

**ALASKA LABOR RELATIONS AGENCY
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UA CLASSIFIED EMPLOYEES)
ASSOCIATION, APEA/AFT,)
)
Petitioner,)
vs.)
)
UNIVERSITY OF ALASKA,)
)
Respondent.)
<hr style="border-top: 1px solid black;"/>	
CASE NO. 92-086-RC	

DECISION AND ORDER NO. 160

This matter was heard on April 14, 1993, in Anchorage, Alaska, before the Alaska Labor Relations Board, Chairman B. Gil Johnson and member Darrell Smith, with Hearing Officer Jean Ward presiding. James Elliott did not participate. The record closed on April 14, 1993.

Appearances:

C. Ann Courtney, attorney, for University of Alaska; and James A. Gasper, attorney, for UA Classified Employees Association, APEA/AFT.

DECISION

The Agency conducted a mail ballot election on February 18, 1993. The University of Alaska (University) filed timely objections to the election. The Agency conducted an investigation and issued a Report of Investigation of University of Alaska's Objections Concerning Election on March 19, 1993. Parties were given seven days from the date of the investigative report to file objections or exceptions to the report. The University filed timely objections on two issues. First, the University claims that the Agency erred in refusing to count Notice of Secret Mail Ballot Election forms submitted in lieu of ballots. Second, it claims that the Agency erred in refusing to count certain ballots received after the deadline. The parties presented testimony and other evidence at the hearing on April 14, 1993.

The Alaska Labor Relations Board finds and concludes that the findings and conclusions in the investigative report are supported by substantial evidence in the record as a whole. Therefore, the Alaska Labor Relations Board accepts and adopts as its own the Agency's investigative report, except to clarify that there are four ballots remaining to be counted. One of the five challenged ballots, addressed on page 12, the ballot of Gary Dean Porter, has already been tallied. The investigative report is incorporated herein by reference and is attached as Exhibit A.

ORDER

1. The University's objections to the conduct of the election are **DISMISSED**; and
2. A date to count the remaining four ballots should be scheduled promptly.

ALASKA LABOR RELATIONS AGENCY

B. Gil Johnson, Chairman

NOT PARTICIPATING

James W. Elliott, Board Member

Darrell Smith, Board Member

APPEAL PROCEDURES

An Agency decision and order may be appealed through proceedings in superior court brought by a party in interest against the Agency and all other parties to the proceedings before the Agency, as provided in the Alaska Rules of Appellate Procedure and the Administrative Procedures Act.

The decision and order becomes effective when filed in the office of the Agency, and unless proceedings to appeal it are instituted, it becomes final on the 31st day after it is filed.

CERTIFICATION

I hereby certify that the foregoing is a full, true and correct copy of Decision and Order No. 160 in the matter of UA Classified Employees Ass'n, APEA/AFT v. University of Alaska, case no. 92-086-RC, dated and filed in the office of the Alaska Labor Relations Agency in Anchorage, Alaska, this 22nd day of April, 1993.

Norma Wren

Clerk IV

This is to certify that on the 22nd day of April, 1993, a true and correct copy of the foregoing was mailed, postage prepaid to

C. Ann Courtney

James A. Gasper

Signature