

[LABOR RELATIONS AGENCY STATIONERY]

January 23, 1978

ORDER AND DECISION NO. 32 PERTAINING
TO PETITION BY DEPARTMENT OF ADMINISTRATION
TO REALLOCATE TWO POSITIONS FROM GENERAL
GOVERNMENT UNIT TO CONFIDENTIAL EMPLOYEES
UNIT

FINDINGS OF FACT

One of the two positions involved is that of Accounting Clerk 2 in the Division of Motor Vehicles. The position description states:
"This position is responsible for maintaining sick and annual leave records for the Department. This involves computing batch control on leave records verifying contents of batch and error listings, tracing discrepancies and preparing adjustment documents to correct errors. . . ."

The other position is a Payrolls Supervisor 1, in the Department of Health and Social Services. The position description states:
"The position is now required to prepare statistical reports, audit all payroll documents, make all Department adjustments and corrections in payroll, insure proper payment of leave accrual, LWOP or discipline. . . ."

Both of these positions have been in the General Government Unit since its inception in 1974. The General Government Unit is represented by the Alaska Public Employees Association. The Personnel Officers involved have no

substantial involvement in collective bargaining with the A.P.E.A.

2 AAC 10.220. DEFINITIONS. (b) (1) states:

"confidential employee" means an employee who assists and acts in a confidential capacity to a person who formulates, determines, and effectuates management policies in the area of collective bargaining. The term "confidential employee" shall be narrowly construed;"

There was no evidence produced to support the contention that either of the two positions met the definition cited above.

Conclusion

The moving party failed to sustain the burden of proof that the two positions involved are "confidential" as defined in the regulations.

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The petition by the Department of Administration is hereby denied.

SIGNED: _____ DATED: 1/23/78
C.R. "Steve" Hafling, Chairman

SIGNED: _____ DATED: 1-23-78
Ronald M. Henry, Member*

SIGNED: _____ DATED: _____
Morgan Reed, Member

*Member Henry was not present at the hearing. However, after reviewing the record in this matter he concurs.

[Signatures On File]