

April 28, 1978

ORDER AND DECISION NO. 34 PERTAINING
TO A
PETITION BY THE PROFESSIONAL AND
GENERAL EMPLOYEES COUNCIL FOR
CERTIFICATION OF A PROPOSED
BARGAINING UNIT AT THE UNIVERSITY OF
ALASKA

FINDINGS OF FACT

Petitioner "Professional and General Employees Council" (hereinafter "PAGE") filed a petition on December 1, 1977 and amended on December 5, 1977, requesting certification of a bargaining unit consisting of all support secretarial, clerical, custodial, and regulatory (all classified) employees of the University of Alaska who are employed at least 50 percent of their employment by Alaska Community Colleges at various locations throughout the state, but excluding supervisory and confidential employees.

The Labor Relations Agency did not find that the unit petitioned for was a prima facie inappropriate unit, and did find that the petition was supported by signed authorization cards representing more than 30% of the unit petitioned for insofar as these numbers could be ascertained.

Hearings were held before a quorum of the Labor Relations Agency on January 23 and on February 21, 1978, in Anchorage, Alaska, wherein evidence was received and witnesses were examined.

The University of Alaska is the over-all structure for delivering higher education in the state, and it is governed by a Board of Regents who are appointed by the Governor, subject to confirmation

by the legislature. The Board of Regents appoints the President of the University, who acts as the executive officer of the Board. The University comprises a four-year senior college at Fairbanks, with graduate programs. More recently a two-year, upper division senior college was established in Anchorage, and even more recently this has become a four-year senior college. There is also a senior college facility in Juneau. There is a community college located in Fairbanks, on the senior college campus. There is also a community college in Anchorage with a separate but contiguous campus; it shares some facilities and personnel with the senior college campus. There are eight other community colleges in the state, located at Juneau, Douglas, Ketchikan, Sitka, Kenai, Kodiak, Matsu and Kuskokwim.

Beyond this the organizational structure becomes somewhat confused. There has been a high turnover in presidents, plans that have been adopted but not carried out, and plans that were not adopted but nonetheless were carried out. However, it would appear that whatever the plans are or however the organization may change from month to month, it is not necessary to make factual determinations concerning all those matters in order to apply the criteria set forth in the Public Employment Relations Act for unit determination to the petition at hand.

Although there has been no large amount of employee transfers from one administrative unit to another, the duties performed by many of the employees are performed for both the community colleges and for the senior colleges are the same, some employees work for both entities, salaries and fringes are the same, and the work performed by many employees for the community colleges could be performed as well for the senior colleges and vice versa. (See

testimony of Jean Black, 1-23-78 transcript, pp. 19-22; testimony of Edward Cordova, *ibid.*, pp.27, 30,31, p34, 31, 39, 40, testimony of Linda Lee Long, 2-21-78 transcript, p. 24, lns. 18-21, pp. 32, 33; *ibid.*, testimony of Donna Whittle, pp. 76-77; *ibid.*, testimony of Ernest Moore, pp. 117 ff.; testimony of Richard Schoonover, pp. 124 ff.; *ibid.*, testimony of Dennis Spurrier, pp. 134 ff.; *ibid.*, testimony of Thomas J. Cloonan, pp. 142 ff.; *ibid.*, testimony of Fred Janvrin, pp. 148 ff., esp. p. 160, lns. 12-14: "The vast majority of the jobs is pretty much the same. I mean, when you're talking about cleaning classrooms or the hallway;" and on line 24, referring to different campuses, "I think they would have similar concerns;")

According to the testimony of some of the same witnesses, unrebutted, the classified employees of one community college have little or no contact with the classified employees of another community college, and in some cases may have more contact with administrative personnel on the senior college payroll than they do with the personnel of other community colleges.

A classified employees council has had a desultory existence for several years, but the facts of its existence as described by the witnesses do not indicate that it had anything approaching a collective bargaining history. This council was made up of classified employees of both senior and community colleges.

The testimony of witnesses Black, Long and Whittle indicated that the classified employees of the Anchorage Community College felt a strong community of interest with each other that they did not share with the Anchorage senior college classified. However, the testimony of witnesses Moore, Schoonover, Spurrier, Cloonan and Janvrin did not support this.

The witness testimony did not indicate that there was any community of interest among classified employees from one community college to another, any more or less than there was with senior college classified employees.

In summary, PAGE demonstrated through witness testimony that there is, on paper at least, a distinction between the community colleges and the senior colleges as far as organization and chancellors are concerned, that there is a great deal of rivalry for students and funds, at least in Anchorage, and that the community college faculty have very little community of interest with the senior college faculty or administration.

However, insofar as the classified employees are concerned there is a high degree of community of interest, interchangeability, common pay scales, common duties and job titles, common recruiting, and common fringe benefits with respect to the community colleges and the senior colleges.

A number of petitions were received from classified employees of community colleges other than Anchorage Community College, thereby indicating at least some feeling of lack of community of interest.

CONCLUSIONS

The PAGE petition should not be granted in view of the provisions of Sec. 23.40.090 and prior decisions of the Labor Relations Agency. The community of interest among classified employees of the community colleges appears to lie with the classified employees of the rest of the University of Alaska. Indeed, there is some indication that the

custodial and maintenance personnel feel a greater community of interest with similar personnel employed by the University of Alaska than they do with the clerical and administrative classified personnel employed by the community college system. (see testimony cited above).

The wages, hours and working conditions for classified employees of the community colleges are essentially identical with those of the senior colleges.

There is no history of collective bargaining to take into consideration in this case.

The desires of the employees indicated by signed authorization cards show that something approximating one-third of the full-time classified employees of the unit petitioned for desire such a unit, and that this overall minority is concentrated on the Anchorage Community College campus.

As to the inclusion of employees who work fifty percent of their time or less in the classified system of the University of Alaska excluding the community colleges, although there is some private sector precedent for including dual function employees in a bargaining unit, such precedents are by no means on all fours with the situation at hand.

Based upon the testimony presented at the hearings, the Labor Relations Agency can foresee nothing but chaos resulting from the attempt to determine which employees met the "fifty percent or more" definition alone, let alone the administrative chaos that could result in the administration of the over-all University system.

In all prior unit authorization decisions the Labor Relations

Agency has followed the mandate of the legislature that "Bargaining units shall be as large as is reasonable and unnecessary fragmenting shall be avoided." To grant the petition at hand would be to depart from the Labor Relations Agency's prior interpretations of this mandate.

Without in any way intending this to be preclusive of other alternatives, the Labor Relations Agency can offer the suggestion that either a unit of all non-supervisory, non-confidential classified employees of the over-all University system or two units, one of all maintenance and custodial employees of the over-all University system and the other of all clerical, technical and administrative classified employees of the over-all University system, would most likely be appropriate. The latter alternative would be parallel to the structure of bargaining units in the Executive Branch of the state government.

ORDER AND DECISION NO. 34

The petition by Professional and General Employees Council for a unit consisting of all classified employees, excluding supervisory and confidential employees, who are employed at least 50 percent of their employment by Alaska Community Colleges throughout the state is hereby denied.

C.R. "Steve" Hafling, Chairman

Ronald M. Henry, Member

Morgan Reed, Member

[SIGNATURES ON FILE]