models for assessment, advertisement, appointment letters and other recruitment processes will be developed.

### 3. POLICY DEFINITIONS:

"Academic Staff" means professional and administrative personnel with duties, and subject to types of appointments, that are primarily associated with higher education institutions or their administration, but does not include Faculty, University Staff and staff provided under s. [16.57](#).

"Civil service system" means employment in government with such positions filled on merit as a result of competitive examinations or screening.

"Equal Opportunity and Affirmative Action" means "an active effort to improve the educational and employment opportunities of members of minority groups and women."

"Faculty" means persons who hold the rank of professor, associate professor, assistant professor or instructor in an academic department or its functional equivalent in an institution, persons described under s. [36.13 \(4\) \(c\)](#) and such Academic Staff as may be designated by the Chancellor and Faculty of the UW institution.

"Institution" means any of the following: UW-Eau Claire; UW-Green Bay; UW-La Crosse; UW-Milwaukee; UW-Oshkosh; UW-Parkside; UW-Platteville; UW-River Falls; UW-Stevens Point; UW-Stout; UW-Superior; UW-Whitewater; UW Colleges; UW-Extension; and UW System Administration.

"Merit" means the qualifications, experience, standard of work performance, and capabilities of those persons that are relevant to the performance of those duties.

"Temporary employment" means any short term employment that is not held by a student.

"University Staff" are members of the university workforce who contribute in a broad array of positions in support of the University's mission and are not exempt (hourly<sup>1</sup>) from the overtime provisions of the Fair Labor Standards Act (FLSA).

[<sup>1</sup>Note: All FLSA exempt employees holding positions in the State of Wisconsin "classified" service as of June 30, 2013 are given the choice to remain in the University Staff for as long as they retain their existing positions, or to voluntarily be reassigned to a position that the institution has designated as either an Academic Staff or Limited Appointment position – see UPS Operational Policy #36 LINK]

### 4. POLICY:

It is the policy of the University of Wisconsin System to maintain a personnel system that fills all positions through methods which apply the merit principle, with adequate civil service safeguards. Recruitment for all positions shall be an active continuous process conducted in a manner that assures a diverse, highly qualified group of applicants. The procedure shall also be consistent with Board of Regents policy and state and federal laws with respect to nondiscriminatory and affirmative action recruitment. The procedures shall allow maximum flexibility at the institutional, departmental, school, and college levels to meet particular needs.

It is the policy of the University of Wisconsin System to provide for equal employment opportunity by ensuring that all personnel actions including hire, tenure or term, and condition or privilege of employment be based on the ability to perform the duties and responsibilities assigned to the

particular position without regard to age, race, creed or religion, color, disability, sex, national origin, ancestry, sexual orientation, or political affiliation.

**5. RELATED DOCUMENTS:**

**6. POLICY HISTORY:**

[Wis. Stat. 230.01](#)

[UWS 3](#)

[UWS 10](#)

[ER-8](#)

[ER-10](#)

[ER-30](#)

[ER-34](#)

[ER-MRS 1](#)

[ER-MRS 6](#)

[ER-MRS 7](#)

[ER-MRS 8](#)

[ER-MRS 10](#)

[ER-MRS 11](#)

[ER-MRS 12](#)

[ER-MRS 13](#)

[ER-MRS 14](#)

[ER-MRS 15](#)

[ER-MRS 16](#)

[ER-MRS 17](#)

[ER-MRS 27](#)

[ER-MRS 30](#)

[ER-MRS 32](#)

[ER-MRS 34](#)

**The University of Wisconsin System**  
**UPS OPERATIONAL POLICY: #03**



**SUBJECT: Layoff for Reasons of Budget or Program**

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**Original Issuance Date:** July 1, 2013  
**Last Revision Date:**

**1. POLICY PURPOSE:**

The purpose of this policy is to provide an operational framework to be used by UW System institutions in the development of layoff procedures for University Staff (formerly classified staff).

**2. POLICY BACKGROUND:**

Wis. Stat. [§ 36.115\(2\)](#) requires the Board of Regents and the UW-Madison chancellor to develop personnel systems that are separate and distinct from the personnel system under Wis. Stat. Chapter 230. Effective July 1, 2013, the layoff procedures contained in Chapter [ER-MRS 22](#) of the Wisconsin Administrative Code and the procedures established by the Office of State Employment Relations are no longer applicable to current UW System classified employees. Therefore, this operational policy provides the framework for layoff procedures for University Staff at UW System institutions. Layoff procedures for Faculty and Academic staff are set forth in Wis. Admin. Code Chapters [UWS 5](#) and [UWS 12](#) and continue to apply to layoffs of those employees.

**3. POLICY DEFINITIONS:**

“Employer” means a UW System institution that engages the services of University Staff, and the term includes a person acting on behalf of an employer within the scope of his or her authority, express or implied.

“Institution” means any of the following: UW-Eau Claire; UW-Green Bay; UW-La Crosse; UW-Milwaukee; UW-Oshkosh; UW-Parkside; UW-Platteville; UW-River Falls; UW-Stevens Point; UW-Stout; UW-Superior; UW-Whitewater; UW Colleges; UW-Extension; and UW System Administration.

“Layoff” means the suspension of a University Staff member’s employment for reasons of budget or due to the discontinuance, curtailment, modification, or redirection of a program.

“Layoff group” means a combined group of employees in related positions from which the layoff will be made. The layoff group will generally include all employees employed in a particular operational area that are similarly, although not necessarily identically, situated by title, pay range and/or function.

“Operational area” means an area of focus or function in a school, college, division, department or office. An operational area will generally be a subset of a school, college, division, department or office, and need not encompass the whole unit.

“Probationary employment” means employment that is not temporary, but where the incumbent has not yet completed the probationary period.

“Temporary employment” means any short-term employment that is not held by a student.

“Temporary layoff” means a layoff for a period not to exceed 20 working days.

#### **4. POLICY:**

Institutional layoff procedures shall include the following elements:

##### **Temporary and Probationary Employment**

Whenever practicable, temporary positions in the operational area shall be reduced or discontinued before invoking the layoff procedures.

Employees on probationary appointments may be dismissed prior to laying off non-probationary employees, providing that those remaining employees have the necessary skills, knowledge, and ability to perform the work.

##### **Notice**

A full or part-time staff member who is designated for layoff must be given written notice as soon as practicable, but not less than 30 calendar days prior to the effective date of the layoff. A lateral movement to a different position or a demotion may be made any time during the notification of layoff period with mutual agreement of the employee and appointing authority.

##### **Layoff Selection and Plan**

Prior to providing layoff notice to any employees, the employer shall develop a plan under which a layoff will occur. The plan will document the justification for the layoff, the effective date of the layoff, identification of eliminated functions, and the position(s) to be eliminated, known as the layoff group. The plan will identify the operational area(s), position title(s) and the number of employees that are expected to be laid off.

Temporary layoffs are not subject to layoff procedures within this policy.

Employees subject to layoff will be determined and evaluated by using the following criteria:

- Needs of institution to deliver services;
- Relative skills, knowledge, or expertise of employees;
- Length of service of employees; and
- Other appropriate criteria.

Upon an employer’s layoff notification to an employee, the employee may appeal the layoff decision through the appropriate grievance procedure (see Operational Policy #4 – LINK).

Once the layoff group has been determined, any employee from within the affected layoff group may elect to retire or voluntarily be laid off to avoid involuntary layoffs.

The employer reserves the right to rescind a layoff notice and/or postpone the layoff date. However, once the employee has been officially notified of the intended layoff date, the employer may not make the layoff date any earlier.

#### **Alternatives to Layoff**

Employees may be assigned to another position for which they are qualified to perform the work within the operational area or institution as determined by the employer. The employee does not need to be designated as being in layoff status, but the employee shall receive written justification as to why he or she is being moved. The movement may be lateral or downward. The employee's rate of pay and benefits will not decrease with an involuntary lateral movement but pay may be adjusted with a downward movement. This method is not meant to circumvent the recruitment process and should only to be used to avoid a reduction in force. The employee may choose not to accept the reassignment and as a result be laid off.

#### **Consideration for Vacant Positions within UW System**

Upon request, an employee who is or will be affected by a layoff may be considered for other vacancies within the UW System. Consideration does not mean an interview or a mandatory job offer. The hiring authority will determine what, if anything, the employee would need to submit for consideration.

Every effort will be made to keep the employee employed so long as this effort does not adversely affect the operational area's budget or impede the area's ability to fulfill its mission.

After the employee has been laid off, he or she will be able to apply for vacant positions as if he or she were a current employee for a period of three (3) years from the date of layoff.

#### **Three Year Restriction on Rehiring for Duties of Laid Off Employee**

For three years from the anniversary of the layoff, no person may be employed in a permanent position in that operational area to perform duties reasonably comparable to the duties of the laid off employee, without first making an offer of return to the laid off employee.

### **5. RELATED DOCUMENTS:**

Wis. Admin. Code Chapter [UWS 5](#)

Wis. Admin. Code Chapter [UWS 12](#)

### **6. POLICY HISTORY:**

Wis. Stat. § 230.34

Wis. Stat. § 230.44(1)(c)

Wis. Admin. Code Chapter [ER-MRS 22](#)



**The University of Wisconsin System  
UPS OPERATIONAL POLICY: #04**



**SUBJECT:** Grievance Procedures  
(Includes Protections of sec. 36.115(6),  
Wis. Stats.)

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**Original Issuance Date:** July 1, 2013  
**Last Revision Date:**

**1. POLICY PURPOSE:**

To establish grievance procedure parameters for University Staff that include the elements required by Wis. Stat. § 36.115(4).

**2. POLICY BACKGROUND:**

This policy establishes grievance procedures for University Staff who were formerly members of the classified staff (subject to Wis. Stats. Ch. 230) as of June 30, 2013, and to University Staff hired on or after July 1, 2013 who, by the terms of their appointment, have an expectation of continued employment.

**Dismissal**

Under [Wis. Stat. § 36.115\(4\)](#) the new University of Wisconsin System personnel systems must include a grievance procedure applicable to dismissals that include the following elements:

- (a) A written document specifying the process that a grievant and an employer must follow [\[36.115\(4\)\(a\)\]](#).
- (b) A hearing before an impartial hearing officer [\[36.115\(4\)\(b\)\]](#).
- (c) An appeal process in which the highest level of appeal is the Board of Regents [\[36.115\(4\)\(c\)\]](#).

All UW System institutions will need to develop and administer, through University Staff shared governance, grievance procedures for dismissals of University Staff consistent with the elements outlined in this policy.

University of Wisconsin System Faculty are subject to Chapters [UWS 4](#) and [7](#) of the Wisconsin Administrative Code. University of Wisconsin System Academic Staff are subject to [UWS 11](#) of the Wisconsin Administrative Code. Institution faculty and academic governance bodies will need to make the necessary changes to incorporate the impartial hearing officer concept into their respective rules. Academic staff governance bodies will need to incorporate appeal to the Board for fixed term and probationary academic staff. Indefinite academic staff are currently provided with appeal to the Board.

### **Discipline**

[Wis. Stat. § 36.115\(4\)](#) requires the Board and the UW-Madison Chancellor to establish personnel systems that include provisions relating to employee discipline. Chapters [UWS 6](#) and [13](#) of the Wisconsin Administrative Code require UW System institutions to establish grievance procedures for Faculty and Academic Staff in cases involving discipline other than dismissal. Institutional policies adopted pursuant to those provisions satisfy the requirements of [Wis. Stat. § 36.115\(4\)](#). All UW System institutions will need to develop and administer, through University Staff shared governance, grievance procedures for discipline of University Staff consistent with the elements outlined in this policy.

### **Working Conditions**

University of Wisconsin System University Staff may file grievances regarding some matters that affect working conditions. Grievances may not be filed on issues pertaining to:

- a) Utilizing personnel, methods and means to carry out the mission of the University of Wisconsin System or institution;
- b) Determining the size and composition of the work force;
- c) Managing and directing the employees of the University of Wisconsin System;
- d) Hiring, promoting, assigning or retaining employees;
- e) Establishing reasonable workplace expectations.

All UW System institutions will need to develop and administer, through University Staff shared governance grievance, procedures for University Staff regarding working conditions consistent with the elements outlined in this policy.

Chapters [UWS 6](#) and [13](#) of the Wisconsin Administrative Code require UW System institutions to establish complaint procedures for Faculty and Academic Staff in cases involving discipline other than dismissal.

## **3. POLICY DEFINITIONS:**

“Dismissal” means separation from employment for disciplinary or performance reasons.

“Discipline” means any action taken by a University of Wisconsin institution with respect to a University Staff member with an expectation of continued employment which has the effect, in whole or in part, of a penalty.

“Grievance procedure” means the process through which certain working conditions, discipline, or dismissal of a UW System University Staff member with an expectation of continued employment can be appealed.

“Impartial Hearing Officer” means an arbitrator employed by the Wisconsin Employment Relations Commission (WERC), an arbitrator from the WERC roster of neutral decision-makers not employed by the WERC, an arbitrator from a roster developed by UW System Administration of arbitrators with a set fee for resolving a discharge case, or a grievance review committee established through shared governance.

“Just Cause” means a standard that is applied to determine the appropriateness of a disciplinary action. The necessary elements of determining whether just cause exists are:

- Whether the employee had notice of workplace expectations and potential consequences if those expectations were not met;
- Whether the workplace expectations were reasonably related to business efficiency and performance the employer might reasonably expect from the employee;
- Whether a fair and objective investigation was undertaken by the employer before discipline or discharge to determine whether the employee violated expectations;
- Whether the investigation was conducted fairly and objectively;
- Whether the employer obtained substantial evidence of the employee's guilt;
- Whether workplace expectations were applied fairly and without discrimination; and
- Whether the degree of discipline imposed reasonably related to the seriousness of the employee's offense and the employee's past record.

“Layoff” means separation from employment for reasons of budget or due to the discontinuance, curtailment, modification, or redirection of a program.

“University Staff” are members of the university workforce who contribute in a broad array of positions in support of the University’s mission and are not exempt (hourly<sup>1</sup>) from the overtime provisions of the Fair Labor Standards Act (FLSA).

[<sup>1</sup>Note: All FLSA exempt employees holding positions in the State of Wisconsin “classified” service as of June 30, 2013 are given the choice to remain in the University Staff for as long as they retain their existing positions, or to voluntarily be reassigned to a position that the institution has designated as either an Academic Staff or Limited Appointment position – see UPS Operational Policy #36 LINK]

#### **4. POLICY:**

This policy provides UW institutions with a guide for the establishment of new grievance procedures for University Staff with an expectation of continued employment appealing certain working conditions, discipline, layoff or dismissal from a UW System institution. University Staff serving a probationary period will not have the right to file grievances on dismissal, discipline or layoff.

Discipline and dismissal of a University Staff member with an expectation of continued employment may be imposed only for just cause.

Grievances shall be submitted on a form provided by the employer, and each grievance shall describe the facts upon which the grievance is based and the relief sought by the employee. The employee and a management designee may agree in writing to extend the time limits in any step of the grievance procedure. Parties are strongly encouraged to resolve situations prior to a grievance being filed, but upon filing, parties are encouraged to resolve grievances at early stages of grievance procedures.

Grievances shall be pursued in accordance with the following steps and time limits.

- Dismissal appeals will begin at Step Two, as outlined below, and may proceed to Step Three.
- Layoff and discipline grievances will begin at Step One and may proceed no further than Step Two.
- Working condition grievances may be processed through Step One only.

|                       | STEP ONE | STEP TWO |  | STEP THREE |
|-----------------------|----------|----------|--|------------|
|                       |          | STEP 2A  | STEP 2B<br>(employed on June 30, 2013) |            |
| DISMISSAL             |          | X        | X                                      | X          |
| LAYOFF                | X        | X        | X                                      |            |
| DISCIPLINE            | X        | X        | X                                      |            |
| WORKING<br>CONDITIONS | X        |          |  |            |

**Step One:** If attempts to resolve a matter through discussion between an employee and supervisor are not successful, a grievance may be filed. Grievances shall be filed with the employee's department head, director, dean, or equivalent administrator no later than 30 calendar days from the date the grievant first became aware, or should have become aware (with the exercise of reasonable diligence), of the matter grieved. Within 30 calendar days of receipt of the written grievance, the department head, director, dean, or equivalent administrator (or designee) shall meet with the grievant to hear the grievance. The grievant shall receive a written decision no later than seven (7) calendar days after this meeting. If the subject of the grievance is not discipline or layoff, there will be no further opportunity for appeal.

**Step Two A:** When an employee has filed a grievance alleging that a discipline decision was not based on just cause and is dissatisfied with the Step One decision, the employee may appeal the decision to an impartial hearing officer. In order to file such an appeal, the grievant must inform the Chancellor or Chancellor's designee of his or her desire to appeal the Step One decision within ten (10) calendar days from receipt of the answer in Step One. An appeal of dismissal of a University Staff member will begin at Step Two and must be filed within twenty (20) days of the date of written notice of dismissal.

At issue before the impartial hearing officer will be whether just cause for the discipline or discharge exists. If the subject of the appeal is layoff, the issue before the hearing officer will be whether the applicable layoff procedure was followed. The hearing officer will be charged with hearing the case and making a report and recommendations to the Chancellor or Chancellor's designee. Impartial hearing officers should be selected in accordance with processes established by each institution. Such a hearing for a University Staff employee shall include a right to representation, a right to offer witnesses, and a right to a written decision. The hearing shall be closed unless the grievant requests an open hearing. Within twenty (20) days of receipt of the report and recommendations, the Chancellor or Chancellor's designee shall release a statement accepting or rejecting the findings of the impartial hearing officer and how the decision will be implemented.

**Step Two B - Direct Appeal to WERC for Certain University Staff:** An employee who held permanent status in employment prior to July 1, 2013 and according to the provisions of Wis. Stat. § [36.115\(6\)](#), therefore retains Chapter 230 appeal rights may instead appeal a disciplinary action (suspension, demotion, or reduction in base pay), layoff or discharge using a different procedure. Such a grievance may be appealed directly from Step One to the Chancellor or Chancellor's designee. Thereafter, if the employee is still dissatisfied with the decision as issued by the Chancellor or Chancellor's designee, the employee may appeal the decision to the WERC under Wis. Stat. § [230.44\(1\)\(c\)](#) within thirty (30) calendar days from the date of the decision being appealed. If an appeal to WERC is filed, no further steps in the grievance process will apply and there will be no opportunity to appeal the WERC decision except as provided in Wis. Stat. § [230.44](#). Appeal to the Board of Regents is not available using this procedure.

**Step Three - Board of Regents Review:** For matters that involve dismissal only, a grievant who is dissatisfied with a Chancellor's or Chancellor's designee's Step Two decision may appeal the decision to the Board of Regents. If the matter is not appealed to the Board of Regents within 30 calendar days, the grievance will be considered ineligible for Board review. Upon receiving an appeal, the President of the Board shall refer the appeal to the Board of Regents Personnel Matters Review Committee. In accordance with Board of Regents Bylaws, the Committee shall conduct a review based on the record of the matter created by the impartial hearing officer, and it shall prepare recommended findings and a decision, and shall transmit them to the full Board for final action. The full Board may confirm the Committee's decision, or it may direct a different decision. No further appeal shall be available to the parties.

**5. RELATED DOCUMENTS:**

Chapter [UWS 4](#), Wisconsin Administrative Code  
Chapter [UWS 6](#), Wisconsin Administrative Code  
Chapter [UWS 11](#), Wisconsin Administrative Code  
Chapter [UWS 13](#), Wisconsin Administrative Code  
Chapter [ER 46](#), Wisconsin Administrative Code  
Section [36.115](#), Wisconsin Statutes  
Section [36.05](#), Wisconsin Statutes  
Section [230.44\(1\)\(c\)](#), Wisconsin Statutes

**6. POLICY HISTORY:**

See Chapter [ER 46](#), Wisconsin Administrative Code

**The University of Wisconsin System**  
**UPS OPERATIONAL POLICY: #05**



**SUBJECT:** Effect on Certain Benefits  
When Accepting Positions  
At Different Institutions or Agencies

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**Original Issuance Date:** July 1, 2013  
**Last Revision Date:**

**1. POLICY PURPOSE:**

The purpose of this policy is to establish that employees of UW System institutions retain their accrued sick leave balances and WRS service credits when they accept a new position at another UW institution or State agency.

**2. POLICY BACKGROUND:**

Effective July 1, 2013, the recruitment procedures contained in Wis. Stat. Chapter 230; ER-MRS 13, 14, 15, 16, 17 will no longer be applicable to current UW System classified employees; therefore, new employee movement procedures for University Staff must be created.

**3. POLICY DEFINITIONS:**

“Institution” means any of the following: UW-Eau Claire; UW-Green Bay; UW-La Crosse; UW-Milwaukee; UW-Oshkosh; UW-Parkside; UW-Platteville; UW-River Falls; UW-Stevens Point; UW-Stout; UW-Superior; UW-Whitewater; UW Colleges; UW-Extension; and UW System Administration.

**4. POLICY:**

All current University employees may be considered for positions both within and between UW System institutions. Upon accepting a new position within or between UW System institutions, University employees will retain accrued sick leave balances and WRS service credit.

UW System employees who accept positions at State agencies and employees from State agencies who accept UW System positions, shall retain accrued sick leave balances and WRS service credit authorized by Wis. Stat. § 230.08 (cm) (this technical statutory change is pending).

**5. RELATED DOCUMENTS:**

[UWS § 3.04](#), Wis. Admin. Code

**6. POLICY HISTORY:**

[Wis. Stat. 230.01](#)

[ER-MRS 13](#)

[ER-MRS 14](#)

[ER-MRS 15](#)

[ER-MRS 16](#)

[ER-MRS 17](#)

# The University of Wisconsin System

## UPS OPERATIONAL POLICY: #06



**SUBJECT:** Workplace Safety

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**Original Issuance Date:** July 1, 2013

**Last Revision Date:**

### 1. POLICY PURPOSE:

To establish workplace health and safety procedure parameters for all University employees which include the elements required by Wis. Stat. [§ 36.115\(4\)](#).

### 2. POLICY BACKGROUND:

Under Wis. Stat. [§ 36.115\(4\)](#) the new University of Wisconsin System personnel systems must include a workplace safety policy.

Under Wis. Stat. [§ 101.055](#) all state employees, including UW System employees, are granted rights and protections relating to occupational safety and health equivalent to those granted to employees in the private sector under the Occupational Safety and Health Act of 1970. The Wisconsin Department of Safety and Professional Services has adopted and enforces virtually all OSHA regulations at state government workplaces, including at UW System institutions.

Under Wis. Stat. [§ 101.11](#) (the safe-place statute) an employer has a duty to provide safe employment.

There are other agencies with regulatory authority over specific subjects affecting employee safety and health. These subjects may be most efficiently covered under this workplace safety policy.

### 3. POLICY DEFINITIONS:

“Employer” means a UW System institution that engages the services of university employees, and the term includes a person acting on behalf of an employer within the scope of his or her authority, express or implied.

“Institution” means any of the following: UW-Eau Claire; UW-Green Bay; UW-La Crosse; UW-Milwaukee; UW-Oshkosh; UW-Parkside; UW-Platteville; UW-River Falls; UW-Stevens Point; UW-Stout; UW-Superior; UW-Whitewater; UW Colleges; UW-Extension; UW-System Administration.



#### **4. POLICY:**

Under state law, employers have a duty to provide safe employment, which includes having a safe place to work. UW System institutions are responsible for the maintenance of occupational health and safety standards and for the promotion of workplace health and safety.

The purpose of this policy is to ensure each UW institution attains the following objectives:

##### **Management Commitment and Employee Involvement**

- Establish written performance/accountability standards and objectives for upper level administration, directors, managers, and supervisors to prevent and control occupational injuries and illnesses and enhance workplace health and safety.
- Establish written performance/accountability standards for employees in following workplace health and safety rules.
- Establish occupational health and safety committees consisting of representatives from all levels and areas of the organization.
- Designate an individual to serve as the institution's Occupational Health and Safety Coordinator to assist in coordinating its occupational injury/illness prevention program.
- Provide adequate authority and resources so that everyone can meet their assigned responsibilities.
- Establish adequate reporting systems for periodic management review of the institutional occupational health and safety program, and provide to UW System Administration an annual summary of the campus occupational health and safety program.

##### **Worksite Analysis**

- Establish a procedure for conducting periodic occupational health and safety inspections/surveys so that potential hazards are detected and corrected or controlled in a timely manner.
- Establish a means for employees to notify management about potentially hazardous conditions or work practices, and provide timely responses.
- Establish a timely process of investigation and analysis of workplace accidents, incidents, “near misses”, and reported hazards to determine their causes and to create prevention strategies.

##### **Hazard Prevention and Control**

- Minimize the risk of occupational injuries and illnesses by the use of loss prevention and control techniques.
- Elimination or control of hazards in a timely manner.
- Planning and preparing for emergencies and conducting emergency training and drills.

##### **Safety and Health Training**

- Provide adequate occupational health and safety training and education for managers, supervisors and employees.
- Promote occupational health and safety awareness and safe work practices.

#### **5. RELATED DOCUMENTS:**

Occupational Safety and Health Administration (OSHA) - <http://www.osha.gov/>

Occupational Health and Safety Program Review - <http://www.wisconsin.edu/audit/occhealth.pdf>

State of WI Executive Order #194 - <http://web.uwsa.edu/oslp/ehs/occupational-safety/misc-safety/policies/>

## **6. POLICY HISTORY:**

In July 1993, Governor Tommy Thompson issued an executive order recognizing the importance of protecting the health and safety of state employees. Executive Order #194 required all state agencies to develop a comprehensive written occupational health and safety program that included a range of activities designed to improve worker safety in government agencies. Among the required components of the safety program was to “provide adequate health and safety training and education for managers, supervisors and employees.”

This policy will replace an outdated written occupational health and safety program adopted by the Board of Regents in October 1994.

**The University of Wisconsin System**  
**UPS OPERATIONAL POLICY: #07**



**SUBJECT:** Voluntary Reassignment of Formerly  
Classified FLSA-Exempt Employees to Academic  
Staff/Limited Appointment Positions

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**Original Issuance Date:** July 1, 2013  
**Last Revision Date:**

**1. POLICY PURPOSE:**

The purpose of this policy is to provide the necessary information formerly classified Fair Labor Standards Act (FLSA)-exempt staff need to make an informed decision to accept a voluntary reassignment to a position that the institution has designated as either an Academic Staff or Limited Appointment position.

**2. POLICY BACKGROUND:**

The University Personnel System (UPS) created under Section [36.115](#) of the Wisconsin Statutes is comprised of five (5) employee categories: Faculty, Academic Staff, University Staff, Limited Appointees, and Student Assistants/Employees-in-Training. With UPS, the former categories of classified and unclassified staff are no longer used. Faculty, Limited, and Academic Staff positions are exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) and University Staff positions are FLSA nonexempt positions. Incumbents holding FLSA exempt classified positions as of June 30, 2013, will be given the opportunity to choose to have their positions voluntarily reassigned a position designated as either an Academic Staff or a Limited Appointment position, or remain in University Staff in an FLSA exempt position for as long as he or she holds the position. Benefits and leave accruals will be based on the employee category for the chosen position. After a position incumbent accepts a voluntary reassignment as defined in this policy, there will not be an opportunity to return to University Staff service in the same position.

**POLICY DEFINITIONS:**

“Fair Labor Standards Act (FLSA)” is the Federal law that, among other things, requires premium payment, or overtime, to employees of an organization who work in excess of forty hours a week. The FLSA provides the necessary characteristics of a position exempted from overtime requirements.

“Incumbent employee,” as referred to in this Policy, means any employee holding a Classified FLSA-exempt position on June 30, 2013.

“Academic Staff” means professional and administrative personnel with duties, and subject to types of appointments, that are primarily associated with higher education institutions or their administration, but does not include faculty and staff provided under [Wis. Stat. § 16.57](#).

“University Staff” are members of the university workforce who contribute in a broad array of positions in support of the University’s mission and are not exempt (hourly<sup>1</sup>) from the overtime provisions of the Fair Labor Standards Act (FLSA).

[<sup>1</sup>Note: All FLSA exempt employees holding positions in the State of Wisconsin “classified” service as of June 30, 2013, are given the choice to remain in the University Staff for as long as they retain their existing positions, or to voluntarily be reassigned to a position that the institution has designated as either an Academic Staff or Limited Appointment position - see UPS Operational Policy #36 LINK]

“Limited Appointment” means an appointment to a designated administrative position, the holder of which serves at the pleasure of the authorized official who made the appointment. Certain positions must be designated as limited appointments under [Wis. Stat. § 36.17\(2\)](#), while others may be designated by the appointing authority as limited appointments at the time of the appointment.

“Position” means a group of duties and responsibilities which require the services of an employee on a part-time or full-time basis.

### 3. POLICY:

The UPS has established that all University Staff titles are non-exempt from the FLSA and all Academic Staff/Limited Appointee titles are FLSA exempt. Employees in University Staff (formerly classified staff) positions that are designated as exempt from the FLSA will have the choice to remain in University Staff FLSA-exempt positions for as long as they hold those positions, or to have their positions voluntarily reassigned to Academic Staff or Limited appointments. Appointment terms for an Academic Staff or Limited appointment will be determined by each institution’s policies.

Each incumbent employee must receive all necessary information from the employing UW institution in order to be fully educated on all potential ramifications of choosing to have the position voluntarily reassigned to an Academic Staff or Limited appointment. The information given to each affected employee must include at a minimum:

- Compensation ramifications, including eligibility for overtime payment;
- Differences in paid leave accruals, including vacation and sick leave accrual;
- Differences in ability to bank and accumulate any paid leave;
- Differences in Wisconsin Retirement System (WRS) designations;
- Differences in employee paid benefit programs (e.g., income continuation, life insurance);
- Differences in appointment terms and job security; and
- Differences in eligibility to participate in collective bargaining.

An incumbent employee choosing to have his/her position voluntarily reassigned to the Academic Staff or to a Limited Appointment must declare his/her intention to do so in writing. The effective date of the voluntary reassignment will be the first of the month following the choice. The type of appointment to which the position will be voluntarily reassigned will be at the discretion of the employing UW System institution. After a position incumbent accepts a voluntary reassignment as defined in this policy, there will not be an opportunity to return to University Staff service in the same position.

### 4. RELATED DOCUMENTS:

Section [36.115](#) of the Wisconsin Statutes

**5. POLICY HISTORY:**

**The University of Wisconsin System**  
**UPS OPERATIONAL POLICY: #08**



**SUBJECT:** Standard Office Hours and Legal Holidays  
and Other UW System Institution Closures

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**Original Issuance Date:** July 1, 2013

**Last Revision Date:**

**1. POLICY PURPOSE:**

The purpose of this policy is to establish standard office hours, legal holiday and other institutional closure procedures for UW System institutions.

**2. POLICY BACKGROUND:**

Chapter 230 of Wisconsin State Statutes contains specific information about standard office hours, legal holiday closures and other instances in which institutions may be closed. This policy will provide these same specifics effective July 1, 2013 for UW institutions.

**3. POLICY DEFINITIONS:**

"Chancellor" means the chief executive of an institution.

"Institution" means any of the following: UW-Eau Claire; UW-Green Bay; UW-La Crosse; UW-Milwaukee; UW-Oshkosh; UW-Parkside; UW-Platteville; UW-River Falls; UW-Stevens Point; UW-Stout; UW-Superior; UW-Whitewater; UW Colleges; UW-Extension; and UW System Administration.

"Standard office hours" means the hours during the day that an institution must be open to the public.

"Standard work week" means days of the week, Monday through Friday, during which institutions must be open to the public.

**4. POLICY:**

**Standard Office Hours**

Institutions will be open Monday to Friday from 7:45 a.m. to 4:30 p.m., with intermissions from 11:45 a.m. to 12:30 p.m. The chancellor may adjust opening and closing hours and intermission periods as the University's needs otherwise require.

### **Legal Holiday Institution Closures**

Institutions shall be open on all days of the year except Saturdays, Sundays and the following holidays:

- January 1 (New Year's Day)
- The 3rd Monday in January (Martin Luther King Jr. Day)
- The last Monday in May (Memorial Day)
- July 4 (Independence Day)
- The first Monday in September (Labor Day)
- The 4th Thursday in November (Thanksgiving)
- December 24 (Christmas Eve)
- December 25 (Christmas Day)
- December 31 (New Year's Eve)

If a legal holiday falls on Sunday, institutions will be closed the following Monday. Therefore, employees working the standard workweek observe the holiday by not reporting for work on the Monday following the respective holiday.

If a legal holiday falls on a Saturday, employees will be granted a floating holiday that must be used by the end of the applicable calendar year by University Staff and by the end of the applicable fiscal year by Faculty, Academic Staff and those holding a Limited appointment.

### **Inclement Weather or Emergency Institution Closures**

When inclement weather or emergency conditions exist, every effort will be made to keep affected institutions operating as normal. However, where the health and safety of staff or students would be placed at risk, or conditions or events prevent the normal operation of institutions, the chancellor will determine the nature and extent of any action to be taken.

The chancellor has the authority to cancel classes, close all or part of the institution to the public, or completely close all or part of an institution to the public and employees. The chancellor may specify how any time off or other deviation occasioned by the closure may be covered for the institution's employees.

While the decision rests with the chancellor, the effect of a complete closing makes it preferable to ensure that institutions remain open to employees, even when cancellation of classes or public events is necessary.

## **5. RELATED DOCUMENTS:**

Chapter UWS 18  
UPS Operational Policy #10  
[Chapter 36, Wisconsin Statutes](#)

## **6. POLICY HISTORY:**

[University Personnel Guideline Section 9.07](#)  
[Section 230.35, Wisconsin Statutes](#)  
[Section ER 18.04, Wisconsin Administrative Code](#)

**The University of Wisconsin System  
UPS OPERATIONAL POLICY: #09**



**SUBJECT:** Reinstatement Privileges Under  
Wis. Stat. §36.115(6)

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**Original Issuance Date:** July 1, 2013  
**Last Revision Date:**

**1. POLICY PURPOSE:**

The purpose of this policy is to establish a procedure that provides UW System employees holding positions in the classified service on June 30, 2013, with the reinstatement privileges that they had under Wis. Stats., Section 230.31(1) to classified service positions in state agencies prior to the establishment of the current personnel systems.

**2. POLICY BACKGROUND:**

Under [Wis. Stat. § 36.115\(6\)](#), employees holding positions in the classified service on June 30, 2013, who have achieved permanent status on that date, shall retain reinstatement privileges to the classified service. Employees holding positions in the classified service on June 30, 2013, who have not achieved permanent status on that date are eligible to receive the reinstatement privileges under Wis. Stats., 230.31(1) for a five-year period from July 1, 2013, if they successfully complete service equivalent to the probationary period required for the position held on June 30, 2013.

**3. POLICY DEFINITIONS:**

“University Staff” are members of the university workforce who contribute in a broad array of positions in support of the University’s mission and are not exempt (hourly<sup>1</sup>) from the overtime provisions of the Fair Labor Standards Act (FLSA)

[<sup>1</sup>Note: All FLSA exempt employees holding positions in the State of Wisconsin “classified” service as of June 30, 2013 are given the choice to remain in the University Staff for as long as they retain their existing positions, or to voluntarily be reassigned to a position that the institution has designated as either an Academic Staff or Limited Appointment position - see UPS Operational Policy #36 LINK]

**4. POLICY:**

This policy applies to former classified staff who were employed by a UW System Institution on June 30, 2013 and became University Staff on July 1, 2013. Under [Wis. Stat. § 36.115\(6\)](#), employees holding positions in the classified service on June 30, 2013, who have achieved permanent status on



that date, retain reinstatement privileges to the classified service as provided under [Wis. Stat. § 230.31\(1\)](#). Under § 230.31(1), for a five-year period from July 1, 2013, employees who have separated from state service shall be eligible for reinstatement in a position in the classified service having a comparable or lower pay rate or range for which those employees are qualified.

Employees holding positions in the classified service on June 30, 2013, who have not achieved permanent status on that date are eligible to receive the reinstatement privileges under Wis. Stats., 230.31(1) for a five-year period from July 1, 2013, if they successfully complete service equivalent to the probationary period required for the position held on June 30, 2013.

**5. RELATED DOCUMENTS:**

[Wis. Stat. § 36.115.](#)  
[Wis. Stat. Chapter 230](#)

**6. POLICY HISTORY:**

BUSINESS, FINANCE, AND AUDIT COMMITTEE

Resolution I.2.b.2.:

WHEREAS the 2011-13 biennial budget (2011 Wisconsin Act 32) created Wis. Stat. § 36.115, authorizing the Board of Regents and the Chancellor of UW-Madison to establish and implement two personnel systems, separate and distinct from the State personnel system under Chapter 230; and

WHEREAS “University Staff” are valued members of the university workforce who contribute in a broad array of positions in support of the University’s mission; and

WHEREAS for the first time the opportunity exists to establish personnel systems that recognize the value and importance that each member of the workforce contributes to the furtherance of the individual missions at each institution; and

WHEREAS faculty and academic staff have established governance rights; and

WHEREAS most of the UW System institutions have for years provided classified staff -- soon will all be “University Staff” -- with an active voice in institutional decision making over matters which impact them; and

WHEREAS pursuant to Wis. Stat. § 36.09(1), the Board of Regents is vested with the primary responsibility for the governance of the University of Wisconsin System,

NOW, THEREFORE, BE IT RESOLVED:

That, upon the recommendation of the President of the University of Wisconsin System, the Board of Regents approves, effective July 1, 2013, the attached Regent Policy Document on University Staff Governance, which authorizes the “University Staff” of each UW System institution to structure themselves in such manner as they determine and to select representatives to participate in institutional governance. (Attachment 4)

## **Regent Policy Document**

### **University Staff Governance**

#### **Scope**

This policy authorizes the University Staff of each University of Wisconsin System institution to structure themselves in a manner they determine and to select representatives to participate in institutional governance.

#### **Definitions**

“**University Staff**” are members of the university workforce who contribute in a broad array of positions in support of the University’s mission and are not exempt (hourly<sup>1</sup>) from the overtime provisions of the Fair Labor Standards Act.

[<sup>1</sup>Note: All FLSA exempt employees holding positions in the State of Wisconsin “classified” service as of June 30, 2013 are given the choice to remain in the University Staff for as long as they retain their existing positions, or to voluntarily be reassigned to a position that the institution has designated as either an Academic Staff or Limited Appointment position]

#### **Purpose**

The purpose of this policy is to provide to University Staff the opportunity to participate in institutional governance. Students, faculty and academic staff have governance rights granted by Wis. Stat. Chapter 36. This policy enables active participation in the immediate decision-making and policy development of the institution. Active participation in governance for University Staff under this policy is not collective bargaining and will not result in a labor agreement or contract. University Staff may make recommendations, consider proposals, and raise concerns to institutional leadership.

#### **Policy Statement**

The Board of Regents is vested with the primary responsibility for governance of the University of Wisconsin System [sec. 36.09(1), Wis. Stats.]. In discharging this responsibility, the Board has an interest in providing University Staff the opportunity to participate in institutional decision-making. Each UW System institution shall:

1. Provide its University Staff members, subject to the responsibilities and powers of the board, the president, and the chancellor and faculty of the institution, the opportunity to be active participants in the immediate governance of and policy development for the institution;
2. Provide its University Staff members the primary responsibility for the formulation and review, and representation in the development, of all policies and procedures concerning University Staff members, including University Staff personnel matters; and

3. Provide its University Staff members the right to structure themselves in a manner University Staff members determine, and to select their representatives to participate in institutional governance.

### **Oversight, Roles and Responsibilities**

The Board of Regents delegates to the President of the UW System or his or her designee the authority to issue operational policies to implement and administer this policy. The Board further authorizes the President to delegate to individual Chancellors the authority to implement this policy at their respective institutions within the parameters established by RPDs and University of Wisconsin System policies.

### **Related RPDs and Applicable Laws**

Chapter 36 of the Wisconsin Statutes  
Sec. 227.01(13)(Lm), Wisconsin Statutes

BUSINESS, FINANCE, AND AUDIT COMMITTEE

Resolution I.2.b.3.:

WHEREAS the 2011-13 biennial budget (2011 Wisconsin Act 32) created Wis. Stat. § 36.115, authorizing the Board of Regents and the Chancellor of UW-Madison to establish and implement two personnel systems separate and distinct from the State personnel system under Chapter 230; and

WHEREAS a single code of ethics for UW System employees is required by Wis. Stat. § 19.45(11)(b), for the guidance of all UW System employees, and

WHEREAS pursuant to Wis. Stat. § 36.09(1), the Board of Regents is vested with the primary responsibility for the governance of the University of Wisconsin System,

NOW, THEREFORE, BE IT RESOLVED:

That, upon the recommendation of the President of the University of Wisconsin System, the Board of Regents approves, effective July 1, 2013, the attached Regent Policy Document on Code of Ethics, which confirms the continued application of Chapter UWS 8 Wis. Admin. Code, “Unclassified Staff Code of Ethics” for faculty, academic staff, and limited appointees, except those who are “state public officials” subject to Subchapter III of Wis. Stat. Chapter 19, and adds a university staff Code of Ethics closely modeled after ER-MRS 24, Wis. Admin. Code, which applies to Classified Staff in state agencies. (Attachment 5)

## **Regent Policy Document Code of Ethics**

### **Scope**

This Board of Regents Code of Ethics policy applies to all University of Wisconsin System (UW System) employees. The policy recognizes that faculty, academic staff, and limited appointees (other than state public officials) are subject to Chapter UWS 8 of the Wisconsin Administrative Code, and that university employees who are state public officials will remain subject to Subchapter III of Wis. Stat. Chapter 19. University Staff are subject to the University Staff Code of Ethics set forth in section III below which was closely modeled after Chapter ER-MRS 24 of the Wisconsin Administrative Code, the Code of Ethics for classified state employees.

### **Purpose**

This code of ethics policy is created under the directive of Wis. Stat. § 19.45(11)(b), for the guidance of all UW System employees, to avoid activities which cause, or tend to cause, conflicts between their personal interests and their public responsibilities, and to improve standards of public service. Under 2011 Wisconsin Act 32, the Board of Regents was required to establish a code of ethics for UW System personnel who are not state public officials subject to Wis. Stat. Chapter 19.

### **Policy Statement**

- I.** Faculty, academic staff, and limited appointees (other than state public officials) are subject to Chapter UWS 8.
- II.** State public officials will remain subject to subchapter III of Wis. Stat. Chapter 19. Individuals holding the following positions are state public officials: chancellors, vice chancellors, UWSA president, senior vice presidents, vice presidents, associate vice presidents, and assistant vice presidents.
- III.** University Staff Code of Ethics

#### **A. Introduction**

This code of ethics is created for the guidance of employees designated as University Staff to avoid activities which cause, or tend to cause, conflicts between their personal interests and their public responsibilities as UW System employees.

The observance of high moral and ethical standards by University Staff employees is essential. Each employee holds his or her position as a public trust, and any effort to realize personal gain through official conduct is a violation of that trust.

The Board of Regents policy recognizes that:

- 1. University Staff have personal and economic interests in the decisions and policies of national, state and local government.

2. University Staff retain their rights as citizens to interests of a personal or economic nature.
3. The standards of ethical conduct for University Staff must distinguish between those minor and inconsequential conflicts which are unavoidable in a free society and those conflicts which are substantial and material.
4. University Staff may need to engage in employment other than official duties, or may need to maintain investments, but no employee shall engage in any employment or maintain any investment if the employment or investment conflicts with the specific provisions of this code of ethics.

In adopting the standards of conduct set forth in the University Staff code of ethics, it is the Board's purpose to prohibit only those activities which will result in a conflict between the personal interests of a University Staff member and that employee's public responsibilities to the UW System. It is not the Board's purpose to prohibit University Staff from freely pursuing activities that will not result in such a conflict.

#### **B. Definitions**

1. "Anything of value" means any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment, but does not include:
  - a. Any salary, expenses or other compensation paid by the state;
  - b. Any compensation or expenses derived from outside activities permitted under this code of ethics;
  - c. Political contributions which are reported under Wis. Stat. Chapter 11; or
  - d. Hospitality (e.g., meals or lodging) extended for a purpose unrelated to university business. When it could be concluded that the hospitality would be extended if the guest or a member of the guest's immediate family was not a UW System employee, that hospitality is extended for a purpose unrelated to university business.
2. "Associated," when used with reference to an organization, means that a person or a member of a person's immediate family is a director, officer or trustee or owns or controls, directly or indirectly, and severally or in the aggregate, at least 10% of the outstanding equity.
3. "Board" means the Board of Regents of the University of Wisconsin System.
4. "Chancellor" means the chief executive officer of a university, the University of Wisconsin Colleges or University of Wisconsin -Extension.
5. "Domestic partner" is a person with whom a University Staff member has a domestic partnership.

6. “Domestic partnership” means a relationship between two individuals that satisfies all of the following:
  - a. Each individual is at least 18 years old and otherwise competent to enter into a contract.
  - b. Neither individual is married to, or in a domestic partnership with, another individual.
  - c. The two individuals are not related by blood in any way that would prohibit marriage under Wis. Stat. § 765.03.
  - d. The two individuals consider themselves to be members of each other's immediate family.
  - e. The two individuals agree to be responsible for each other's basic living expenses.
  - f. The two individuals share a common residence. Two individuals may share a common residence even if any of the following applies:
    - i. Only one of the individuals has legal ownership of the residence.
    - ii. One or both of the individuals have one or more additional residences not shared with the other individual.
    - iii. One of the individuals leaves the common residence with the intent to return.
7. “University Staff” means members of the university workforce who contribute in a broad array of positions in support of the University’s mission and are not exempt (hourly<sup>1</sup>) from the overtime provisions of the Fair Labor Standards Act.
 

[<sup>1</sup>Note: All FLSA exempt employees holding positions in the State of Wisconsin “classified” service as of June 30, 2013 are given the choice to remain in the University Staff for as long as they retain their existing positions, or to move to Academic Staff or Limited Appointment positions].
8. “Hospitality” includes, but is not limited to, meals, beverages, and lodging which a host other than an organization offers a guest on premises owned or occupied by the host or his or her immediate family as the host’s principal or seasonal residence.
9. “Immediate family” means an employee’s spouse or domestic partner; an employee’s relatives by marriage, consanguinity or adoption; and any other person who receives, directly or indirectly, more than one half of his or her support from an employee or from whom an employee receives, directly or indirectly, more than one half his or her support.
10. “Institution” means any university or organizational equivalent designated by the Board of Regents.
11. “Organization” means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, self-employed individual, trust or any other legal entity other than an individual or body politic.
12. “President” means the President of the University of Wisconsin System.



13. "University property" includes, but is not limited to, facilities, vehicles, supplies, equipment, communications equipment and services, information technology equipment and services, stenographic assistance, reproduction services, and research.

### **C. Standards of Conduct**

This code of ethics shall not prevent a University Staff member from accepting outside employment or following a pursuit which in no way interferes with the full and faithful discharge of his or her duties to the UW System, subject to the following:

1. A conflict of interest on the part of the University Staff member exists whenever the University Staff member's action or failure to act propitiously could reasonably be expected to directly or indirectly produce or assist in producing a private benefit for the University Staff member or the University Staff member's immediate family or an organization with which the University Staff member is associated.
2. It is the policy of the Board of Regents to prohibit those activities that will cause a conflict of interest. Therefore:
  - a. No University Staff member may use or attempt to use his or her position or University property, or use the prestige or influence of his or her position for financial gain or other benefits, advantages or privileges for the private benefit of the University Staff member, the University Staff member's immediate family or an organization with which the University Staff member is associated.
    - i. Any UW System salary or other compensation received by the University Staff member from the state for his or her services does not constitute "financial gain" as the term is used in this rule.
    - ii. Incidental personal Use of University property within the limits prescribed by UW System and institutional policies and use of University issued or purchased parking permits for non-work events or activities does not constitute a "private benefit" as the term is used in this policy.
  - b. No University Staff member may solicit or accept from any person or organization, directly or indirectly, anything of value if it could reasonably be expected to influence such University Staff member's official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of such University Staff member.
    - i. No University Staff member who is assigned or acts as an official representative of a UW System institution in the presentation of papers, talks, demonstrations or making appearances shall solicit or accept fees, honoraria or reimbursement of expenses for personal gain. Any fees, honoraria, or reimbursement of expenses which may be offered in connection therewith shall be paid to the University Staff member's institution.
    - ii. Acceptance of fees and honoraria paid for papers, talks, demonstrations or appearances made by a University Staff member on

the University Staff member's own time, and not directly part of official duties, shall not be a violation of this rule. University Staff members shall notify their supervisor or other appropriate administrator prior to accepting fees and honoraria for papers, talks, demonstrations, or appearances to ensure that no conflict of interest exists.

- iii. When a University Staff member is offered an unsolicited award or reward for an exceptional accomplishment or outstanding performance, the appropriate administrator shall determine whether or not it may be accepted by the University Staff member after considering whether acceptance of the award or reward would conflict with the purposes of this policy. University Staff members shall notify their supervisor or other appropriate administrator prior to accepting unsolicited awards or rewards, who in turn shall seek a determination regarding whether acceptance or refusal of the award or reward is appropriate.
- c. No University Staff member may intentionally use or disclose information gained in the course of or by reason of the University Staff member's official position or activities in any way that could result in the receipt of anything of value for himself or herself, for his or her immediate family, or for any other person or organization, if the information has not been communicated to the public or is not public information. However, no reprisal may be taken against a University Staff member for the lawful disclosure of information which the University Staff member reasonably believes evidences:
  - i. A violation of any law, rule, or regulation, or
  - ii. Mismanagement, a gross waste of funds, an abuse of authority, enforcement of unreasonable university work rules, or a substantial and specific danger to public health or safety.
- d. No University Staff member, member of the University Staff's immediate family, nor any organization with which the University Staff member or a member of his or her immediate family is associated may enter into any contract or lease involving payment or payments of more than \$3,000 within a 12-month period, in whole or in part derived from University or state funds unless the University Staff member has first made written disclosure of the nature and extent of such relationship or interest to his or her supervisor or other appropriate administrator and obtained the supervisor's or other administrator's written approval. The University Staff member's supervisor or other appropriate administrator shall approve a University Staff member's interest in a lease or contract unless he or she determines that the University Staff member's personal interest in the agreement will conflict substantially and materially with the University Staff member's discharge of his or her public responsibilities. This paragraph does not affect the application of [Wis. Stat. § 946.13](#), which prohibits private interests in public contracts.
- e. No University Staff member may participate, formally or informally, in the decision to hire, retain, promote or determine the salary of a member of his or her immediate family. No University Staff member may, in the supervision or

management of another employee who is a member of his or her immediate family, give preferential or favored treatment.

3. The President or a Chancellor may, upon written request and by action within a reasonable time of receipt thereof, waive any provision of this section whenever its literal application would be adverse to the best interests of the institution or would work an unreasonable hardship on an employee.
4. Nothing in this section prohibits a University Staff member from making decisions concerning salaries, salary-related benefits or reimbursement of actual and necessary expenses when the action does not result in preferential or favored treatment of a member of the University Staff member's immediate family.

#### **D. Action to Avoid Possible Conflict**

When it appears that a material conflict may arise between the personal interests of a University Staff member and his or her public responsibilities, the University Staff member shall notify his or her supervisor or other appropriate administrator by submitting a written statement describing the nature of the possible conflict. Within 15 days after receipt of the statement, the supervisor or other appropriate administrator shall advise the University Staff member in writing that:

1. There is no conflict prohibited by this code of ethics, and the University Staff member may proceed; or
2. There may be a conflict, and further consultation is necessary prior to reaching a determination; or
3. There is a conflict which must be resolved.

If the University Staff member is advised that he or she cannot proceed with institutional duties or with personal interests, the employee, within 15 days after notice of the decision of the supervisor or other appropriate administrator, may appeal the decision under the applicable grievance procedures.

#### **E. Sanctions**

The President or appropriate Chancellor may investigate possible code of ethics violations whenever the circumstances warrant.

### **Oversight, Roles & Responsibilities**

In addition to oversight by the President and the appropriate Chancellor's Office, compliance with this code of ethics will be monitored periodically.

### **Related RPDs and Applicable Laws and Policies**

Wis. Stat. § 19.41, et seq., Code of Ethics for Public Officials and Employees

Wis. Stat. § 36.23, Conflict of Interest  
Wis. Admin. Code Chapter UWS 8, Code of Ethics  
RPD13-4, University of Wisconsin System Policy on Institutional and Employee Relationships  
with Educational Loan Lenders  
RPD 20-7, Outside Activity Reporting  
RPD 25-3, Use of University Information Technology Resources  
U.S. Department of Health and Human Services requirements on reporting conflicts of interest.

**History**

[OTHER REFERENCES TO BE ADDED]

Endorsement of Technical Statutory Changes  
Needed to Accomplish the  
Intent of Wis. Stat. § 36.115

BUSINESS, FINANCE, AND AUDIT COMMITTEE

Resolution I.2.b.4.:

WHEREAS the 2011-13 biennial budget (2011 Wisconsin Act 32) created Wis. Stat. § 36.115, authorizing the Board of Regents and the Chancellor of UW-Madison to establish and implement two personnel systems separate and distinct from the State personnel system under Chapter 230; and

WHEREAS pursuant to Wis. Stat. § 36.09(1), the Board of Regents is vested with the primary responsibility for the governance of the University of Wisconsin System,

NOW, THEREFORE, BE IT RESOLVED:

That, upon the recommendation of the President of the University of Wisconsin System, the Board of Regents approves the attached technical statutory changes, needed by July 1, 2013 to accomplish the intent of Wis. Stat. § 36.115, including:

- (1) changes that acknowledge that, beginning July 1, 2013, there no longer will be UW System employees designated as “classified” or “unclassified” staff;
- (2) creation of a new subchapter of Wis. Stat. Chapter 111, under which and the Board of Regents and the UW-Madison Chancellor will have administrative responsibility for labor relations for University Staff who no longer would be covered under the State Employment Labor Relations Act (SELRA); and
- (3) revisions to Wis. Stat. § 230.08, to identify UW System employees as employees of the State of Wisconsin, subject to the personnel systems required by Wis. Stat. § 36.115.

(Attachments 6a, 6b, and 6c)

## SUGGESTED CHANGES THAT WOULD ELIMINATE STATUTORY REFERENCES TO CLASSIFIED AND UNCLASSIFIED UW SYSTEM EMPLOYEES

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The following statutory changes are needed because on July 1, 2013, UW System employees will no longer be categorized as classified or unclassified employees.

### Chapter 36 References to Classified Staff

Wis. Stat. Chapter 36 contains four references to classified UW System employees. Effective July 1, 2013, most classified staff will be categorized as university staff unless they are voluntarily reassigned to positions that institutions designate as academic staff or limited appointment positions. Statutory changes are needed to reflect this new designation. Following are suggested changes that modify the statutory language:

#### **36.05 – Definitions.**

**Wis. Stat. § 36.05(6) – Definitions.** “~~Classified-University~~ staff” means members of a university workforce who contribute in a broad array of positions in support of the University’s mission and who are not all employees of the system other than faculty, academic staff, persons whose employment is a necessary part of their training, student assistants ~~and or~~ student hourly help.

#### **36.11 – Powers and duties of the board of Regents.**

**Wis. Stat. § 36.11(8e) -- Parking fees.** The board shall direct each institution within the system to charge a parking fee for the parking of motor vehicles by students, faculty, academic and ~~classified~~ university staff and visitors at campus. The board shall require the fee to be sufficient to recover the costs of the construction and maintenance necessary for the parking facilities. Nothing in this paragraph shall be deemed to require the recovery of the costs of land for parking facilities. Nothing in this paragraph shall be deemed to require that all users of the parking facilities be charged a parking fee. College campus facilities owned by a county are not required to charge a parking fee.

#### **36.25 – Special programs.**

**Wis. Stat. § 36.25(11)(e) -- State laboratory of hygiene** ~~The technical staff and other employees necessary to the operation of the laboratory shall be employed under the classified service by the director~~ The board, upon the recommendation of the chancellor of the university of Wisconsin-Madison, with the approval of the laboratory of hygiene board, shall appoint the director of the laboratory and such other members of its professional staff as are required for the administration of the laboratory. The technical staff and other employees necessary to the operation of the laboratory shall be university employees who are employed under the general supervision of the director.

**Wis. Stat. § 36.48 -- Alcohol and other drug abuse prevention and intervention programs.** The board shall appoint alcohol and other drug abuse prevention and intervention program counselors for the university of Wisconsin-Madison and the university of Wisconsin-Milwaukee. The counselors shall develop alcohol and other drug abuse prevention and intervention programs

and train faculty, academic staff and ~~classified-university~~ staff in the prevention of and early intervention in alcohol and other drug abuse.

### Statutory References to Unclassified Staff

In the Wisconsin Statutes we found references to unclassified UW System employees in Wis. Stat. §§ 20.865(1)(cj), 40.05(5)(a), and 109.03(1)(c). Following are suggested statutory changes that eliminate these references.

#### **20.865 – Program supplements.**

**Wis. Stat. § 20.865(1)(cj) – *Pay adjustments for certain university employees.*** The amounts in the schedule to finance the cost of pay and related adjustments approved or provided by law, by the legislature under s. 111.92, by the joint committee on employment relations under s. 230.12 or by the governor, the joint committee on finance or the legislature in budget determinations for employees of the University of Wisconsin System ~~in the unclassified service~~ whose positions are wholly or partly funded from federal revenue under 7 USC 343, whenever federal revenue is not provided to finance this cost, but not including any adjustments provided by the board of regents of the University of Wisconsin System to correct salary inequities or to recognize competitive factors from moneys not allocated for that purpose by law or in budget determinations. Moneys from this appropriation may be used to finance the cost of adjustments for a position that is partly funded from federal revenue only in proportion to the part funded from federal revenue.<sup>1</sup>

#### **40.05 – Contributions and premiums.**

**Wis. Stat. § 40.05(5)(a) -- Income continuation insurance premiums.** For the income continuation insurance provided under subch. V the employee shall pay the amount remaining after the employer has contributed the following or, if different, the amount determined under a collective bargaining agreement under subch. V of ch. 111 or s. 230.12 or 233.10:

(a) For ~~teachers in the unclassified service of the state employed by the board of regents of the university-employees designated as teacher participants~~, no contribution if the teacher has less than one year of state creditable service and an amount equal to the gross premium for coverage subject to a 130-day waiting period if the teacher has one year or more of state creditable service.

#### **109.03 -- When wages payable; pay orders**

**Wis. Stat. § 109.03(1)(c) -- Required frequency of payments.** Every employer shall as often as monthly pay to every employee engaged in the employer's business, except those employees engaged in logging operations and farm labor, all wages earned by the employee to a day not more than 31 days prior to the date of payment. Employees engaged in logging operations and farm labor shall be paid all earned wages no less often than at regular quarterly intervals. Any employee who is absent at the time fixed for

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<sup>1</sup> 7 USC 343 is the Smith-Lever Act. The Smith-Lever Act of 1914 establishes the Cooperative Extension Service and provides federal funds for cooperative extension activities. The act requires that states provide a 100% match from non-federal resources.

payment or who for any other reason is not paid at that time shall be paid thereafter at any time upon 6 days' demand. The required frequency of wage payments provided in this subsection does not apply to any of the following:

- (a) Employees covered under a valid collective bargaining agreement establishing a different frequency for wage payments, including deferred payments exercised at the option of employees.
- (b) School district and private school employees who voluntarily request payment over a 12-month period for personal services performed during the school year, unless, with respect to private school employees, the employees are covered under a valid collective bargaining agreement which precludes this method of payment.
- (c) ~~Unclassified~~ Employees of the university of Wisconsin system.



## **Creation of a New Subchapter of Wis. Stat. Chapter 111**

The development of new personnel systems that are “separate and distinct” from Chapter 230 requires the creation of a new labor relations law under which the Board of Regents and the UW-Madison Chancellor will have complete administrative responsibility for labor relations. A new subchapter of Wis. Stat. Chapter 111 should be created under which University Staff (current classified staff) would no longer be covered under the State Employment Labor Relations Act (SELRA).

In recognition of the need for a change, the Legislative Reference Bureau (LRB) has drafted a new subchapter VI of Chapter 111 that would make it clear that the Office of State Employment Relations (OSER) would not have labor relations oversight over the Board of Regents and the UW-Madison Chancellor. The new subchapter would affect the rights of all University Staff (except supervisors and confidential employees), teaching assistants and research assistants employed by UW-Madison and the balance of UW System institutions. The following is a summary of how the proposed new subchapter VI would modify the existing law:

- In addition to eliminating OSER oversight of UW System labor relations, the proposed subchapter would eliminate the requirement that the Joint Committee on Employment Relations (JCOER) approve tentative collective bargaining agreements. These changes are consistent with the Board of Regents seeking full authority for approving pay plans for UW System employees.
- The proposed subchapter would retain all but two of the collective bargaining units established by 2011 Wisconsin Act 32, which are the same bargaining units that have long been established under SELRA. The proposed changes would eliminate the legal and patient treatment bargaining units because there are no UW System institution employees in these two occupational groups who are eligible to form or join unions.
- The proposed subchapter would allow employees in multi-institution bargaining units who participate in a representation election to opt out of unionization. Under existing law, only the program assistants, project assistants, and teaching assistants employed at institutions other than UW-Madison or UW-Milwaukee are entitled to indicate, by a majority of those voting for or against unionization, they do not want to be a part of a multi-institution collective bargaining unit.
- Under the Act 32 amendments, the Board of Regents and the UW-Madison Chancellor would submit tentative collective bargaining agreements to JCOER, and JCOER would be required to hold a public hearing before determining its approval or disapproval. Under the proposed subchapter VI, the Board of Regents and the UW-Madison Chancellor (and not JCOER) would hold hearings that would allow for public input on whether tentative collective bargaining agreements should be approved.

Although there are now only four certified unions representing UW System employees, and although there are only approximately 400 employees in those four unions, the Board of Regents and the UW-Madison Chancellor need to have a collective bargaining capacity to negotiate with those unions, and to negotiate with any other unions that are organized in the future.

**Change Needed to Wis. Stat. § 230.08 to Continue to Define UW System Employees as State Employees.**

This revision will enable UW employees to accept positions with state agencies and employees of state agencies to accept UW positions without loss of creditable Wisconsin State Retirement service and accrued sick leave benefits. The proposed revision of Wis. Stat. § 230.08(2)(cm) is as follows:

(cm) All positions of the University of Wisconsin System that are administered by personnel systems that were created under s. 36.115 and that are separate and distinct from the personnel system in ch. 230. identified in s. 20.923 (4g) and (5).

NOTE: Par. (cm) is repealed eff. 7-1-13 by 2011 Wis. Act 32.

## **Special Task Force on UW Restructuring and Operational Flexibilities Recommendations: Personnel Systems & Compensation**

### **Personnel Systems**

#### Topics/Issues

The Task Force considered two questions related to the new personnel systems being created by UW-Madison and UW System:

1. What ability to transfer should UW employees holding positions that were formerly part of the classified staff have in the future?
2. Should UW employees holding positions that were formerly part of the classified service be given governing authority similar to that granted to the faculty, academic staff, and students?

#### Recommendations

The Task Force considered whether UW employees who were formerly part of the classified staff should retain the ability to transfer within the UW System and other state agencies and whether these employees should be granted governing authority similar to the authority granted to faculty, academic staff, and students under current law. The Task Force recommended that these matters be decided by the Board of Regents and the UW-Madison Chancellor through the personnel system development process. The Board of Regents and the UW-Madison Chancellor will submit the new personnel systems to the Joint Committee on Employment Relations (JCOER) for approval prior to implementation on July 1, 2013.

### **Compensation**

#### Topics/Issues

The Task Force considered two questions related to compensation:

1. Should UW employees continue to be included in the state compensation plan making the UW System eligible for funds through the supplement process?
2. Should the Board of Regents be granted the authority to provide merit increases to UW employees using base resources?

#### Recommendations

The Task Force recommended that UW employees not be included in the state compensation plan. Instead, the Task Force recommended that the Board of Regents request funding for adjustments in employee compensation and benefits in its biennial budget request. If approved, or modified and approved, by the Legislature during budget deliberations, funding for these adjustments would be provided in the UW System's base budget and the UW System would not receive supplements from the compensation reserve during the biennium. The Task Force did not recommend the inclusion of a "me too" clause which would have provided the UW System with additional funds if the state compensation plan provided greater increases in compensation and benefits for other employees. The Task Force also recommended that the Board of Regents be granted the authority to provide merit-based salary increases to UW employees using base resources. The state would not be obligated to increase appropriations to the UW System to fund merit-based salary increases for UW employees. Both recommendations would require statutory changes.



# A STRATEGIC PLAN FOR A NEW UW—MADISON HUMAN RESOURCES SYSTEM

**November 19, 2012**



**WISCONSIN**  
UNIVERSITY OF WISCONSIN—MADISON

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## EXECUTIVE SUMMARY

In June 2011, the passage of Wisconsin Act 32 (the 2011-13 state biennial budget) provided UW–Madison with an unprecedented opportunity to create its own “separate and distinct” personnel system. Currently, the university manages human resources under two primary sets of personnel policies and programs—the classified personnel system, for jobs that the university has in common with other state agencies; and the unclassified personnel system for jobs that are unique to the university. The classified system was created and is maintained by state government while the unclassified system was created and is maintained by the Board of Regents.

While the two systems have met many of our needs over the years, their separate development has created two distinct sets of HR practices on our campus. Having two systems adds complexity, creates confusion for employees, and contributes to a sense of hierarchy and inequality among employees. Because of limits to our control and authority, the university has had to rely on some HR processes that are outdated, ineffective and inefficient. By creating a new, integrated personnel system designed specifically to meet the needs of a world-class institution of higher education, we can begin to develop a more effective, consistent and coherent system that serves both the institution and our employees.

HR Design work teams involved more than 140 employees and students.

The HR Design project vision is a campuswide effort to build, through thoughtful design, a more efficient and effective UW–Madison human resources system to best serve the needs of the university, its employees and the citizens of Wisconsin. A key aspect of this vision is to develop a 21st-century workforce that is diverse and engaged, has the right talent and is adaptable. This vision aligns with two UW–Madison strategic priorities: “Recruit and retain the best faculty and staff, and reward merit” and “Enhance diversity in order to ensure excellence in education and research.” The HR Design vision also aligns with the Wisconsin Idea: that the university should be a resource for the state, the nation and the world.

The new UW–Madison personnel system must also enable our university to be more responsive to our changing needs and environment, including economic forces such as the erosion of state government financial support for the UW System. Universities are highly complex organizations that rely on an enormous range of diverse talent. Having authority over important HR activities, such as creating job titles, developing pay programs and designing recruitment processes, will position the university to attract, develop and retain the best talent and provide enhanced opportunities for our current employees.

By improving our hiring and compensation processes, building employee engagement, encouraging employee development and creating paths to advancement, we enhance individual potential, opportunity and achievement. By adopting and refining innovative practices, we become a model employer.

Finally, by improving our capability to be responsive and adaptable, we improve our ability to evolve to meet the changing needs of those we serve.

From the start, the project team interpreted “personnel system” to include all activities related to recruiting, developing, advancing, retaining and transitioning employees through their careers at the university. We also committed to involve the entire campus directly in developing the new HR system. To do this, we convened 11 employee work teams to address the personnel areas across the entire employee lifecycle, ranging from recruitment to employee transition. Each work team brought together representatives from governance, administration, labor organizations, other employee groups and the HR community. Assisted by teams focusing on communications, collaboration, change management and data analysis support, the work teams researched their topics, discussed alternatives and drafted recommendations. After soliciting feedback from across the campus—through surveys, campus forums, briefings and web chats—the work teams refined and finalized their recommendations.

The teams submitted more than 150 recommendations, supplemented by scores of pages of additional analysis, guidelines and supporting details. Throughout the summer, the project team synthesized these recommendations into this strategic plan document, which identifies several priority areas for change. In selecting these priorities, the project team considered multiple factors, including alignment and interdependencies of the recommendations; financial, legal and technical constraints; and campus input.

After the project team submitted this plan in September, we continued our conversations with governance and other stakeholder groups. As a result, this revised version of the plan incorporates significant changes. Central to the plan is the creation of a new employee category—university staff—for hourly employees currently in the classified service. In parallel, the current category of academic staff will be redefined to include all salaried staff. We believe these clearer definitions for academic and university staff will provide greater consistency and clarity in assigning job titles to those categories. As with faculty and academic staff, university staff members will have governance rights and thus be able to participate in the ongoing development of the personnel policies and processes that impact them.

Through the course of the project, recommended changes to compensation and benefits programs drew intense attention, both positive and negative, from across campus. The Compensation and Benefits work teams both recognized the need to address the full value of all forms of pay and benefits. As the teams emphasized, it is critical that UW–Madison develop and implement a “total compensation” (pay *and* benefits) approach that is fair, equitable, competitive with other employers and rewards performance. To this end, the compensation components of this plan include:

- Developing a compensation structure that balances internal equity and market competitiveness and also accommodates cost-of-living adjustments.
- Continuing the campuswide policy to provide a living wage to staff.
- Providing mechanisms to reward performance for all faculty and staff.
- Developing a proposal for a university-wide job title and total compensation analysis that will form the basis for a new, integrated set of compensation and benefits programs.
- Until this analysis is completed, putting in place a transitional structure that provides additional compensation flexibility.
- Providing opportunities for governance groups to provide advice and input on compensation.

In summer 2013, the university hopes to begin the job title and total compensation analysis. Through this project, we will create new job titles and levels; update and simplify our compensation program; and assess vacation, leave and other benefits programs. As with the HR Design project, governance groups, employees and HR professionals will be actively involved in the process and review of recommended changes. Although the study will ultimately result in changes to the university compensation structure, increases will not automatically occur when the structures are implemented. As is the case now, pay increases will be dependent on funding availability.

Other elements of the plan reflect a shift to a more proactive approach to managing and developing talent at our university. The implementation of a new online job application/applicant tracking system and recruitment processes and tools, for example, will help the university fill vacancies in a more efficient and effective way. New training and development programs, including programs for managers and supervisors, will build the university's capacity and skills. New performance management requirements and guidelines will encourage employees and managers to work together to identify goals, share feedback and identify opportunities for improvement, development and advancement. Moreover, we are hoping to integrate and align these activities in a way that promotes employee success throughout their careers.

Job security is a key area of concern for employees. While the change in statute requires the university provide just-cause and due process standards for current employees, it does not require that we do so for future employees in the same positions. Nonetheless, we are committed to providing just-cause and due process standards for all current *and* future university staff. Working with university staff governance, we will define the specific processes to appeal discipline and termination that are consistent with these standards. The plan does call for some changes to layoff and probation policies, such as continuing mandatory placement of laid-off employees but limiting the placement to vacancies in their divisions. We have heard and understand the impact of changes to layoff policies, but also feel that they are critically important for the university to be able to fill positions with the candidates best suited for them.

For those employees who are affected, the Office of Human Resources will provide referrals, placement services, and career counseling so that these employees can find new positions that provide the best fit between them and their new employers.

The components of the plan also have the potential to shape our workforce and affect our campus climate, and enhancing diversity and inclusion is a primary objective. By undertaking a more systematic planning process, we hope to establish clear, targeted goals for creating and maintaining a diverse and inclusive workforce as well as identify specific responsibilities for achieving those goals. The plan also calls for metrics in all areas of HR, as well as for diversity and equity. These metrics will provide an ongoing reference point to assess our progress.

These changes, and the many other initiatives detailed in the plan, support stewardship, fairness, respect and excellence. More importantly, they provide a foundation for the university to continually improve our policies and processes.

UW–Madison has an extraordinary opportunity to tailor its human resources system to the needs of our great university. This is an opportunity—and a challenge. Aided by the efforts of the work teams and the commitment of the campus community to engage in this initiative, we are in a position to succeed. Throughout, we have relied upon values that define UW–Madison: the fearless sifting and winnowing of ideas, shared governance and a willingness to lead.

We must stay true to these values and continue to work together to finish the job. The result will be a human resources system that will help UW–Madison achieve its vision of being a model public university in the 21st century.

We invite you to review the plan. We look forward to continued engagement with the campus community as we develop and implement these important changes, and we appreciate the partnership of the entire campus community as we work together to advance our workforce and community.