

[Labor Relations Agency Stationery]

ORDER AND DECISION

Re: Charles Landers
PCN #25-2745
Unit Clarification 80-14

On 8/21/81 William J. Pauzaskie, the hearing officer of the Labor Relations Agency, conducted a hearing concerning the Unit Clarification of Charles Landers.

The State Presented Exhibits A and B, two P402's which were prepared concerning this position on or about 9/28/79. The P402's describe 70% of Mr. Landers' duties. The duties were basically 15% administration of the section's budget; 15% inspection of work performance by subordinates; 15% responsibility for issuance of access permits of public roads; 15% development of plans and specifications for maintenance operations. The balance of his services (30%) provided for technical support and maintenance of the airport runway lighting and beacon systems and approximately 45 trunk and secondary airports in the central region. Mr. Landers is also responsible for fiscal management of the budget exceeding One Million Five Hundred Thousand Dollars (\$1,500,000.00) annually. He must plan the physical work of

his section and ongoing management planning. He must be familiar with the local trades & crafts, the general central government administration and standard personal management principles.

As set forth in Exhibits A and B, Mr. Landers' duties are to supervise two employees, a highway engineer assistant, and a clerk typist III. The P402's show that he has authority to recommend the appointment, promotion, suspension, and discharge of employees. He can settle grievances at Step 1 upon informing his supervisor and only has to have prior approval to transfer an employee. No oral testimony was presented by the State other than that given by Mr. Darrell Keith.

Mr. Landers' testimony was in direct contravention to the State's testimony in many respects. He testified that he is responsible for 15 people in five crews that he supervises. The crews include a striping crew that marks the center line of roads during the Summer months, that crew includes five people; an airport crew of two people that replaces lights in the roads that lead to and from the airport; a sign crew with two people; a traffic light signal

crew which has five individuals; and one person who supervises access permits for proposed roads which intersect with State highways and roads.

Mr. Landers testified that he does have employment authority. He acknowledges that standard operating procedures of the Department of Transportation state that only the Director actually hires individuals. Mr. Landers' testimony was that when the Director creates a position, Labor, Trades & Crafts (LTC), through their collective bargaining unit, submits proposed individuals after the 96 hour posting requirement is met. Mr. Landers then decides who is the most qualified and picks the individual. He submits that individual to the personnel section for the proper paperwork to be processed and advises his supervisor of his selection. None of his proposals have been overturned. He hires approximately two people per year.

Mr. Landers submits that he must follow the promotion process set forth in the LTC contract. Individuals actually make application for a new position. It is not a promotion based on merit but a promotion based on a new position

coming open. Mr. Landers once again has to choose the most qualified person; it can either be the senior most person or the senior most qualified person. Mr. Landers then writes letters to personnel for the new position within the department or hires someone outside of the department if no one is qualified within the department. He does not need to do anything more than advise his supervisor of whom he is hiring for the position, and has never been overturned. All promotions in the past have been through a new position being created or a vacancy. No merit promotions have been granted in his department although a plan is being made to do 50 in the future.

Transfers made inter-department by Mr. Landers have been on a budgetary basis. It has been to keep the costs in line with the legislature's allotment and to keep the employees working. Mr. Landers has transferred individuals within the five crews solely for funding purposes. No transfer has been made from one department to another department to facilitate one's wish to work in a particular department. Part of the reason for that is that the several positions that Mr. Landers has within his crews are specialized. If

someone has not worked for the State or the City of Anchorage he probably does not work within Alaska as a road technician.

Mr. Landers has had the opportunity to suspend people for periods of time. His supervisor, Mr. Gavin, has established guidelines for suspensions based on damaged state property. Mr. Landers has made other suspensions within his sole discretion after checking with personnel for the proper procedure to make his suspension.

Insofar as discharge is concerned, Mr. Landers makes a recommendation to his supervisor. He has made three such recommendations and two of them have been followed.

Mr. Landers adjudicates grievances of Step 1. The employees within his unit are LTC individuals who have set forth a grievance procedure that Mr. Landers has to follow. He has about one grievance annually.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based upon the evidence submitted at the hearing on 8/21/81, the hearing officer finds that Charles A. Landers has the substantial responsibility regularly to participate in the performance of employment, promotion, suspension and

the adjudication of grievances.

ORDER AND DECISION

It is the Order and Decision of the Alaska Labor Relations Agency that Charles A. Landers is properly within the Supervisory Bargaining Unit for the State of Alaska. The Board adopts the Findings of the hearing officer as set forth. If either party disagrees with the proposed Findings of Fact of the hearing officer and this Order and Decision, they may petition the Labor Relations Agency for a hearing before the full Board within thirty (30) days of receipt of this Order and Decision.

DATED this 17th day of Sept, 1981

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

DATED this _____ day of _____ 1981

SIGNED: _____
Morgan Reed, Member

DATED this 24th day of September 1981

SIGNED: _____
Ronald M. Henry, Member

[Signatures of Hafling and Henry on File]