

**UNIVERSITY OF ALASKA
LABOR and EMPLOYEE RELATIONS REPORT**

Acronyms commonly used in reporting Labor Relations activities:

ALRA	Alaska Labor Relations Agency
CBA	Collective Bargaining Agreement
JHCC	Joint Health Care Committee
LMC	Labor-Management Committee
MAU	Major Academic Unit (UAA, UAF, UAS)
ULP	Unfair Labor Practice Charge
<u>Unions:</u>	
Adjuncts	United Academic – Adjuncts
Local 1324	Fairbanks Fire Fighters Association (UAF Fire Fighters)
Local 6070	Alaska Higher Education Crafts and Trades Employees
UAFT	University of Alaska Federation of Teachers (Community college and extended campus faculty)
UNAC	United Academics

LABOR - MANAGEMENT COMMITTEES/EVENTS

- The university, Local 6070 and campus representatives have been meeting on an as-needed basis to address issues of interest to the MAUs and identify processes to resolve any concerns.
- The Joint Health Care Committee (JHCC), comprised of union, management, and non-represented employees, meets monthly to discuss system-wide health care issues. The last Committee meeting was held on August 15, 2012. Abel Bult-Ito was elected chairman of the Committee for the coming year. He is the president of the United Academics union.
- The university, UAFT and campus representatives last met in January 2012 to develop Market Salary Adjustments procedures for distribution of the FY13

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UAFT Market Salary Increases. The committee will meet again during FY13 to develop additional procedures for the FY14 UAFT Market Salary distribution.

- The university, UNAC and campus representatives convened the first Joint Labor Management Committee (LMC) for Market Increases on February 27/28, 2012. The Committee developed the guidelines and procedures for distribution of the FY13 UNAC Market Increases. A Memorandum of Agreement (MOA) outlining the FY13 market salary distribution process is being drafted.

GRIEVANCE and ARBITRATION HIGHLIGHTS

University of Alaska Federation of Teachers (UAFT)

- **UAF College of Rural and Community Development:** The union filed a Step 2 grievance alleging that the university violated Article 9.1 of the CBA by placing two new faculty members at an extended site into the United Academics bargaining unit rather than into the UAFT unit. The university responded to the union on November 11, 2009, recommending that the substance of the grievance be reviewed and determined by the ALRA as part of the unit clarification proceeding. The grievance is being held in abeyance pending the outcome of the ALRA proceeding.
- **UAA School of Nursing:** The union filed a Step 2 grievance alleging that the university violated Article 5.1.A of the CBA by unilaterally changing the assignment of several nursing faculty members from Bipartite Vocational to Bipartite Academic. The university provided its position statement to the union on December 15, 2010. The parties held a Step 2 meeting on May 06, 2011. The Chancellor denied the grievance on June 16, 2011. The union appealed the decision to Step 3. The university notified the union on September 15, 2011 and moved the grievance to arbitration. The parties met on October 25, 2011 to strike arbitrators. The arbitration was scheduled for May 08/09, 2012 in Anchorage. On May 05, 2012 the parties jointly requested indefinite postponement of the grievance. The parties notified the arbitrator that they had reached an agreement on the disposition of the grievance. The parties are working on a memorandum of understanding to resolve the matter.
- **Statewide Office of Labor and Employee Relations:** UAFT filed a Step 2 grievance alleging the university violated Article 1.3.A of the CBA by demanding that the Union agree in writing to pay all costs associated with a request for information prior to providing them with the information. The Union alleges that the University violated the CBA and the implied duty of good faith and fair dealing. The parties have scheduled the Step 2 meeting for October 03, 2012.

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United Academics (UNAC)

- **UAF International Arctic Research Center:** UNAC filed a Step 2 grievance on January 6, 2012 alleging that the university violated just cause, due process, and disciplinary investigation, (Article 11.1 and Article 11.2) when it issued a notice of inquiry to a faculty member without notifying the union. The Step 2 grievance meeting was scheduled for January 31, 2012. The university provided a Step 2 response on February 15, 2012. The union met with their grievance committee, and subsequently called a meeting with their executive board to discuss the university's Step 2 response. The union filed a Step 3 grievance with the Chancellor on March 08, 2012. The Chancellor's resolution meeting occurred on March 28, 2012. The parties were unable to come to a resolution. The Chancellor provided his Step 3 response to the union on April 25, 2012. The union notified the University on May 09, 2012 they are considering advancing this grievance to the President at Step 4. However, the parties have agreed to hold a meeting with the UAF grievance committee, the union, and the university to attempt resolution and avoid advancing the grievance to Step 4. The parties met with the chair of the UNAC grievance committee and discussed a possible MOA as a resolution.
- **UAA College of Arts and Sciences:** UNAC filed a Step 1 grievance on February 17, 2012 alleging a violation of the evaluation process. The Step 1 hearing was held on March 09, 2012. The union has requested an extension as we work toward resolution.
- **UAF College of Engineering and Mines:** UNAC filed a Step 1 grievance on June 15, 2012 alleging a violation Article 7.2 of the CBA alleging that the University failed to follow the workload determination process as outlined in the CBA. The parties are looking at meeting dates to discuss the grievance and work toward a resolution.
- **UAF College of Engineering and Mines:** UNAC filed a Step 2 grievance on June 29, 2012 alleging a violation of Article 16 and 17 of the CBA. UNAC asserts that the University violated the CBA by instructing a faculty member to reimburse the University for a honorarium received for outside activity while on a one semester paid sabbatical. The Provost met with UNAC on July 19, 2012. The University responded to the Step 2 Grievance on August, 14, 2012. UNAC requested an extension to October 12, 2012 to review the University's Step 2 grievance response to determine if they will advance the grievance to Step 3.

Local 6070

- **UAF Power Plant:** On September 20, 2011 the union filed a Step 2 class action grievance alleging that all maintenance employees in the Power Plant should receive a .50 an hour premium pay and that the university violated Article 4.10A & Article 6.3. UAF HR requested six (6) extensions, and did not resolve the

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grievance at Step 2. The grievance was advanced to Step 3 on January 04, 2012. The union made an extensive information request on January 06, 2012. A Step 3 resolution meeting was held on January 17, 2012. The parties were unable to reach a resolution. The university denied the grievance at Step 3 on January 31, 2012. The union requested arbitration on February 06, 2012. The arbitration was scheduled for Thursday, August 30, 2012. The arbitrator notified the parties on August 28, 2012 he was ill and unable to travel to Fairbanks. The arbitrator provided the parties with dates of December 07, 2012, or January 23, or January 29, 2013. On August 27, 28, and 29, the parties met to discuss a possible settlement in attempt to resolve this grievance. The parties are continuing to work towards a resolution.

United Academic – Adjuncts

- No grievances are pending.

Local 1324

- No grievances are pending.

ISSUES BEFORE THE ALASKA LABOR RELATIONS AGENCY

Unit Clarification Petition: On October 17, 2007, UAFT filed an unfair labor practice charge (ULP) with the Alaska Labor Relations Agency (ALRA) alleging that the university violated the CBA by its placement of new faculty with upper-division teaching assignments into the UNAC bargaining unit. In response, the university filed a unit clarification petition. On August 25, 2009, the ALRA accepted the university's Petition for Unit Clarification and placed the unfair labor practice complaints in abeyance pending the determination of that petition. The ALRA hearing began on April 05, 2010 and lasted until April 22, 2010. Post hearing briefs and response briefs were filed and the issue is before the Agency for a decision. On October 04, 2011, the ALRA notified the parties that they wanted briefing on the appropriateness of one unit of non-adjunct faculty at the university. File briefs were submitted to ALRA on December 21, 2011. A decision is pending.

ASEA Unfair Labor Practice: On April 19, 2011 the Alaska State Employees Association (ASEA) filed an unfair labor practice charge (ULP) with the Alaska Labor Relations Agency (ALRA) alleging that the university violated the Public Employment Relations Act (PERA) by interference, coercion, and restraining exercise of employee organizing rights. On April 20, 2011 the ALRA stated it would conduct an investigation. The university sent its response to ASEA's allegations on May 04, 2011. ASEA filed a response to UA's response on June 27, 2011. On November 09, 2011 ASEA filed a motion to amend the ULP. The amendment alleges defamation, refusal to provide a response to information in Excel format and alleges Staff Alliance as a company union.

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On December 09, 2011 ASEA filed a second motion to amend the ULP. The second motion alleges UA obstructed delivery of mail to UAF employees. The university responded to ASEA's motions on January 27, 2012. ASEA then filed an additional reply to UA's response on February 24, 2012. UA filed a reply to ASEA's reply on March 07, 2012. On April 12, 2012 the ALRA provided their preliminary findings and a partial dismissal. ASEA had filed 33 allegations. ALRA found that six of the allegations have probable cause. Those allegations in which probable cause were found included: two allegations relating to an e-mail to employees and ASEA regarding a 24-hour notice requirement before conducting organizing activities and surveillance of union activities; maintaining a no contact list; advising employees that ASEA is failing to comply with the law; and two allegations relating to Staff Alliance as a company union. On July 24, 2012 ASEA withdrew the unfair labor practice without prejudice.

EMPLOYEE RELATIONS HIGHLIGHTS

- **UAF Community and Technical College (formerly Tanana Valley Campus):** A non-exempt employee at Tanana Valley Campus was non-retained pursuant to Regents' Policy and University Regulation. The employee grieved the issue and requested a hearing. After motion practice, the hearing officer issued a dispositive order on September 21, 2008, canceling the hearing and recommending that the UAF Chancellor uphold the non-retention decision. The employee filed suit in Superior Court challenging the university's right to nonretain non-probationary employees. The judge issued a preliminary order adverse to the university. The university's request for reconsideration was denied and the university subsequently filed a petition for review with the Alaska Supreme Court on November 12, 2010. The Court accepted the petition and consolidated this case with an Anchorage case raising similar issues but with a different result. Oral argument was held March 28, 2012; a decision is pending.
- **UAA Police Department:** An employee was terminated for cause and simultaneously issued a non-retention notice after writing himself parking tickets which he later destroyed to avoid paying parking fees. The employee filed a grievance, and a hearing was held in March. The hearing officer recommended upholding the termination and the chancellor agreed. The employee filed an administrative appeal on July 21, 2009. The judge reversed the cause termination but upheld the non-retention. The employee submitted a request for rehearing which was denied by the judge. The employee has appealed the matter to the Alaska Supreme Court, and the University cross appealed on the termination for cause. This case has been consolidated for hearing with the Fairbanks case discussed above. Oral argument was held March 28, 2012; a decision is pending.