

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

FAIRBANKS FIRE FIGHTERS	)	
ASSOCIATION,	)	
Petitioner,	)	
	)	
and	)	
	)	CASE NO. ULP 86-5
CITY OF FAIRBANKS,	)	
	)	
Respondent.	)	
_____	)	

DECISION AND ORDER NO. 87-1

The above-captioned case charging a violation under AS 23.40.110(a)(5) of the Public Employee Relations Act (PERA) has been carefully investigated and considered.

The investigation revealed that further proceedings on the charge are not warranted at this time. The Fairbanks Fire Fighters Association has alleged that the City of Fairbanks unilaterally changed its policy regarding the granting and allocation of leave, without negotiating this change with the Fairbanks Fire Fighters Association. The Fairbanks Fire Fighters Association has argued that the leave granting and allocation policy of the City became a mandatory subject for collective bargaining as the result of the mutual acceptance of this past practice. Similarly, the City of Fairbanks agrees this matter is properly a matter for collective bargaining.

Article 4 of the Working Agreement between the Fairbanks Fire Fighters Association specifies any dispute involving the interpretation, application or alleged violation of any provision

of the Agreement, rules and regulations, or the standard operating procedure will be handled as a grievance. In accordance with AS 23.40.210 and Article 4, binding arbitration is the final step of the grievance procedure between the two parties. As stated in 2AAC 10.440, relevant decisions of the National Labor Relations Board will be given great weight in making determinations under AS 23.40. Collyer Insulated Wire 192 NLRB 837 (1971) guides the Department of Labor, Labor Relations Agency in this issue. The National Labor Relations Board has specifically held that parties to a contract are required by law to honor their contractual obligation to arbitrate. PERA would be ill served by permitting parties to pursue other legal remedies and to ignore agreed upon dispute resolution machinery, UNITED TECHNOLOGIES 115 LRRM 1049. The Fairbanks Firefighters Association has not argued, nor advanced evidence that the grievance procedure is either ineffective or a sham. We therefore find the rationale of UNITED TECHNOLOGIES appropriate to this case.

ORDER

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

Signed this 10th day of March, 1987.

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THOMAS E. STUART, Jr., CHAIRMAN  
LABOR RELATIONS AGENCY

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DONALD R. WILSON, MEMBER

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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 Fairbanks Fire Fighters Association, Petitioner and the City of Fairbanks, Respondent, Case No. ULP 86-5, dated and filed in the office of the Labor Relations Agency in Anchorage, Alaska, this 19th day of March, 1987.

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Clerk

[Signature On File]