

STATE OF ALASKA DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS STANDARD OPERATING PROCEDURES	NO	PAGE 1 Of 3
	ISSUED August 8, 2005	EFFECTIVE Upon Issuance
SUBJECT LABOR RELATIONS	APPROVED BY: //signed//	
CHAPTER 9	Craig E. Campbell Commissioner	

PURPOSE:

To provide Department of Military and Veterans Affairs (DMVA) supervisors and managers with information about their role as labor contract administrators.

DISTRIBUTION:

All DMVA Divisions.

AUTHORITY:

Public Employment Relations Act - AS 23.40.070-23.40.260
 General Government Unit (**GGU**), Supervisory Unit (**SU**), Confidential Unit (**KK**) and Labor, Trades and Crafts Unit (**LTC**) collective bargaining agreements

BACKGROUND

Prior to 1972, the Personnel Rules and Title 39 of the Alaska Statutes governed the actions of the State of Alaska as the employer with respect to wages, hours, and conditions of employment for state employees. These authorities were limited in scope. In 1972, the Alaska Legislature enacted the Public Employment Relations Act (PERA). Under this Act, public employees were granted the "right to organize and form, join or assist an organization to bargain collectively through representatives of their choosing, and engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection" (AS 23.40.080). The State now recognizes 11 collective bargaining units, with the major units in DMVA being General Government, Supervisory, Confidential and Labor, Trades and Crafts. Only some contractual provisions for these units are specifically addressed in this SOP. Other units, covering different groups of employees performing specialized work are not addressed in this SOP. Supervisors should have a copy of the contract(s) covering employees they supervise.

The PERA also established an Alaska Labor Relations Agency (ALRA) that hears and rules on disputes arising under the PERA. The responsibilities of the ALRA include determining appropriate bargaining unit placement, hearing unfair labor practice complaints, and conducting strike votes. Appointed by the Governor and confirmed by the Legislature, the Agency is composed of three members who serve six-year terms. Paid staff of the ALRA are employees of the Department of Labor. The Labor Relations Section of the Department of Administration Division of Personnel (DOP) is delegated the authority to interpret collective bargaining agreements. Supervisors are cautioned not to independently interpret contracts. Questions should be the DOP.

POLICY:

1. Interpretive Memoranda - From time-to-time the DOP Labor Relations Section issues interpretive memoranda which are in effect until the contractual language is changed through the negotiation process. The memoranda clarify language and usually provide examples of how the contract language should be applied in a specific set of circumstances and provide the background and intent of the parties. Supervisors should check to determine if interpretive memoranda exist before taking action any Labor Relations actions. The interpretive memoranda are on file in the Labor Relations Section. As new memoranda are issued those that are appropriate for distribution will be sent to the department by the DOP.

2. Letters of Agreement (LOA) - Collective bargaining agreements are legal and binding contracts. However, situations may arise where a particular provision of the contract is contrary to the best interests of the State and the union. In these circumstances, it is possible for the union and the Labor Relations Section to enter into a LOA to create, alter, or set aside contractual language in favor of other language that resolves a situation for both parties. Once in effect, LOAs are also legal and binding. LOAs may be entered into on behalf of an individual employee, a group of employees or all employees in the bargaining unit. Either the State or the union may initiate LOAs. The DOP will assist supervisors and managers in drafting LOAs for review and approval by the Labor Relations Section. The supervisor should be prepared to provide the contractual provision to be addressed, the position control number and/or employees involved and, most importantly, the outcome to be achieved. LOAs may not be executed by individual employees. A proposed LOA is not in effect until signed by both the union and the DMVA Commissioner or designee for the State.

3. Unfair Labor Practices - In general, the PERA prohibits a public employer and labor organization covered by the Act from interfering, restraining, or coercing public employees in the exercise of their rights to form or join a labor organization, or to engage in concerted activities for mutual aid or protection. In addition, the Act prohibits a public employer or labor organization from refusing to bargain collectively in good faith. Specific unfair labor practices are listed in AS 23.40.110. A person, employer or labor organization may file charges of unfair labor practices with the ALRA. Examples of issues defined as unfair labor practices for an employer:

- * questioning employees about their union activities with the intent to restrain or coerce.
- * disciplining or disparate treatment (either favorably or unfavorably) of employees because of union activity or inactivity.
- * refusing to hire a qualified applicant because the applicant is either active or inactive in a union.
- * attempting to influence votes or otherwise interfere with a union certification or de-certification election.

4. Union Stewards/Employee Representatives - Collective bargaining agreements authorize the union to appoint a reasonable number of stewards/employee representatives who are employees of the State. These stewards/employee representatives have the right to conduct union business as provided in their respective contracts. The **GGU** and **SU** agreements allow union stewards/employee representatives a maximum of nine hours per month to handle grievances and/or complaints without loss of compensation. This time should be identified in the Remarks column of the time and attendance report. Time needed to handle grievances and/or complaints beyond the nine hours must be taken as union business leave. All other time off to transact authorized union business must be taken as union business leave or as

authorized annual/personal leave. The **LTC** and **KK** agreements allow stewards/employee representatives to conduct union business after providing the employer with notice of such activity. All time taken to handle grievances and/or complaints, or other union business leave, must be approved in advance by the supervisor. The supervisor has the right to question the request for time off to the extent necessary to determine if a leave slip is required. Such requests for leave shall not be unreasonably denied. Supervisors do not need to change the work schedule or standards to accommodate the union business of stewards/employee representatives. A list of authorized union stewards/employee representatives is available in the DOP Labor Relations Section.

5. Union Business Leave - The **GGU**, **SU**, **KK** and **LTC** bargaining units have business leave banks. The purpose of the bank is to compensate bargaining unit members when they participate in union activity as provided for in the respective agreements. A bargaining unit member who wants to use union business leave must get prior approval for the leave from the immediate supervisor. Business leave is granted in the same manner as annual/personal leave and such leave will not be unreasonably denied. Union business leave is recorded in the miscellaneous leave section of the time and attendance report. The employee delivers the signed leave slip to the respective union.

6. Employee Files - Supervisors will not keep secret any files, logs, or other records on employees. A secret file is any file kept without the employee's knowledge. Generally, supervisors should notify employees at the time of their orientation that a working file will be kept, its location, what types of documents may be placed in the file and that it may be reviewed at any reasonable time. Having given this notice, supervisors do not need to inform employees each time an item is added to the file, nor does the employee need to see every document prior to it being placed in the file. Access to working files is limited to the employee and those with a business reason.