

Unit Clarification Info

Cast of Characters

WERC - [Wisconsin Employment Relations Commission](#) is a state agency conducting hearings and issuing labor relations decisions in administrative law and contract grievance disputes; mediating contract negotiation and grievance disputes; conducting secret-ballot employee votes; and providing labor management cooperation training and facilitation.

OSER - [Office of State Employment Relations](#) is the state agency that negotiates union contracts and manages labor relations. For most state employees, OSER is "the management."

AFT-W - [American Federation of Teachers - Wisconsin](#) is the state federation of local unions affiliated with the American Federation of Teachers. AFT-W locals on campus include the TAA (Teaching Assistant Association), WSP, WPEC, PERSA, WPDA and UFAS.

WPEC - The [Wisconsin Professional Employees Council](#) is one of the unions representing classified staff on campus, and has filed petitions for unit clarification. WPEC is a local of AFT-W.

WSP - [Wisconsin Science Professionals](#) is one of the unions representing classified staff on campus. WSP originally planned to file unit clarification petitions but then decided to withdraw from the process. WSP is a local of AFT-W.

PERSA - [Professional Employees in Research, Statistics and Analysis](#) is one of the unions representing classified staff on campus, and has filed petitions for unit clarification. PERSA is a local of AFT-W.

WPDA - [Wisconsin Physician and Dentist Association](#) is one of the unions representing classified staff on campus, and has filed petitions for unit clarification. WPDA is a local of AFT-W.

WSEU - [Wisconsin State Employees Union](#) is one of the unions representing classified staff on campus, and has filed petitions for unit clarification. WSEU is a local of AFSCME.

UFAS - [United Faculty and Academic Staff](#) is a group of faculty and academic staff on campus that has advocated for collective bargaining and would like to become the collective bargaining agent for faculty and academic staff at UW-Madison. UFAS is a local of AFT-W.

Definition of Academic Staff

"Professional and administrative personnel other than faculty with duties, and subject to types of appointments, that are primarily associated with higher education institutions or their administration."

--Wisconsin Statutes [s. 36.05(1)]

Titles Affected So Far

Title	Number At UW-Madison	Union Petitioning	Bargaining Unit	Professional?
Budget Planner	0	WPEC		Yes
Counselor	16	WSEU	Professional Social Services	Yes
Database Administrator	14	WPEC		Yes
Develop Specialist	13	WPEC		Yes
Director, Athletics	14	WPEC		Yes
Editor	76	WPEC		Yes
Information Manager	3	WPEC		Yes
Information Processing Consultant	394	WPEC		Yes
Information Technology Strategy Consultant	3	WPEC		Yes
Institutional Planner	2	PERSA		Yes
Instrument Specialist	61	WSEU	Technical	No
Marketing Specialist	18	WPEC		Yes
Media Specialist	31	WPEC		Yes
Physician	0	WPDA		Yes
Policy/Planning Analyst	4	WPEC		Yes
Programmer Analyst	33	WPEC		Yes
Psychologist	31	WSEU	Professional Social Services	Yes
Recreation Specialist	18	WSEU	Professional Social Services	Yes
Rehabilitation Specialist	3	WSEU	Professional Social Services	Yes
Student Services Coordinator	259	WSEU	Administrative Support	No
Student Services Specialist	80	WSEU	Administrative Support	No
Systems Programmer	88	WPEC		Yes
University Relations Specialist	48	WPEC		Yes

Heading Descriptions

Title: Current academic staff title. All prefixes are combined: e.g. "Editor" includes Associate Editor, Editor, Senior Editor and Distinguished Editor. Note that while the unions seem to be deciding what positions to petition for based on titles, WERC will rule based on a position's job duties, not its title.

Number: Number of employees at UW-Madison with that title as of 3/3/2010 that HR thinks could be affected by unit clarification. UW-Madison does not use the titles Budget Planner or Physician, but it's very likely that the unions will petition for near-equivalents like Clinical Professor.

Union: Union that has petitioned for academic staff with that title at other UW campuses.

Bargaining Unit: Which of its five bargaining units WSEU has petitioned to have that title assigned to.

Professional: Whether workers in that union and bargaining unit are considered "Professional" or "FLSA-Exempt." WPEC does represent some non-professional classifications but it is unlikely any academic staff would be assigned to those classifications.

We know other unions have expressed interest in petitioning for additional titles if the current petitions succeed. Any position with a "Category A" (non-instructional) title is potentially vulnerable.

Sources: Unit clarification petitions

at <http://acstaff.wisc.edu/Employment/WERCAddlClarificationPetition.pdf>, UW-Madison HR analysis

at http://acstaff.wisc.edu/Uploads/Documents/docId_Petitioned%20Academic%20Staff%20Titles.pdf. Professional status from WSEU contract at <http://oser.state.wi.us/docview.asp?docid=6865>.

Vacation & Sick Leave

Days of Vacation Time per Year (Change)			
Seniority	Academic Staff	Professional Classified Staff	Non-Professional Classified Staff
0 to 5 years	22	15 (-7)	13 (-9)
5+ to 10 years	22	20 (-2)	18 (-4)
10+ to 15 years	22	22 (0)	20 (-2)
15+ to 20 years	22	25 (+3)	23 (+1)
20+ to 25 years	22	27 (+5)	25 (+3)
25+ years	22	27 (+5)	27 (+5)

Days of Sick Leave per Year (Change)	
Academic Staff	Classified Staff
12	16.25 (+4.25)

Source: Union contracts available

from <http://acstaff.wisc.edu/Committees/eventnote2.aspx?eventnote=2348> (near bottom of page).

Union Dues

Union and Bargaining Unit	Monthly/Pay Period	Annual
WPEC	\$44.10/month	\$529.20
WPDA	\$30.48/pay period	\$792.48
PERSA	\$43.82/month	\$525.84
WSEU Administrative Support	\$17.67/pay period	\$459.42
WSEU Professional Social Services	\$18.45/pay period	\$479.70
WSEU Technical	\$19.30/pay period	\$501.80

Pay periods are two weeks.

Source: OSER list of union dues sent to us by OSER staff and posted at http://acstaff.wisc.edu/Uploads/Documents/docId_union%20dues.doc.

Selected Salary Ranges

Classification	Minimum	Maximum
WPEC Mid-Range(*)	\$45,990	\$105,778
WPEC Upper-Range(*)	\$53,793	\$123,724
ACADEMIC DEPARTMENT ASSOCIATE	\$31,541	\$48,172
ACADEMIC DEPARTMENT MANAGER	\$45,088	\$103,705
ACADEMIC DEPARTMENT SUPERVISOR	\$34,598	\$79,576
ACADEMIC DEPT SPECIALIST	\$34,114	\$52,110
UNIVERSITY SERVICES ASSOCIATE 1	\$26,985	\$41,198
UNIVERSITY SERVICES ASSOCIATE 2	\$29,165	\$44,550
UNIVERSITY SERVICES PROG ASSOC	\$31,541	\$48,172
INSTRUMENT MAKER SPECIALIST	\$46,606	\$69,906
INSTRUMENT MAKER-ADV	\$43,063	\$64,592
INSTRUMENT MAKER-ENTRY	\$36,768	\$55,148
INSTRUMENT MAKER-JOURNEY	\$39,785	\$59,679
INSTRUMENT SHOP COORDINATOR	\$43,063	\$64,592
INSTRUMENT SHOP SUPERVISOR	\$45,088	\$103,705

This table is intended to cover most people assigned to WPEC and those in "student services" and "instrument specialist" titles. However, we can only guess which classifications any academic staff assigned to the classified service would be assigned to.

(*) WPEC President Greg Georg told us most WPEC members fall into one of these two ranges (we have not attempted to verify this). Those WPEC classifications that fall in lower salary ranges seem to be entry-level positions.

Sources: <http://oser.state.wi.us/docview.asp?docid=1425>, classification specifications at <http://oser.state.wi.us/section.asp?linkid=29>.

Timeline

June 2009	Academic staff are given the right to bargain collectively and be represented by a union by provisions in the state budget.
June/July 2009	Unions announce plans to try to have some academic staff assigned to their unions via unit clarification petitions. WPEC and WSP send letters to academic staff whose positions they plan to petition for. (WSP later decided to withdraw from the petition process.) University sends a memorandum expressing opposition to unit clarification petitions.
November 2009	WPEC, WPDA and PERSA (all AFT-W unions) file unit clarification petitions for some UW campuses (but not Madison). WSEU files petitions for same campuses one week later.
January 2010	University and OSER file motions asking WERC to dismiss petitions on the grounds that WERC has no authority over academic staff.
February 2010	AFT-W unions and WSEU file motions opposing dismissal. University and OSER reply.
November 2010	WERC denies University and OSER motions to dismiss ; rules it has authority to decide whether a position is properly academic staff.

Going forward, the fight over unit clarification will likely split into three parallel fights:

- WERC must hold hearings to determine which of the academic staff positions the unions have petitioned for, if any, are not properly academic staff. Barring some sort of compromise, this must be a position-by-position review and will likely take years. The hearings are an adversarial procedure: the petitioning union will argue that a position is not properly academic staff and the University will argue that it is. The employee holding the position is not a party to the dispute, but both sides have expressed interest in having employees assist if they so desire, likely by providing information about their position.
- The University, in conjunction with OSER and the state Department of Justice, will probably sue either to block WERC from considering the petitions or to overturn their results. Past filings have argued that the University has the authority to determine what positions are academic staff, not WERC, and that unit clarification violates the rights of the employees affected. This legal fight is likely to go to the state Supreme Court and again could take years.
- The state legislature could pass a law clarifying the question of who determines whether a position is properly academic staff. Given the make-up of the incoming legislature, the bill would almost certainly give that authority to the University and thus end this unit clarification process. (The University has a procedure for reviewing positions, but unions cannot initiate these reviews.) No such bill has been introduced, but it seems to fit the stated agenda of the new majority party and would have the active support of the University. Once introduced it could become law fairly quickly.

Unit clarification will not affect anyone at UW-Madison directly until the unions file unit clarification petitions for positions at UW-Madison. The unions have announced plans to file such petitions, but have not said when they will do so. They say they will see how things go with their current petitions and then decide. WERC would prefer to hold hearings on all the unions' planned petitions before ruling on any of them, so they can consider all the positions that might be affected before making any decisions. The unions would probably prefer to wait and see if their current petitions succeed before doing the work required to file additional petitions.