

**Academic Staff Assemblyⁱ
2 December 2009 Agenda**

**12:00 – 1:30 p.m.
University Center 261**

- 1. *Approval 11 November 2009 Minutes***
- 2. Academic Staff Committee Reports**
 - a. Awards [Miolo]
 - b. Economic Issues [Ehlen]
 1. *Academic Staff Salary Equity Adjustment Policy and Procedures*
 - c. Elections/Balloting [Clokey]
 - d. Government [Fragola]
 - e. Organization [Miolo]
 1. Term Updates
 2. Standardizing Timeline/Deadlines
 - f. Professional Development [Ehlen]
 - g. Instructional Promotions [Farmer]
 - h. Review [Ogunsola]
 - i. Title Appeals [Ehlen]
 - j. Titling [Naff]
 - k. Rewards and Recognition [Flanagan]
- 3. 2009-2010 Academic Staff Professional Development Seminars**
- 4. Updates/Announcements**
 - a. University Committees [Miolo/Ehlen]
 - b. Council of Academic Staff Representatives [Ehlen/Miolo]
 - c. Strategic Planning and Budget Committee [Ehlen]
 - d. Provost Search and Screen Committee [Ehlen]
 - e. Campus Climate Survey [Ogunsola/Ehlen]
- 5. Other Business**
 - a. *Collective Bargaining [Clokey/Ehlen]*
 - b. *Unit Clarification [Clokey/Ehlen]*
 - c. Memorial Committee/Naming Request [Simes]
 - d. Assembly Email/Governance Associate [Ehlen]
 - e. Retirement Resolutions [Ehlen]
 - f. *Imputed Tax [Ehlen]*
 - g. T Drive Access [Ehlen]
 - h. Performance Reviews [Ehlen]
 - i. LGBTQ Taskforce Committee Meeting [Ehlen/Miolo]
 - j. *Policy on Non-medical Leaves of Absence for Unclassified Staff*
 - k. Miscellaneous/Round Robin [Assembly Staff]

ⁱ *Italicized items include attachments for review/discussion.*

**Academic Staff Assembly
11 November 2009 Minutes**

**12:00 – 1:30 p.m.
University Center 261**

PRESENT: Freda Briscoe, George Clokey, Denise Ehlen [Chair], Nancy Farmer, Mike Flanagan, Patricia Fragola, Nadine Kriska, Giuliana Miolo [Vice Chair] (arrived at 12:20 pm), Kyle Naff, Elizabeth Ogunsola, Karen Simes, and Curt Weber

1. **Approval 28 October 2009 Minutes:** Simes/Weber moved to approve minutes. The Assembly discussed/reviewed minutes. Approved by unanimous vote.
2. **Academic Staff Committee Reports**
 - a. Awards [Miolo]: Ehlen for Miolo; no report
 - b. Economic Issues [Ehlen]: Ehlen reported that the Committee continues to review and revise the draft of the Academic Staff Salary Equity Adjustment Policy and Procedures. Ehlen will provide an update at the next meeting.
 - c. Elections/Balloting [Clokey]: Clokey reported that two names were recommended to fill the Instructional Academic Staff vacancy: James Sisak and Gene Tobeyak. Clokey/Naff moved to vote. The Assembly voted in favor of Gene Tobeyak, by a vote of five to four. There were no objections from the Assembly in offering the vacancy to James Sisak if Gene Tobeyak were to decline.
 - d. Government [Fragola]: No report
 - e. Organization [Miolo]: Defer until next meeting
 - f. Professional Development [Ehlen]: Ehlen reported the Academic Staff Professional Development Committee is in the process of reviewing proposals. The Committee will meet on Thursday 19 November 2009 to complete proposal reviews.
 - g. Instructional Promotions [Farmer]: Farmer reported that the Committee will convene in the upcoming weeks for an organizational meeting. Farmer will provide an update at a future meeting.
 - h. Review [Ogunsola]: No updates
 - i. Title Appeals [Ehlen]: No report
 - j. Titling [Naff]: Naff reported that the Committee will meet on Wednesday 18 November 2009. Naff will provide an update at the next meeting.
 - k. Rewards and Recognition [Flanagan]: No report
3. **2009-2010 Academic Staff Professional Development Seminars:** Ehlen reported that the scheduling of sessions/speakers is in progress.
4. **Updates/Announcements**
 - a. University Committees [Miolo/Ehlen]: No report
 - b. Council of Academic Staff Representatives [Ehlen/Miolo]: Ehlen reported that the Council met on Friday 30 October 2009. Ehlen reviewed highlights from the meeting.
 - c. Strategic Planning and Budget Committee [Ehlen]: No report

- d. Provost Search and Screen Committee [Ehlen]: Ehlen reported that the final two candidates will be on campus on Wednesday 11 November 2009 and Friday 13 November 2009. Assembly members are encouraged to participate in the open forums.
- e. Campus Climate Survey [Ogunsola/Ehlen]: Ogunsola reported that the Diversity Leadership Committee will meet on Monday 16 November 2009 to discuss the survey. Ogunsola will provide an update at the next meeting.

5. Other Business

- a. Collective Bargaining [Clokey/Ehlen]: No updates
- b. Unit Clarification [Clokey/Ehlen]: No updates
- c. Memorial Committee/Naming Request [Simes]: Simes reported that the Memorial Committee submitted for consideration two naming requests: Robert W. Fiskum Stadium and Paula "P.B." Poorman PRIDE Center. Simes/Weber moved to support the Robert W. Fiskum Stadium naming proposal. Approved by unanimous vote. Clokey/Fragola moved to support the Paula "P.B." Poorman PRIDE Center naming proposal. Approved by unanimous vote.
- d. Assembly Email/Governance Associate [Ehlen]: Ehlen reported that Casey Lemmon will serve as the Governance Associate for the Assembly. Ehlen will provide an update on the Assembly email at the next meeting.
- e. Retirement Resolutions [Ehlen]: Ehlen will provide an update on granting of emeritus status in retirement resolutions at an upcoming meeting.
- f. LGBTQ Taskforce [Ehlen/Hollar]: Ehlen for Hollar provided an overview of the 14 October 2009 LGBTQ Taskforce meeting. Naff reported that the next Safe Zone training will occur on Thursday 3 December 2009 at 1:30 pm in the University Center Room 264.
- g. Proposed Policy for Making Textbooks More Affordable [Academic Staff]: The Assembly unanimously supported the proposed policy.
- h. Miscellaneous/Round Robin [Assembly Staff]: Flanagan reported that faculty and staff from the Art department traveled to Oaxaca, Mexico. Faculty, staff, and students will be displaying their art in an upcoming art exhibit. Simes reported that Student Life and First Year Experience will be collecting non-perishable food items for the local food pantry through Friday 4 December 2009. Clokey reported that he will be hosting a workshop on Yellowstone wolves on Friday 11 December 2009 as well as a workshop on cougar ecology on Saturday 12 December 2009.



**Senior Vice President for
Administration & Fiscal Affairs**
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(608) 262-4048
(608) 262-3985 Fax
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website: <http://www.wisconsin.edu>

November 12, 2009

TO: Chancellors
Human Resources Directors and Academic Personnel Officers

FROM: Thomas Anderes, Senior Vice President
Alan N. Crist, Associate Vice President

RE: Consultant for Collective Bargaining Training

As you know, we have a new requirement that the Board of Regents establishes the capacity to engage in collective bargaining with faculty and academic staff. To begin developing that capacity, we want to provide our UW senior leaders and human resources professionals with training on faculty and staff collective bargaining in a large university system. We also want to be better prepared to support our employees' right to make an informed decision on collective bargaining.

We are pleased to announce that we have engaged **C. Richard Barnes** to help develop and deliver a brief training program for UW senior leaders and human resources professionals.

Prior to founding his company in 2005, Mr. Barnes gained a wide range of experience in this field, including five years as Director of the Federal Mediation and Conciliation Service. His firm provides training on collective bargaining and negotiation to a variety of other clients, serving both management and labor. Most important to us, his firm has extensive experience in public higher education settings. More information on Mr. Barnes and his consulting firm can be found at www.crichardbarnes.com.

As the successful bidder in response to our Request for Quote (RFQ), we expect Mr. Barnes and his firm to:

- Develop a training outline and master lesson plan on faculty and academic staff collective bargaining in a large institutions of higher education
- Provide on-site training for UW senior leaders and human resources professionals, and share those training materials with the Board of Regents.
- Be available for consultation on follow-up questions.

We will keep you informed of the dates and locations for training sessions with Mr. Barnes. We plan to have sessions set up at three locations throughout the State. Thank you in advance for your participation in this important training.

cc: Board of Regents
UW System President & Cabinet Officers
Provosts
Chief Business Officers
Chief Student Affairs Officers
Academic Staff Representatives
Faculty Representatives
Office of State Employment Relations

Collective Bargaining Training Consultant Q&A Fact Sheet

Why does UW System need to hire a private consultant to provide a training program for Regents and university managers?

Act 28, the 2009-11 state budget, created a provision under which faculty and academic staff at any University of Wisconsin System institution may choose to engage in collective bargaining with the Board of Regents over wages, fringe benefits, and hours and conditions of employment. The legislation also mandates that the Board of Regents establish the *capacity* to serve as the bargaining authority.

All other State employees' unions who bargain with the State of Wisconsin do so with the Office of State Employment Relations (OSER) serving as the lead negotiator. The Board of Regents has not ever been statutorily required to establish a collective bargaining capacity and needs guidance from this consultant to do so.

Collective bargaining in a large public university system has special characteristics and raises unique issues. The interplay between collective bargaining and shared governance demands a specialized approach. This is particularly important given the legislation's specific prohibitions on bargaining over topics such as tenure and academic freedom. OSER remains a valuable resource on general labor issues, and the Board will work in "close liaison" with OSER in the negotiation of collective bargaining agreements. Even the highest level of collaboration, however, cannot take the place of building the required internal organizational capacity.

To begin building that knowledge base, UW System issued a Request for Quote (RFQ) to hire a consultant who would develop and deliver a brief training program for the Board of Regents and our UW System senior administrators.

What consultant was selected and what are their qualifications?

Based on responses to that RFQ, UW System has selected **C. Richard Barnes**, whose firm met all of the qualifications and submitted the lowest bid. Prior to founding his company in 2005, Mr. Barnes was an International Representative for 16 years with the Laborers' International Union of North America, AFL-CIO, negotiating over 300 labor agreements in 35 separate industries. In 1997, the President appointed Mr. Barnes Director of the Federal Mediation and Conciliation Service, where he served until 2002. He then directed the Center for the Workplace at Georgia State University for three years.

C. Richard Barnes & Associates designs and delivers training on collective bargaining and negotiation to a variety of other clients, both management and labor, throughout the United States. The firm has extensive experience in labor relations in public higher education. Since 2005, C. Richard Barnes & Associates has been providing collective bargaining guidance within the California State University System (CSU), which is comprised of 23 campuses, 450,000 students and 46,000 organized faculty and staff. The company has also delivered training initiatives on many CSU campuses.

What services will the consultant provide and for how long?

The Statement of Work contained in the RFQ details the services C. Richard Barnes is to provide UW System. Those tasks include:

- Develop a training outline and master lesson plan on faculty and academic staff collective bargaining in a large institution of higher education.
- Provide on-site training for UW leaders at designated times and locations in Madison or at other locations in Wisconsin. (Consultant shall conduct a minimum of 40 hours of classroom training).
- Share all training materials with the Board of Regents.
- Be available for consultation for a period of up to six months after conclusion of training sessions for follow-up questions that may arise.

What is the cost of the contract?

The cost of the contract is \$24,680, with travel expenses expected to be approximately \$2,800.

Unit Clarification Filings with WERC

November 17, 2009

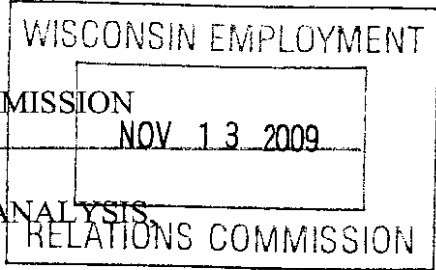
Background:

- On November 13, the American Federation of Teachers filed three Unit Clarification petitions with the Wisconsin Employment Relations Commission (WERC), on behalf of
 - Wisconsin Professional Employees Council
 - Professional Employees in Research, Statistics and Analysis
 - Wisconsin Physician and Dentist Association
- UW System received the three petitions on Monday, November 16.
- The three petitions seek to re-classify more than 120 Academic Staff employees at six institutions: UW-Eau Claire, UW-Green Bay, UW-La Crosse, UW-Platteville, UW-Stevens Point, and UW-Superior.
- Although the petitions target these employees at these institutions, the position titles included cover more than 880 Academic Staff members across the UW System.
- We have no way of knowing why AFT and the other unions chose to target these employees at these campuses.
- Next step: the WERC must now decide whether to hold a hearing on the matter.

Key talking points for use with internal or external stakeholders:

- UW System has consistently supported choice, allowing people to exercise their democratic rights to vote on issues related to collective bargaining. We did not oppose legislation that provided this right to Faculty and Academic Staff members, and we will not oppose efforts by employees to exercise their right to vote on collective bargaining and unionization.
- Unit Clarification is a different process altogether, with no connection to employees' grassroots organizing. Under a Unit Clarification proceeding, affected employees have no vote, and no choice in a matter that could change their conditions of employment.
- Unit Clarification is a process in which outside groups attempt to move employees from the Academic Staff to the Classified Service, automatically assigning them to a union without any vote by the affected employees. This would change their conditions of employment without providing any opportunity for employees to contest the move.
- UW System will oppose any effort that removes employee choice by reassigning them to unions without a vote. We will ask WERC to dismiss the petitions.

STATE OF WISCONSIN
BEFORE THE
WISCONSIN EMPLOYMENT RELATIONS COMMISSION



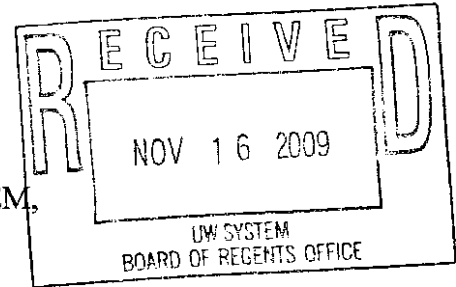
PROFESSIONAL EMPLOYEES IN RESEARCH, STATISTICS & ANALYSIS,
Petitioner,

and

STATE OF WISCONSIN,
Employer,

and

BOARD OF REGENTS, UNIVERSITY OF WISCONSIN SYSTEM,
Appointing Authority.



PETITION TO CLARIFY BARGAINING UNIT

NOW COMES petitioner Professional Employees in Research, Statistics & Analysis, pursuant to Wis. Stat. §111.825(3), and requests that the Commission issue an order clarifying that all employees in the position identified below, who are employed at the University of Wisconsin-Eau Claire, University of Wisconsin-Green Bay, University of Wisconsin-La Crosse, University of Wisconsin-Platteville, University of Wisconsin-Stevens Point, and University of Wisconsin-Superior, are to be included in the bargaining unit described as "Professional: . . . Research, statistics and analysis," as set forth in Wis. Stat. §111.825(1)(f)2.

1. Employer

Pursuant to Wis. Stat. §111.81(8), the employer is the State of Wisconsin, whose primary representative for labor relations purposes is the director of the Office of State Employment Relations:

Jennifer Donnelly, Director
State of Wisconsin
Office of State Employment Relations
101 East Wilson Street, 4th Floor
Madison, WI 53702
608-266-9820
608-267-1014 (fax)
OSERdir@oser.state.wi.us

Pursuant to Wis. Stat. §36.09(1)(e), the Board of Regents of the University of Wisconsin System has appointing authority for the named position at the six institutions at issue in this petition. The primary representative of the Board of Regents is the Board president:

Charles Pruitt, President
University of Wisconsin System Board of Regents
1860 Van Hise Hall
1220 Linden Drive
Madison, WI 53706
608-262-2324
board@uwsa.edu

2. Existing Bargaining Unit and Position to be Included

The existing bargaining unit represented by Professional Employees in Research, Statistics and Analysis, is defined by the Commission in certification Case 349, 49931 SE-102, Decision No. 27884-A, dated Jan. 25, 1994.

The following position to be included is:

UW Campus	Title Code	Position Title
UW-Eau Claire (1 employee) UW-Platteville (1)	S46DN	Institutional Planner

Petitioner requests the Commission to order all positions bearing the title code and title, as identified above, within the bargaining unit defined by Wis. Stat. §111.825(1)(f)2.

The position identified above in paragraph 2 on the six campuses is occupied by an “employee,” within the meaning of Wis. Stat. §111.81(7). The position identified above is not engaged in duties, nor does it have an appointment that is “primarily associated with higher education institutions or their administration. . . .” Wis. Stat. §36.05(1). *See* Wis. Stat. §230.08(2)(d).

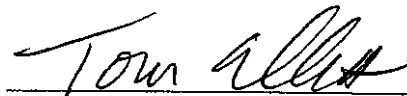
4. Labor Organization

For the purpose of this petition, the principal representative of petitioner is Tom Ellett, whose principal office is at:

6602 Normandy Lane
Madison, WI 53719
608-662-1444
608-662-1443 (fax)
ellett@aft-wisconsin.org

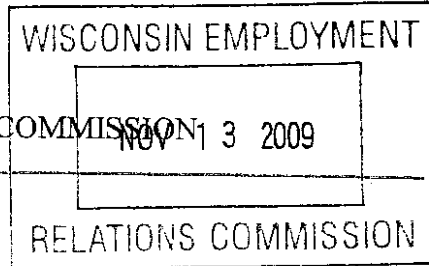
I declare that I have read the contents of this petition and that the statements it contains are true to the best of my knowledge and belief.

November 13, 2009



Tom Ellett
Staff Representative

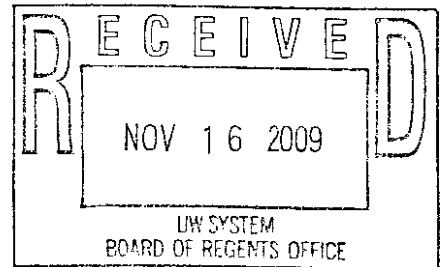
STATE OF WISCONSIN
BEFORE THE
WISCONSIN EMPLOYMENT RELATIONS COMMISSION



WISCONSIN PHYSICIAN & DENTIST ASSOCIATION,
Petitioner,
and

STATE OF WISCONSIN,
Employer,

and
BOARD OF REGENTS, UNIVERSITY OF WISCONSIN SYSTEM,
Appointing Authority.



PETITION TO CLARIFY BARGAINING UNIT

NOW COMES petitioner Wisconsin Physician & Dentist Association, pursuant to Wis. Stat. §111.825(3), and requests that the Commission issue an order clarifying that all employees in the positions identified below, who are employed at the University of Wisconsin-Eau Claire, University of Wisconsin-Green Bay, University of Wisconsin-La Crosse, University of Wisconsin-Platteville, University of Wisconsin-Stevens Point, and University of Wisconsin-Superior, are to be included in the bargaining unit described as "Professional: . . . Patient treatment," as set forth in Wis. Stat. §111.825(1)(f)4.

1. Employer

Pursuant to Wis. Stat. §111.81(8), the employer is the State of Wisconsin, whose primary representative for labor relations purposes is the director of the Office of State Employment Relations:

Jennifer Donnelly, Director
State of Wisconsin
Office of State Employment Relations
101 East Wilson Street, 4th Floor
Madison, WI 53702
608-266-9820
608-267-1014 (fax)
OSERdir@oser.state.wi.us

Pursuant to Wis. Stat. §36.09(1)(e), the Board of Regents of the University of Wisconsin System has appointing authority for all named positions at the six institutions at issue in this petition. The primary representative of the Board of Regents is the Board president:

Charles Pruitt, President
University of Wisconsin System Board of Regents
1860 Van Hise Hall
1220 Linden Drive
Madison, WI 53706
608-262-2324
board@uwsa.edu

2. Existing Bargaining Unit and Positions to be Included

The existing bargaining unit represented by Wisconsin Physician and Dentist Association is defined by the Commission in Certification Case 342, No. 49079, SE-101, Decision No. 27980-A.

The following positions to be included are:

UW Campus	Title Code	Position Title
UW-Eau Claire (3 employees) UW-La Crosse (3) UW-Stevens Point(2)	T02BN	Senior Physician
UW-Eau Claire (1)	T02DN	Physician

Petitioner requests the Commission to order all positions bearing the title codes and titles, as identified above, within the bargaining unit defined by Wis. Stat. §111.825(1)(f)4.

3. Reasons For the Proposed Inclusion of All Positions in the Existing Bargaining Unit

All of the positions identified above in paragraph 2 on the six identified campuses are occupied by “employees,” within the meaning of Wis. Stat. §111.81(7). The positions identified above are not engaged in duties, nor do they have appointments that are “primarily associated with higher education institutions or their administration. . . .” Wis. Stat. §36.05(1). *See* Wis. Stat. §230.08(2)(d).


4. Labor Organization

For the purpose of this petition, the principal representative of petitioner is Tom Ellett, whose principal office is at:

6602 Normandy Lane
Madison, WI 53719
608-662-1444
608-662-1443 (fax)
ellett@aft-wisconsin.org

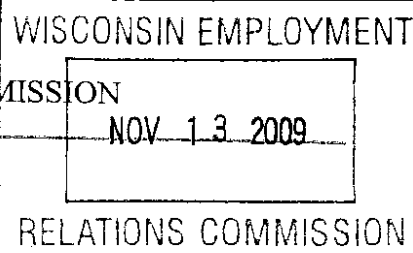
I declare that I have read the contents of this petition and that the statements it contains are true to the best of my knowledge and belief.

November 13, 2009



Tom Ellett
Staff Representative

STATE OF WISCONSIN
BEFORE THE
WISCONSIN EMPLOYMENT RELATIONS COMMISSION



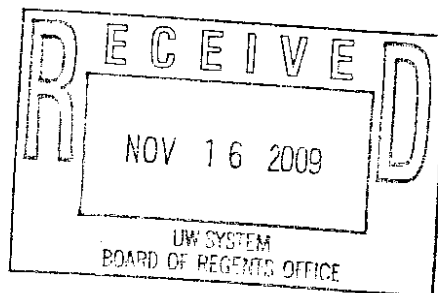
WISCONSIN PROFESSIONAL EMPLOYEES COUNCIL,
Petitioner,

and

STATE OF WISCONSIN,
Employer,

and

BOARD OF REGENTS, UNIVERSITY OF WISCONSIN SYSTEM,
Appointing Authority.



PETITION TO CLARIFY BARGAINING UNIT

NOW COMES petitioner Wisconsin Professional Employees Council, pursuant to Wis. Stat. §111.825(3), and requests that the Commission issue an order clarifying that all employees in the positions identified below, who are employed at the University of Wisconsin-Eau Claire, University of Wisconsin-Green Bay, University of Wisconsin-La Crosse, University of Wisconsin-Platteville, University of Wisconsin-Stevens Point, and University of Wisconsin-Superior, are to be included in the bargaining unit described as "Professional: . . . Fiscal and staff services," as set forth in Wis. Stat. §111.825(1)(f)1.

1. Employer

Pursuant to Wis. Stat. §111.81(8), the employer is the State of Wisconsin, whose primary representative for labor relations purposes is the director of the Office of State Employment Relations:

Jennifer Donnelly, Director
 State of Wisconsin
 Office of State Employment Relations
 101 East Wilson Street, 4th Floor
 Madison, WI 53702
 608-266-9820
 608-267-1014 (fax)
 OSERdir@oser.state.wi.us

Pursuant to Wis. Stat. §36.09(1)(e), the Board of Regents of the University of Wisconsin System has appointing authority for all named positions at the six institutions at issue in this petition. The primary representative of the Board of Regents is the Board president:

Charles Pruitt, President
 University of Wisconsin System Board of Regents
 1860 Van Hise Hall
 1220 Linden Drive
 Madison, WI 53706
 608-262-2324
 board@uwsa.edu

2. Existing Bargaining Unit and Positions to be Included

The existing bargaining unit represented by Wisconsin Professional Employees Council, the certified exclusive bargaining agent, includes classified professional employees in the Professional Fiscal and Staff Services identified in Wis. Stat. §111.825(1)(f)1.

The following positions to be included are:

UW Campus	Title Code	Position Title
UW-La Crosse (1)	J78FM	Associate Director, Athletics
UW-Green Bay (1) UW-Platteville (1) UW-Superior (1)	J78LM	Assistant Director, Athletics
UW-LaCrosse (1)	R26BM	Senior Budget Planner
UW-Superior (1)	R82FN	Associate Data Base Admin
UW-Green Bay (1) UW-Platteville (1) UW-Stevens Point (1)	R84BN	Senior Develop Specialist

UW Campus	Title Code	Position Title
UW-Eau Claire (2) UW-Green Bay (2) UW-La Crosse (4) UW-Stevens Point (3) UW-Superior (1)	R84DN	Develop Specialist
UW-Eau Claire (1) UW-Stevens Point (2) UW-Superior (1)	R84FN	Associate Develop Specialist
UW-Eau Claire (1)	R92BN	Senior Editor
UW-Eau Claire (1) UW-Platteville (1)	R92DN	Editor
UW-Green Bay (1)	S40AN	Dis Inf Tech Strat Cn
UW-Green Bay (2) UW-Platteville (1) UW-Superior (1)	S42BN	Senior Information Manager
UW-Eau Claire (2) UW-Green Bay (4) UW-LaCrosse (1) UW-Platteville (4) UW-Stevens Point (14) UW-Superior(1)	S44BN	Senior Inform Process Conslt
UW-Eau Claire (2) UW-Green Bay (4) UW-Platteville (5) UW-Stevens Point (3) UW-Superior (3)	S44DN	Inform Process Conslt
UW-Green Bay (1) UW-Superior (1)	S74DN	Marketing Specialist
UW-Green Bay (2)	S74FN	Associate Marketing Specialist
UW-Eau Claire (3) UW-Green Bay (1) UW-La Crosse (2)	S76BN	Senior Media Specialist
UW-Eau Claire (1) UW-La Crosse (3) UW-Platteville (5) UW-Stevens Point (1)	S76DN	Media Specialist
UW-Green Bay (1) UW-La Crosse (1) UW-Stevens Point (1)	S76FN	Associate Media Specialist
UW-Green Bay (1) UW-La Crosse (1)	T03DN	Policy/Planning Analyst

UW Campus	Title Code	Position Title
UW-Stevens Point (1)		
UW-Platteville (1)	T06DN	Programmer Analyst
UW-Eau Claire (1) UW-Platteville (1)	T32BN	Senior Systems Programmer
UW-Eau Claire (1) UW-Green Bay (1) UW-La Crosse (1) UW-Stevens Point (1) UW-Superior (1)	T54BN	Senior University Relations Specialist
UW-Green Bay (3) UW-La Crosse (1) UW-Platteville (1)	T54DN	University Relations Specialist
UW-Eau Claire (2) UW-Green Bay (1) UW-Platteville (2) UW-Stevens Point (2)	T54FN	Associate University Relations Specialist

Petitioner requests the Commission to order all positions bearing the title codes and titles, as identified above, within the bargaining unit defined by Wis. Stat. §111.825(1)(f)1.

3. Reasons For the Proposed Inclusion of All Positions in the Existing Bargaining Unit

All of the positions identified above in paragraph 2 on the six identified campuses are occupied by “employees,” within the meaning of Wis. Stat. §111.81(7). The positions identified above are not engaged in duties, nor do they have appointments that are “primarily associated with higher education institutions or their administration. . . .” Wis. Stat. §36.05(1). *See* Wis. Stat. §230.08(2)(d).

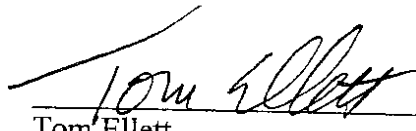
4. Labor Organization

For the purpose of this petition, the principal representative of petitioner is Tom Ellett, whose principal office is at:

Madison, WI 53719
608-662-1444
608-662-1443 (fax)
ellett@aft-wisconsin.org

I declare that I have read the contents of this petition and that the statements it contains are true to the best of my knowledge and belief.

November 13, 2009



Tom Ellett
Staff Representative



Office of Human Resources & Workforce Diversity

Agenda Item #4

Suite 305
780 Regent Street
Madison, Wisconsin 53715
(608) 265-5088
(608) 265-5307 Fax

TO: Members of the Fringe Benefits Advisory Committee

FROM: Nicole Zimm, University Benefits Specialist

DATE: October 9, 2009

RE: Imputed Income & Tax Consequences of Domestic Partner and Adult Child Coverage

Effective January 1, 2010, the domestic partner, domestic partner’s children and adult unmarried children up to age 27 are eligible for coverage under the following medical-related plans: State Group Health Insurance, EPIC Dental and Excess Medical, Anthem DentalBlue Dental Insurance and VSP Vision Insurance. Currently, the employee premiums for all of these plans are taken on a pre-tax basis from an employee’s paycheck in accordance with Section 125 of Internal Revenue Code (IRC).

All dependents on an employee’s medical-related benefit plans must be considered “tax dependents” under IRC Section 152. If one or more dependents are not tax dependents, there are two possible tax consequences. First, if an employee covers one or more non-tax dependents on EPIC, Anthem DentalBlue or VSP Vision, the full premium will be taken on a post-tax basis for coverage effective January 1, 2010 and after. The second tax consequence pertains to health insurance only. If someone covers one or more non-tax dependents under a family health insurance policy, the fair market value of the portion of the coverage attributable to a dependent who does not qualify as a dependent under IRC Section 152 will be calculated and added to the employee’s gross pay as taxable income.

Definition of a Qualifying Tax Dependent

The text of IRC Section 152 relative to qualifying dependents can be found in Appendix A. IRS Publication 501 summarizes the rules regarding qualified children and qualified relatives.

Table with 2 columns: Tests To Be a Qualifying Child and Tests To Be a Qualifying Relative. Each column contains a list of 5 numbered criteria.

For coverage effective January 1, 2010 and after, the following dependents are eligible for coverage under medical-related plans but are not considered tax dependents:

1. A domestic partner who does not meet the qualifying relative test.
2. A domestic partner's children who do not meet the qualifying child or relative test.
3. A child who is over age 19 and not a full-time student.
4. Any child who will be age 25 or older at the end of a calendar year, regardless of student status.

Imputed Tax Consequences

When an employee covers one or more non-tax dependents under a family health insurance policy, the fair market value of the portion of the coverage attributable to a dependent who does not qualify as a dependent under IRC Section 152 will be calculated and added to the employee's gross pay as taxable income. The Department of Employee Trust Funds, the Department of Administration, UW System Administration, UW Service Center, UW Hospital and other state agencies worked together to create a method to determine the fair market value of health insurance for non-tax dependents. The IRS does not provide guidelines relative to the fair market value of health insurance so the decision was made to follow the current "best practice." ETF used an actuary to determine the per member, per month, per plan fair market value of coverage and UW System will apply this rate per non-tax dependant. It was decided to cap the calculation at two non-tax dependents; therefore, if an employee has two or more non-tax dependents, the fair market value of the coverage will not change with the addition of more non-tax dependents.

See Appendix B and C for the 2010 Health Insurance Imputed Tax Tables and Appendix D for imputed tax examples.

Current Federal Legislation

In May 2009, the Tax Equity for Health Plan Beneficiaries Act of 2009 (House Bill 2625 and Senate Bill 1153) was introduced to the U.S. Congress. The bills would amend the IRS tax code to: (1) exclude from an employee's gross income employer-provided accident and health plan benefits extended to a domestic partner or non-dependent, non-spouse beneficiary eligible to receive such benefits under an employer plan; (2) exempt such benefits paid to eligible beneficiaries from applicable employment and unemployment taxes; (3) allow self-employed individuals a tax deduction for the health insurance costs of their eligible beneficiaries; (4) allow tax-exempt voluntary employees' beneficiary associations to provide sick and accident benefits to the domestic partners and non-dependent, non-spouse beneficiaries of their members; and (5) allow reimbursement of the medical expenses of an eligible beneficiary from a health savings account (HSA). The bills also direct the Secretary of the Treasury to provide guidance relating to reimbursements from a flexible spending arrangement and a health reimbursement arrangement attributable to an eligible beneficiary as defined by these acts.

If this proposed federal legislation becomes law, it is anticipated that there would no longer be imputed tax ramifications if an employee carries a domestic partner or adult dependent child on a medical-related benefit plan.

Appendix A: Definition of Dependent under Section 152 of Internal Revenue Code

For purposes of this subtitle, the term "dependent" means - (1) a qualifying child, or (2) a qualifying relative.

(b) Exceptions

For purposes of this section -

(1) Dependents ineligible: If an individual is a dependent of a taxpayer for any taxable year of such taxpayer beginning in a calendar year, such individual shall be treated as having no dependents for any taxable year of such individual beginning in such calendar year.

(2) Married dependents: An individual shall not be treated as a dependent of a taxpayer under subsection (a) if such individual has made a joint return with the individual's spouse under section 6013 for the taxable year beginning in the calendar year in which the taxable year of the taxpayer begins.

(3) Citizens or nationals of other countries

(A) In general the term "dependent" does not include an individual who is not a citizen or national of the United States unless such individual is a resident of the United States or a country contiguous to the United States.

(B) Exception for adopted child Subparagraph (A) shall not exclude any child of a taxpayer (within the meaning of subsection (f)(1)(B)) from the definition of "dependent" if -

(i) for the taxable year of the taxpayer, the child has the same principal place of abode as the taxpayer and is a member of the taxpayer's household, and

(ii) the taxpayer is a citizen or national of the United States.

(c) Qualifying child: For purposes of this section -

(1) In general the term "qualifying child" means, with respect to any taxpayer for any taxable year, an individual -

(A) who bears a relationship to the taxpayer described in paragraph (2),

(B) who has the same principal place of abode as the taxpayer for more than one-half of such taxable year,

(C) who meets the age requirements of paragraph (3), and

(D) who has not provided over one-half of such individual's own support for the calendar year in which the taxable year of the taxpayer begins.

(2) Relationship: For purposes of paragraph (1)(A), an individual bears a relationship to the taxpayer described in this paragraph if such individual is -

(A) a child of the taxpayer or a descendant of such a child, or

(B) a brother, sister, stepbrother, or stepsister of the taxpayer or a descendant of any such relative.

(3) Age requirements

(A) In general: For purposes of paragraph (1)(C), an individual meets the requirements of this paragraph if such individual -

(i) has not attained the age of 19 as of the close of the calendar year in which the taxable year of the taxpayer begins, or

(ii) is a student who has not attained the age of 24 as of the close of such calendar year.

(B) Special rule for disabled: In the case of an individual who is permanently and totally disabled (as defined in section 22(e)(3)) at any time during such calendar year, the requirements of subparagraph (A) shall be treated as met with respect to such individual.

(d) Qualifying relative: For purposes of this section -

(1) In general the term "qualifying relative" means, with respect to any taxpayer for any taxable year, an individual -

(A) who bears a relationship to the taxpayer described in paragraph (2),

(B) whose gross income for the calendar year in which such taxable year begins is less than the exemption amount (as defined in section 151(d)),

(C) with respect to whom the taxpayer provides over one-half of the individual's support for the calendar year in which such taxable year begins, and

(D) who is not a qualifying child of such taxpayer or of any other taxpayer for any taxable year beginning in the calendar year in which such taxable year begins.

(2) Relationship: For purposes of paragraph (1)(A), an individual bears a relationship to the taxpayer described in this paragraph if the individual is any of the following with respect to the taxpayer:

(A) A child or a descendant of a child.

(B) A brother, sister, stepbrother, or stepsister.

(C) The father or mother, or an ancestor of either.

(D) A stepfather or stepmother.

(E) A son or daughter of a brother or sister of the taxpayer.

(F) A brother or sister of the father or mother of the taxpayer.

(G) A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law.

(H) An individual (other than an individual who at any time during the taxable year was the spouse, determined without regard to section 7703, of the taxpayer) who, for the taxable year of the taxpayer, has the same principal place of abode as the taxpayer and is a member of the taxpayer's household.

(3) Special rule relating to multiple support agreements For purposes of paragraph (1)(C), over one-half of the support of an individual for a calendar year shall be treated as received from the taxpayer if -

(A) no one person contributed over one-half of such support,

(B) over one-half of such support was received from 2 or more persons each of whom, but for the fact that any such person alone did not contribute over one-half of such support, would have been entitled to claim such individual as a dependent for a taxable year beginning in such calendar year,

(C) the taxpayer contributed over 10 percent of such support, and

(D) each person described in subparagraph (B) (other than the taxpayer) who contributed over 10 percent of such support files a written declaration (in such manner and form as the Secretary may by regulations prescribe) that such person will not claim such individual as a dependent for any taxable year beginning in such calendar year.

Appendix B
2010 Health Insurance Imputed Tax Table for Employees Covered under the WRS

Plan	2010 Premium Rates		Estimated Imputed Income*	
	Single	Family	1 non-tax Dependent	2 or more non-tax Dependents
Anthem Blue Northeast	\$615.50	\$1,535.00	\$444.60	\$896.80
Anthem Blue Northwest	\$599.70	\$1,495.50	\$433.10	\$873.70
Anthem Blue Southeast	\$724.50	\$1,807.50	\$523.60	\$1,056.20
Arise	\$672.40	\$1,677.30	\$485.90	\$980.10
Dean Health Plan	\$574.70	\$1,433.00	\$415.00	\$837.10
GHC - Eau Claire	\$766.70	\$1,913.00	\$554.30	\$1,118.00
GHC - South Central	\$569.10	\$1,419.00	\$410.90	\$828.90
Gundersen/Lutheran	\$685.90	\$1,711.00	\$495.60	\$999.80
HealthPartners	\$689.00	\$1,718.80	\$497.90	\$1,004.30
Health Tradition	\$720.10	\$1,796.50	\$520.50	\$1,049.80
Humana - Eastern	\$727.00	\$1,813.80	\$525.50	\$1,060.00
Humana -Western	\$700.20	\$1,746.80	\$506.00	\$1,020.70
Medical Associates HMO	\$564.50	\$1,407.50	\$407.60	\$822.20
MercyCare	\$564.10	\$1,406.50	\$407.30	\$821.60
Network	\$645.50	\$1,610.00	\$466.30	\$940.70
Physicians Plus	\$575.10	\$1,434.00	\$415.30	\$837.70
Security Health Plan	\$743.00	\$1,853.80	\$537.10	\$1,083.40
Standard PPP	\$1,074.00	\$2,681.60	\$777.30	\$1,567.90
State Maintenance Plan (SMP)	\$664.60	\$1,657.70	\$480.20	\$968.60
UnitedHealthcare-Northeast	\$653.40	\$1,629.80	\$472.10	\$952.30
UnitedHealthcare-Southeast	\$672.90	\$1,678.50	\$486.20	\$980.70
Unity - Community	\$626.40	\$1,562.30	\$452.50	\$912.70
Unity - UW	\$576.10	\$1,436.50	\$416.00	\$839.10
WPS MetroChoice	\$675.10	\$1,684.00	\$487.80	\$983.90

* 2 Tier Estimated Imputed Income assumes 2 or more non-tax Deps category is comprised of approximately 75% 2 Dep and 25% 3 Dep +

Appendix C

2010 Health Insurance Imputed Tax Table for Employees Covered under the Graduate Assistant and Short-Term Academic Staff Health Insurance Plan

Plan	2010 Premium Rates		Estimated Imputed Income*	
	Single	Family	1 non-tax Dependent	2 or more non-tax Dependents
Anthem Blue Northeast	\$400.60	\$997.80	\$344.60	\$597.20
Anthem Blue Northwest	\$389.60	\$970.30	\$335.00	\$580.70
Anthem Blue Southeast	\$476.40	\$1,187.30	\$410.20	\$710.90
Arise	\$468.60	\$1,167.80	\$403.40	\$699.20
Dean Health Plan	\$371.70	\$925.60	\$319.60	\$553.90
GHC - Eau Claire	\$542.80	\$1,353.30	\$467.60	\$810.50
GHC - South Central	\$371.70	\$925.60	\$319.60	\$553.90
Gundersen/Lutheran	\$422.70	\$1,053.10	\$363.70	\$630.40
HealthPartners	\$484.60	\$1,207.80	\$417.30	\$723.20
Health Tradition	\$476.80	\$1,188.30	\$410.50	\$711.50
Humana - Eastern	\$509.80	\$1,270.80	\$439.10	\$761.00
Humana -Western	\$483.00	\$1,203.80	\$415.90	\$720.80
Medical Associates HMO	\$367.60	\$915.30	\$316.00	\$547.70
MercyCare	\$343.60	\$855.30	\$295.20	\$511.70
Network	\$396.40	\$987.30	\$340.90	\$590.90
Physicians Plus	\$362.70	\$903.10	\$311.80	\$540.40
Security Health Plan	\$525.10	\$1,309.10	\$452.30	\$784.00
Standard PPP	\$808.60	\$2,018.10	\$697.80	\$1,209.50
State Maintenance Plan (SMP)	\$502.50	\$1,252.40	\$432.70	\$749.90
UnitedHealthcare-Northeast	\$456.40	\$1,137.30	\$392.90	\$680.90
UnitedHealthcare-Southeast	\$464.40	\$1,157.30	\$399.80	\$692.90
Unity - Community	\$437.70	\$1,090.60	\$376.70	\$652.90
Unity - UW	\$400.00	\$996.30	\$344.00	\$596.30
WPS MetroChoice	\$456.40	\$1,137.30	\$392.90	\$680.90

* 2 Tier Estimated Imputed Income assumes 2 or more non-tax Deps category is comprised of approximately 75% 2 Dep and 25% 3 Dep +

Appendix D: Imputed Tax Examples

Example 1: Classified Employee with Bi-Weekly Gross Pay of \$1,150 (annual income of \$29,900)
(Tax Withholding – Single with 1 Exemption)

	No health insurance	Unity UW-Health Family w/ 1 Non-Tax Dependent	Unity UW-Health Family w/ 2 Non-Tax Dependents	GHC-EC Family w/ 1 Non-Tax Dependent	GHC-EC Family w/ 2 Non-Tax Dependents
Federal Taxes	\$103.80	\$169.60	\$275.40	\$204.20	\$345.20
State Taxes	\$61.10	\$91.40	\$119.80	\$101.30	\$138.00
SS/FICA Taxes	\$87.97	\$119.79	\$152.16	\$130.37	\$173.52
Total Taxes on Bi-Weekly Payroll	\$252.87	\$380.79	\$547.36	\$435.87	\$656.72
Add'l Tax Per A Payroll*		\$127.92	\$294.49	\$183.00	\$403.85
Add'l Tax Per Year		\$1,535.04	\$3,533.88	\$2,196.00	\$4,846.20
Add'l Imputed Income Per A Payroll*		\$416.00	\$839.10	\$554.30	\$1,118.00
Add'l Imputed Income Per Yr		\$4,992.00	\$10,069.20	\$6,651.60	\$13,416.00

*Health insurance deductions are taken on the “A” payroll. Imputed tax will be calculated on the same payroll as the health insurance deduction.

Example 2: Unclassified 12-month Employee with Monthly Gross Pay of \$6,250 (annual income of \$75,000)
(Tax Withholding – Married with 1 Exemption)

	No health insurance	Arise Family w/ 1 Non-Tax Dependent	Arise Family w/ 2 Non-Tax Dependents	Standard Plan Family w/ 1 Non-Tax Dependent	Standard Plan w/ 2 Non-Tax Dependents
Federal Taxes	\$658.70	\$744.30	\$867.90	\$817.20	\$1,014.80
State Taxes	\$385.80	\$417.30	\$449.50	\$436.30	\$487.70
SS/FICA Taxes	\$478.12	\$515.29	\$553.10	\$537.58	\$598.06
Total Taxes on Monthly Payroll	\$1,522.62	\$1,676.89	\$1,870.50	\$1,791.08	\$2,100.56
Add'l Tax Per Payroll		\$154.27	\$347.88	\$268.46	\$577.94
Add'l Tax Per Year		\$1,851.24	\$4,174.56	\$3,221.52	\$6,935.28
Add'l Imputed Income Per Payroll		\$485.90	\$980.10	\$777.30	\$1,567.90
Add'l Imputed Income Per Yr		\$5,830.80	\$11,761.20	\$9,327.60	\$18,814.80



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Regent Policy Documents

SECTION 20: FACULTY, ACADEMIC STAFF, AND TEACHING ASSISTANTS

20-6 LEAVE OF ABSENCE POLICY FOR NON-MEDICAL REASONS AND LEAVE OF ABSENCE POLICY FOR UNCLASSIFIED EMPLOYEES SEEKING OR ACCEPTING POLITICAL OFFICE OR APPOINTMENTS

(Formerly 89-8)

- I. **General leave policy provisions for all leaves other than medical:**
 - A. A leave of absence cannot be open-ended but must be for a specified period of time.
 - B. Initial leaves for staff members of two years or less duration, or for the initial term of an elected or appointed government office not to exceed four years, may be approved by the appropriate chancellor. An initial three year leave or an extension of an initial two-year leave for a duration of up to three years must be approved by the University of Wisconsin System President.
 - C. Any extension beyond the third year, or beyond the initial four year term of elected or appointed government office, must receive specific approval of the Board and must be for a fixed period of time.
 - D. For other than an initial term of elected or appointed government office of up to four years, advance approval by the Board of Regents is required if the initial leave is for more than three years.
 - E. All leaves of absence carry an implicit agreement between the staff member and the university that the staff member will return to the university at the conclusion of the leave; each university will conclude with the affected staff member an agreement that failure to return to the university at the conclusion of the approved leave period constitutes a resignation from the university.
- II. **Policy for employees engaging in political activity or seeking elective office:**
 - A. Service as an elected official on off-hour demand activities (e.g., school boards, city councils, county boards or local, state or national commissions) would not normally require a reduced appointment or leave of absence. Each case should be reviewed by the appropriate administrative supervisor.
 - B. No political campaigning activities shall be engaged in during hours when an employee is expected to be performing his or her regularly scheduled university duties. Further, as provided in recent state legislation, no officer or employee may solicit or receive or be involved in soliciting or receiving any contribution or service for any political purpose from any officer or employee of this state while on state time or engaged in his or her official duties as an officer or employee.
 - C. If a staff member chooses to enter a primary campaign, he or she, in consultation with the appropriate department chairman and dean, or director, should determine whether or not this activity will impair or encroach on performance of university duties. If it is determined that the activity will have an adverse effect, a reduced-time appointment should be arranged for the period of the primary campaign.
 - D. If a staff member is a candidate in a regular election, the provisions outlined in II.C, immediately above, should be followed with the expectation that a reduced-time appointment would be in order.
 - E. If a staff member is elected, and the time demands of the office would not allow

continuance of full or part-time performance of university duties, he or she may request a leave of absence under provisions of Section I. If a campus wishes to extend the leave of absence in this instance, justification should be advanced to the President of the System and the extension must receive the specific approval of the Board of Regents.

III. Policy for employees serving as appointed officials:

- A. Service as an appointed official on off-hour demand activities (e.g., school boards, city councils, county boards or local, state or national commissions) would not normally require a reduced appointment or leave of absence. Each case should be reviewed by the appropriate administrative supervisor.
- B. If a staff member accepts appointment to a political or educational office at the local, state, or national level, and the time demand of the office would not allow continuance of full or part-time performance of university duties, he or she may request a leave of absence under the provisions of Section I.
- C. If a campus wishes to extend the leave of absence, justification should be advanced to the President of the System and the extension must receive the specific approval of the Board of Regents.

IV. Policy for limited appointment employees seeking or accepting political office or appointments:

A. Seeking paid political office:

If an administrator of the University of Wisconsin System holding a limited appointment wishes to seek nomination or election to a paid political office that would regularly require working during the normal hours, which the administrator maintains for the University of Wisconsin System, and if the administrator wishes to maintain his/her employment relationship with the university during such quest for office, then the administrator shall observe the following procedures: prior to announcing candidacy, or engaging in activity clearly constituting announcement of candidacy to an office of the type indicated above, the administrator must request from the Board reassignment from his/her limited appointment to any concurrent faculty or academic staff appointment held. Such activities as the following clearly constitute announcement of one's candidacy: the formation of a campaign committee, solicitation of campaign funds, or circulation of nomination papers. The Board shall require evidence that any such reassignment, not accompanied by an immediate leave without pay, requires the administrator to perform work useful to the University System, and appropriate to the compensation provided for the position. The Board shall grant reassignment only in the presence of such evidence. If reassignment is made and not joined to a concurrent granting of leave without pay, the reassigned employee shall thereafter be guided by the policies and procedures stated in I.A-E (above) as to requesting leave. Reassignment pursuant to a proposed quest for paid elective office shall not affect the eligibility of the employee, at the discretion of the Board, to return to his/her prior limited position, or to be appointed to an alternative limited position.

B. Serving in paid elective political office:

If the reassigned limited appointee is successful in winning the political office sought, the policies and procedures stated in Sections I. and II.E shall apply to the granting of leave of absence.

C. Serving in an appointive office:

The limited appointee wishing to accept an appointive political office shall couple an immediate request for leave without pay with his or her request for reassignment by the Board to his/her concurrent faculty or academic staff position. The policies and procedures stated in Sections I. and III. (above) shall apply to the granting of a leave of absence in such circumstances.

V. Annual Report:

The Vice President for Academic Affairs will make an annual report to the Board of Regents on the status of faculty and staff whose leaves have been extended beyond the third year, who are on leave serving as elected or appointed officials, and on the status of limited appointment employees who have been granted leave to serve in elected political office or appointed office.

History: Res. 5364 adopted 11/10/89; replaces 74-9, 78-3; amended by Res. 8457, 10/5/01.

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The Regent Policy Documents were adopted and are maintained pursuant to the policy-making authority vested in the Board of Regents by Wis. Stats. § 36. The Regent Policy Documents manifest significant policies approved by the University of Wisconsin System Board of Regents. This document is a ready reference for those charged with carrying out these policies. Unless noted otherwise, associated documents and reports may be obtained from the Office of the Secretary of the Board of Regents, 1860 Van Hise Hall, 1220 Linden Drive, Madison, WI 53706, ph 608-262-2324. <http://www.uwsa.edu/bor/policies/>

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POLICY ON NON-MEDICAL LEAVES OF ABSENCE FOR UNCLASSIFIED STAFF

- I. The chancellor of each institution may grant an unclassified staff member a full- or part-time leave of absence without pay for non-medical reasons for a period up to five years.
- II. A leave of absence granted under section I must specify the period and the percentage time of the leave.
- III. A leave of absence under section I may be granted for reasons including, but not limited to, the following:
 - A. Allowing the unclassified staff member to engage in entrepreneurial activities such as forming companies or businesses related to or arising in connection with the unclassified staff member's institutional research or area of academic specialization;
 - B. Allowing the unclassified staff member to perform services for another UW System institution or UW System Administration;
 - C. Allowing the unclassified staff member to engage in public service as an elected or appointed official of local, state or federal government;
 - D. Allowing the unclassified staff member to serve as a fellow of a research entity affiliated or engaged in research with a UW System institution;
 - E. Allowing the unclassified staff member to engage in activities similar or related to those enumerated in this section.
- IV. Upon the recommendation of the chancellor, the UW System president may grant an unclassified staff member an extension of a leave of absence beyond five years for the reasons enumerated in section III.
- V. The UW System president will report to the Board of Regents annually on the status and number of unclassified staff members whose leaves of absence have been extended beyond five years.