

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

ALASKA PUBLIC EMPLOYEES)
ASSOCIATION,)
)
Petitioner,)
)
and) CASE NO. UC F86-2
)
CITY OF FAIRBANKS)
)
Respondent.)
_____)

DECISION AND ORDER 86-7

Upon a petition duly filed under the provisions of 2 AAC 10.050, careful investigation and consideration took place. Upon the entire record in this case the Agency finds:

1. The employer is a public employer within the meaning of the Act, and will effectuate the purpose of the Act to assert jurisdiction.
2. The petition proposes to add the job classifications of Police Shift Commander, Police Director of Resource Management, Police Director of Planning Research, Police Division Commander, Deputy Fire Chief - Administration and Deputy Fire Chief - Operations.
3. The classifications petitioned were created after the original hearings and certification by the Agency, and from job classifications certified by the Agency.
4. The Fairbanks Police Department Employees Association coincidentally petitioned to clarify the Police Shift Commanders into its certified unit. Prior to the conduct of a hearing to consider this Unit Clarification and FPDEA's petition, FPDEA withdrew its petition at the request of the effected employees.

DISCUSSION

The job classifications petitioned are claimed to be middle management or supervisory. They were created by the Chief of Police as a structural reorganization of the Fairbanks Police Department. The positions draw their essence from the original certified job classifications, but the individual responsibilities have been shuffled and duties expanded. The community of interest, similarity of job duties, wages, hours and other working conditions of the classifications petitioned are identical to the classifications of the certified unit. The Agency finds the inclusion of the petitioned job classification in the certified unit to be appropriate.

A timely objection was received by the Agency to the Notice of Petition posted 4/16/86. This objection was filed by two employee members of the classifications sought by APEA to be clarified. 2 AAC 10.070 specifies that objections may be filed within 15 days of the posting of a Notice of Petition by "interested parties". As "interested parties" is not specifically defined in PERA, the Agency is guided by the NLRB. 2AAC 10.440. The following are regarded as "interested parties" by the NLRB:

- a. The petitioner;
- b. The employer;
- c. The owner of a leased department in a store;
- d. Any individual or labor organization named in the petition as having an interest or as being a party to a collective bargaining contract, current or recently expired, covering any of the employees involved;
- e. Any labor organization which has notified the Regional Office by letter within the prior 6 months that it represents the employees involved or is actively campaigning among them; and

f. Any labor organization whose name appears as an interested party in any prior case involving the same employees which was closed within recent years.

While not all of the "parties" listed above would be found in a PERA matter, individual employees not specifically named in the petition are not in themselves interested parties. Therefore, the objection received to this petition has not been considered.

ORDER

It is hereby ordered that the unit certified by this Agency on December 12, 1984, be clarified by the addition of the job classifications of: Police Shift Commander; Police Director of Resource Management; Police Director of Planning Research; Police Division Commander; Deputy Fire Chief - Administration; and Deputy Fire Chief - Operations.

DATED this 4th day of September, 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 the Alaska Public Employees Association, Petitioner and City of Fairbanks, Respondent, Case No. UC F86-2, dated and filed in the office of the Labor Relations Agency in Anchorage, Alaska, this 29th day of September, 1986.

Clerk

[signature of Clerk on file]