



State of Alaska
LABOR RELATIONS AGENCY

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ORDER AND DECISION CONCERNING THE CONDUCT
OF A STRIKE VOTE BALLOT

ORDER AND DECISION NO. 7

At a hearing on January 7, 1974, it was brought to the attention of the Alaska State Labor Relations Agency that a strike vote was occurring in the General Government Unit and that the Labor Relations Agency under AS 23.40.200(d) and AS 23.40.250(2) ^{*} had certain responsibilities with regards to such strike balloting. The Agency, to date, has not promulgated regulations concerning strike balloting; however, such regulations shall be forthcoming. During the interim, the Labor Relations Agency, pursuant to its statutory responsibilities and authority under AS 23.40.200(d) and AS 23.40.250(2), adopts the below described position with regard to strike balloting occurring after the date of this order and decision.

"Conduct of an election" with respect to the provision that employees in the class who may engage in a

* AS 23.40.200(d) provides:

(d) The class in (a)(3) of this section includes all other public employees who are not included in the classes in (a)(1) or (a)(2) of this section. Employees in this class may engage in a strike if a majority of the employees in a collective bargaining unit vote by secret ballot to so do.

AS 23.40.250(2) provides:

(2) "election" means a proceeding conducted by the labor relations agency in which the employees in a collective bargaining unit cast a secret ballot for collective bargaining representatives, or for any other purpose specified in secs. 70 - 260 of this chapter;

strike if a majority of the employees in a collective bargaining unit vote by secret ballot to do so shall mean that:

(a) The collective bargaining representative for the unit concerned shall request Labor Relations Agency's approval as to the ballot and the procedures for conducting the election.

(b) The Labor Relations Agency will approve such ballot and election procedures, with whatever modifications it may deem necessary in the interests of a fair election with properly stated issues, within no more than 5 days after receipt of a request for approval. Approval, with or without modification, may be carried out without hearing, time being of the essence.

(c) An election on a strike issue will not be deemed to fulfill the requirements of AS 23.40.200(d) unless the foregoing provisions have been complied with and the Labor Relations Agency has certified the conduct and results of such an election. Certification and/or objections to the conduct of the strike election shall be conducted pursuant to 2 AAC 10.180 - .190.

For strike balloting occurring prior to the date of this order and decision, the Labor Relations Agency adopts the following position. First, a representative of the Labor Relations Agency must be present for the counting of the ballots. Second, an affidavit signed by an officer of

the employee organization must be filed with the Labor Relations Agency detailing the procedures of the election. A copy of such affidavit shall also be provided the public employer. Third, once the affidavit and a statement of service are provided the Labor Relations Agency, the representative of the Labor Relations Agency shall initial the tally of ballots. Certification and objections to the results of the election shall then be handled pursuant to 2 AAC 10.180 - .190. An election will not be deemed to fulfill the requirements of AS 23.40.200(d) unless certified by the Labor Relations Agency.

DATED: January 9, 1974.

15/ C. R. "Steve" Hafling
C. R. "Steve" Hafling
Chairman

15/ Joe Franich
Joe Franich
Member