

[Labor Relations Agency]

PERTAINING TO A HEARING CONCERNING A  
PETITION BY ROBERT STINDE REQUESTING  
RECLASSIFICATION INTO SUPERVISORY UNIT

ORDER AND DECISION NO. 15-B

Findings of Fact:

1. Order and Decision No. 15 was issued in response to various petitions for unit clarification and involved requests that certain positions be reclassified from non-supervisory to supervisory.

2. The execution of Order and Decision No. 15 was stayed to allow the introduction of additional evidence and argument with respect to individuals in the classification of Probation Officer III. Additional evidence and arguments were introduced.

3. As a result of the aforementioned decisions, Order and Decision No. 15-A was issued, as follows:

"1. The State shall make first determination of the proper unit placement of individuals according to the regulations and the Orders and Decisions of the Labor Relations Agency and subject to the requirements of collective bargaining agreements between the State and employee organizations.

"2. Such determinations by the State shall be appealable to the Labor Relations Agency by the employee(s) and/or

the employee organization(s) concerned, and if such appeal is made the parties will be heard by the Labor Relations Agency on the first available agenda.

"3. The State agrees that those Probation Officers III whose names are listed below should be in the Supervisory Unit, and it is so ordered effective April 1, 1975.

Barton Penny  
Daniel Hoy  
Artis C. Masingill, Jr.  
Richard Illias  
Duncan Fowler  
Fred Fowler  
Frederick Baird

"4. Those Probationary Officers III concerning whom there is a question shall be notified promptly by the State of the fact that there is a question and shall be afforded fifteen calendar days following receipt of such notification to file individual petitions for hearing by the Labor Relations Agency.

"5. Those petitions filed subsequently to Order and Decision No. 15 shall be treated in accordance with the foregoing sections of this order."

4. Mr. Robert Stinde filed such a petition and was accorded a hearing on June 2, 1975. Testimony from Mr. Stinde elicited the following:

(a) He participated in decision making in the case of three transfers.

(b) He evaluated a Probation Officer II and recommended him for promotion. The promotion was made, but the decision to promote was made by another person.

(c) He has no opportunity to promote because there are not that many levels in the organization.

(d) He makes no decisions that are not subject to review.

(e) He has had no occasion to suspend anyone.

(f) He has heard no formal grievances.

(g) He has had no occasion to discharge anyone.

5. 2 AAC 10.220 DEFINITIONS. (b) (3), as revised 6/15/74, states:

"supervisory employee' means an individual having substantial responsibility on behalf of the public employer regularly to participate in the performance of all or most of the following functions: employ, promote, transfer, suspend, discharge or adjudicate grievances of other employees, if in connection with the foregoing, the exercise of such responsibility is not of a merely routine nature but requires the exercise of independent judgment."

Conclusions:

Petitioner does not, by his own testimony, meet the criteria set forth in 2 AAC 10.220.

Decision and Order:

Petition is denied.

DATED: July 18, 1975.

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C. R. "Steve" Hafling, Chairman

/s/ Morgan Reed  
Morgan Reed, Member

/s/ Ronald M. Henry  
Ronald M. Henry, Member

[Signature On File]