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**University of Alaska**  
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April 10, 2010

Jim Duncan  
Business Manager, ASEA/AFSCME Local 52  
1577 C Street, Suite 201  
Anchorage, AK 99501

Dear Mr. Duncan:

I am writing in response to your letter of April 9, 2010. That letter states that the University has attempted to create a “divisive issue regarding organizing exempt and non-exempt employees.” The letter also references your desire to

reiterate that ASEA is engaged in an organizing campaign for all unorganized staff with the exception of supervisors, managers, confidential (as described by state law), police and fire. **This includes employees in both groups that the university is referring to as exempt and non-exempt.** (Emphasis added.)

The University refers to these employees as “exempt and nonexempt” because that is how they are classified. University Regulation, available on the web, breaks the group of non-union employees at the University into two groups, “APT/Exempt” and “Classified/Non-exempt.” The petition ASEA filed with the ALRA on February 22, 2010, does not include “exempt” employees. That petition includes only “Classified and Non-exempt” employees:

Included: A statewide unit consisting of all Temporary, Part-time, and Regular **Classified and Non-Exempt** Employees of the University of Alaska, including but not limited to those employed in the following locations: . . . (Emphasis added.)

The University notified ASEA of this issue on March 19 by copy of a letter asking the ALRA to clarify the proposed unit. I am aware of no prior response from ASEA. My letter has been posted to the UA website: <http://www.alaska.edu/labor/pdf/Ltr-to-ALRA-re-interpretation-of-ASEA-petition.dtd-3-19-10.pdf>

In describing a unit of University employees it seems reasonable that ASEA would use terminology that accurately identifies those employees. In that way ASEA could avoid creating confusion on the part of administration and employees, and thus avoid creating what you describe as a divisive issue.

In the interim, the University has responded to new requests from ASEA about the group of APT/Exempt employees. We will provide a revised list to the ALRA when notified to do so by the ALRA.

Now that ASEA has determined the correct terminology for the two groups of employees it wishes to represent, or that it wishes to represent a group of employees broader than the group identified in its petition, it should submit a petition to the ALRA that correctly identifies the proposed unit.

In closing I would note an additional discrepancy. Your letter states that the proposed unit excludes "managers." That exclusion is not included in the proposed unit definition on file with the ALRA.

Sincerely,

A handwritten signature in black ink, appearing to read "Beth E. Behner". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Beth E. Behner  
Chief Human Resources Officer

cc: Mark Hamilton, UA  
Kate Ripley, UA  
Jean Ward, ALRA