

Decision and Order Implementing  
Order and Decision Number 1 as Pertains  
to Petitions No. 1-72 and No. 5-72, Confidential Unit

Findings of Fact:

1. An appropriate unit of confidential employees was authorized in Order and Decision Number 1, and an election was ordered.
2. Subsequently various agreements and disagreements among the parties as to the inclusion or exclusion of certain classifications caused substantial delay in the conduct of an election.
3. Further delay would be detrimental to the purposes of the Public Employment Relations Act.
4. There is a proposal now awaiting hearing and decision to amend the definition of "appointed official" found in 2 AAC 10.220 (1) so that the definition of appointed official would read: "' appointed official ', as used in AS 23. 40.250 (5), means a person who exercises significant responsibilities for the public employer in the area of policy formulation or implementation. "
5. The proposed change in the definition of "appointed official" reflects the Alaska State Labor Relations Agency's position that persons who exercise such significant responsibilities should not be placed in a conflict of interest situation by being in a bargaining unit.

Conclusion:

1. The interest of all concerned will be best served to proceed with an election forthwith and such election shall be based on a definition of "appointed official" which reads as follows: "'appointed official' is a person who exercises significant responsibilities for the public employer in the area of policy formulation and implementation."

Decision:

1. The Department of Administration and the Alaska Public Employees Association are requested to reach agreement by December 22, 1973, as to a voting eligibility list, in accord with the above mandate.
2. If the parties are able to agree, such agreed upon lists shall be the eligibility list, subject to approval by the Alaska State Labor Relations Agency.
3. If the parties are unable to agree on a complete eligibility list by December 22, 1973, they are requested to furnish as complete an agreed upon eligibility list as possible. In this event all those voting whose names do not appear on the eligibility list will be challenged and their eligibility will be determined by the Alaska State Labor Relations Agency as part of the election procedure.
4. In the event the parties are totally unable to agree upon an eligibility list the Alaska State Labor Relations Agency will determine such a list.
5. In any event the election will take place in January of 1974.

DATED this 7th day of December, 1973.

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C. R. "Steve" Hafling, Chairman

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Morgan Reed, Member

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Joe Franich, Member