

BEFORE THE STATE OF ALASKA
DEPARTMENT OF LABOR
LABOR RELATIONS AGENCY

In the matter of)
)
The Unfair Labor Practice Charge of)
INTERNATIONAL BROTHERHOOD OF ELECTRICAL)
WORKERS, LOCAL #1547)
) Case No. ULP 84-004
Petitioner)
)
and)
)
CITY OF FAIRBANKS)
)
Employer)
_____)

DECISION AND ORDER NO. 85-4, AMENDED

On April 1, 1985 the Agency issued a Decision and Order, number 85-4, ruling that the City of Fairbanks was guilty of an unfair labor practice and ordering the City to cease the illegal practice. That Decision was appealed to the Superior Court. In its appeal brief, the City cited a relevant NLRB Decision which had been overlooked by both parties and not considered by the Agency in rendering Decision and Order number 85-4. Subsequently, the Agency moved for remand so that it might consider this precedent. The Superior Court has granted that motion and this, then, is the Agency's reconsideration.

The NLRB decision, heretofore overlooked, is Federal-Mogul Corp., 209 NLRB 343, 85 LRRM 1353 (1974). This case involved a group of industrial employees who were added to an already existing bargaining unit of production employees as the result of a "Globe" election. The NLRB held that in such a situation, the pre-existing contract should not be applied to the newly added group.

The court has accurately noted that this is a case of first impression in Alaska. However, the Federal-Mogul doctrine has been applied consistently in Michigan, Iowa and Oregon state courts.

The Alaska Courts consider applicable NLRB decisions highly relevant in ruling on unfair labor practice claims. Alaska Public Employees Assn., Inc. v. Municipality Of Anchorage, 555 P. 2d 552, 553 (Alaska 1976). This agency has also determined such consideration to be appropriate.

The IBEW opposes the consideration of Federal-Mogul on the belief that the relevant election was not a "Globe" election because the IBEW was not a certified union at the time of the election. As pointed out by Judge Blair in his opinion, "Globe" elections do not require the existence of already certified bargaining units. Judge Blair finds the IBEW arguments against the "Globe" status of the election without merit. We agree.

Under the Federal-Mogul doctrine, when a group of employees is added to an already existing bargaining unit under a "Globe" election, the pre-existing contract does not apply to them. The agency sees no reason to depart from this NLRB precedent.

ORDER

Accordingly, it is hereby ordered that the unfair labor practice charge filed by IBEW is dismissed.

Dated 10/17/85

Robert J. Bacolas, Chairman

Donald R. Wilson, Member

James R. Carr, Member

[Seal Affixed and Signatures On File]