



Office of the President

1720 Van Hise Hall
1220 Linden Drive
Madison, Wisconsin 53706-1559
(608) 262-2321
(608) 262-3985 Fax

email: kreilly@uwsa.edu
website: <http://www.uwsa.edu>

September 2, 2005

Senator Carol Roessler
PO Box 7882
Madison, WI 53707-7882

Representative Suzanne Jeskewitz
PO Box 8952
Madison, WI 53708-8952

Dear Senator Roessler and Representative Jeskewitz:

In accordance with your letter of July 25, 2005, please find attached documents responding to your request for information concerning "back-up" appointments within the University of Wisconsin System. Specifically, you asked that I provide you a written report **by September 2, 2005** that identifies, by name and position title:

- Employees at each UW System campus (both two-year and four-year) with back-up positions as of June 2005;
- Employees at each UW System campus (both two-year and four-year) who were reassigned to a back-up position from July 1, 2002 through June 30, 2005; and
- Employees at each UW System campus (both two-year and four-year) who were granted paid leave after resigning from July 1, 2002 through June 30, 2005.

In brief, **3.3 percent, or 1,092 of our 33,063 UW System employees, have "back-up" appointments.** Moreover, 0.24 percent of our employees have moved from a limited appointment to a "back-up" over the past three years.

As you know, the term "back-up" appointment is not formally defined in statutes or administrative rules. It is generally understood, however, to refer to the rights of those employees (who serve in limited appointments) to return to either a faculty or academic staff position when their limited appointment ends.

A limited appointment within the UW System is, in essence, an "at-will" employment in which the employee serves "at the pleasure of" the appointing official in an administrative role and may be removed at any time, s. 36.17(1), Wis. Stats. Limited appointees may, however, return to other positions within the UW System upon the conclusion of the limited appointments.

There are two principal means of obtaining return rights, one under the statutes and the other through a contract:

- *Statutory.* Under s. 36.17(1), Wis. Stats., a UW System employee who holds a tenured faculty or academic staff appointment “*shall not lose that appointment by accepting a limited appointment.*” Thus, when individuals who already hold tenure or academic staff appointments within the UW System accept a limited appointment, they *cannot* lose their existing appointment upon accepting a limited one. In addition, some individuals in limited appointments have restoration or reinstatement rights to positions in the classified staff, pursuant to s. 230.33(1), Wis. Stats.
- *Contractual.* Employees joining the UW System for the first time as limited appointees may negotiate for faculty or academic staff appointments to which they might be assigned upon the termination of their limited positions. In addition, in many instances, it is a *requirement* of a particular position that the employee be tenurable at the institution. For example, it is commonly required that academic deans hold tenure at the institution.

In either situation, the limited appointee will have the right to return to the “back-up” position at the conclusion of the limited appointment.

In response to your first question, the information in Attachments 1-16 lists all UW System employees who hold limited appointments and either have a “back-up” position as required under s. 36.17(1), Wis. Stats., or received such a position contractually, through negotiation or as required in the position description for the limited appointment.

As previously noted, the attachments include the names and titles of 1,092 individuals. *This represents 3.3 percent of our total of 33,063 UW System employees.* Of this group, it is important to note that *64 percent (698) of the individuals have statutory rights* to the “back-up” positions as required under s. 36.17(1), Wis. Stats.

In response to your second question, Attachments 17-27 provide the names and titles of the 79 UW System employees who returned to a back-up position during the period July 1, 2002 through June 30, 2005. Of this group, 49 percent (39) returned to a tenured faculty appointment and 51 percent (40) to an academic staff appointment. The reasons for these changes are varied. Many of the individuals voluntarily returned to a faculty or academic staff role following a period of work in an administrative role.

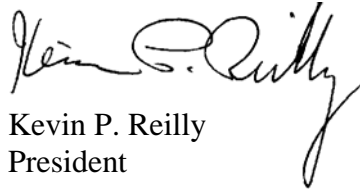
Your third question asks us to identify employees who “were granted paid leave after resigning” between July 1, 2002 and June 30, 2005. Technically, there are no such individuals, since after the effective date of a resignation one is no longer employed, and thus could not be on leave. There are, however, situations in which an individual is placed on paid leave as part of the transition from a limited appointment to a “back-up” position (for instance an administrator preparing to return to teaching) or in connection with the resolution of an employment dispute.

Senator Roessler and Representative Jeskewitz
September 2, 2005
Page Three

Of course, it is not our accepted practice to pay people after they resign or are removed from a limited appointment, except where contractual obligations require it, or other unique circumstances suggest that it is the most effective way to resolve disputes and avoid more costly litigation. In order to ensure consistent practice throughout the UW System in this regard, I am requiring all UW institutions to seek approval from the UW System Office of General Counsel **before** any such arrangements are made. I will not approve an arrangement that does not require a documented work product for the period of the leave.

Thank you again for bringing your concerns to my attention. I look forward to discussing these issues with you on September 13 and pledge to work with you and the Legislative Audit Bureau to ensure a long-term, productive and trustworthy relationship with the public and the Legislature.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin P. Reilly", written in a cursive style.

Kevin P. Reilly
President

Attachments