

[LABOR RELATIONS AGENCY STATIONERY]

March 29, 1977
ORDER AND DECISION NO. 26C PERTAINING
TO UNIT ALLOCATION OF INDIVIDUALS

FINDINGS OF FACT

The Division of Personnel, Department of Administration, State of Alaska proposed, based on questionnaires returned from the individuals concerned, to move certain persons to the Government Unit represented by the Alaska Public Employees Association from the Supervisory Unit, also represented by the Alaska Public Employees Association. Said questionnaires were designed to elicit sufficient information from the persons concerned to ascertain whether or not they met the criteria set forth in 2 AAC 10.220 (b) (3), the definition of supervisory employee in the regulations.

A number of persons concerned appealed to the Labor Relations Agency to reject the Division of Personnel's recommendations, whereupon the Agency appointed James R. Lucas as hearing officer to hear all material and relevant evidence and to make recommendations based upon such evidence to the Agency for its decision. Hearings were conducted by James R. Lucas in Anchorage on March 22, 1977, in Fairbanks on March 23, 1977, and again in Anchorage on March 24, 1977.*

The question of retroactive adjustment for those appellants who were moved from the Supervisory Unit to the General Government Unit and who might be reinstated to the Supervisory Unit by action of the Labor Relations Agency was raised during the hearings. However, insufficient data were presented upon which the hearing officer could base any recommendations, in particular data pertaining, to whether or not the individuals concerned were among those covered by Order and Decision No. 26A.

CONCLUSIONS

With respect to those persons concerning whom recommendations were made by Hearing Officer Lucas to the Labor Relations Agency subsequent to the hearing of March 22, 23 and 24, 1977, the Hearing Officer gave each party full opportunity to present all relevant and material evidence, and applied the criteria set forth in the regulations in making his recommendations to the Agency; therefore his recommendations should be adopted.

No conclusion should be reached at this time with respect to any pending questions of retroactive adjustment concerning those individuals covered by this Order and Decision.

ORDER AND DECISION NO. 26C

The individuals listed below should be allocated to the appropriate unit as indicated, effective at 12:01 local time on May 1, 1977.

<u>NAME</u>	<u>PCN/TITLE</u>	<u>UNIT ALLOCATION</u>
Frank Byerly	064122 PO III	General Government
Charles Coyle	144215 HEA III (Project Engr.)	Supervisory*
Frank Lombardo	141270 " "	Supervisory
Ms. Lare	215013 Community Develop- ment Coordinator	Supervisory*
Wayne Thompson	025090 Surplus Property Officer II	General Government*
John Tiemessen	142244 HEA III (Project Engr.)	Supervisory
Rodney Anderson	142687 " "	Supervisory
Gordon Spaulding	141273 " "	Supervisory*
John Schelin	141709 Area Maintenance Sup.	Supervisory
John McKee	162965 District Equipment Sup.	Supervisory
Ron Davis	142230 HEA III (Project Engr.)	Supervisory
Ken Leslie	142247 HEA III (Project Engr.)	Supervisory
George Vincent	142212 HE I (Project Engr.)	Supervisory

*Mr. Byerly was not available for the hearing, but was represented by his District Supervisor. Based upon the evidence represented, the hearing officer found that although he is a professional leadperson he is not a supervisor within the definitions of the regulations. However, since he was not able to appear in person it is hereby determined that he shall retain the right to appeal for a hearing in person.

*Charles Coyle is stationed in Nome and has been unable to attend hearings. At the request of the Chairman of the Labor Relations Agency the hearing officer took testimony from Mr. Coyle by telephone on March 29, 1977; which testimony indicated that he properly should be allocated to the supervisory unit. During the course of taking testimony by phone it was discovered that his PCN appeared on a list sent to the Agency on February 14, 1977, by Ken Kareen, Deputy Director, Division of Personnel and Labor Relations showing that the Department of Administration agreed that he should be a supervisor.

*Ms. Lare's PCN appears on a list appended to a memorandum from Robert Stewart, Chief of Employee Relations, Division of Personnel, Department of Administration, to Richard Wilson, Executive Director of the Alaska Public Employees Association, indicating that Mr. Stewart agreed that Ms. Lare should be in the supervisory unit.

*Mr. Schelin also appeared on Mr. Kareen's listing of February 14, 1977, referred to above, with the State concurring that he appeared to be supervisory.

*Mr. Thompson was found by the hearing officer to be a leadperson rather than a supervisor as defined.

The question of retroactive adjustment was raised in connection with those persons listed below:

Charles Coyle (in this case a substantial amount, due to
None differentials)

Frank Lombardo
John Schelin
Ken Leslie
Ron Davis
George Vincent
Gordon Spaulding
Rodney Anderson
Frank Tiemessen

No decision is reached at this time with respect to the question of retroactive adjustment for the above-named individuals.

SIGNED: _____
C.R. "Steve" Hafling, Chairman

SIGNED: _____
Ronald M. Henry, Member

SIGNED: _____
Morgan Reed, Member

[SIGNATURES ON FILE]