

HOUSE CONCURRENT RESOLUTION NO. 55
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Introduced: 3/25/92

Referred: Health, Education & Social Services, Labor & Commerce

A RESOLUTION

1 Relating to labor problems at the University of Alaska.

2 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 WHEREAS, during the 1987 merger of the community colleges into the university system, the
4 University of Alaska unilaterally withdrew recognition of the Alaska Community College Federation of
5 Teachers (ACCFT 2404) except for recognizing a bargaining unit composed of seven faculty members
6 of the Prince William Sound Community College; and

7 WHEREAS the existing collective bargaining agreement had been negotiated in good faith in
8 1984 and was extended until March 31, 1989, by agreement between ACCFT 2404 and the Board of
9 Regents of the University of Alaska; and

10 WHEREAS ACCFT 2404 has filed multiple unfair labor practice charges against the university
11 with the Alaska labor relations agency which were referred to arbitration at the demand of the university;
12 and

13 WHEREAS ACCFT 2404 stipulated that allegations concerning violations of both the Public
14 Employment Relations Act (PERA) and of the contract would go to arbitration before Professor Timothy
15 Bornstein; and

16 WHEREAS, after three lengthy hearings at which extensive testimony was presented, Professor
17 Bornstein entered decisions as follows:

1 **Hearing One:** The University did not violate the collective bargaining agreement by
2 restructuring the university system;

3 **Hearing Two:** The collective bargaining agreement followed the community college
4 teachers into the new, merged institutions and the university violated PERA in its relations with
5 the community college teachers; the parties were given an opportunity to fashion a remedy but
6 Professor Bornstein retained jurisdiction in case the parties were unable to reach agreement;
7 when, after several meetings, no remedy was agreed upon, ACCFT 2404 requested mediation
8 from the Department of Labor but the university refused to participate;

9 **Hearing Three:** In repudiating the union contract, which remained in effect until
10 March 31, 1989, the university violated PERA and was ordered to pay damages from the
11 inception of the merger in 1987 to the expiration of the contract; and

12 **WHEREAS** the university opened negotiations with the union on December 19, 1988, maintained
13 that it would only negotiate issues relating to the seven Prince William Sound faculty members, and
14 refused to release union negotiators from their teaching responsibilities, as required by the terms of the
15 collective bargaining agreement, requiring the union to take the matter to arbitration before arbitrator T.
16 W. Patch, which resulted in an award of damages against the university; and

17 **WHEREAS** the university has paid outside counsel Tim Owens approximately \$600,000, through
18 the end of 1991, to represent them in these labor relations matters and has also employed three internal
19 staff attorneys and their support staff; and

20 **WHEREAS** the university requested and received \$1,200,000 from the Alaska State Legislature
21 in fiscal year 1991 to pay damage awards to ACCFT 2404; and

22 **WHEREAS,** to date, the university has failed to pay the full damage award to ACCFT 2404, and
23 is retaining approximately \$800,000 of the amount appropriated to pay the damage claims; and

24 **WHEREAS** the university has increased tuition and student activity fees several times since the
25 merger; and

26 **WHEREAS** the university is not sustaining the community college mission within the new,
27 merged institution to the degree promised to the legislature at the time of the merger; and

28 **WHEREAS** ACCFT 2404 has been forced to bring three more unfair labor practice complaints
29 against the university; and

30 **WHEREAS** the university, under the direction of their outside counsel, has requested that the
31 Alaska labor relations agency rehear all of the issues previously presented to and decided by Professor
32 Timothy Bornstein; and

1 **WHEREAS** the legislature expressed its intent in sec. 35, ch. 209, SLA 1990, page 71, lines 8 -
2 16, that "[i]t is the intent of the legislature that the University of Alaska seek a supplemental request to
3 fund all costs associated with the implementation of the Bornstein arbitration between the University and
4 the Alaska Community College Federation of Teachers (ACCFT), and for all costs associated with the
5 negotiation and implementation of all successor collective bargaining agreements between the university
6 and the ACCFT";

7 **BE IT RESOLVED** by the Alaska State Legislature that the Board of Regents of the University
8 of Alaska is strongly urged to

9 (1) immediately implement the arbitration awards made by Professor Bornstein and Mr.
10 Patch;

11 (2) cease and desist funding spurious litigation directed at avoiding the arbitrated awards;

12 (3) release union negotiators to negotiate the differences between the university and the
13 ACCFT 2404;

14 (4) conduct negotiations in good faith with ACCFT 2404 to reach both a remedy and a
15 successor collective bargaining contract;

16 (5) comply with legislative intent regarding preservation of the community college
17 mission, budget, and identity;

18 (6) comply with the Community College Act (AS 14.40.560 - 14.40.640); and

19 (7) initiate a comprehensive study to guarantee that the community college mission and
20 programs are preserved and strengthened.

21 **COPIES** of this resolution shall be sent to Robert Williams, president, Board of Regents, and
22 to Jerome Komisar, president, University of Alaska.