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☞ Details: Audit Report 06-12, An Evaluation: Personnel Policies and Practices, University of Wisconsin System (continuation of pt28)

(FORM UPDATED: 08/11/2010)

## WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

### 2005-06

(session year)

### Joint

(Assembly, Senate or Joint)

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## INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

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- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)  
(**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)  
(**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

\* Contents organized for archiving by: Stefanie Rose (LRB) (October 2012)



STATE OF WISCONSIN

Legislative Audit Bureau

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Janice Mueller  
State Auditor

DATE: October 11, 2006

TO: Karen Asbjornson and Pamela Matthews  
Committee Clerks to the Joint Legislative Audit Committee

FROM: Kate Wade *Kate Wade*  
Program Evaluation Director

SUBJECT: Report 06-12: An Evaluation: Personnel Policies and Practices, University of Wisconsin System

Enclosed is our evaluation of Personnel Policies and Practices in the University of Wisconsin (UW) System, as requested by the Joint Legislative Audit Committee. Classified employees, who number 13,800, are governed by personnel policies and practices established primarily through negotiated collective bargaining agreements. UW System exercises considerable authority, however, over the policies and practices pertaining to its unclassified employees, who number approximately 28,100 and include faculty, academic staff, and limited appointees.

At 12 days per year, UW System unclassified staff earn less sick leave than do most other state employees, who earn 16.25 days. While UW System policies require unclassified staff to report sick leave in four-hour increments, and only when the leave exceeds two hours, other employees are accountable for reporting actual time used. On average, UW System unclassified staff report 2.1 days of sick leave per year, compared with 6.8 days for UW System classified staff. From 2003 through 2005, 40.6 percent of unclassified staff reported using none. We also note low amounts of vacation time reported by many unclassified staff during this period.

Among 2005 retirees, UW unclassified staff, particularly faculty, converted the most accumulated unused sick leave for payment of health insurance premiums during retirement. The average value of the post-retirement benefit was \$222,100 for faculty and \$47,600 for UW System classified staff. The disparity may decline over time because faculty have earned less sick leave than other employees since 1997, but any decline will depend on future salary increases, sick leave use and reporting, and length of service trends, all of which affect the value of an employee's conversion amount.

In June 2005, the reported number of employees with "back-up" positions was 1,092. In December 2005, we identified 1,088 employees with back-up positions. The concept of back-up positions grew from the 17 position titles identified in statute. In November 2005, the Board of Regents limited the circumstances under which back-up positions will be awarded; implemented a new form of job security in the form of termination notices; and authorized the UW System

President to designate additional position titles as limited appointments, and therefore eligible for either termination notice or a back-up, now termed concurrent, position.

In September 2005, UW System employed 190 individuals with the job title, "consultant." Both classified (56) and unclassified staff (134) with this job title are to be hired for short periods of time. We found that policies have allowed salaries for some consultants to exceed established pay ranges, and that 6 of 24 consultants with higher annualized salaries (at least \$65,000) were on the payroll for extended periods of time.

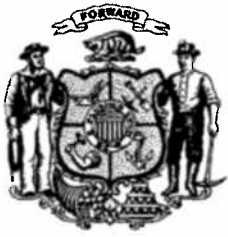
The faculty sabbatical leave program is established in statute, and 205 faculty sabbaticals were conducted in the 2004-05 academic year following approval by the Board of Regents. Most statutory and policy requirements are met, but we noted inconsistencies among the institutions in sick leave reporting and reporting of compensation received while on sabbatical.

We include recommendations for improvement in the records used to track both back-up positions and faculty sabbatical expectations. We also recommend improved annual reporting by UW System Administration to the Board of Regents on the employment of consultants and the number of employees with specific job protections, including back-up positions and termination notices. We recommend the Board of Regents demonstrate improved oversight by reporting to the Joint Legislative Audit Committee in June 2007 on modifications to sick leave and vacation reporting, as well as position titles that have been designated limited appointments. Finally, we include a recommendation for legislative review of the sick leave conversion program, given new financial reporting requirements for public employee benefit programs.

The report will be released on Friday, October 13, at 9:00 a.m. Please contact us if you have any questions.

KW/km

Enclosures

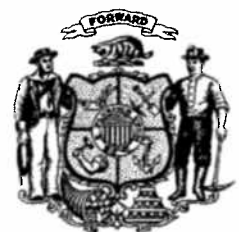


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**Report 06-12  
October 2006**

An Evaluation

# **Personnel Policies and Practices**

*University of Wisconsin System*

## **2005-2006 Joint Legislative Audit Committee Members**

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Scott Fitzgerald  
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State Auditor - Janice Mueller

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by Type of Back-Up Position

Appendix 4—UW System Consultants, by Institution

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## Response

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From the UW System President





STATE OF WISCONSIN

Legislative Audit Bureau

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Janice Mueller  
State Auditor

October 13, 2006

Senator Carol A. Roessler and  
Representative Suzanne Jeskewitz, Co-chairpersons  
Joint Legislative Audit Committee  
State Capitol  
Madison, Wisconsin 53702

Dear Senator Roessler and Representative Jeskewitz:

We have completed an evaluation of the University of Wisconsin (UW) System's personnel policies and practices, as requested by the Joint Legislative Audit Committee. In September 2005, UW System had approximately 42,000 employees, including 28,100 unclassified staff who are primarily administrative, professional, and research personnel, senior administrators, and faculty.

We found that UW System's unclassified staff, and particularly faculty, reported using considerably less sick leave use than other UW System employees. For example, in 2005, 45.2 percent of all UW System employees who earned sick leave reported using none. During the same period, 77.1 percent of faculty reported no sick leave use. Accumulated unused sick leave is converted at retirement to credits that can help pay for health insurance. UW System employees who retired in 2005 converted an average of \$112,000, and faculty converted an average of \$222,100. We include a recommendation for the Board of Regents to consider modifying how sick leave use is reported within UW System.

UW System employees who are limited appointees serve at the pleasure of their appointing authority. In the past, limited appointees could move from their limited appointments to back-up positions. As of December 2005, 1,088 limited appointees held back-up positions. The number of position titles designated as limited appointments has been reduced by the Board of Regents, but its policies allow exceptions. To ensure their proper application, we include a recommendation for the Board of Regents to report to the Legislature on both the additional position titles UW System has designated as limited appointments and the job protections available to those who hold them.

"Consultant" is a position title for certain UW System employees. System policies do not limit salaries paid to unclassified consultants who are unclassified staff. We found instances in which consultants' salaries exceeded the pay ranges for positions with similar responsibilities. We include a recommendation for UW System to report more complete information on all of its consultants, including the duration of their employment.

We appreciate the courtesy and cooperation extended to us by staff throughout UW System. A response from the UW System President follows the appendices.

Respectfully submitted,

Janice Mueller  
State Auditor

JM/KW/ss

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## Report Highlights ■

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***Faculty reported using considerably less sick leave than other types of staff.***

***Many unclassified staff within UW System reported using little or no vacation time.***

***Policy changes related to back-up positions will require continued scrutiny.***

***Some consultants' salaries exceeded the pay ranges for positions with similar responsibilities.***

The University of Wisconsin (UW) System provides instruction, research, and public service statewide through 26 campuses and an extension service. In September 2005, it employed approximately 42,000 individuals, including faculty, administrators, and other staff outside the State's classified service, as well as classified employees such as custodians, financial specialists, and information technology staff. UW System's classified staff are typically represented by unions that negotiate salaries and fringe benefits through collective bargaining agreements. Its 28,100 unclassified staff are typically eligible for the state benefits afforded classified staff, including sick leave and vacation time, but they are subject both to personnel policies that are defined in statutes and administrative rules and to UW System policies.

At the request of the Joint Legislative Audit Committee and the UW System President, we evaluated UW System's personnel policies and practices related to:

- the use and reporting of sick leave and vacation time by unclassified staff;
- the availability of "back-up positions" and extended paid leave to unclassified staff in administrative positions;
- the employment of consultants; and
- the use of faculty sabbaticals.

Our analysis of UW System’s employment of felons, which was also requested by the Audit Committee, was released as a letter report in February 2006.

### Sick Leave

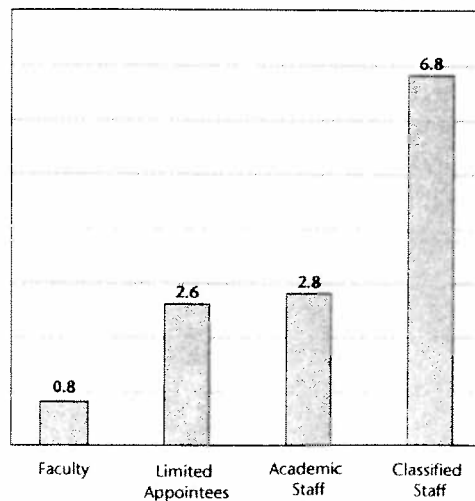
In addition to faculty, UW System’s unclassified staff includes:

- senior administrators such as the UW System President, the chancellors of individual institutions, vice presidents, and other limited appointees in administrative positions that are designated in statutes or system policies; and
- academic staff, who are administrative, professional, and research personnel.

As shown in Figure 1, we found that unclassified staff within UW System, and particularly faculty, reported using considerably less sick leave than classified staff. In 2005, 45.2 percent of all UW System employees who earned sick leave—including 4,975 faculty, 5,756 academic staff, and 613 limited appointees—reported using none. Most employees can be expected to report using at least some sick leave over a three-year period, but 6,772 unclassified staff reported using none from 2003 through 2005.

Figure 1

Average Number of Days of Sick Leave Reported by UW Employees in 2005

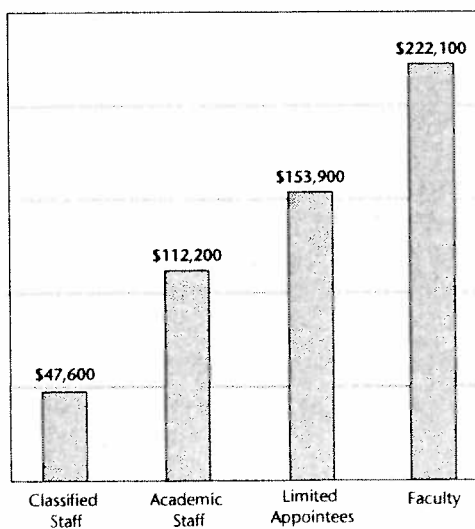


UW System's unclassified staff, and particularly faculty, also convert more accumulated sick leave to health insurance credits than other state employees do. Statutes provide that unused sick leave is to be converted at retirement to credits that can help individuals pay post-retirement health insurance premiums.

We analyzed the value of conversion credit accounts for state employees who retired in 2005. The average account value for unclassified staff within UW System was greater than the average value for classified staff within UW System, as shown in Figure 2, and for staff in other state agencies. Although faculty salaries are higher, on average, than those of most other UW System staff, the number of hours of unused sick leave explained most of the variation in account values in 2005.

Figure 2

#### Average Value of Sick Leave Converted at Retirement in 2005



#### Vacation Time

Full-time unclassified staff within UW System, including faculty with 12-month appointments, earn 22 days of vacation time annually. Faculty with 9-month appointments do not earn vacation time.

From 2003 through 2005, faculty who earned vacation time reported using less of it than other UW System employees did. During this three-year period, 197 unclassified staff reported using no vacation

time at all, and 1,176 reported 20 days or less. The large number of unclassified staff who reported using little or no vacation time raises questions about the effectiveness of UW System's current reporting requirements and compliance with them.

## **Limited Appointments and Back-Up Positions**

Unclassified UW System staff in limited appointments are "at will" employees who serve at the pleasure of their appointing authority. However, statutes provide that both tenured faculty and academic staff who accept limited appointments with any of 17 statutorily enumerated position titles cannot lose their original faculty or academic staff positions.

In December 2005, 1,088 UW System employees held limited appointments, including 117 with statutorily enumerated position titles and 971 others whose titles are not enumerated in statutes but whose positions were allowed to be limited appointments under UW System policies. All of these employees held "back-up positions" into which they could transfer when leaving their limited appointments, but only 218 of the 971 were in positions that required them to have faculty tenure. Most of the 753 remaining employees held back-up positions as academic staff.

In July 2005, after increased public attention was given to back-up positions, the UW System President suspended the practice for all newly hired limited appointees. In November 2005, the Board of Regents adopted a resolution to further limit the granting of back-up positions by amending UW System policies and, in some circumstances, offering up to six months of termination notice. The policy changes permit limited appointments for only the 17 position titles enumerated in statutes, unless the UW System President authorizes an exception. They also stipulate the circumstances under which what they term a "concurrent position" may be granted.

The Board of Regents noted, "The effect of this resolution is to eliminate 'back-up' appointments." However, there appears to be no substantive difference between concurrent and back-up positions, because in both cases an individual is guaranteed a faculty or academic staff position when leaving a limited appointment.

An important unanswered question is the number of employees who will hold concurrent or back-up positions in the future. Some UW System officials have indicated the policy changes will significantly reduce the number of positions with some form of job security, but that may not be the case. Employees who held back-up positions retain their job protections, position titles are being added

to those eligible for limited appointments, and future hiring practices are not known. As discussion continues, effective oversight will continue to be important to ensure adequate accountability.

## Consultants

"Consultant" is a position title for certain employees within UW System who may be either classified or unclassified staff. In one month—September 2005—134 unclassified consultants were paid a total of \$308,600, and 56 classified consultants were paid a total of \$21,000. We focused our analysis on September 2005 payroll data for 24 unclassified consultants who worked at least half-time and whose annualized salaries were at least \$65,000.

UW System policies do not limit the salaries of unclassified consultants, and we found instances of unclassified consultants' salaries exceeding the pay ranges for positions with similar responsibilities. Under system policies, unclassified consultants are to be hired on a short-term basis, but 6 of the 24 consultants on UW System's payroll in September 2005 were also on the payroll in March 2003, March 2004, and March 2005.

We also reviewed UW System's sabbatical leave program, which allows faculty to engage in intensive study for up to one year in order to enhance their teaching, or to conduct other scholarly activities. In the 2004-05 academic year, there were 205 faculty sabbaticals. We reviewed 73 sabbatical files and found that most demonstrated compliance with statutory and policy requirements. However, we found some inconsistencies among UW institutions in sabbatical policies, such as for sick leave reported and compensation received while on sabbatical.

## Recommendations

We include recommendations for the Board of Regents to:

- consider modifications to policies for reporting sick leave use by unclassified staff, and report to the Joint Legislative Audit Committee by June 1, 2007, on an improved method (*p. 34*);
- consider modifications to policies for reporting vacation time use by unclassified staff, and report to the Joint Legislative Audit Committee by June 1, 2007, on its proposal to improve reporting (*p. 39*); and

- ☑ report to the Joint Legislative Audit Committee by June 1, 2007, on the number of position titles that have been or are being considered for designation as limited appointments and the job protections available to those who hold them (p. 48).

We include recommendations for UW System Administration to:

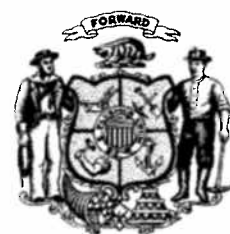
- ☑ report to the Joint Legislative Audit Committee by June 1, 2007, on efforts to ensure UW institutions provide and track concurrent and back-up positions uniformly (p. 49);
- ☑ annually report to the Board of Regents on the employment of consultants by UW System (p. 64); and
- ☑ develop both a standard agreement that lists all requirements related to faculty sabbaticals and a standard form to use in determining total compensation received by faculty on sabbatical (p. 75).

We also include a recommendation for the Legislature to consider a review of the sick leave conversion credit program in light of new financial reporting requirements for public employee benefit programs (p. 34).





# WISCONSIN STATE LEGISLATURE







WISCONSIN STATE LEGISLATURE

**Joint Legislative Audit Committee**

Committee Co-Chairs:  
State Senator Carol Roessler  
State Representative Suzanne Jeskewitz

October 19, 2006

Dr. Kevin Reilly, President  
University of Wisconsin System  
1720 Van Hise Hall  
1220 Linden Drive  
Madison, Wisconsin 53706

Dear President Reilly:

The Joint Legislative Audit Committee will hold a public hearing on the Legislative Audit Bureau's evaluation of *Personnel Policies and Practices* (report 06-12), on Wednesday, November 29, 2006, at 10:00 a.m. in Room 411 South of the State Capitol.

As this audit report relates to the activities of the University of Wisconsin System, we ask you, and the appropriate members of your staff, to be present at the hearing to offer testimony in response to the audit findings and to respond to questions from committee members. Please plan to provide each committee member with a written copy of your testimony at the hearing.

Please contact Ms. Pam Matthews in the office of Representative Suzanne Jeskewitz at 266-3796 to confirm your participation at the hearing. Thank you for your cooperation and we look forward to seeing you on November 29<sup>th</sup>.

Sincerely,

Senator Carol A. Roessler, Co-chair  
Joint Legislative Audit Committee

Representative Suzanne Jeskewitz, Co-chair  
Joint Legislative Audit Committee

Enclosure

cc: Janice Mueller  
State Auditor



WISCONSIN STATE LEGISLATURE

**Joint Legislative Audit Committee**

Committee Co-Chairs:  
State Senator Carol Roessler  
State Representative Suzanne Jeskewitz

October 19, 2006

Mr. David G. Walsh, President  
University of Wisconsin Board of Regents  
Foley & Lardner  
P.O. Box 1497  
150 East Gilman Street  
Madison, Wisconsin 53701-1497

Dear Mr. Walsh:

The Joint Legislative Audit Committee will hold a public hearing on the Legislative Audit Bureau's evaluation of the University of Wisconsin System's *Personnel Policies and Practices* (report 06-12), on Wednesday, November 29, 2006, at 10:00 a.m. in Room 411 South of the State Capitol.

On behalf of the Board of Regents, we ask you to be present at the hearing to offer testimony in response to the audit findings and to respond to questions from committee members. Please plan to provide each committee member with a written copy of your testimony at the hearing.

Please contact Ms. Pam Matthews in the office of Representative Suzanne Jeskewitz at 266-3796 to confirm your participation at the hearing. Thank you for your cooperation and we look forward to seeing you on November 29<sup>th</sup>.

Sincerely,

Senator Carol A. Roessler, Co-chair  
Joint Legislative Audit Committee

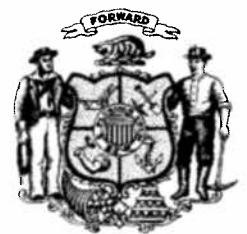
Representative Suzanne Jeskewitz, Co-chair  
Joint Legislative Audit Committee

Enclosure

cc: Janice Mueller  
State Auditor



# WISCONSIN STATE LEGISLATURE





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November 28, 2006

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Representative Suzanne Jeskewitz  
Room 314 North  
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PO Box 8952  
Madison, WI 53708

Dear Senator Roessler and Representative Jeskewitz:

This letter is a follow up to my meeting with each of you regarding the Legislative Audit Bureau ("LAB") Report on "Personnel Policies and Practices" of the University of Wisconsin System. In particular, our discussion involved my criticisms of the "Limited Appointments and Back-Up Positions" portion of the Report. As requested, I am putting those comments in writing. I understand that you may want to schedule a meeting with Jan Mueller. It is not my intention to repeat these concerns at the hearing but representatives of the System will be available to answer questions.

As I explained, we believe that the "Limited Appointments and Back-Up Positions" portion of the Report is premised on a misstatement of the law and therefore its statistical data is not supportive of its conclusions. Likewise, we believe the implication and message of that portion of the Report is unfair to the System.

This portion of the Report is part of a larger Report and you might ask why we are concerned about it. Some background is in order.

The Board of Regents takes very seriously its role in reviewing and establishing policy on employment matters. In September of 2005, the Board of Regents passed Resolution 9058 which stated in pertinent part that it "recognizes the need to review and reform the employment policies and procedures within the University of Wisconsin System" and it ordered that "no new concurrent or "back-up" appointments will be granted until the Regents are satisfied that processes are in place to ensure" the principle that no one will be paid for not working and people will be paid at a rate commensurate with their current job, not any prior one. The Resolution further provided that the Board supported President Reilly's "suspension of the practice of granting administrative back-up appointments for new employees and the granting of further indefinite academic staff back-up appointments unless approved by the UW System President." The suspension remained in effect pending input from appropriate governance groups and a further report back to the Board on a number of other personnel matters.

In November of 2005, after considering additional recommendations and input from governance groups on University personnel policies and practices, the Board of

Regents passed Resolution 9091. This Resolution addressed three general concepts. First, it considered but decided not to recommend fixed term contracts for administrators as a substitute for the current limited term appointment process. Second, it reconfirmed the policy reflected in Section 36.17, Wis. Stats. which states that faculty or academic staff that accept limited term appointments shall not lose their faculty or academic staff appointments upon accepting a limited appointment. Finally, and most important, the Resolution eliminated "back-up" appointments. Indeed, the Resolution specifically states "the effect of this Resolution is to eliminate "back-up" appointments."

My point in describing this background is that the Board of Regents recognized there were certain employment policy issues that needed to be reviewed and it immediately moved to review, consider and make appropriate changes. We take these matters seriously and therefore you can understand why we are concerned that the LAB Report implies that the actions we took did not have the effect intended.

Before addressing our specific concerns, it is important to review the statutory scheme and Regent policy that existed before and after our Resolutions.

Section 36.17, Wisconsin Statutes is the centerpiece statute in this matter. It provides, in pertinent part, as follows:

36.17 Limited Appointments.

(1) An appointment to a position listed in sub. (2) shall be a limited appointment and the appointment shall be at the pleasure of the board. A person holding a tenured or academic staff appointment under ss. 36.13 and 36.15 shall not lose that appointment by accepting a limited appointment.

This statute reflects sound public policy that when tenured faculty and academic staff accept "at will" limited appointments they shall not lose their right to return to their appointments as tenured faculty or academic staff. This encourages faculty and academic staff to accept limited appointments which obviously helps in recruiting. Likewise, it reflects the same sound public policy that the legislature has reflected in Section 230.33 Wis. Stat. which allows classified employees to take an unclassified appointment including a political appointment, with the comfort of knowing they may return to a classified position in the department in which last employed without loss of seniority. The point to recognize here is that the right to return to their previous appointments is a statutory right. Appointments held by individuals pursuant to the statute are "concurrent" appointments.

Back-up appointments are different from statutorily required concurrent appointments. "Back-up appointments" are contractual and were generally granted only to individuals that did not have the protection of Section 36.17. Substantially all of these are individuals that were recruited from outside the individual academic institution and who required some job assurance in order to leave their previous employment (and in some cases move families across country) to take an "at will" limited appointment job in the

Senator Carol A. Roessler  
Representative Suzanne Jeskewitz  
November 28, 2006  
Page 3

University of Wisconsin System. Most important, however, "back-up" rights are contractual. They were part of the bargaining process to recruit individuals from outside the System.

The Board of Regents took a very strong stand when it eliminated the use of "back-up" appointments. This has impacted recruiting but it sends a strong message that there will be no more "back-up appointments." These rights are eliminated prospectively and in time they will disappear.

Our primary concern with the LAB Report is that it confuses or perhaps more politely refuses to recognize the distinction between limited appointees who have concurrent appointments pursuant to Section 36.17 and limited appointees who have contractual "back-up" rights. Indeed, the implication of the LAB Report is that there is not a difference and that therefore we did not do what we said we did. Specifically, we object to the following statement at page 44:

"The Resolution adopted by the Board of Regents notes, "the effect of this Resolution is to eliminate back-up appointments" and it applies to all newly hired employees. However, for those who will be granted what is now termed a concurrent position, there appears to be no substantive difference between it [a concurrent position] and a back-up position because in both cases an individual is guaranteed a faculty or academic staff position when leaving a limited appointment."

This statement is wrong on the law and wrong on the facts.

The Board did not grant "what is now termed a concurrent position." A "concurrent position" is a statutory right pursuant to Section 36.17. The Board Resolution honors those rights. More important, the statement "that there appears to be no substantive difference between it [a concurrent position] and a "back-up position" is simply wrong. A limited appointee with rights under 36.17 is entitled to return to his or her faculty or academic staff position. An individual with a back-up appointment has no such rights. The LAB Report statement that an individual with a "back-up appointment" is guaranteed a faculty or academic staff position is also not correct. A "back-up" right entitles the individual only to a job for a set period of time. That job does not entitle the individual to any of the significant tenure and academic staff protections which often includes the right to an indefinite appointment, higher standards for termination and greater job protections. The LAB Report goes on to state "the policy changes are intended to limit the number of newly hired limited appointees with concurrent positions." This is not accurate. The main policy change of Resolution 9091 was to eliminate "back-up" appointments. It did not recommend changes to the protections of Section 36.17.

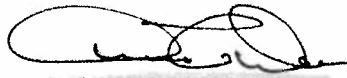
The LAB Report concludes that because those that held back-up positions at the time of the policy changes will retain their back-up positions "the number of staff holding back-up positions is not expected to be greatly reduced in the near future." This is, again, a curious conclusion. 698 individuals held statutory concurrent limited appointment

Senator Carol A. Roessler  
Representative Suzanne Jeskewitz  
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Page 4

positions in November, 2005. 321 individuals held contractual back-up positions. Since November, 2005, 106 new employees (generally replacing limited appointment positions that had "back-up" rights) have been hired without back-up positions or being eligible for Section 36.17 protections. This is already a significant percentage reduction in the individuals who held contractual back-up positions.

Thank you for the opportunity to put our comments in writing. We believe it is important that our concerns be noted because employment policies impact the credibility of the University of Wisconsin System and we need to be vigilant about those practices.

Very truly yours,



David G. Walsh

cc: Jan Mueller  
Kevin Reilly





## Joint Audit Committee Hearing

November 29, 2006

### 1. Opening Remarks:

#### A. Welcomes

- a. Sen. Cowles is excused
- b.

#### B. How the committee works – for those who are unfamiliar with the process

- a. If you want to testify, fill out a slip and hand it to the page.
- b. **Prior** to testifying, if you have written testimony, please provide the page with copies for each committee member. If you don't have enough copies the page can make copies for you.
- c. This hearing is being recorded and has a live audio and video feed to the LAB website therefore please make sure that your microphone is on when testifying (green light).
- d.

### 2. Attendance – clerk will call the roll

### 3. Audit Report 06-12, An Evaluation: Personnel and Policies and Practices, University of Wisconsin System.

#### A. Audit Bureau Staff – Jan Mueller & Kate Wade

#### B. UW System President – Kevin Reilly and UW Board of Regents President – David Walsh

#### C. Public

### 4. Adjourn

## Potential Questions for President Reilly

1. Last week, the Board of Regents discussed personnel policies and practices and noted the desirability of making both short-term and long-term changes. We understand that UW System will be reporting to the Board by November 2005. What is the sequence of events, and the timeline you envision, for the Board of Regents completing their work on these issues and for the Audit Bureau to proceed with its independent analysis?
- ✓ 2. At the Regents meeting last week, there seemed to be conflicting information offered on the importance of back-up appointments in recruitment. While some speakers said that it was a critical recruitment tool, a number of University employees recruited from other states had never heard of back-up appointments. Is UW System currently conducting research on personnel policies and procedures in other states and at peer institutions?
- ✓ 3. The Board of Regents voted to require that institutions immediately commence internal investigations and take appropriate disciplinary actions when any UW employee is accused of criminal activity. Would you please explain the legal issues that might limit the University's ability to take immediate action once an employee is convicted of a crime?

## Questions

### UW

- The report mentions on page 17 that the UWS has submitted proposed rules for a faculty disciplinary policy – can you comment on the progress to date and if any substantial changes have been made contrary to what is mentioned in this audit report?
- How many academic staff, who hold limited-term appointments, have a statutorily required guarantee of a job upon termination of the limited-term appointment? (pg. 44)
- For individuals granted up to a six months' termination notice, during which they are paid their current salaries, will they typically continue to work during that time period? (pg. 44)
- Can you tell me what policy changes have been made or may be being considered regarding settlement agreements under which employees move into a back-up position, in name only, for a short period and then retire or leave? (pgs 53-54)
- Are there any plans to make classification of consultants more uniform system-wide? (One UW System policy identifies the unclassified consultant position as an academic staff position, while another identifies it as a limited appointment. Pg. 58)
- 

### LAB

- Did you look at how much vacation time, if any, is cashed out at retirement – on average? (pg. 36)

~~7000~~  
28,100 - Unclassified 13,900 Classified  
(Union)

42,000 employees —

## Tables

- **Table 1: UW System Employees, September 2005, pg. 10**
  - There are three principal categories of unclassified staff: *academic staff, faculty, and limited appointees*. UW System’s academic staff, who make up almost one-half of its unclassified staff, are administrative and professional personnel whose duties are primarily associated with managing the activities of higher education institutions.
- **Table 2: Average Earnings of Full-Time UW System Employees<sup>1</sup>, pg. 12**
- **Table 3: Average Earnings of Full-Time UW System Employees<sup>1</sup> 2005, pg. 13**
  - UW-Madison faculty, who were paid an average of \$101,125;
  - academic staff at System Administration, who were paid an average of \$62,544;
  - limited appointees at System Administration, who were paid an average of \$105,884; and
  - classified staff at System Administration, who were paid an average of \$48,561.
- **Table 4: Annual Salaries of Senior UW System Administrators September 2005, pg. 14**
- **Table 5: Sick Leave Earned by Full-Time UW System Employees. Pg. 20**
- **Table 6: Reported Average Sick Leave Use by UW System Staff, 2003 through 2005, pg. 22**
- **Table 7: Reported Average Sick Leave Use Comparisons<sup>1</sup>, 2005, pg. 23**
- **Table 8: Reported Average Sick Leave Use, by UW Institution<sup>1</sup>, 2005, pg. 24**
- **Table 9: Sick Leave Use Reported by All UW System Employees<sup>1</sup>, pg. 25**
- **Table 10: Sick Leave Use Reported by Faculty, Academic Staff, and Limited Appointees<sup>1</sup>, 2005, pg. 25**
- **Table 11: Sick Leave Use Reported by Unclassified Staff at UW System<sup>1</sup>, 2003 through 2005, pg. 26**

Number of Days	Number of Employees	Percentage of Total
----------------	---------------------	---------------------

0	6,772	40.6%
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- UW System’s electronic leave records do not specify the days for which employees report using sick leave,
- **Table 12: Reported Coverage of Teaching Responsibilities by Colleagues, 2005, pg. 28**
- **Table 13: Analysis of UW System Leave Files<sup>1</sup>, 2005. pg. 29**
- **Table 14: Value of Unused Sick Leave Converted at Retirement, Employees Who Retired in 2005, pg. 30**
- **Table 15: Reported Average Vacation Time Use by UW System Staff, 2003 through 2005, pg 36**
- **Table 16: Vacation Time Use Reported by All UW System Employees<sup>1</sup>, pg 36**
- **Table 17: Vacation Time Use Reported by UW System Unclassified Staff, by Type<sup>1</sup>, 2005, pg. 37**
- **Table 18 Total Vacation Time Use Reported by UW System Unclassified Staff<sup>1</sup>, 2003 through 2005, pg. 38**
- **Table 19: Position Titles Designated as Limited Appointments, pg. 43**

## Notes for Audit Report 06-12: Personnel Policies and Practices University of Wisconsin System

- **Table 20: Eligibility of Limited Appointees for Concurrent or Back-Up Positions, pg. 44**
- **Table 21: UW System Employees with Back-Up Positions, pg. 45**
- **Table 22: Employees Who Transferred into Back-Up Positions, pg. 50**
- **Table 23: Voluntary and Involuntary Transfers into Back-Up Positions, July 2002 through December 2005, pg. 51**
- **Table 24: Salary Changes of Employees Who Transferred into Back-Up Positions, July 2002 through December 2005, pg. 52**
- **Table 25: UW System Staff Employed as Consultants, pg. 58**
  - consultants who are unclassified staff are paid significantly more than those who are classified staff.
  - in one month—September 2005—134 unclassified staff were paid a total of \$308,600, or an average of \$2,303 each, while 56 classified staff were paid a total of \$21,000, or an average of \$375 each
- **Table 26: UW System Unclassified Consultants with Annualized Salaries of at Least \$65,000<sup>1</sup>, September 2005, pg. 59**
  - UW-Milwaukee's highest-paid employee with the position title of consultant is currently a senior advisor to its chancellor
- **Table 27: Previous Employment of Unclassified Consultants with Annualized Salaries of at Least \$65,000<sup>1</sup>, September 2005, pg. 62**
- **Table 28: Faculty-Reported Compensation Received from Outside Organizations<sup>1</sup>, 2005 Outside Activity Reports, pg. 66**
- **Table 29: Number of Faculty Sabbaticals, pg. 70**
- **Table 30: Primary Goals of Faculty Sabbaticals, 2004-05 Academic Year, pg. 71**
- **Table 31: Compliance with Selected Faculty Sabbatical Requirements<sup>1</sup>, 2004-05 Academic Year, pg. 72**

## Pull Quotes

### Introduction: (pg. 9 – 18)

- *UW System is the largest state agency and employs approximately 42,000 individuals.*
- *The professional responsibilities of faculty differ significantly from those of other unclassified staff.*
- *In some important respects, UW System's structure and governance differ from those of other state agencies.*
- *UW System's unclassified staff are subject to rules and policies that do not apply to other state employees.*
- *Well-publicized incidents have raised concerns about personnel issues at UW System.*

### Sick Leave and Vacation Time: (pg 19 – 39)

- *Past audits have noted concerns about limited sick leave reporting by unclassified staff within UW System.*
- *Unused sick leave may be converted at retirement to help pay for health insurance premiums.*
  - The conversion amount is calculated by multiplying the number of hours of unused sick leave by an employee's highest hourly rate of pay in state service.
- *UW System faculty reported using considerably less sick leave than other UW staff from 2003 through 2005.*
  - in 2005, classified UW System staff reported using an average of 6.8 days of sick leave, while faculty reported using 0.8 days.
- *Unclassified staff in UW System report using less sick leave than other professional state employees.*
- *In 2005, more than 90.0 percent of faculty and teaching academic staff did not report any coverage of their teaching responsibilities by colleagues.*
- *In 2005, 47 academic staff reported using coverage by colleagues even though they were ineligible to do so.*
- *UW System employees generally complied with paperwork related requirements.*
- *In 2005, UW System employees converted more hours of unused sick leave than employees of other state agencies did.*
- *Faculty who retired in 2005 converted an average of \$222,100 in unused sick leave for health insurance premiums.*
  - faculty converted an average of \$222,100 each;
  - limited appointees converted an average of \$153,900 each;
  - academic staff converted an average of \$112,200 each; and
  - classified staff converted an average of \$47,600 each.
- *The number of unused sick leave hours explained most of the variation in account values in 2005.*
  - Unclassified staff, particularly faculty, consistently accumulated significantly more hours of unused sick leave than classified employees. For example, faculty with 36 years or more of service converted an average of 6,055 hours, while classified staff with the same length of service converted 3,046 hours. This

## Notes for Audit Report 06-12: Personnel Policies and Practices University of Wisconsin System

difference results in the average benefit value for faculty being \$283,300 more than the average benefit value for classified staff.

- At the University of Illinois at Urbana-Champaign, a portion of unused sick leave can be used to purchase service credits that determine the amount of retirement benefits, and at the University of Iowa–Iowa City, unused sick leave worth up to \$2,000 can be converted to cash at retirement.
- *1987 Wisconsin Act 27 was intended to address disparities in unused sick leave conversion.*
  - UW System officials argue that any changes to sick leave policies could negatively affect their ability to recruit and retain staff.

### *(Vacation)*

- *Faculty who earned vacation time reported using less than other UW System employees did.*
- *In 2005, 11.5 percent of faculty reported using no vacation time, compared to 7.8 percent of academic staff and 3.8 percent of limited appointees.*
- *From 2003 through 2005, 197 unclassified staff reported using no vacation time.*

### **Limited Appointments and Back-Up Positions (pg. 41 – 55)**

- *In December 2005, 1,088 UW System employees in limited appointments also held concurrent, or back-up, positions.*
- *425 of the 442 positions titles designated as limited appointments were designated under UW System policies.*
- *In November 2005, the Board of Regents acted to restrict the granting of back-up positions.*
- *There appears to be no substantive difference between a concurrent position and a back-up position.*
- *The number of employees with back-up positions is unlikely to decrease rapidly.*
- *UW System does not centrally track the number of employees with back-up positions.*
- *From July 2002 through December 2005, 95 employees transferred into their back-up positions.*
- *From 2003 through 2005, UW System executed 13 settlement agreements with employees.*
- *Provisions in two settlement agreements are unclear about whether the employees were required to deliver a work product.*
- *From 2003 through 2005, the Risk Management program paid \$1.1 million for UW System personnel claims.*

### **Consultants (pg. 57 – 67)**

- *Consultant is a position title for some UW System employees.*
- *Consultant salaries can exceed the pay ranges for positions with similar responsibilities.*
- *Six of the 24 consultants were on the payroll for extended periods of time.*
  - 9 individuals, or 37.5 percent, held other UW System positions immediately before accepting consultant positions, and
  - 11 individuals, or 45.8 percent, were retired from UW System.

## Notes for Audit Report 06-12: Personnel Policies and Practices University of Wisconsin System

- *Five of the 24 consultants transferred from limited appointments into back-up positions as consultants.*
- *UW System's reports do not include all employees with the position title of consultant.*
  - the count excludes consultants paid on a lump-sum basis
  - do not explain why some unclassified consultants have been on the payroll for significant periods of time, instead of the short periods specified by system policies.
- *Unclassified staff must report annually on outside economic activities related to their academic fields.*
- *Seventeen of the 50 UW-Madison faculty whose reports we reviewed received monetary compensation from outside organizations.*
  - Seventeen individuals reported monetary compensation from a total of 31 outside organizations.

### **Faculty Sabbatical Leave (pg. 69 – 75)**

- *There were 205 faculty sabbaticals in the 2004-05 academic year.*
  - we reviewed 73 sabbatical files from six UW institutions: UW-Eau Claire, UW-Green Bay, UW-Madison, UW-Milwaukee, UW-Oshkosh, and UW-Platteville.
- *Most of the 73 sabbatical files we reviewed complied with statutory and policy requirements.*
- *Sick leave reporting requirements are not consistent for faculty on sabbatical.*
  - UW System faculty on sabbatical continue to accrue sick leave benefits, and UW System policies require them to report their sick leave us
- *Faculty are statutorily prohibited from earning more than their normal salaries while on sabbatical.*
  - May receive up to 65.0 percent of their normal salaries, while those on sabbatical for one semester may receive up to 100.0 percent.
- *UW institutions differ in their requirements for reporting outside funding while on sabbatical.*



## Notes for Audit Report 06-12: Personnel Policies and Practices University of Wisconsin System

- *a standard agreement for signature that lists all statutory and policy requirements related to faculty sabbaticals, including the need to return to the institution for at least one year after a sabbatical, to complete a final report on sabbatical activities within three months after a sabbatical, and to submit monthly leave reports while on sabbatical; and*
- *a standard form for all institutions to use in determining total compensation received by faculty on sabbatical, including compensation from outside sources and from short-term duties at individual institutions.*

**Legislative Sick Leave Info**

- Legislators earn 84 hours a year (10.5 days)
- Keep only 65% of hours at retirement
- No written policy for Legislators to report taking sick leave
- ?? verbal instruction during HR orientation



To: Wisconsin Legislators  
From: UW employee

*Interesting*

I have worked in six different offices at UW-Madison for over 34 years and have seen so many abuses that taxpayers would be outraged if they knew what went on at this university. When the legislators cut money from the university you hear everyone from the President of the System to the chancellor whining about the legislators not caring about the university. They know it isn't true. The one common denominator in every office I have ever worked in has been the lack of supervision and the total waste of money.

The lawmakers who label UW System leaders as greedy and elitists are absolutely correct. There are so many ways the university budget could be cut without hurting the students or faculty. The number one problem is that there are so many overpaid staff members, it's ridiculous.

The biggest mistake lawmakers ever made was giving into the lobbyists many years ago and combining faculty with academic staff. There are about 2,000 faculty members and about 8,000 academic staff members. Lobbyists would have you believe that academic staff are important people doing research to find a cure for cancer. There may be a few of the but in reality, most of these people are not doing any research and many do not even have college degrees. One example of an academic staff member without a degree is the chancellor's secretary. She has a high school degree and makes about \$65,000 a year. The provost's secretary makes over \$70,000. Do they deserve to make that much? If the public knew the salaries of these people, they would be outraged, and now they're asking for 10 percent raises to keep up with their peers. Give me a break! The academic staff should receive the same increases as the classified staff. Most of their salaries are so much higher than their classified counterparts, they would still get much higher raises than classified employees.

Another abuse at the university is the practice of letting people retire and then hiring them back at their huge salaries. I know of a few who are making over \$90,000 a year. This is double dipping. The experts tell the legislators that the university is actually saving the state money but what a bunch of "bunk." It would cost the state much less to hire someone new at a much lower salary (even with their benefits). Pass some legislation that prohibits rehired annuitants.

Did you know there are thousands of people on campus who are permitted to have purchasing cards? They charge millions of dollars worth of goods and I know that in my office there is widespread abuse. My colleagues have purchased everything from T.V.'s to computers to cameras and they certainly aren't used in the office.

Another way to save the taxpayers money would be to hold staff accountable. Academic staff are required to hand in a time sheet once a month and it's unbelievable how many days they forget to record as vacation and sick days. How can this happen? The majority of them hand their time sheet into someone who has no idea when they are there or to a classified employee who would never question an academic staff person. An audit should be done of the number of sick days taken by academic staff and the amount of vacation people have accumulated when they retire.

↓  
?

According to their balances, many of them rarely take vacation. Three hour lunch hours should be outlawed. Academic staff have a perk where they can leave two hours early for appointments and not claim the time. People take advantage of this who don't even work a 40 hour week to begin with.

It's really sickening that UW student tuition keeps going up to pay for the salaries of faculty and staff. I really think a bipartisan commission should be formed to look into salaries of faculty and staff. Ask for a list of salaries of all staff before you decide on the raises. Legislators would be surprised how many staff members make over \$70,000 a year.

An audit should be done on purchases throughout the year. In most of my offices that I've worked, a memo usually comes around in June telling everyone to order supplies because if the money allotted for supplies isn't used, it will be lost. People order items that aren't needed or the items mysteriously disappear from the office.

Legislators should stop (unannounced) in different offices on campus and see what really goes on at the university. If you let them know ahead of time, they will be on their best behavior.





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## Legislators plan to examine sick leave

### But ending perk to buy insurance isn't a sure thing

By STACY FORSTER and PATRICK MARLEY  
[sforster@journalsentinel.com](mailto:sforster@journalsentinel.com)

*Posted: Nov. 28, 2006*

**Madison** - Legislative leaders said Tuesday they planned to change the way state lawmakers report and account for their sick leave but wouldn't commit to ending the benefit.

*Advertisement* Assembly Speaker-elect Mike Huebsch (R-West Salem) and Senate Majority Leader-elect Judy Robson (D-Beloit) agreed that the legislative houses need a better system for having lawmakers report what days they are sick and having those hours subtracted from their banks of earned sick leave.

The two also said they would discuss a proposal by a few lawmakers, including Rep. Sheldon Wasserman (D-Milwaukee) and Sen. Mike Ellis (R-Neenah), to eliminate the sick leave benefit for those elected to the Legislature. But both Huebsch and Robson indicated they would rather work first on correcting problems with the reporting of sick leave, rather than eliminating the program that can buy retired lawmakers years of free health insurance.

Like other state employees, lawmakers accrue sick leave that can be used in retirement to pay premiums on health insurance offered by the state.

But few legislators claim it when they miss work. A Journal Sentinel review found that in the past four years, only two legislators claimed sick time. Many lawmakers say they were unaware the benefit was available to them.

If all sitting legislators retired now, they would be eligible to collect \$3.2 million in health insurance, although some might not claim any or all of their benefit. They cannot take it in cash.

An October audit of how sick leave is used and accounted for in the University of Wisconsin System will be the subject of a Capitol hearing today in front of the Joint Legislative Audit Committee. Nearly 80% of professors claimed no sick leave last year, the audit found.

Developing an open and accountable reporting system for lawmakers shouldn't take too long, Huebsch said, because it's already in place for other employees. He said he hoped he and Robson could reach an agreement by the Legislature's Jan. 3 start date to determine a new reporting process and perhaps discuss whether to eliminate the sick leave benefit.

"What we need to do, as much as possible, is mirror what other employees receive in state service, and what is happening in the private sector," Huebsch said. "We should not necessarily get anything that is better than what most of the taxpayers receive."

But Huebsch and Robson would not say if they would allow a vote on a bill that would end the benefit for lawmakers.

Robson said she had asked legislative agencies to review existing policies and find out the intention of lawmakers when they created the benefit for themselves. Lawmakers say they believe it was created in the 1970s.

### **Sick days not recorded**

There is no mechanism in the Senate for claiming sick days, Robson said. She said she did not know if any senators had ever claimed sick days. There are no records of the three longest-serving senators having ever taken sick days, despite careers that stretch back more than 30 years.

Despite that, Robson said, she did not think she and her colleagues had been dishonest.

"I don't think it's an issue of honesty," she said. "Most of the legislators didn't know you could convert that sick time to an insurance benefit."

Robson said lawmakers should be required to claim sick days if illness prevented them from attending floor debates or committee hearings. Less clear is whether they should claim sick days if they have to cancel meetings with constituents or local leaders on days when they don't have duties in the Capitol, she said.

"It gets a little complicated because of the nature of our work," she said. "We're pretty much 24-7."

Huebsch said he hadn't been aware of the benefit and proposed getting together with representatives from the governor's office and the state Supreme Court to determine how sick leave should be reported by all those elected to office.

"If we're going to set a policy, we should set a policy for all elected officials," he said.

The sick leave benefit earned by lawmakers is accumulated at 65% of the rate of regular employees. Although lawmakers usually get about six months off every other year while campaigning, they work long hours when they write the budget and pass other bills and run the risk of losing their jobs every two or four years. Some must also give up private-sector jobs with benefits to seek or hold office.

Accumulated sick leave for use after retirement is a benefit more common for public employees. Some private companies provide health insurance for their retirees.

State records show that 22 lawmakers qualify for more than \$50,000 each in sick leave benefits, and they will continue to grow until each legislator leaves office.

The Journal Sentinel received the sick leave balances for all lawmakers under the state's open records law. The newspaper then calculated bonus hours available to long-serving legislators and converted the hours for all legislators into dollar values by using state formulas.

Democratic Gov. Jim Doyle was unavailable Tuesday because he was attending a funeral in Burlington and participating in meetings in Madison, aide Matt Canter said. Canter said he did not know whether Doyle supported ending the benefit for elected officials.



Doyle - who has never claimed a sick day as governor - has a benefit worth \$169,500. Robson has a benefit worth \$53,000, and Huebsch's is worth \$20,300.

From the Nov. 29, 2006 editions of the Milwaukee Journal Sentinel  
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