

[LABOR RELATIONS AGENCY STATIONERY]

March 20, 1978

ORDER AND DECISION NO. 33 PERTAINING TO  
FIREFIGHTERS

Findings Of Fact

A hearing was held in this matter in Anchorage on January 23, 1978.

The Department of Natural Resources, Division of Forestry last year perceived a need for the creation of a new position series, to be known as Forestry Technicians. In furtherance of this perception position descriptions were drawn up to describe Forestry Technicians, and it was believed by the State that the description as drawn would appropriately fall in the General Government Unit represented by the Alaska Public Employees Association.

In implementation of the proposed new series laborer-firefighters from Public Service Employees Union Local No. 71 were transferred to the new job titles and were simultaneously put into the General Government Unit.

It was stipulated at the hearing that this move, as it turned out, was Premature. The persons moved performed the same firefighting duties for the remaining two weeks of their employment as they had performed under the jurisdiction of Local No. 71.

It was further brought out at the hearing that the original Forestry Technician series descriptions were inadequate to the purposes of the Division of Forestry and that the Division would require revised position descriptions to fully meet their perceived needs. There was stated to be a person employed in Haines who was at the time of the hearing performing duties as perceived for Forestry Technician by the Division of Forestry; however, this person was not present at the hearing.

### Conclusions

The State acted prematurely in transferring laborer-firefighters to the new job titles and out of the jurisdiction of Local No. 71, and those individuals concerned and Local 71 should be made whole for the approximately two-week period this mistaken transfer was in effect upon presentation of proof of loss.

The Labor Relations Agency has acted in the past and should continue to act in the future in a passive rather than an active role with respect to the allocation of individuals to one unit or another, that is to say: it should act only in response to complaints from a public employer, from an employee organization, or from an individual or individuals. Furthermore, the Labor Relations Agency should not make rulings on proposed changes but rather should be asked only to make rulings on changes that have actually transpired. The case at hand is a good illustration of this principle, since although the Departments of Administration and Natural Resources apparently acted in perfectly good faith, their intentions were frustrated by unpredictable acts of nature. The Labor Relations Agency therefore should not make

any ruling with respect to the individual in Haines until such time as evidence is presented at an open hearing as to what that individual's duties actually are at the time of the hearing, nor should the Labor Relations Agency make any rulings or issue any opinions with respect to the proposed Forestry Technician Series until such positions have actually been created and filled and until testimony can be taken as to the actual job duties of the positions.

ORDER AND DECISION NO. 33

Upon reasonable proof of loss those laborer members of Public Service Employees Local Union No. 71 who were transferred to the position of Forestry Technician in 1977 and who were placed in the General Government Unit shall be made whole for any loss in wages and benefits suffered as a direct result of the transfer. Local No. 71 shall be made whole for the loss, if any, of any dues that would have been paid but for the premature reclassification of the laborers described above.

SIGNED: \_\_\_\_\_  
C.R. "Steve" Hafling, Chairman

SIGNED: \_\_\_\_\_  
Ronald M. Henry, Member

SIGNED: \_\_\_\_\_  
Morgan Reed, Member

[SIGNATURES FOR HAFLING AND REED ON FILE]