



Office of Human Resources & Workforce Diversity

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MEMORANDUM

TO Non-Instructional Academic Staff Members

FROM: Alan N. Crist
Associate Vice President for Human Resources & Workforce Diversity

RE: Letter from the Wisconsin Professional Employees Council (WPEC)
To Selected Academic Staff Members

While the Legislature and the Governor were completing action on the State's 2009-11 Budget in late June, some of you evidently received a letter from the Wisconsin Professional Employees Council (WPEC), a union representing certain classified employees at various state agencies and UW System institutions. The letter informed academic staff members that WPEC considers their positions to be inappropriately titled, asserting that the positions should be transferred to the classified staff. To ensure that we reach everyone who may have received such a letter, I am sending this memo to all non-instructional academic staff members (Category A) to provide some clarification.

WPEC has publicly stated its intention to petition the Wisconsin Employment Relations Commission (WERC) for a "unit clarification." This is a legal process used to ensure that membership in an existing collective bargaining unit is properly constituted. While the recently passed budget does give faculty and academic staff the right to be represented by a union if they so choose, unit clarification is an entirely different process. Unlike an election, this process offers no opportunity for affected employees to make a choice or express their desires. For that reason, the University does not believe that unit clarification is the appropriate vehicle for determining whether UW faculty or academic staff should become members of any union. Furthermore, you and others like you were placed in unclassified positions by the University under the authority granted the Board of Regents in Wisconsin statutes and under the terms of an agreement with the Office of State Employment Relations. We believe the assignment of employees to unclassified service to be appropriate under the relevant authority granted the Board of Regents. We do not believe that WERC has the authority to unilaterally transfer employees from unclassified service to classified service. If WPEC, or any other union, moves forward with a request for unit clarification, then we will oppose it, and exert all efforts to ensure that UW employees retain the right to choose whether to be represented, or not.

We have recently learned that WPEC or other AFT representatives may be approaching UW staff members to discuss unit clarification, asking people to describe the nature of their duties. Approaching you for this purpose in the workplace while on work time is unacceptable. You have no obligation to speak to union representatives while on work time. I have contacted AFT-Wisconsin President Bryan Kennedy and advised him of our concerns and asked that they discontinue this practice. Mr. Kennedy assured me he will follow-up and convey our concerns to the WPEC organization.

The issues raised both by the enabling legislation and unit clarification are complex and nuanced. We are continuing to study both matters and we will keep you informed as new information becomes available. Please feel free to contact your institution's Human Resources Office if you have any questions. Thank you.

cc: Board of Regents
Chancellors
Provosts
Chief Business Officers
Human Resource Directors
Academic Personnel Officers
Academic Staff Representatives
Faculty Representatives
AFT-Wisconsin President Kennedy