

[Labor Relations Agency Stationery]

ORDER AND DECISION NO. 54D

Pursuant to a Motion for Reconsideration filed by the University of Alaska, the Agency agreed to hold additional hearings with regard to the question of what topics of bargaining were mandatory, what topics of bargaining were permissive, and the relationship of those questions to the Agency's prior Order and Decision No. 54. The hearing on the matter was held on December 20, 1979. Both the Union and the University appeared through counsel. The University of Alaska submitted legal memoranda on the topic and at the hearing, took the position that the question was a legal question. The Agency intends to clarify the decision in Order and Decision No. 54 by making the following further finding of fact and conclusions of law and order.

Findings of Fact

1. The work rules contained in a letter of August 20, 1979 from the University to the Union were imposed unilaterally.
2. Prior to the imposition of the work rules no attempt had been made to bargain with respect to them.

3. The Agency finds that approximately sixty-six items under negotiations are still in dispute between the parties and that the parties are not currently engaged in negotiations with respect to these issues.

4. At the present time, the services of a mediator cannot be usefully employed because there are still too many issues outstanding between the parties.

5. The Agency is not presently required to decide whether any particular issue presently in dispute between the parties is a mandatory or permissive subject of bargaining.

Conclusions of Law

1. The unilateral imposition of work rule changes without engaging in negotiations with respect to them is an unfair labor practice.

2. The terms and conditions of employment contained in the previous agreement should be continued in effect until such time as the parties have an opportunity to conduct negotiations with regard to the proposed changes requested by the parties.

3. That the parties are under no obligation to make any concessions or reach an agreement with regard to any terms.

4. That in the event the parties have attempted to negotiate with respect to the proposed changes, and that the preexisting contract has expired, the parties cannot reach agreement with regard to the changes, that the terms of the working conditions may then be unilaterally imposed.

5. The Agency is not required to order that the parties call the services of a mediator if the Agency does not feel that the dispute has reached the stage at which the services of a mediator can be helpful.

It is the Order of the Agency:

1. That the work rules unilaterally imposed on August 20, 1979 be rescinded.

2. That the terms and conditions of employment contained in the previous and now-expired contract be reinstated.

3. That the representatives meet for the purpose of engaging in further negotiations at the earliest possible time.

4. That the parties attempt to engage in serious negotiations with regard to the proposed work rule changes and any other issues that might be relevant to issues involved in the negotiations prior to the imposition of any work rule changes.

5. That the Union's request that the Agency order the parties to seek the assistance of a mediator is denied.

DATED this 21st day of December, 1979.

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

SIGNED: _____
Morgan Reed, Member

SIGNED: _____
Ronald M. Henry, Member

[Signatures on File]