

STATE OF ALASKA  
Before, THE DEPARTMENT OF LABOR,  
LABOR RELATIONS AGENCY

|                           |   |                   |
|---------------------------|---|-------------------|
| INTERNATIONAL BROTHERHOOD | ) |                   |
| OF ELECTRICAL WORKERS     | ) |                   |
| LOCAL 1547                | ) |                   |
| Petitioner                | ) |                   |
|                           | ) |                   |
| and                       | ) | Case No. UC-F84-2 |
| TEAMSTERS LOCAL 959       | ) |                   |
| Bargaining Representative | ) |                   |
|                           | ) |                   |
|                           | ) |                   |
| and                       | ) |                   |
|                           | ) |                   |
| CITY OF FAIRBANKS         | ) |                   |
|                           | ) |                   |
| Employer                  | ) |                   |
| _____                     | ) |                   |

DECISION AND ORDER NO. 85-5

Upon a petition duly filed under 2 AAC 10.050 of PERA, a hearing was held before a hearing officer appointed by the Labor Relations Agency. Upon the entire record in this case, the Agency finds:

1. The employer is a public employer within the meaning of the Act and it will effectuate the purpose of the Act to assert jurisdiction herein.
  
2. The petition proposes to remove the outside plant (OSP) draftspersons in the Municipal Utility System from a certified Teamster represented bargaining unit and place them in a certified IBEW represented unit. Additionally the petition seeks to remove a secretary in the district heat/water distribution section (DH/WD) and a clerk typist in the network services section (NS) from Teamster representation and place them in the IBEW bargaining unit.

3. The OSP draftsperson positions were represented by the Teamsters prior to which the Teamsters were certified to represent as a result of election.
4. The clerical positions in question were created after the original hearings that determined appropriateness of the units but before the elections and certification by the Agency.

#### DISCUSSION

The petitioner argues that the two clerical positions are plant clericals and should therefore be included in the IBEW bargaining unit.

Those arguments, however, are unconvincing. The Agency does not find that these clerical positions have sufficient community of interest with IBEW workers to warrant a change in bargaining units.

With regard to the OSP draftsperson positions, the petitioner argues that a substantial community of interest exists between the draftsperson and the IBEW represented engineers they work with. The petitioner argues, erroneously, that the Agency ruled the Teamster contract to be invalid when it refused to find a contract bar to the election existed. However, that ruling did not address the validity of the contract itself. Subsequent unfair labor practice charges brought against the City, and the Teamsters, by APEA which sought to challenge the validity of the contract were settled and withdrawn, leaving the Teamster contract intact.

In that the Teamsters were certified to represent a unit which included the OSP draftspersons positions, and since a valid contract between the parties exists, the contract bar doctrine is applicable.

This Agency has previously ruled that it would not entertain petitions for unit clarification mid term of an existing contract. Fairbanks Firefighters Association v. City of Fairbanks, UC-F84-1, Decision and Order No. 85-2.

There is no evidence that the draftspersons are performing new or substantially different duties than they were at the time of certification. Nor is there evidence that any other exceptions to the bar doctrine exist.

ORDER

It is hereby ordered that the petition herein be, and hereby is dismissed.

Signed this 23rd day of May, 1985.

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Robert J. Bacolas, Chairman

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Donald R. Wilson, Member

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James R. Carr - Member

[Seal Affixed and Signatures On File]

This Decision and Order takes effect the day signed and unless appealed to the Superior Court as provided in the rules of appellate procedures of the State of Alaska, becomes final on the 30th day after it is signed.