

Findings of Fact:

(1) A hearing was held on the above referenced petition in Anchorage, Alaska on January 7, 1974.

(2) Petitioner, Alaska Public Employees Association, has made the requisite 30 per cent showing of interest with regards to a proposed bargaining unit consisting of 211 supervisory employees in the classified service of the Executive Branch of the State of Alaska not including partially exempt employees.

(3) The State of Alaska does not object to the proposed unit per se.

(4) The State of Alaska does object, however, to the possibility of the proposed representation by the Alaska Public Employees Association on the grounds that it would be contrary to the intent of the Public Employment Relations Act to permit any one organization to represent both supervisors and those employees they supervise.

(5) The Public Employment Relations Act contains no express prohibition of such dual representation as objected to by the State.

(6) There is precedent in other public jurisdictions for permitting such dual representation. For example, in

New York State, the Civil Service Employees Association represents both supervisory and non-supervisory employees of the State of New York in separate units.

(7) An objection was received from a representative of the Alaska Society of Registered Land Surveyors that authorization of such a unit might possibly lead to a situation of compulsory membership and contribution to an employee organization by Registered Land Surveyors working for the State.

(8) Objection was received to the inclusion of professional employees in a unit with non-professional employees.

(9) Objection was received to inclusion of the position of the Deputy Director of the Alaska Broadcasting Educational Commission in the proposed unit.

(10) The Alaska Public Employees Association presented a petition at the hearing signed by 19 professional engineers who endorse the petition for collective bargaining representative.

Conclusions:

(1) There is a substantial community of interest among supervisory employees within the classified service of the Executive Branch of the State of Alaska. The community of interest described in Order and Decision No. 1 under Findings of Fact 7 concerning Petition No. 2-72 applies with as much force

to supervisory personnel as to non-supervisory personnel.<sup>1</sup>

(2) In view of the fact that some 40 per cent of the employees in the proposed bargaining unit have manifested an interest in the Alaska Public Employees Association and that there is no statutory prohibition against representation of supervisory and non-supervisory personnel by the same organization, the State of Alaska's objection is rejected.

(3) The proposed unit does not result in unnecessary fragmenting.

Order:

It is hereby ordered that an election be expeditiously conducted by mail ballot in the proposed supervisory unit. The unit shall consist of the job classifications, found on the attachment to this order labelled Exhibit "A" and by this reference incorporated herein. Further, the Deputy Director of the Division of Aviation shall be eligible to vote in this election. Job classifications in the supervisory unit falling within the managerial exception stipulated to between the State of Alaska

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<sup>1\*</sup> The pertinent finding of fact reads as follows:

Employees covered by Petition No. 2-72 have a community of interest with 211 other state employees. They provide services to the people of Alaska at the direction of the elected representatives of the people. They all come under a common civil service merit system and their compensation is set by the Legislature. There is a uniform grievance procedure and a uniform system of progressive discipline. Recruitment, examination, transfer, promotion, orientation and training are conducted on a uniform, system-wide basis .

and the Alaska Public Employees Association in a stipulation dated June 15, 1973, shall be permitted to vote. However, no challenges based on the managerial stipulation of June 15, 1973 may be summarily over-ruled by the election supervisor. A copy of such stipulation is attached as Exhibit "B" and by this reference herein incorporated.

If there are such challenges and regardless of whether or not they are sufficient in number to affect the outcome of the election, these challenges will be received by the Labor Relations Agency in a hearing.

Dated January 17, 1974.

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C.R. "Steve" Hafling, Chairman

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Joe Franich, Member

[Signatures on File]