

[LABOR RELATIONS AGENCY STATIONERY]

June 19, 1978

ORDER AND DECISION NO. 36 PERTAINING
TO A PETITION FOR RECOGNITION

FINDINGS OF FACT

On January 5, 1978, a Petition for Recognition was filed by the Alaska Community Colleges Federation of Teachers, Local Union 2404, claiming a unit consisting of all instructional employees employed by the Cooperative Extension Service/Rural Education Affairs, University of Alaska, throughout the State of Alaska. This petition was accompanied by facsimile authorization cards representing 30% or more of the unit claimed.

Hearings were held by the labor relations agency on January 23, 1978, on February 22, 1978, and on March 2 and 3, 1978.

In the second half of 1977 there were several reorganization plans considered and adopted by the University of Alaska. Counsel Gruenig of the University of Alaska testified that according to his recollection the last adopted was one submitted by Neil Humphrey on September 7, 1977, which called for the creation of four chancellors: three regional chancellors and one for Cooperative Extension Service/Rural Education Affairs ("CES/REA").

In order to seek clarification of the organization status of CES/REA agency member Ronald M. Henry and agency Counsel Robert M. Johnson appeared at the February 23-24, 1978 Board of Regents' meeting, as a result of which the agency received a letter from Mr. Hugh B. Fate, Jr., President, Board of Regents, dated February 27, 1978, which is quoted in part as follows:

"Specifically, they (Henry and Johnson) asked whether Rural Educational Affairs and/or Cooperative Extension Service faculty are effectively, constructively, or literally part of the community college system. This letter is in response to that request for clarification.

"It is not the intent of the Board of Regents that either Rural Educational Affairs employees or Cooperative Extension Service employees are effectively, constructively or literally part of the community college system, either now or in the foreseeable future. The Rural Educational Affairs unit, the Cooperative Extension Service unit, and the community college system are separate and distinct from one another. The Rural Educational Affairs and Cooperative Extension Service programs each have administrative arrangements which are different from and separate from those of the community colleges. The organization of Rural Educational Affairs, Cooperative Extension Service, and the community colleges under one chancellor was done for reasons of administrative efficiency and convenience. There has never been any intention by the Board of Regents to effect a merger of the three programs or of the employees of these programs.

According to the March 2, 1978 transcript of hearing, pp. 53 ff., there is a Vice-Chancellor Extension and Rural Education. Departmental and subject lines of supervision and authority are separate from the community colleges. Although one REA teacher was transferred to the community college faculty, this appears to be the exceptional case. Community college faculty have, on occasion, given workshops under the aegis of Cooperative Extension Services; however, such faculty members did not have any kind of a permanent relationship with CES. Such classes or workshops were given during the summer period.

Mr. James Matthews, acting Vice Chancellor of Extension and Rural Education and permanent Director of Cooperative Extension Service, testified (Transcript for March 2, 1978, pp. 103 ff.) that the primary function of REA is the extending of credit education, lower division; and through relationships with the

senior campuses, the upper division courses. It also delivers some noncredit education, but that is with lesser emphasis. There are twelve Rural Centers, which have coordinators, who employ instructors, and who then offer the program in their geographic areas. They also bring part-time instructors out from the University, and they employ qualified instructors from the community when there are such people.

Cooperative Extension cannot offer any education for credit; this is specified by federal statutes and administration agreements with land grant universities. CES' role is practical education, which can be offered in a workshop, over the radio, in a course, or as distribution of general information. CES also does educational and personal consulting activities by having specialist and agents who work with volunteer leaders in the communities to organize many kinds of programs and to offer education to clientele at any age range. They have an extensive distribution system for direct mailing of publications and newsletters. They also use demonstrations of various kinds, for example a fertilizer plot demonstration alongside the road, where people can see the results of various tillage practices. These activities are not tied in with courses but are an extension of the research knowledge of the University system and related systems to interested people to solve practical problems that they are concerned with.

Mr. Matthews further testified that CES courses are not offered on a continuing basis. There might be two or three day workshops, or there might be a consulting relationship over a longer period. The delivery is flexible. One of the areas covered is 4-H and Youth Education.

Mr. Matthews testified that the REA does offer courses, primarily through Rural Centers; such courses are for the most part in a classroom setting. The courses are not necessarily offered at the Rural Centers, but rather by the Rural Centers at adjoining communities. Where there are community colleges the courses are offered by the community colleges and not by REA. REA offers largely lower division courses, but there is provision for offering upper division courses through coordination with the senior campuses.

He further testified that REA may use space either on community college or on senior college campuses. He also testified that although the norm for REA staff is a Master's degree, there are some who have a bachelor's degree or less and some who have more than a Master's.

Mr. Matthews testified that the CES is, in Alaska and in all other states, a cooperative venture between the Federal Department of Agriculture and the land grant universities. The professional staff are federal as well as state employees; they become eligible for Federal benefits, and as Federal employees they do not have the right to strike.

REA staff are not Federal appointees. CES employees have always been subject to the same requirements for promotion and tenure as senior college faculty. There are 30 faculty on CES appointments. There are some joint REA/CES appointments; there are no joint REA or CES community college appointments.

Mr. Samuel Rogers, Coordinator of Occupational Education, University of Alaska testified (March 2 Transcript, pp. 208 ff.) that Extension Centers, also known as Learning Centers pre-existed the formation of REA. When REA was formed it included the community colleges until 1977, when the reorganization separated the community colleges from REA. Learning Centers have in the past become community colleges and may in the future. REA is not a degree granting entity of the University, and hence it is important that REA and community college activities be coordinated, so that students can transfer the work taken under a learning center to a community college to count toward a degree. REA courses are lower division courses, similar to the community colleges. It is under consideration now to make Valdez and Kotzebue learning centers into community colleges. Mr. Rogers works with both the senior and the community colleges, but particularly with the community colleges. A very small number (4-5) of REA staff are full-time teachers; the rest are teacher-coordinators, with academic rank. In developing courses for credit Mr. Rogers works entirely with the community colleges.

Mr. Bill Haw, Acting Dean of Rural Education (March 2 Transcript, pp. 224 ff.) testified that the real community of interest between REA and other entities had been with the community colleges and the senior colleges and not really very much with CES.

CONCLUSIONS

Judging from the witness testimony, the faculties of the senior colleges, the community colleges, the REA and the CES form quite separate and distinct entities, with considerably

less separation and distinction between REA and the community college faculties than between any other pair of entities.

The CES does not appear to have any substantial community of interest with any of the other faculty groups, at least not sufficiently so to warrant their inclusion with one or more of the other groups.

The fact that CES faculty are Federal appointees, who run the risk of violating federal law in the event of participating in a strike serves to set them further apart from all the other groups, even though this might not, by itself, be sufficient grounds to exclude them from being part of another unit; the fact that Alaska law may give them the right to strike under certain conditions does not obligate them to do so. However, if they were part of a group that went on strike and themselves refrained from doing so it could create an intolerable situation. For these reasons, therefore, despite the legislative injunction that units shall be as large as practical and unnecessary fragmenting shall be avoided, a unit of CES faculty (excluding supervisors as defined in the regulations) should be deemed appropriate. To hold that the unit is too small or too fragmented but at the same time cannot logically be included with any other unit would be to frustrate the intent of the Public Employment Relations Act, which is to guarantee to all state employees except for elected or appointed officials the right to join together for the purpose of collective bargaining.

The evidence presented at the hearings shows that the REA personnel have a greater degree of community of interest with the community college faculty than with CES or the senior college faculty, and at the same time are not so separate and distinct as

to be appropriate as a separate unit. Therefore, as a declaratory judgment of the labor relations agency, it should be deemed that when the time is appropriate a petition for Unit Clarification seeking to include the REA faculty (excluding supervisors as defined in the agency's regulations) with the community college faculty unit would be favorably entertained.

ORDER AND DECISION NO. 36

1. It is hereby deemed that a collective bargaining unit comprised of the faculty of the Cooperative Extension Service of the University of Alaska is appropriate, but excluding supervisors as defined in the labor relations agency's regulations.

2. A determination will be made as to whether the required thirty percent (30%) showing of interest has been made by employees in the unit referred to above. Upon making such determination a secret ballot election will be conducted among eligible employees of the proposed unit. The ballot will give employees a choice between voting for the American Federation of Teachers, Local Union 2404, to act as exclusive collective bargaining representative and voting for No Representation. It is intended that such an election would be conducted in September, 1978.

3. A revised petition, conforming with the new and current regulations, for Unit Clarification, to include the faculty of Rural Education Affairs, a division of the University of Alaska, in the bargaining unit of community college faculty now represented by the American Federation of Teachers, Local Union 2404, will be favorably entertained when received.

SIGNED: _____
C.R. "Steve" Hafling, Chairman

SIGNED: _____
Ronald M. Henry, Member

SIGNED: _____
Morgan Reed, Member

[SIGNATURES ON FILE]