

## Overview of Approved UW System and UW-Madison Policies Governing University Staff

In the 2011 state budget, the UW System and UW-Madison were ordered to create new personnel systems for over 40,000 employees currently serving under the state's civil service system: one system for UW-Madison employees, and another system for employees at all other UW System institutions. Prior to implementation, these plans would require approval by the Joint Committee on Employment Relations (JCOER). The UW-Madison personnel system was developed with input from shared governance bodies representing classified staff, faculty, and academic staff, but the development process of the UW System personnel system largely excluded meaningful shared governance input. These systems were initially to be implemented on July 1, 2013, then delayed to July 1, 2014, but the controversy over UW System reserves led JCOER to further delay approval of the new personnel systems. With Kevin Reilly's departure as UW System President and the hiring of Ray Cross, JCOER approved the new systems in late April of 2014, for implementation on July 1, 2015. Below are some of the major changes that will affect classified staff in the UW System and at UW-Madison.

### *Current classified staff will be reassigned to either university or academic staff categories*

Currently, UW System institutions (including UW-Madison) employ tens of thousands of classified staff—staff classified into various state employee bargaining units (including AFT-Wisconsin local unions Wisconsin Professional Employees Council, Wisconsin Science Professionals, and Professional Employees in Research and Statistical Analysis). The proposed personnel changes would remove all classified staff from their current bargaining units and reassign them into one of two categories, based on whether or not the employee is exempt from the overtime provisions of the Fair Labor Standards Act ("FLSA exempt"): the currently existent category of **academic staff** (professional and administrative personnel with duties primarily associated with higher education) and the newly-created category of **university staff** (university personnel who are not FLSA exempt). Employees who become university staff will hold positions with the same title, base salary, and benefits as their current classified positions. If they move into the academic staff, title, base salary, and benefits will be based on the previously existing academic staff category into which they move. (Under the plan, some classified employees may be reassigned into limited appointment positions, defined as administrative positions that serve at the pleasure of an authorized official. It is unclear how many, if any, classified positions would be converted into limited appointment positions.)

### *FLSA-exempt employees can choose between academic and university staff appointments*

Under the new personnel systems, any employee currently serving in a classified staff position that is FLSA exempt will have the option of retaining a university staff appointment for as long as they retain their current position, rather than being reassigned into an academic staff position. Employees facing this choice will be provided information detailing differences in compensation, overtime eligibility, paid leave accruals, Wisconsin Retirement System calculations, benefit programs, appointment terms and job security, and collective bargaining eligibility. Currently, this information is to be developed and presented by campus human resources departments in

individual advising sessions with employees, without input from unions or shared governance bodies. It is highly advised that members consult their union leadership before making the decision between joining university staff or academic staff.

### ***Current employees in classified service will retain certain rights as university staff***

Any employee who has achieved permanent status in a classified position on June 30, 2015 (the final day of the current personnel plans) will retain certain rights if they choose or are assigned a university staff position, including:

- Reinstatement rights as granted by Wis. Stat. 230.31(1)
- The requirement of just cause for termination, suspension without pay, involuntary transfer, or demotion as granted by Wis. Stat. 230.34(1)(a)
- The right to grieve demotion, layoff, suspension, discharge or reduction in base pay through the current process, ending at the Wisconsin Employment Relations Commission, if the employee believes that the action was not taken with just cause, as granted by Wis Stat. 230.44(1)(c)

If an employee is serving in a probationary period in a classified position on June 30, 2015, they will be eligible for these rights once they complete their probation. Classified employees who move into academic staff positions will not retain any of these rights.

### ***Loss of seniority protections for university staff***

The UW-Madison plan suggests more consideration for seniority in layoff decisions than the UW System plan does, stating that “[w]ithin the operational area, layoffs will be implemented primarily on the basis of years of services,” but that the “presumption in favor of years of service will not apply when program needs dictate other considerations... as approved by the Office of Human Resources.” The UW System plan states that layoffs will be determined by these criteria:

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

Both plans, however, give great leeway to managers to assign layoffs based on management-determined program or institutional needs, and seniority is likely to be a minimal factor in both personnel plans.

### ***Transfer rights eliminated***

The UW System plan offers, as an alternative to layoff, that employees may be involuntarily transferred, including laterally or downward, “only... to avoid a reduction in force.” Neither plan allows employees facing layoff the right to transfer into a new position of their own volition.

### ***Changes to recall rights***

The UW-Madison policy provides laid-off employees mandatory placement rights, by job title, into the division from which they were laid off for one year, provided that they are qualified to perform the duties of the position (as determined by the hiring authority). If a job with the laid-off employee’s job title opens in a different division within one year of the layoff date, that employee will be granted an interview, if requested, for the open position. The UW System plan allows laid-off employees to apply for open positions as if they were current employees for three years from the date of the layoff, but no

guarantees are made that laid-off employees will be given any preferential treatment. It further prohibits the operational area for employing a permanent employee with duties “reasonably comparable” to those of the laid-off employee for three years from the date of the layoff without first offering that position to the laid-off employee.

### ***Grievance procedure greatly reduced in scope***

The grievance procedure for university staff explicitly prohibits grievances on issues pertaining to:

- Utilizing personnel, methods, and means to carry out the mission of UW-Madison, the UW System, or any UW System institution
- Determining the size and composition of the work force
- Managing and directing UW-Madison/UW System employees
- Hiring, promoting, assigning, or retaining employees
- Establishing reasonable workplace expectations

### ***Grievance procedure ends with the UW System Board of Regents***

Unlike the current classified staff grievance procedure, which ends with a hearing before the Wisconsin Employment Relations Commission, the university staff grievance procedure will include a hearing before an “impartial hearing officer,” who will be selected by administration, and will conclude with the highest level of appeal being the Board of Regents. (As noted above, the current grievance process, ending at the WERC, will be grandfathered in for current classified staff who move into university staff positions.)

### ***Just cause for discipline and dismissal retained***

Both personnel systems explicitly state that discipline and dismissal of university staff with expectation of continued employment shall occur only for just cause. The UW-Madison policy further adds that discipline and dismissal shall only occur after the affected employee has been provided with due process.