

Employee / Union Relationship
After Acts 10 & 32 and Recertification Elections

Some questions have been raised in regard to represented employees whose former union either recertified or chose not to seek recertification in 2011. The questions primarily deal with the impact on day to day workplace operations, as well as the relationship between represented employees and their current or former unions. The following brief information is provided to address the broadest issues raised.

Note: The following information does not apply to the new public safety bargaining unit covering State Patrol Troopers and State Patrol Inspectors.

Certified Unions: Noted below are the six state employee unions that have been recertified, along with the bargaining unit for which they are the exclusive representative.

| <u>Union</u> | <u>Bargaining Unit</u> |
|---|--|
| Association of State Prosecutors | Assistant District Attorneys |
| Professional Employees in Research, Statistics & Analysis | Professional Research, Statistics & Analysis |
| Service Employees International Union | Professional Patient Care |
| Wisconsin Education Association Council | Professional Education |
| Wisconsin State Attorneys Association | Professional Legal |
| Wisconsin State Building Trades | Building Trades Crafts |

Negotiations – Base Wages Only: Employees who are covered by a bargaining unit listed above will have representation at the bargaining table with **base wages being the sole subject of bargaining**. Once enacted, the collective bargaining agreements will be in effect for one year, corresponding to the fiscal year.

Wages for Nonrepresented Employees: Employees covered by a bargaining unit formerly represented by a union that did not recertify are now nonrepresented. **Wages for nonrepresented employees are determined under the Compensation Plan**, which is in effect for a two year period, corresponding to the biennium. The Compensation Plan for the 2011-2013 biennium was effective January 1, 2012, and can be viewed at the following link:

<http://oser.state.wi.us/docview.asp?docid=7341>

Issues Unrelated to Base Wages: Issues other than base wages that were previously negotiated as part of a collective bargaining agreement are now governed by provisions from a variety of sources including state statutes, Wisconsin Administrative Code, Compensation Plan for Nonrepresented Employees, Wisconsin Human Resources Handbook Chapters (WHRH), and/or agency policies. Examples of such topics include: paid and unpaid leave, holidays, hours of work and scheduling, transfer, layoff, seniority, health & safety, etc. It is important to note that there were minimal changes made when provisions from the former collective bargaining agreements covering such matters were incorporated into the Compensation Plan.

Agencies have established, or are in the process of establishing, policies covering day to day workplace operations that were formerly defined by provisions found in either collective bargaining agreements or local agreements. Check with your agency's Human Resources Office for copies of such policies. Employees with job-related or workplace concerns should contact their supervisor or management designee directly, or in keeping with any relevant agency policy.

Grievance Procedure: All employees, regardless of whether represented or nonrepresented, have the right to file a grievance under certain circumstances. Employees also have the right to representation by an individual of their choice during the grievance process. The Office of State Employment Relations (OSER) recently published a WHRH Chapter describing the new Employee Grievance Procedure, including a definition of grievable actions and a description of the grievance steps. This Chapter can be viewed at the following link: <http://oser.state.wi.us/docview.asp?docid=7358>

Union Activity: Employees who wish to engage in union activity, whether it is in affiliation with a union that has certified or not, may do so at their discretion, however, any such activity must take place during non-working hours or while on pre-approved leave.