

Statewide Labor & Employee Relations

MANAGEMENT GUIDE DURING UNION ORGANIZING CAMPAIGNS

These guidelines are for supervisors and managers at all levels within the University. By providing information about rights and responsibilities, we hope to enhance your ability to manage during a union organizing effort.

WHY IS THIS INFORMATION IMPORTANT?

The Alaska Public Employment Relations Act (PERA) holds an employer legally responsible for the acts and words of its “supervisors”. The law also defines certain activities to be UNFAIR LABOR PRACTICES. The following guidelines should help supervisors avoid situations in which unfair labor practices may arise and have a negative impact on the University of Alaska as an employer.

WHAT IS A “SUPERVISOR”?

According to PERA, a supervisor is any individual having authority, in the interest of the employer, to hire, discipline, or adjudicate grievances, or effectively to recommend such action if the exercise of such authority is not of a merely routine, but requires the use of independent judgment.

WHAT ABOUT QUESTIONS NOT COVERED IN THIS DOCUMENT?

This is a general reference, covering a limited set of circumstances. You should temper its application with the exercise of your own professional judgment, fairness and common sense. If any questions or potential complications arise, please contact:

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Labor and Employee Relations
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WHAT YOU CAN DO DURING THE UNION CAMPAIGN

- Continue to manage.
- Require that any solicitation for membership or discussion of union affairs be conducted outside working time. (An employee can solicit and discuss unionism on his/her own time, even on University premises, when it does not interrupt work.)
- Tell employees that you and other members of management are always willing to discuss any work related subject of interest to them.
- Make assignments of preferred work, overtime, shift preference and the like so long as your actions are without regard to employee sentiments on union membership.
- Enforce University rules and policies impartially and in accord with customary practices.
- Administer grievance procedures, disciplinary action, discharge for cause, and layoffs by following established policy and practice.
- Refer questions on the University's current compensation and benefits programs to your local campus human resource office or to Statewide Labor & Employee Relations (450-8230).
- Make statements such as: "If a majority of employees select union representation, the University will need to deal with the union on issues involving wages, hours, and other conditions of employment. Currently, the University can deal with you directly on these issues."
- Tell employees they are free to join or not join any organization without prejudice to their employment status with the University.
- Tell employees that the PERA election procedures provide for a secret ballot election.
- If an election is scheduled, encourage everyone to vote, since only a majority of the employees who actually vote will make the decision that will be binding on everyone in the bargaining unit.
- Tell employees that signing a union authorization card, petition, or application for membership does not bind them to vote for the union in an election.
- Inform employees of any untrue or misleading statements made by union organizers, supporters, or through handbills and other forms of communication. Give employees the correct information.
- Explain that in negotiating with a union, the University does not have to agree to any of the union's demands and certainly not to any terms that are not in the best interest of the University.
- Tell employees that there is a possibility that a union may call a strike or work stoppage, that any strike can cost them money in lost wages and benefits, and that under certain circumstances the University may hire permanent replacements for anyone who engages in a work stoppage.

WHAT YOU CAN'T DO DURING THE UNION CAMPAIGN

- Say that you or the University will not deal with a union.
- Use any intimidating language or make threatening statements that could be interpreted as trying to influence an employee in the exercise of his/her right to vote for or to join a union.
- Take any action that would impair or adversely affect an employee's job or pay rate because of union activity.
- Engage in any partiality favoring employees who do not support a union over those employees active on behalf of a union.
- Start a petition or circular against unionization, or encourage or take part in its circulation if started by an employee.
- Visit the homes of employees to urge them to reject a union.
- Conduct yourself in a way that might indicate to employees that you are watching them to see whether or not they are participating in union activities (giving the impression of spying).
- Prevent employees from soliciting union membership during their free time on University premises, so long as it does not interfere with work being performed by others.
- Prevent employees from wearing union buttons.
- Urge employees to try to persuade others to oppose unionization or to stay out of a union.
- Call any employee into an office to discuss a union or the election. If the employee comes in on his/her own and wants to discuss these things that is fine. The best place to talk to employees about such matters, however, is at their work stations, in work areas or in public areas where other employees are present.
- Ask employees about union matters, meetings and related subjects. Some employees may tell you about these things on their own. It is not an unfair labor practice to listen, but you must not ask questions to obtain additional information.
- Ask employees if they support a union or have signed up for a union.
- During a job interview ask an applicant about his or her affiliation with or opinion on labor organizations.
- Ask employees what they expect to gain by joining a union.
- Ask employees what they think about a union or its officers or how they intend to vote.
- Ask employees about the identity of the leader of or instigator of union activity.
- Make speeches to mass assemblies of employees on University time within the 24-hour period before the opening of polls for a representation election.