

Lead vs. Supervisory Authority

8 AAC 97.990(a)(5), provides the following definition of a supervisory employee:

“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) disciplining, including suspending, discharging, demoting, or issuing written warnings;**
or
- (C) grievance adjudication, including responding to a first level grievance under a collective bargaining agreement;**

This definition of supervisory employee is used to determine whether or not a position is placed in the Supervisory Bargaining Unit. In keeping with Alaska Labor Relations Agency’s Decision and Order 198, et al., placement in the SU bargaining unit requires that two standards be met. First, the employer must have conferred on an employee the authority to act or effectively recommend action in any one of the three supervisory functions: employing, discipline, or grievance adjudication. Second, the employee must exercise independent judgment in performing the function when the opportunity arises.

The above standards are met when the authority over a permanent position is conferred, whether it is full-time, part-time, or seasonal. Authority over non-permanent positions, including student interns, is by its nature a temporary assignment that will not move a position into the Supervisory Bargaining Unit. There may be rare, special cases when nonpermanent subordinate positions support placing the superior in the supervisory bargaining unit (such as a long-term project position supervising other long-term project positions; authority over long-term nonpermanent positions that will continue for several years; or similar possible exceptions). Such exceptions require the approval of the Director of the Division of Personnel and Labor Relations or designee.

A position may be assigned responsibility for common supervisory duties such as writing performance evaluations, mentoring, training, determining how work is performed, assigning work and monitoring workloads, and participating in interviews and filling out rating sheets on applicants without authority to act or effectively recommend actions regarding hiring, discipline, or grievance adjudication. This responsibility will not cause a position to be placed in the Supervisory Unit. This work is also indicative of a **lead worker**, and that position’s level of authority for hiring, discipline, and grievance adjudication would be represented on the supervisory grid in the PD at levels 3 or 4.

A position who, whether they do all of the above supervisory functions or not, which has the authority to act or effectively recommend action in any one of the areas of hiring, discipline, or grievance adjudication would have their level of authority in at least one area represented as 1s or 2s in the supervisory grid and they would therefore be appropriate for the SU bargaining unit.

The levels of authority assigned to the position on the supervisory grid in the areas of hiring, disciplining, and grievance adjudication must be accurate for that position, and those levels of authority represented on the supervisory grid should be substantiated in all other portions of the position description where it is appropriate (i.e., in sections 2.1 (main purpose), 2.2 (duties), 3.3 (guides and references regularly used should mention Personnel Rules, bargaining unit contracts), 3.4 (actions & decisions made), 3.5 (nature of contacts), 5 (supervisory or lead level authority), and the staffing chart.