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

INTERNATIONAL BROTHERHOOD OF ) ELECTRICAL WORKERS LOCAL 1547 )		
Petitioner,	) )	
CITY OF FAIRBANKS	)	CASE NO. ULP 86-003
Respondent.	)	

### **DECISION AND ORDER 86-9**

The above captioned case charging violations of AS 23.40.110(a) (1), (2), (3) of the Public Employees Relations Act (PERA) has been carefully investigated and considered. The investigation determined that further proceedings into the accusation are not warranted.

IBEW has claimed that the City of Fairbanks Municipal Utilities System (FMUS) committed an unfair labor practice by discharging David Jones. David Jones was terminated by FMUS after binding arbitration compelled the reinstatement of Norman "Rusty" Pickus to the same unit in which Mr. Jones was employed, the PBX Division of FMUS Telecommunications. FMIJS, through the Public Utilities Board and the Fairbanks City Council, had previously established manpower levels to be maintained in each division. With Mr. Pickus' reinstatement, those levels were exceeded and the least senior member, Mr. Jones, discharged.

IBEW has failed to show that probable cause exists to support an accusation of unfair labor practice. Even in consideration of the facts and complaints alleged by IBEW, none rises to the level of an unfair labor practice. PERA

recognizes the rights of public employees to share in the decision-making process affecting wages and working conditions. Nothing within PERA compels an employer to maintain personnel staffing in excess of available funding levels. IBEW has failed to allege facts which show FMUS was precluded from reducing overall staffing by some contractual obligation. The Agency has noted, however, that both IBEW and FMUS have filed procedural grievances regarding Mr. Jones' termination. An agreement has been reached by the parties to submit these issues to binding arbitration in accordance with the 1983-86 Working Agreement.

#### ORDER

Therefore, we find that the accusation should be DISMISSED, and IT IS SO ORDERED.

Signed this 23rd day of October, 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 International Brotherhood of Electrical Workers, Local 1547, Petitioner and the City of Fairbanks, Respondent, Case No. ULP 86-003, dated and filed in the office of the Labor Relations Agency in Anchorage, Alaska, this 28th day of October, 1986.

Clerk	
[Signature On File]	