

[LABOR RELATIONS AGENCY STATIONERY]

January 3, 1977

ORDER AND DECISION NO. 28 PERTAINING
TO A UNIT AUTHORIZATION PETITION BY
THE PUBLIC SAFETY EMPLOYEES ASSOCIATION,
INC., STATE OF ALASKA

FINDINGS OF FACT

The Public Safety Employees Association, Inc., State of Alaska, an employee organization as defined by Alaska Statute 23.40.250 (4), and which has filed Articles of Incorporation with the State of Alaska Labor Relations Agency, made timely filing of a petition for authorization of a collective bargaining unit consisting of employees in the State of Alaska Department of Public Safety other than supervisory, managerial and confidential employees.

The petition contained verified signatures of more than eighty percent of the affected employees.

Petitions were also timely filed by Public Service Employees Local No. 71. One of these petitions sought a unit of General Government employees as presently constituted but excluding professional employees. This petition was not supported by the minimum thirty percent showing of interest required by Sec. 23.40.100 and was therefore dismissed. An alternative petition sought the creation of a unit incorporating the same employees covered by the Public Safety Employees Association's petition, but also including other

classifications. This petition was designated Law Enforcement Unit I and included the classification listed below. Those classifications also listed in the petition by the Public Safety Employees Association are indicated by underlining, as follows:

Admission & Discharge Officer
Youth Counselor Assistant
Youth Counselor Assistant I, II & III
Correctional Officer Trainee
Correctional Officer I & II
Constable
Judicial Services Officer
State Trooper
Corporal Public Safety
Sergeant, Public Safety
Staff Sergeant, Public Safety
Investigator I & II, Public Safety
Demolition Specialist
Building Security Specialist I & II
Firefighter Guard Trainee
Firefighter Guard
Supv. Firefighter Guard I & II
Weights & Measures Inspector I, II & III
Probation Officer Trainee
Probation Officer I, II & III
Radio Dispatcher I, II & III
Fire Dispatcher I & II*
Guard I & II
Vehicle Operations Firefighter
Trooper Operations Assistant*
Investigator - 7719*
Police Photographer*
Protection Aide
Latent Fingerprint Examiner II

(* indicates those classifications that may have been included under different nomenclature in the Public Safety Employees Association's petition.)

The Public Safety Employees Association's petition also included classification not listed above, as follows:

Warrant Officer, Public Safety
Lab Technician
Pilots, Public Safety

Fire Marshals
Fish and Wildlife Protection Officers
Fish and Wildlife Protection Aides
Inspectors of the Division of Fire Prevention.

During the hearings on the subject petitions the list immediately foregoing was modified to include the classification of Fire Protection Engineer.

Public Service Employees Local No. 71 also presented an alternative petition designated Law Enforcement Unit II, which proposed a unit consisting of the same classifications as listed for Law Enforcement Unit I, except for State Troopers, Fish and Wildlife Protection, Public Safety Dispatchers, Public Safety Laboratory Technicians, Judicial Services Officers, Fire Marshals and Inspectors of the Division of Fire Prevention.

Hearings were held on the above described petitions in Anchorage Alaska on October 18, 1976: Both petitioners and the Alaska Public Employees Association, objecting, were afforded a full hearing and given the opportunity to present all relevant and material evidence, and to examine and cross-examine witnesses.

The Alaska State Labor Relations Agency reached unanimous conclusions at the close of the hearing and described in general terms the decisions reached therefrom, subject to appropriate revisions as to wording and form, which revisions are incorporated herein.

Pursuant to a decision having been reached, a secret ballot election was conducted by mail, the results of which were counted on November 29, 1976 and certified on December 3, 1976, with the following results:

Total Number Eligible to Vote	305
Number voting for the Alaska Public Safety Employees Association as collective bargaining representative.	199
Number voting for no representation	4
Number of void ballots.	12

Consequently the Alaska Public Safety Employees Association was certified as the collective bargaining representative for the unit described below.

Alaska Statute 23.40.090. Collective Bargaining Unit, states:

"The labor relations agency shall decide in each case, in order to assure to employees the fullest freedom in exercising the rights guaranteed by Secs. 70-260 of this chapter, 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."

The labor relations agency found that the classifications set forth in this Order and Decision No. 28, below, have a clearly demonstrable community of interest in that they are sworn public safety officers who wear or may wear badges, who are or may be armed, and who have full penal arrest powers. Furthermore, all of these classifications are in the Department of Public Safety and under the same management.

The labor relations agency found that one or more of the above listed criteria did not apply to the classifications set forth in Public Service Employees Local No. 71 which are not in the Department of Public Safety. The agency further found

that one or more of the above criteria did not apply to certain classifications included in the petition by the Public Safety Employees Association, namely:

- Laboratory Technicians
- Latent Fingerprint Examiner
- Protection Aide
- Fish and Wildlife Protection Aide
- Dispatchers
- Pilots per se (see below)

CONCLUSIONS

With certain modifications discussed during the hearing and herein, a Unit of Public Safety Employees is appropriate and the Alaska Public Safety Employees Association, Inc., has been certified as the collective bargaining representative for that Unit.

The oral decision at the close of the hearing used the term "regularly commissioned," because that term was used by witnesses in the hearing. However, that term apparently has no meaning except by usage, and therefore the general description of the Unit should be modified to include all of those classifications within the Department of Public Safety (other than Supervisory and Confidential as defined in the regulations) which have primary responsibility for the prevention and detection of crime and the enforcement of the fish and game, penal, traffic or highway laws of the State and require certification as a police officer by the Alaska Police Standards Council. In addition, job classes established for training purposes, where satisfactory completion of training and promotional advancement requires such certification should also be included in the Unit.

In certain classifications included within the Unit, there may be employees who have not been certified as police officers by the Alaska Police Standards Council. In such cases the following Decision and Order should be construed to mean that the labor relations agency has included these classifications within the Unit with the understanding that any employees who have not been certified as police officers should obtain such certification if possible to do so, and that in any case the entry requirements for such classes for any persons hired in the future should include the requirement of certification as a police officer.

The position of Pilot, Public Safety, should not be included in the Unit as such. However, it is the understanding of the Agency that there are certificated police officers in the Department of Public Safety whose primary functions are those of law enforcement and whose skills and abilities as pilots are incidental to said primary functions. Such personnel should be included in the Unit under the appropriate class title, such as State Trooper. It is the further understanding of the labor relations agency that there are also civilian pilots in the Department of Public Safety who have no primary responsibility as law enforcement officers, and it is based on that understanding that the conclusion is reached that the classification of Pilot should not be included in the Unit.

ORDER AND DECISION NO. 28

1. A Unit of Public Safety Officers is hereby authorized,

consisting of those employees of the Department of Public Safety in the job classifications listed below:

Judicial Services Officer
State Trooper
State Trooper Recruit
Corporal, Public Safety
Sergeant, Public Safety
Staff Sergeant, Public Safety
Warrant Officer, Public Safety
Investigator I, Public Safety
Investigator II, Public Safety
Deputy Fire Marshal I
Deputy Fire Marshal II
Demolition Specialist
Fire Protection Engineer
Constable
Security Specialist I, Public Safety
Security Specialist II, Public Safety.

2. The future entry requirements for the above-listed job classifications shall include certification as a police officer by the Alaska Police Standards Council, except that in the case of job classes established for training purposes where satisfactory completion and advancement require such certification it shall not be an entry requirement.

3. The Alaska Public Safety Employees Association, Inc. has been and is certified as the collective bargaining representative for all employees in the classes set forth in Paragraph 1, above.

SIGNED: _____ DATE: Jan 3, 1977
C.R. "Steve" Hafling, Chairman

SIGNED: _____ DATE: Jan 7, 1977
Ronald M. Henry, Member

SIGNED: _____ DATE: Jan 18, 1977
Morgan Reed, Member

[Signatures On File]