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Push to assign UW staff to unions could become subject of legal dispute

By [Erica Perez](#) of the Journal Sentinel
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Gov. Jim Doyle this week used his veto pen to clarify a dispute over whether some UW System staff will be absorbed – without a vote – into existing unions.

But Tuesday, it appeared the issue might not be decided until a battle is sorted out before a state panel and, possibly, the courts.

We reported Friday that roughly 4,000 unrepresented academic staffers at UW campuses could be reassigned into existing unions without a vote on the matter.

UW officials say Doyle's [rewritten budget](#) means that all academic staffers will have a chance to choose which bargaining unit to belong to.

But union officials and the lawyer for the Employment Relations Commission disagree, saying the commission still has the power to reassign thousands of staffers to existing unions without a vote.

It's a disagreement that's likely to result in a legal battle.

"There will be a fight about this," said Peter Davis, general counsel for the Employment Relations Commission.

Doyle's veto removed a sentence that was authored by state Rep. Cory Mason (D-Racine), a former union lobbyist, and state Sen. Dave Hansen (D-Green Bay), that gave the Employment Relations Commission the express authority to assign some academic staff employees to appropriate unions. The language was added at the Joint Finance Committee level.

But while the new budget removes the sentence, it does not clear up the disagreement.

State budget director David Schmiedicke said the intent is for academic staff as a group to have the right to organize and vote to enter the unit they choose. But WERC does have the authority under current law to clarify where certain classifications of employees should be placed.

Several unions are planning to file unit clarification petitions with the panel that argue thousands of academic staff do similar work to existing union members. Therefore, the unions will argue, the staff members should be absorbed into unions representing, for example, science professionals, patient care professionals or analysts.

All the locals affiliated with American Federation of Teachers-Wisconsin sent [letters](#) on Friday to academic staff who would possibly be reclassified, AFT spokeswoman Jill Bakken said.

Once the petitions are filed, the Employment Relations Commission would make a ruling on the petitions. Although AFT is working to inform these academic staffers and plans to hold listening sessions throughout the state, individuals will not have a say as to whether they should be reclassified, Bakken said.

She said the people who might be assigned to unions should have gotten bargaining rights a long time ago. "It's not about an individual; it's about an entire position or an entire classification," Bakken said. "The whole reason this is necessary is the UW administration has been playing fast and loose on these job classifications, moving them out of bargaining units."

Dave Carlson, an academic staffer at UW-Rock County and president of Academic Staff Professional Representation Organization, the lobbying arm of academic staff leaders in the UW System, said he's opposed to the possible reassignment because it takes away the right to choose and potentially diminishes the power of the academic staff as a unit.

"After the AFT and its affiliate in UW talked so much about how faculty and academic staff ought to be democratically represented in the process, this end-run around the right to choose just upset me terribly," he said.

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