

[Labor Relations Agency Stationery]

ORDER AND DECISION NO. 60

RE: JOHN CHYA, OVERTIME ARBITRATION DISPUTE UNFAIR LABOR PRACTICE
ALRA FILE NO. ULPC-7

BACKGROUND

On March 7, 1980, the Alaska Labor Relations Agency received an unfair labor practice accusation from Public Employees Local 71 AFL-CIO. The allegation was that the State of Alaska committed an unfair labor practice by refusing to arbitrate a dispute at Kodiak, Alaska.

A hearing was held on the 16th day of June, 1980, concerning the above referenced dispute. Testimony was elicited from the Petitioner and State at the hearing.

FINDINGS OF FACT

The Labor Relations Board having reviewed the testimony elicited at the hearing hereby makes its Findings of Fact:

1. The dispute concerns whether work performed for the Kodiak Airport should be determined as overtime or job time by the Arbitrator.
2. That the past practice of the ALRA and the parties has been to have arbitration conducted in Anchorage, Fairbanks, or Juneau, whichever Municipality is closest to the location of the dispute. That practice has been modified by agreement between the parties or in an individual case basis in the past.
3. That a site review of the Kodiak Airport is not necessary to determine this dispute.
4. That the testimony of the witnesses for the Petitioner, as admitted by the Petitioner, is cumulative.
5. The Arbitration proceeding will take approximately one-half to three-quarters of one day.
6. That the Petitioner remains upon active pay status, from the State of Alaska during the time of arbitration; witnesses for the grievant do not.

7. That the Arbitrators cost are paid by the party that does not prevail at the hearing.

CONCLUSIONS

Based upon the foregoing Findings of Fact, the Agency makes the following Conclusions and Order:

1. That here-to-fore, the Agency has not set forth the appropriate considerations to determine the proper venue of arbitration hearings. We now set forth the following criteria to be followed by the parties in determining the proper venue for any further arbitration disputes as well as the present arbitration dispute:
 - a) The Board finds that employee access to the arbitration hearings is an important criteria to be considered by the parties.
 - b) The facilities of any proposed location to hold and conduct the hearing for any arbitrator is to be taken into consideration.
 - c) The economic size and scope of the grievance is an important consideration in order to determine proper venue.
 - d) The very nature of the dispute should be taken into consideration to determine venue.
 - e) The exact location where the dispute arose in relation to employee access, facilities, and economic burden to any party should be taken into consideration to determine the proper venue.
 - f) Whether or not there are disputed facts concerning the arbitration matter, should be considered.

It is further the policy of this Board that, whenever the Venue of arbitration is an issue that the parties meet and address each of the foregoing issues in an attempt to informally resolve the dispute before bringing the matter before the ALRA. The Agency finds that there may be, and can be, necessary policy and substantive reasons to have hearings elsewhere than Anchorage, Fairbanks and Juneau. However, if after the parties have met and failed to resolve the matter informally, the Board will hear the dispute and resolve the Venue issue in the future.

DECISION AND ORDER

- 2) In this instant case, we order the parties to conduct a hearing in Anchorage, Alaska, at a mutually convenient time and place.

Signed,

DATED: 7/29/80

C. R. "Steve" Hafling

Ronald M. Henry

Morgan Reed

[Signatures on File]