

Frequently Asked Questions UNION ORGANIZING PROCESS



Q. How does the organizing process work?

- The ALRA will decide first whether enough cards have been submitted and second, what employees will be represented 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 administered by ALRA. In the election, a majority of those employees who actually vote will decide whether there will be a union and who will be represented in the unit. For example, if 1,000 employees are proposed in the unit, and only 100 people vote, the majority of 51 people who voted, would/will decide for all the rest of the 1000 proposed employees in the bargaining unit. Voting is the employee’s responsibility to ensure that their voice is heard. Check your mail and look for your ballot. **VOTE!**

Q. I am going to be out of the country during the union organizing election. Is there a way that I can vote early?

- A. Voting early is not permitted. You do have other options though. You can either ask someone to forward your mail to you or you can contact the Alaska Labor Relations Agency at (907) 269-4895 and provide the agency with your forwarding address. The agency has done an international secret mail ballot in the past. Voting promptly and returning your ballot without delay will help ensure your ballot reaches the agency by 4:30 pm on November 5, 2010.

Q. If the union wins the election, can I opt out or is union membership mandatory?

- A. You will be a represented employee if you are in the proposed bargaining unit and the union wins the election. You may “opt out,” but you still must pay agency fees, which are the same cost as union dues. With an opt-out you may not vote for union officers or ratify subsequent collective bargaining agreements. The union establishes membership dues and agency fees.

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 State Legislature.

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- Q. Would University of Alaska (UA) staff be included in the same unit as other State of Alaska employees already represented by ASEA, or in a separate unit? If it was a shared unit, which unit would it be?**
- A. If the union is voted in, UA staff will be in a specific bargaining unit, comprised of university employees **only**. The Notice of Petition currently posted in UA facilities provides the detailed list of positions that are in the proposed bargaining unit ASEA seeks to represent. You can also access an electronic version of the Notice of Petition at www.alaska.edu/labor
- Q. If staff chose representation by ASEA, what would the timeline look like during initial negotiations? How long would these negotiations take? Would salaries and benefits stay the same during the negotiation period? If they would stay the same during negotiations, would it also freeze other salary decisions like reclassifications and in grade adjustments?**
- A. If a majority of those employees **who vote**, vote in favor of union representation, ASEA will become the exclusive bargaining representative. The university's and the union's bargaining teams would enter into negotiations some time following certification of election results. During negotiations, UA and ASEA would negotiate wages, hours and working conditions. Upon successful conclusion of the bargaining process, contract terms would be included in a tentative collective bargaining agreement (CBA). Union members must then ratify the tentative CBA, the Board of Regents must adopt it, and the Legislature would have to fund it.

The timeline for negotiations is uncertain. Any negotiations process can be lengthy, as significant amounts of information have to be exchanged and reviewed as the parties develop and consider each others' proposals. In the case of an initial CBA, the process can be more extensive as both parties are starting from scratch in preparing proposals for consideration and researching issues related to each proposal.

The university's draft budget proposal goes to the Board of Regents (BOR) for review during the September meeting each year. The Regents formally vote on the proposed budget during the November BOR meeting. From there, the Regents' proposed budget goes to the legislature for review of the funding request. If the union is elected as the bargaining representative for UA staff, the university will no longer identify annual compensation adjustments for staff in the initial proposed budget request. Instead of staff adjustments being included automatically by the university, any adjustments in wages and benefits for represented staff must be first bargained with the union and then ratified and approved as discussed above. That process would occur before amounts would be included in the university's budget request. In some years, CBA negotiations may be ongoing while the Regents are working on UA's proposed budget. In that situation, the university will not know the amount to include for staff salary and

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benefits increases, so will not insert an amount for an increase in salary and benefits until the adjustments have been established in the bargaining process and ratified by both parties. If the parties fail to reach an agreement within the time required by the legislative budget approval process, it could cause a delay in salary adjustments.

Most likely, reclassifications of positions would continue to occur throughout negotiations. However, the current process of in-grade step adjustments being granted to an employee by that person's supervisor and Human Resources is likely to change if UA staff become unionized. Employee compensation mechanisms, whether used for merit, retention or excellent performance, directly affect wages and would be subject to negotiation.

Q. Who would represent UA staff in negotiations if they were a part of ASEA? Would it be UA staff representing ourselves, people employed directly by ASEA, or possibly ASEA members from other State of Alaska agencies if we were all in the same unit? If UA employees represented ourselves, how would that work? How would our representatives be chosen? Is the answer to this question different for negotiation of the initial contract and for future negotiations on more specific topics like benefits and grievances? If so, how?

A. By law, ASEA would be the exclusive bargaining representative and would determine the chief negotiator and team members for negotiations with the university. Individuals who are not UA employees may be chosen to lead and participate on a union bargaining team. The university does not know if ASEA has bylaws or other rules regarding unit member participation on bargaining teams or input into team makeup.

This answer applies to the first negotiations as well as later negotiations.

Q. If the union organization efforts are successful and I don't want to be affiliated with a union, do I have a choice? If I do have a choice and choose not to be a member, will I still have to pay dues? If it is possible to choose not to be a member, what benefits would members get compared with non-members?

A. If you are an employee in the proposed bargaining unit and the union wins the election, you will become a represented employee. Opting out of actual union membership is possible, but you would still be responsible for paying agency fees to ASEA. ASEA establishes the amount of its membership dues and agency fees. Agency fees are the same as union dues. Agency fee status does not entitle a member to vote for union officers or on issues such as ratification of the collective bargaining agreement.

Q. If ASEA does not succeed in organizing university employees, how long is the waiting period before another representation petition could be filed again by ASEA or any other union?

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- A. Alaska Statute 23.40.100(2)(c) provides: "An election may not be held in a bargaining unit or in a subdivision of a bargaining unit if a valid election has been held within the preceding 12 months." All unions would have the same timeframe in filing a new petition if ASEA is not selected as the bargaining representative for the unit.

Q. Is there a way to get rid of a union if workers become dissatisfied with it?

- A. Union decertification requires unit employees to petition the Alaska Labor Relations Agency (ALRA) for a decertification election. This requires at least 30 percent of unit employees to sign cards calling for a decertification election. By law, a decertification petition can only be filed with ALRA between 150- and 90-calendar days prior to the collective bargaining agreement (CBA) expiration. As most CBAs cover three years, the timeframe for decertification is limited.

Q. From what I understand, if I'm a supervisor or a confidential employee (like an HR technician), I won't be able to vote for or against union organization. If union negotiations will determine changes to my salary and benefits, it seems appropriate that I should have a vote in that matter. Will staff that are not included in the union be in a separate employee class, or will salary and benefit decisions still be made for staff as a whole?

- A. Union negotiations only determine changes to salary and benefits of the employees in the bargaining unit. If you are not in the proposed bargaining unit, you will not be affected by the election. Moreover, your salary adjustments will continue to be determined in the same way they have in the past. You will also remain covered by the health care plan provided by the university, no matter what is negotiated with other bargaining units.

If university employees in the proposed bargaining unit vote in favor of union representation (which takes 50 percent plus one of the eligible employees who vote), the employees in the new bargaining unit represented by ASEA will be separate from all non-represented employees, including supervisors.

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 at this time 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

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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 Alaska Labor Relations Agency. 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 final determination of supervisory status if such determination is challenged by the union or the university.

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. If I’m a supervisor, will I be included in the union? What if I’m designated as a lead rather than a supervisor? If I’m not sure if I’ll be included, how do I find out for sure?

The university must use the definition provided in the Alaska Administrative Code (state regulations) to determine whether or not someone is considered a supervisor for purposes of bargaining unit inclusion. The regulation defines that an employee who has the independent authority to hire, terminate or respond to a first level grievance or recommend such action for another employee in the same unit is considered a supervisor. There are no supervisors in the proposed bargaining unit as supervisors are not permitted to be in the same bargaining unit as non-supervisors.

A lead is not a supervisor. Lead duties may at times seem similar to those of a supervisor, but a lead does not have the independent authority that a supervisor does to hire, terminate and respond to a first level grievance or recommend such action.

If you are not sure whether or not you are included in the proposed bargaining unit you can contact SW Human Resources at 907-450-8230.

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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.”

More information can be found at: www.alaska.edu/labor