

**DEPARTMENT OF LABOR
ALASKA LABOR RELATIONS AGENCY
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In the Matter of)
)
The INTERNATIONAL LONGSHOREMEN'S)
AND WAREHOUSEMEN'S UNION, LOCAL)
200,)
)
Petition for Certification)
of Public Employee)
Representative in CITY OF UNALASKA)
HARBOR EMPLOYEES)
_____)
CASE NO. 91-014-RC)

DECISION AND ORDER NO. 134

Heard before the Alaska Labor Relations Board, B. Gil Johnson and Darrell Smith, with Hearing Examiner Jan Hart DeYoung presiding, on May 2, 1991, in Anchorage, Alaska. Chairman H. O. Williams did not participate in the decision in this case. The record closed on May 2, 1991.

Appearances:

John J. Bukoskey, for petitioner International Longshoremen's and Warehousemen's Union; and City Manager Polly Prchal for respondent City of Unalaska.

Digest:

Under AS 23.40.090, based on such factors as community of interest and the requirement that bargaining units be as large as is reasonable, the unit appropriate for the purposes of collectively bargaining consists of the harbormaster, harbor officers, and the administrative specialist.

DECISION

Findings of Fact

1. On October 29, 1990, the International Longshoremen's and Warehousemen's Union (ILWU) filed a representation petition to be certified as the collective bargaining representative for all non-supervisory employees of the City of Unalaska port department.
2. Upon investigation, the Alaska Labor Relations Agency (Agency) determined that a question of representation existed by finding, among other things, that the ILWU satisfied the threshold requirement of a 30 percent showing of interest among the proposed bargaining unit members.
3. On January 9, 1991, the ILWU's representation petition and a notice of petition were posted at work sites at the City of Unalaska.
4. On January 28, 1991, the City of Unalaska objected to the composition of the unit proposed in the ILWU's petition.

The City objected to the inclusion of the harbormaster and the administrative specialist.

5. On April 18, 1991, at a prehearing teleconference, a hearing was scheduled for May 2, 1991. The parties filed prehearing briefs and at the hearing presented evidence in the form of exhibits and witness testimony. The decision of the board members was announced on the record May 2, 1991, including the statement that a memorandum decision would follow.
 6. The port director is the supervisor of the port department of the City of Unalaska and reports directly to the City Manager.
 7. The port director is the immediate supervisor of the harbormaster. The harbormaster's job description in respondent's Exhibit A describes the duties and responsibilities of that position to be the daily operation and maintenance of the port facilities. Specifically, this involves enforcing local, state and federal laws; accounting for revenues generated; directing movement and moorage of vessels during storms and other emergency situations; and coordinating with various parties during stevedore operations. The harbormaster exercises substantial responsibility and discretion in the activities at the harbor including reporting oil leaks or spills and directing boat placement, moorage, and tie-off.
 8. The harbormaster supervises the harbor officer positions and seasonal and part-time workers. The harbormaster's supervisory authority, however, does not extend to the authority to hire and fire. The harbormaster may make recommendations to the port director, but ultimate responsibility for personnel matters rests with the City Manager. The harbormaster's supervisory authority is analogous to that of a shop foreman. The harbormaster is not part of the "management team."
 9. The harbor officers' job description in petitioner's Exhibit 3 describes the duties and responsibilities of the position to be operating the boat harbor under supervision and cooperating in dock and terminal activities. Specifically, the job involves scheduling fishing vessels, directing movement and moorage of vessels during storms and other emergency situations, and answering inquiries and complaints from the public. The harbor officer is a range 13 and is paid at an hourly rate of \$13.75.
 10. The administrative specialist provides the clerical support for the port department. See petitioner's Exhibit 2. Ninety percent of the administrative specialist's work time is at the port department location. The wages, benefits, and hours for the administrative specialist are similar to the harbor officers. Conclusions of Law
1. The Alaska Labor Relations Agency has jurisdiction under AS 23.40.090 to determine the appropriate unit for purposes of collective bargaining.
 2. AS 23.40.090 provides:

Collective bargaining unit. The labor relations agency shall decide in each case, in order to assure to employees the fullest freedom in exercising the rights guaranteed by AS 23.40.070 -- 23.40.260, the unit appropriate for the purposes of collective bargaining, based on such factors as community of interest, wages, hours, and other working conditions of the employees involved, the history of collective bargaining, and the desires of the employees. Bargaining units shall be as large as is reasonable, and unnecessary fragmenting shall be avoided.
 3. Removing the harbormaster from the bargaining unit would leave a unit with two or possibly three positions, resulting in a fragmented unit.
 4. The community of interest and working conditions of the harbormaster are similar to those of the harbor officers. While the harbormaster's wages and hours are computed differently than the harbor officers, we find the similarities outweigh the differences and conclude that the harbormaster is appropriately a member of the bargaining unit with the harbor officers.
 5. The administrative specialist is in the same working group with the harbor officers and the harbormaster. Having represented and unrepresented workers at the same location could create labor disharmony. We conclude the

administrative specialist shares a community of interest with the harbormaster and harbor officers.

6. Including the administrative specialist in the bargaining unit provides a bargaining unit that is as large as is reasonable and avoids unnecessary fragmenting of the unit.

ORDER

1. The objection of the City of Unalaska to including the harbormaster and the administrative specialist in the port department bargaining unit is hereby denied, and we order that the unit be comprised of the harbormaster, harbor officers, and the administrative specialist positions located at the port department of the City Unalaska.

2. We order that the election proceed.

Dated: May 6, 1991

ALASKA LABOR RELATIONS AGENCY

B. Gil Johnson, Board Member

Darrell Smith, Board Member

This is to certify that on this day of , 1991, a true and correct copy of the foregoing was mailed, postage prepaid, to

Polly Prchal

John Bush

John Bukoskey

Signature