

## Frequently Asked Questions Regarding Union Campaign Efforts at the University of Alaska:

UPDATED 3/23/10:

**Q. Are the unions seeking to represent ALL of the University's non-union employees, or just the non-exempt employees?**

A. As of March 22, 2010, only ASEA has filed a representation petition with the Alaska Labor Relations Agency (ALRA). ASEA's representation petition describes the proposed unit as:

"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: . . ."

University employment practices distinguish between "Exempt (administrative/professional/technical or APT) personnel" and "Nonexempt (classified) personnel." See, for example, University Regulation 04.05.020.B.3 & 4. Thus the University understands that the unit of "Classified and Non-Exempt employees" proposed by ASEA does not include APT exempt employees. As a result, the University has provided the ALRA with a list that includes only Classified (nonexempt) employees.

Because ASEA has informed employees that its representation petition covers both exempt and non-exempt employees, the University has written to the ALRA in an attempt to clarify this issue.

**Q. I understand that supervisors and non supervisors cannot be in the same bargaining unit. Is either union seeking to represent University supervisors?**

A. Neither ASEA nor APEA has filed a petition to represent University supervisors, but both unions have asked supervisors to sign representation cards.

**Q. How is a "supervisor" defined?**

A. In the State of Alaska, a supervisor is defined as:

"...an individual, regardless of job description or title, who has authority to act or to effectively recommend action in the interest of the public employer in any one of the following supervisory functions, if the exercise of that authority is not merely routine but requires the exercise of independent judgment:

- (A) employing, including hiring, transferring, laying off, or recalling;
- (B) discipline, including suspending, discharging, demoting, or issuing written warnings; or

(C) grievance adjudication, including responding to a first level grievance under a collective bargaining agreement.”

A copy of this language can be found on our website under “Alaska Public Employment Relations Act,” “Alaska Labor Relations Agency – Pamphlet 900.” The definition may be found at 8 AAC 97.990(a)(5).

**Q. Does the university get to decide who is a supervisor?**

A. The University makes the initial determination of individuals it considers to meet the statutory definition of a supervisor. This occurs before the roster of employees in the proposed unit is submitted to the ALRA. However, the union(s) who have sought to represent employees have the ability to challenge the eligibility status of employees, including whether employees should be included or excluded from the proposed unit. The ALRA makes the determination of supervisory status.

**Q. If I supervise a student, does that make me a supervisor?**

A. No. Employees who supervise students are not considered supervisors for a proposed bargaining unit.

**Q. I’ve heard that “confidential” employees may also not be in the same bargaining unit as other employees. Is that correct?**

A. Yes. In Alaska, a confidential employee is defined as:

“...an employee who assists and acts in a confidential capacity to a person who formulates, determines, and effectuates management policies in labor relations matters.”

This definition can be found on our website under “Alaska Public Employment Relations Act,” “Alaska Labor Relations Agency – Pamphlet 900.” The definition may be found at 8 AAC 97.990(a)(1).

**Q. My job description says that I must deal with information confidentially; doesn’t that make me a confidential employee?**

A. No. The definition is focused on the employee’s role in assisting another employee who has certain types of management responsibilities. The definition would not be met based solely on the employee’s own handling of confidential matters and documents.

**Q. What about employees who work for the University's police or fire departments?**

A. ASEA's petition excludes police and fire personnel statewide. "Police personnel" are those who work as police officers, but the term does not include individuals who work "in support of police officers, such as dispatchers or evidence technicians." "Fire personnel" are defined as those individuals who work as fire fighters and EMTs, but the term does not include individuals, such as dispatchers, who work in support of firefighters and EMTs.

Separately, the University has received a representation petition from the Fairbanks Fire Fighters Association. The proposed unit includes "all full time uniformed personnel employed at the University Fire Department; to include fire prevention personnel."

*UPDATED 3/11/10:*

**Q. Union organizers have stopped by my home to discuss union issues. How do the unions know where I live?**

A. The Alaska Public Employees' Association (APEA) formally asked the University to provide a list of all classified employees and their mailing addresses. The University maintains employees' mailing addresses in its Banner system and that was the source of the information provided to APEA. Some employees choose to use their home street address to receive mail; others use a Post Office Box number. When employees listed a PO Box number as their mailing address, their home address was not provided to the union.

**Q. Why did the University release my mailing address?**

A. As a public employer, the University is required to comply with requests for certain types of employee information when union organizing efforts are underway. In Alaska, the Public Employment Relations Act (PERA) and related regulations govern union organizing activities for public employers and their employees. In releasing employees' mailing addresses during the current union organizing effort, the University followed guidance received in the past from the Alaska Labor Relations Agency concerning the need to provide contact information and mailing addresses to unions who are involved in organizing activities.

More information about PERA and the Alaska Labor Relations Agency is available on the UA Labor and Employee Relations website: [www.alaska.edu/labor](http://www.alaska.edu/labor)

**Q. Could I ask the University not to provide anyone with my mailing address?**

A. As explained above, the University must provide employees' mailing addresses upon the request of a union involved in organizing activities and therefore could not grant such a request.

UPDATED 12/15/09:

**Q. Which unions are interested in organizing University Employees?**

A. There are two unions currently involved in organizing the University's non-union employees: Alaskans Working for Alaska (ASEA) and Alaska Public Employees Association/AFT (APEA/AFT).

**Q. What are the differences between these two unions?**

A. Employees who want information about either union should go to the union's website or contact the union directly.

**Q. I asked my supervisor for her views on each of the unions and she said she wasn't willing to discuss this with me. Why was that her response?**

A. The University has given guidance to supervisors that they should not make statements that could be interpreted as trying to influence an employee to support or not support any union.

**Q. Is it true I'd get more pay and better benefits with a union representing me?**

A. If a majority of employees **who vote** ratify union representation, the university would enter into contract negotiations. That contract would then need to be approved by union members, the Board of Regents and funding provided by the Legislature. The university faces the same economic conditions whether employees are in a unionized or non-unionized setting.

**Q. So what would happen if a majority of employees who vote approve union representation?**

A. Such a vote would lead to contract negotiations between the university and the union. Negotiations can be lengthy, and usually result in one of two things: either a tentative agreement, or a strike. If an agreement is reached, members of the union must ratify it. It also must be approved by the Board of Regents and be funded by the Alaska Legislature.

**Q. The other day, I asked my supervisor if it was true that my take home pay would be less starting in January 1, 2010, and she said no. Is she allowed to speak about such matters?**

A. Yes, supervisors can inform employees of untrue or misleading statements made by union organizers, supporters or through handouts, memos or other forms of communication. Staff member will not face a reduction in take-home pay in January.

**Q. My supervisor said I wouldn't be allowed to wear a pro-union button and that I'd be fired if I vote for a union. Do I have any recourse?**

A. Yes. Supervisors and management may not prevent employees from wearing union buttons, nor may they urge employees to oppose unionization. Threats or discipline toward an employee based on a supervisor's anti-union stance are not allowed.

**Q. What kind of guarantees can the university administration make regarding my employment or future wage increases?**

A. The university can't make promises. The university must always have the flexibility to manage the institution in the most effective manner for the benefit of our students. As management, our philosophy is to:

- Maintain staff to carry out the university's mission;
- Maintain competitive compensation, to both attract new employees and retain existing ones;
- Provide tools needed for the job within reasonable budgetary constraints;
- Remain a competitive and preferred employer;
- Maintain excellent benefit package at a very competitive price for employees, including health and retirement, the tuition waiver for employees and dependents, life insurance, long term disability coverage, the employee assistance plan (EAP), wellness offerings, etc.;

**Q. How does the organizing process work?**

- The ALRA will decide first whether enough cards have been submitted and second, what employees are in the bargaining unit – a hearing may be held on the composition of the group, or "unit definition."
- "Supervisors" and "confidential" employees cannot be in the same bargaining unit as other employees.

- An election is set, held and overseen by ALRA. A majority of those who vote will decide whether the union will represent the unit. For example, if 1,000 employees are in the unit but only 100 people vote, 51 people will decide for all the rest.

**Q. What happens next?**

- If employees choose union representation:
  - Negotiations begin
  - Negotiations cover wages, hours and conditions of employment
  - The university cannot change processes for determining wages, hours and conditions of employment while negotiations continue
  - Only the union can deal with the university on those issues and individual employees are governed by the collective bargaining agreement (CBA) negotiated between the university and the union
  - Because a union represents all members of the bargaining unit, not just those who decide to join the union as members, unions generally require both members and non-members to pay representation costs
  - Issues not involving wages, hours and conditions of employment are decided by the university – e.g. type of position or grade for a position
  - Employees may go on strike if an acceptable agreement can't be reached
  - Any CBA must be approved and meet legislative approval as described above
- If employees choose not to be represented by a union:
  - Employee issues will be handled through established processes
  - Following a vote in which the union does not receive a majority of favorable ballots, the union can start the representation process again in one year

**Q. How does my total compensation, including retirement and health benefits, the employee/dependent tuition waiver and other benefits, compare to similar employee groups?**

- A. The university believes you compare very well. A UA employee making \$46,500 annually, for example, actually earns \$79,735 in total compensation including the UA pension, the health plan, PERS, annual and sick leave, and some other benefits. This does not include the tuition waiver, which employees use collectively at a \$4 million annual value in recent years.

**Q. Can a union guarantee better total compensation, or must it negotiate under the same economic conditions?**

A. The same economic conditions would be present in either a unionized or non-unionized situation.

**Q. What is the benefit to having my wage determined on a year-to-year basis, as is now the case, versus a contract, typically three years?**

A. The university has, in favorable economic climates, fought for higher increases for our employees. For instance, in FY09 and FY10, the university successfully argued for and received a 4.5 percent staff increase. In some years, the increase was 1.5 percent. In others, it was more around 3 to 3.5 percent most often. With a three-year contract, as is typical of union contracts, wage amounts are established at the time the agreement is negotiated and are set for each year of the contract. The parties must do their best to forecast the economic environment that will be present in future years.

**Q. Why did the university eliminate the 2 percent annual COLA in Regents' policy?**

A. The board was forced to change its two-pronged approach to staff compensation when the Legislature expressed in 2008 that it was unwilling to support a cost-of-living adjustment AND steps; without the university's acquiescence, the university feared employees would receive no increment. A switch to a single, across-the-board increment was considered best for all involved.

**Q. Why is the staff salary schedule changing from the current system, with staggered steps ranging from 1 percent to 3 percent, to a 1 percent increment grid? Does this mean increases in the future will only be 1 percent?**

A. The 1 percent grid is merely a structure and does not influence what percent increase is proposed by the Board of Regents for UA staff. For additional information, please see this explanation: <http://www.alaska.edu/bor/agendas/2009/sep-24-25/090924ref02.pdf>