SAA Union Brown Bag Forum

Friday, September 3, 2010

*These are notes, and not exact quotes of what was said during the forum. A video of the entire forum is available online at* [*www.alaska.edu/opa*](http://www.alaska.edu/opa)*. The times listed by each question indicate the time in the video when the discussion occurred. Anyone interested in the exact phrasing of any of these answers is encouraged to visit the appropriate point in the video.*

**Statewide Administration Assembly (SAA)**

Lisa Sporleder, president- moderator

Dana Platta, vice president- time keeper

Monique Musick, secretary- minutes

**ASEA for UA**

Jim Duncan- Business Manager, Chief Officer

Dan LaSota- UAF employee, member of ASEA for UA organizing committee

**UA Statewide Human Resources**

Beth Behner

**Welcome from Lisa Sporleder, SAA President**

Welcome to the SAA staff employee forum with ASEA and UA HR

We’re here to get questions answered

Lots of staff sent in questions. They were prioritized and compiled by Lisa Sporleder and Dana Platta, SAA President and Vice President.

Each party will have two minutes per side to respond, or less, to try to accommodate as many questions as possible in the hour.

Thanks to all SAA members for their help.

SAA secretary Monique Musick will take notes

SAA members will gather questions from the crowd.

Note cards and pens are distributed for submitting questions.

At a quarter till one the floor will open to audience questions.

Anchorage is on the line and will also have the opportunity to ask questions.

**Introductions:**

Dan LaSota

UA employee, College of Engineering and Mines, Institute of Northern Engineering, web master

10+ yrs at UA

Worked for the Geophysical Institute

Interested in collective bargaining

Interested in what we as employees can do together to improve our workplace, the university and our community

Active in the organizing committee trying to get information out to fellow employees

Here to answer questions as best I can

Jim Duncan

Business manager of ASEA Local 52

Chief Administrative Officer

Number of duties including overseeing staff

Make sure ASEA is addressing needs of members

Involved in collective bargaining

Relationship with university

Former UAS adjunct professor

Familiar with university and with Labor Relations and collective bargaining

Beth Behner

Chief HR Officer, UA system office

10 yrs. with university

Formerly worked in labor relations for the university

Involved in collective bargaining

Am familiar with unions and their relationship with the university

Here to share information to help employees be as informed as possible.

**Compiled questions:**

1.) **How much would a union cost in money and time?** What is the total amount of money in dues/fees expected to be collected annually from university employees who would be in the bargaining unit represented by ASEA? Can additional fees, dues, etc., be added to the UA staff employee’s total cost at the discretion of the union? If so what is the union’s legal and moral responsibility to the employee to notify the employees in advance of the new costs?

*(Video- 4:00 min.)*

Duncan

No firm figure on how much will be collected, it will depend on the number in the bargaining unit

Progressive dues structure:

How much you pay is dependent on your base salary

Using an average salary of $40,000, using progressive structure

Ballpark figure: $1.3 million from 2500 members

Average dues of $530 per year, for an employee with $40,000 annual salary

Can additional fees be added:

Have a progressive dues structure, sees no need to change,

Can only be changed by a vote of membership

Executive board and staff cannot change it

Notification:

Members would decide if they want to change dues structure

Two step process:

Constitutional amendment- vote by members or reps at the annual convention

Then membership vote, members have to approve it

Behner

UA estimate is similar

Total amount collected: $1.3 million seems an accurate estimated total dues

Recommend going to ASEA web site to review “Where do your dues go”

Informative on how much goes to national, to AFSME: $264,000 per year

Breakdown on dues: chapter support, operating expenses and member services and what that entails

2.) **What do we gain?** What do we gain from being part of the union? (Anything more than money and benefits?) How are union dues utilized, or put another way, what am I going to see for giving you around $1,000 a year?

*(Video- 7:36 min.)*

LaSota

Roughly $1000? Actually around an average of $535 a year

What do the union dues get for you?

Cover the cost of collective bargaining and contract negotiation

Costs money to fly representatives to union gatherings

They spend time soliciting ideas for what to include in next contract

Spend money on training

Make legal counsel available

That’s where union dues go

Duncan

An important question

Provide professional advocacy and representation

Professional business agents ensure fair treatment and contract enforcement

Yes, some goes to ASFME International, but about $300,000 will come back to local chapters formed

Share back some of your dues for what you want to do with it, as long as it meets the overall goal of the union

Community activities or scholarships can be put in place out of your dues

Money to ASFME international is not wasted

They provide support and expertise plus training and education programs

Behner

Chapter support is mentioned in ASEA’s dues info pamphlet

4 percent for chapter support, amounts to $48,000 per year

(based on $1.2 million dues contribution)

Modest amount for chapter support

Says there are 19 chapters, not sure what presence UA will have

ASFME per capita, national organization provides expertise, but also does lobbying for political candidates and issues, with which some employees may not agree with

If this is of interest do some research on the national agency

3.) **Why should we pay if we don’t want to be in the union?** If the vote is in favor for a union and I don't want a union, am I forced to pay the union? I’ve heard agency fees are less than dues, but read that they cost the same. Is there an agency fee table showing the actual differences, if there are any? If there is no difference in cost, why aren't agency fees less expensive than the cost of membership dues?

*(Video- 11:04 min.)*

Behner

Initially we believed agency fees would be less, that is how other unions work

From union perspective, it requires them to spend the same amount of money to do the work for members and fee payers

Now we understand they are identical for agency fees or full member dues

Individual choice: affects voting, membership, contract ratification

Typically a condition of employment within a union contract

Must pay dues to keep your job

Happens within the adjunct unit currently

Routinely terminate for non-payment of fees in the adjunct unit

Very serious issue, they enforce it, applicable to anyone in unit

Duncan

Agency fees and dues are the same amount

Partial rebate for agency fees available, by request

8500 state employees, 400 agency fee payers

Some request rebate: we pay small rebate

Difference: agency fee payers have no voice, can’t vote, can’t hold office

If you are going to be paying fees or dues you are better off having a voice than not

Same benefits for members and fee payers

All the benefits of the contract

Clear advantage to being full member: having a voice, vote, hold office, elect officers

Some individuals choose not to, and become agency fee payers

Rebate amount is computed on a yearly basis, agency fees payers have to request a rebate

Behner quoted what ASEA shares back to the 19 GGU chapters

Computation for university chapters: can expect $300,000 shared back from dues, would not be the same rate as to GGU chapters

Want folks out in your areas instituting community programs

Scholarship programs for staff families for example

Do other work that benefits community and brings them together

4.) **Criteria for union representation.** ‘Confidential’ and ‘supervisory’ staff are not included in this effort. What determines if a position is ‘supervisory’? What determines if a position is ‘confidential’? Would IT staff who have access to the data to provide support for the 'confidential' staff, also meet the criteria?

*(Video- 15:15 min.)*

Behner

True that the status of supervisory and confidential would make a person ineligible for bargaining unit

According to state law, Defined by the state,

UA designates which positions are supervisory or confidential

State definitions:

"confidential employee" means an employee who assists and acts in a confidential capacity to a person who formulates, determines, and effectuates management policies in labor relations matters;

An IT professional who does not act in a confidential capacity on labor relations matters would not be a confidential employee

The labor relations nexus has to be there

An assistant to a Dean involved in grievances or labor relations matters may very well be confidential

ASEA has challenged the status of employees

Requested 300 be removed from unit as improperly categorized

Yet to be resolved

Formal dispute may be determined by ALRA

Supervisory definition:

"supervisory employee" means 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;

Duncan

Statute definition as Behner read is correct

RE: Challenge of 300 names on roster

Not saying they shouldn’t be, just asking for clarification

Talked to folks, looked at job descriptions, indicate they could be supervisory or doing confidential work

Just looking for clarification

Want to represent as many as we can

Want to have full representation and make sure you are fairly treated

Haven’t said they should be off for sure, just want to agree on their duties

If we can’t agree it will go to ALRA

Unions and management do not always need to be at loggerheads

Not where we want to go

We want to cooperate and come to an agreement

5. **Financial.**  Is the union For-Profit? How transparent are the union's financials? Is a complete accounting of funds and expenditures provided to bargaining unit members? For example, do you share information on all of the political campaigns to which the union contributes? Do members get to decide how those decisions are made?

*(Video- 19:10 min.)*

Duncan

Truly have transparency on financials

Any member has right to look at financial statements

Financial statements are not distributed

Members are welcome to review, come to the union office, staff will explain or clarify the financials

Spending decisions- Duncan presents budget to state exec board,

This unit, with 2500 members, would have a minimum of 3 members from this unit on the executive board

Would be involved in that decision making process

The board sets the policy

Budget approved by exec, not set by Duncan

No dues go to political campaigns or contributions

ASEA PAC, a separate entity, makes political contributions

Made up of members, they decide where money goes

Any money to candidates comes from voluntary contributions to the PAC

Not required to contribute, many members do not

No member dues are ever used for political action or contributions

Full disclosure on web site

Union is not for profit

Our job is to use your dues to advocate for you, to represent you, to be sure the contract enforced

Behner

UA has no knowledge on this subject

6.) **Miscellaneous.** If the union takes over, they appear to have the legal ability to fine us for various things they consider "bad". What kinds of things would be open to such actions? What legal protection would the employees have against the union? If the union behaves in a legal manner, but acts in a manner that is not in the best interest of the employees what processes are in place to take action against the union to remedy their actions?

*(Video- 21:38 min.)*

Behner

HR has no response

Duncan

Make it clear: Never fined a member, we don’t fine members

Statutes may say we can, but we don’t and we won’t

Don’t force members to do anything

Want you to be an active member, want you to be involved

Don’t know any unions in the state that have levied fines

That’s a scare tactic

Never would consider doing that

Operate in a legal manner

Follow federal and state regulations labor laws and statutes

We have never been charged with anything illegal, it would not enter our minds to do that

If a member believes the union is behaving inappropriately there is an appeal process, State Management Board

Appeal to international, other processes to correct missteps

No fines, never has been, never will be

Do everything legally, in accordance with federal and state laws and regulations

Our job is not to cut corners it is to advocate for you and represent you

Are in the union business, not for profit, but because we care about workers in this sate

You make the state move forward

7.) **Who represents staff?** On the UAA Classified Council questionnaire, #2 is about who would represent staff in negotiations. The union said, "ASEA for UA members will elect a contract negotiating team from staff in the bargaining unit. Our elected team will be assisted by experienced professional negotiators from ASEA staff." HR said, "By law, ASEA would be the exclusive bargaining representative and would determine the chief negotiator and team members for negotiations with the university." It sounds like ASEA is saying the staff choose the team and HR is saying ASEA chooses the team. Who would be the union representatives that conduct negotiations with the University? Are they staff or union employees? How are they determined?

*(Video- 24:28 min.)*

LaSota

Both responses technically correct

Elections are held, that is the process by which ASEA determines who is on the team

Once a union is established it is us- we are ASEA

ASEA staff is there to help negotiate

UA staff may not be familiar with labor law

That is why there are people like Jim to help with negotiations

“We” come up with the proposals

Duncan

Negotiations are done by members elected by union members

Recommendations on how to run the election come from ASEA

Members provide input on important issues

Elected team makes decisions on what goes on the table

ASEA provides guidance and advice

Duncan has been involved, provides expertise and guidance

Serves as chief spokesman

Not the decision maker, just there to help

Member driven union- you are the decision makers we are there to help you

Behner

ASEA has its own policies for determining team members

Bargaining team members don’t voice the union position, that is usually done by the chief spokesperson

Chief spokesperson is often the only one to talk

Could be democratic process, no guarantee

Ratification vote does have to go to the entire membership

During bargaining there may be give and take and some decision making that members may not agree on

Individual proposals cannot be voted on until a tentative agreement has been approved and ready to vote on as a package

8.) **Changes under union?** Currently, I can discuss a pay raise with my supervisor if I am performing duties above my position description and receive a step increase. What would be my options to do this if a union is approved?

*(Video- 28:32 min.)*

Behner

We believe the options would be severely limited

Union represents members once a unit is formed via election

Negotiate provisions, but to include that provision, where an individual can negotiate with their manager is foreign, that doesn’t happen

Examples of Retention offers in United Academics contract

That is an approved process

Not always included in contracts

Pay raises are the heart and soul of what unions want to control

Probably would oppose any individual discussions between supervisors and individual employees if an employee believes a pay raise is warranted

Duncan

When Behner says “Union” you are the union

You decide what goes to the table

Negotiate contracts including overall salary schedule

What we think is fair and right, and what we think management will give

Negotiate similar things like annual Step increases and other benefits

Special provisions could be included if members desire it

Can’t go outside the collective bargaining agreement- can’t negotiate a separate salary independently

But provisions can be included in the agreement

LaSota

Essence of individual vs. collective bargaining

Collective bargaining: we’re all in it together and try to better our workplace

As a union, if a member really is working above job description, doing extra duties, the union will back you, and you will be backed by 2500 other employees and a contract as you seek reclassification

9.) **Miscellaneous.** If the UA staff vote to unionize, would ASEA want to include them as participants in the union's Heath Trust instead of being in the current health care plan of the university? I looked at the website regarding the trust and could not find a listing which doctors or medical facilities accept the trust as insurance. Where is this information provided?

*(Video- 31:52 min.)*

Duncan

Before we begin to negotiate a contract we will solicit input from members on what they want included

Look at options, may want to stay where we are, look at the ASEA trust or another option or approach

It’s a negotiated item

Bargaining team will decide what goes on the table and what you want to talk about

No one from ASEA management or the health trust will force a decision

Will lay out what you may want to consider

In the end it is your final decision

Sitka city employees decided to stay in their plan

Do negotiate employee/employer contribution

Example: State GGU this year

Health costs have gone up

Employee contribution has not increased

Plan costs went up 19%, the employer paid, not the employee

I understand that in your plan your contribution has gone up $1000 a year

Major difference. That’s the kind of thing the union can do for you

Behner

Agree that health care is a negotiated provision

This would be negotiated and bargained for

Because this is what was bargained for State GGU, UA is researching this

HR will be providing a comparison of ASEA trust vs. current UA Health plan

Should be available this coming week- we’ll post it on our website

Hard to find information on the trust on your own

Aware of State GGU agreement with ASEA

Positive for employees

Question in my mind: were there wage differences that may have been accountable?

At the same time there was less increases for GGU than supervisors

Were there tradeoffs for the health contributions?

LaSota

Healthcare landscape is difficult to understand

Is it good for us? Is it bad for us?

Not going to negotiate for us something that is worse than we already have

10.) **How much would a union cost in money and time?** I noticed on another FAQ that the union "garnishes" a portion of our leave. What percentage of our leave time would be stolen from us to support the officials? Is this a sliding scale based on longevity on the job or are all employees treated the same? Will there be differences between hourly and salaried employees?

*(Video- 36:01 min.)*

Duncan

Decision to make by you the members

State has a leave program

Business leave program- members on union business don’t lose pay

One time, first-time, contribution

May not apply- up to unit

Decide if you want to compensate business leave time

Nothing is mandated- you are the decision makers

Variety of leave programs: emergency leave, catastrophic leave, disability

Being part of a union is being sure that everyone in the union is taken care of

You help each other

Provide you with information to help you decide

Nothing is mandated

Same for hourly/salary? Your decision again.

Keep in mind that this is a member driven organization, a member driven union; you are the decision makers

You make the decisions we try to get that into contract with your bargaining team

Behner

Business leave is usually addressed in contract because union meetings occur during work hours and is not appropriate to be covered by the university- it is not university business

Typical provisions, one AL day per year goes into the leave pool

Pooled for grievance reps, labor management meetings, negotiations etc.

Hours available to pay for those union reps

Or perhaps by a person handling a grievance

Once negotiated this would come out of employee’s annual leave

Usually one day of leave regardless of income

Leave share programs are also subject to negotiation

The way this usually works is for any member who wants to participate and potentially use a member leave bank would need to make an upfront donation before it is available to them

Not like current UA leave share, it could be members only in the unit who are contributing to the disability leave bank

A way to provide for someone who doesn’t have enough leave on an emergency basis

11. **Miscellaneous.** If I don't want to be in the union, I understand there is an administrative fee I have to pay, and I would not be considered a full voting member. If the union members vote for a strike, would I also be expected to honor the strike?

*(Video- 40:20 min.)*

Behner

We’ve addressed this in part, agency fees are what non-voting members pay

Restrictions to agency fee members: don’t vote on officers or bargaining agreements

Strike? Expectation and encouragement to participate in a strike if called

No fines per Mr. Duncan’s earlier response

Duncan

The one vote agency fee payers do get is on strikes

No one really wants to strike

There are a lot of other processes, mediation etc. to use to get to an agreement before a strike

Haven’t fined anyone for anything

Would encourage employees not to cross line, but won’t force it

Getting to a strike is not easy, we don’t want to go there- it can’t just happen

Negotiate in a mediation process to contract

The contract negotiating committee would have to recommend a strike vote to the Executive Board

The Executive board would have to agree

Strike vote would have to be conducted by all members

Then the action would still need to be initiated

Strikes seldom happen- won’t happen with our union

Don’t want to go there: Get to an agreement well before it gets to a strike

**On-the-spot questions:**

1.) **Is the union considered a non-profit entity by the IRS?**

*(Video- 43:25 min.)*

Behner

They are tax exempt

Duncan

Not sure what category, but we are non-profit

2**.) In your union, is there a practice of “bumping” another person from their job if someone else who has more seniority loses theirs? How does that work? Can a term-funded, but more senior employee bump a new, regular employee?**

*(Video- 43:57 min.)*

Duncan

Again, this is part of negotiations

Seniority is always important to a union

The negotiated contract will contain layoff provisions

Layoff rights and re-hire rights will be negotiated

Right now you don’t have those

Reductions, if needed, will be enforced reasonably and rationally

We’ll negotiate layoff rights and rehire provisions

Hope to protect your job and not put someone else out of work

Behner

Layoff provisions generally prioritize seniority as a factor for layoff consideration in contracts

Often include preference for senior employees bumping others

It’s a common provision

Often refers to moving to a job with the same Classification or a position previously held

UA would oppose such things

Bumping is in the Local 6070 contract

Not an unknown feature

3.) **Back to an earlier question. If fines have never happened, why do statutes for fines exist?**

*(Video- 45:45 min.)*

Duncan

That’s the way the laws were originally passed

It gives unions the ability to do that

We don’t fine-No reason to fine

If members aren’t committed to the union fining them won’t help

Want employees to be involved

LaSota

Statutes cover all unions, all facets of Labor Relations

Can’t defend what happens in other unions

We’re talking about ASEA and what they want to do as a union, not what statutes imply may happen in other unions, if Jim says ASEA doesn’t fine- I believe him

Behner

Interpretation of laws reasonably shows that fines are allowed as a possible recourse for the control of membership so they’d adhere to a strike if a strike is called

It is ASEA’s choice to utilize that or not

4.) **Does the union define working hours? What happens to the ability to work a flexible schedule?**

*(Video- 47:20 min.)*

Behner

Subject to bargaining

Flexible schedules, something UA frequently allows

For example four 10’s with supervisor permission

Would be subject to negotiations

Duncan

Up to your bargaining team

Will negotiate for the normal work week

Discuss and negotiate alternate work weeks all the time with management

Whatever it might be, different hours, flex schedules

No problem for ASEA- if management agrees and members want it

Again, we aren’t putting on you what has to be in your contract, we’re listening to you and what best benefits you

5**.) How many seats are on the State Executive Board?**

*(Video- 48:53 min.)*

Duncan

Currently 12 seats

Constitutional provision to add 1 seat per 1000 members in a new unit

Three seats would be added for our 2500 member unit

Eligible for officer positions (President, Secretary, and Treasurer) too

Behner

No comment

6.) **The cost of college has been rising much faster than inflation, how does unionization help change this trend?**

*(Video- 49:33 min.)*

Duncan

If you are interested we will try to negotiate reduced tuition for family to attend UA

That could help

As long as management agrees we will negotiate for it

Behner

Currently have tuition benefit for all non-temporary employees & their families

Negotiable whether it would continue how it is or be different

7.) **Could the panel discuss the difference between staff governance and a union when it comes to negotiating over things like our salaries and work life?**

*(Video- 50:28 min.)*

Behner

Staff governance: campus and statewide representatives participate

Directly discuss salary schedule changes, health care, and compensation with university administration

Would change dramatically with union

ASEA would become the exclusive representative for all mandatory subjects of bargaining

Would no longer be a Staff Governance realm to interact with the university on conditions of employment or other subjects of collective bargaining

Might keep Governance for other issues- they would no longer play the same role on subjects of bargaining

Duncan

Staff Governance would not negotiate contracts or wage schedule, benefits etc.

Would encourage Governance to continue

We think it is important

We have Labor Management Committees with State Employees right now

They sit down with management and talk about issues and try to resolve them

Like to resolve issues at lowest possible level- don’t like confrontation with management

Governance groups could continue

Conduit to bring information back to the union

Great system, Good input

Help resolve issues and discuss issues with management

8.) Transparent finances:

**How difficult is the process for requesting union financial information?**

**Are we allowed to speak about and/or publicize this information?**

*(Video- 52:39 min.)*

Duncan

Not difficult to request

Information request form members fill out that I would review and approve

Members can come to office to view it

No copies or distribution allowed

No other union does either

Not good having it floating around

We are completely transparent

Have annual audits

Clean audit every year

Behner

Union members can see the financial information

As non-members you can’t see it

Could be a nice gesture to let you see it now to consider your position

9.) **I have been working at the university for 4 years. I have seen many of my co-workers and friends try to go through the grievance procedure at the university. What is the difference between having the HR grievance procedure and union representation using a grievance procedure we have negotiated?**

*(Video- 54:01 min.)*

Duncan

Two specific differences: our process includes a professional agent to help

Current system: you are on your own unless you hire an attorney

In current system the final decision is made by person with vested interest in the university: the President or his designee

Union: final decision by third party arbitrator with no vested interest

Better system, more fair, more responsible decision

Behner

Ability to have neutral party within union contracts

Shared expense on arbitrator

Currently the union process rarely goes that far

Short of arbitration, the systems are not that different

University officials are the decision makers in lower level decisions in other union contracts

Current UA regulations do provide for mediation services

Heard of a lack of awareness of that among UA staff

We have trained mediators that can help resolve issues between a grievant and the university

10.) **Are ASEA organizers unionized? If not, why not?**

*(Video- 56:25 min.)*

Duncan

Yes, ASEA organizers are unionized

All ASEA staff are unionized

I pay ASEA dues, though not represented

We are union, we believe in unions

Behner

I don’t know, but I believe him

Reflect on how many outside organizers, from out of state, are here on behalf of ASEA

That is part of what your dues would pay for: organizing other locations

11.) **I don’t see any advantages to having a union. We seem to be more fairly represented than state employees who are losing ground every year. What has the union done for them? What has the union done for faculty?**

*(Video- 57:24 min.)*

Duncan

We provide worksite representation, collective bargaining agreement, grievance processes, job protection, etc.

One specific way we helped state employees lately, and there were no trade-offs, your health plan contributions increased by $1000, for the state employees we represent, the increased costs (19%) were paid entirely by the employer. That’s what the union can do for you.

LaSota

People may not be aware of what is available now.

The main advantage is having a contract and having control over what is in it

Behner

A decision on value is essential to the outcome of the election

How much do you think the union would benefit you as a UA employee?

Do you feel you need an advocate?

That’s the nutshell of what you will be thinking of when voting

There’s a range of opinions on faculty unionization

Some don’t ever use services

Some are active, use advocates,

It’s a very personal decision

Lisa Sporleder, SAA President

Out of time for today

Thank you to all participants

Hope everyone found this informative

We’ll see about doing this again, prefer not on a Friday