

[Labor Relations Agency]

ORDER AND DECISION PERTAINING TO CONFIDENTIAL  
BARGAINING UNIT AND BY CONFIDENTIAL EMPLOYEES  
ASSOCIATION

ORDER AND DECISION NO. 9

Findings of Fact:

(1) The parties named in Order and Decision No. 6 have been unable to agree upon a voter eligibility list. There are substantial areas of disagreement as to whether or not certain classifications are appropriate in the unit.

(2) On January 7, 1974, a petition was filed with the Agency by the Confidential Employees Association requesting that it be placed on the ballot.

(3) On January 8, 1974, bylaws of the Confidential Employees Association, were submitted in proper form to the Agency.

(4) On January 8, 1974, investigation of the petition submitted by the Confidential Employees Association verified that approximately 25% of the employees in the confidential unit signed the petition.

Conclusions:

(1) The disagreements as to eligibility can only be resolved by affirmative action by the Agency.

(2) Employee rights to self-determination under the act are in no way jeopardized by allowing the Confidential Employees Association to be on the ballot.

(3) The exact unit cannot be determined until all questions of eligibility are resolved.

Order:

(1) A mail ballot election will be conducted as soon as possible among the employees described below.

(2) The ballot will afford employees the opportunity to vote for Alaska Public Employees Association, the Confidential Employees Association or no representation.

(3) Employees who are currently a part of the State's negotiating team are not eligible to vote.

(4) With the above exception, all employees in those classifications originally contained in the confidential unit delineated in Order and Decision No.

1, including those employees in the confidential unit designated managerial employees in a June 15, 1973 stipulation between the State of Alaska and the Alaska Public Employees Association, shall be permitted to vote in the mail ballot election. A copy of the June 15, 1973 stipulation is attached to this Order as Exhibit "A" and by this reference herein incorporated.

(5) In addition to the challenge procedures set forth in the Handbook for Election Supervisors, it is hereby ordered that no challenges based on the managerial exception of the June 15, 1973 stipulation may be summarily over-ruled by the election supervisor. If there are such challenges and regardless of whether or not they are sufficient in number to

affect the outcome of the election, these challenges will be resolved by the Labor Relations Agency in a hearing. However, if the challenges are insufficient in number to affect the outcome, and if either employee organization has in the unchallenged ballots a majority of the ballots cast, the organization may be duly certified by the Agency.

Dated January 17, 1974.

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C.R. "Steve" Hafling, Chairman

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Joe Franich, Member

[Signatures On File]