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. 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 state
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 Health 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