

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

ALASKA PUBLIC EMPLOYEES)
ASSOCIATION - PETITIONER)
)
and)CASE NO. ULP 85-005
)
CITY OF FAIRBANKS, -)
RESPONDENT)
_____)

DECISION AND ORDER 86-2, AMENDED

On January 27, 1986 the Agency issued Decision and Order Number 86-2, ruling that the petitioner failed to meet its burden of proof in its accusation of an unfair labor practice by the City of Fairbanks. That decision was appealed to the Superior Court. After motion by this Agency, the Superior Court remanded the decision for reconsideration. On reconsideration the Agency finds the following:

The petitioner claims the City of Fairbanks committed an unfair labor practice when by not submitting a bargaining impasse to arbitration. The unit is comprised of class one, two and three employees. AS 23.40.200 limits the obligation to submit an impasse over the terms of a collective bargaining agreement to binding arbitration, to class one and two employees. Alaska Public Employees Association has failed to allege facts showing that the City of Fairbanks has refused to submit to binding arbitration for these employees.

Alaska Public Employees Association alleges an agreement to arbitrate. The only provision in the Public Employee Relations Act addressing arbitration by agreement appears in AS 23.40.200(e) & (f). Subsections (e) and (f) provide that parties can agree in writing to arbitrate disputes arising from the application or interpretation of the collective bargaining agreement. Since the Alaska Public Employees Association has not alleged the existence of a writing and the subject for arbitration is not a dispute over the terms of a collective bargaining agreement, but rather the agreement itself, arbitration is not required under subsections (e) and (f).

Therefore, the Alaska Public Employees Association has failed to show that probable cause exists in this case to support an accusation of unfair labor practice. 2 AAC 10.250

ORDER

As a matter of law, it is hereby ordered that the petition is DISMISSED.

Signed this 30th day of July, 1986.

ROBERT J. BACOLAS, CHAIRMAN
LABOR RELATIONS AGENCY

DONALD R. WILSON, MEMBER

DENNIS GEARY, MEMBER

[SEAL AFFIXED AND SIGNATURES ON FILE]

APPEAL PROCEDURES

An Agency order may be appealed through proceedings in Superior Court brought by a party in interest against the Agency and all other parties to the proceedings before the Agency, as provided in the Rules of Appellate Procedure of the State of Alaska.

An Agency order becomes effective when filed in the office of the Agency, and unless proceedings to appeal it are instituted, it becomes final on the 31st day after it is filed.

CERTIFICATION

I hereby certify that the foregoing is a full, true and correct copy of the Decision and Order in the matter of Alaska Public Employees Association, Petitioner, and City of Fairbanks, Respondent, Case No. ULP 85-005, dated and filed in the office of the Labor Relations Agency in Anchorage, Alaska, this ____ day of _____, 1986.

Clerk