

[Labor Relations Agency Stationery]

THE INTERNATIONAL BROTHERHOOD OF)	
ELECTRICAL WORKERS, LOCAL 1547))	
)	In re: Pet. 83-6 and
and)	Pet. 84-2, Proposed
)	Units for the
PUBLIC EMPLOYEES LOCAL 71, AFL-CIO))	Physical Plants at
)	University of
Petitioners)	Alaska's Anchorage
)	Fairbanks and Juneau
vs.)	Campuses
)	
UNIVERSITY OF ALASKA,)	
)	
Respondent.)	
_____)	

ORDER AND DECISION NO. 90

THE PROPOSED FINDINGS AND FACT CONCLUSIONS
OF LAW OF THE HEARING OFFICER

The International Brotherhood Of Electrical Workers Local Union 1547 (hereinafter I.B.E.W.,) and Public Employees Local 71 AFL-CIO (hereinafter Local 71), filed petitions which were consolidated after pre-hearing conferences.

Both petitions proposed a unit of the Building Maintenance Department Employees at the University of Alaska's campuses at Fairbanks, Anchorage, and Juneau. Approximately 90 employees state wide were proposed, all working under the supervision of the Building Maintenance Department at the campuses.

Oral evidence and exhibits were received the week of May 14-18 1984 at Fairbanks and Anchorage. Witnesses from Fairbanks, Anchorage and Juneau presented testimony.

The University Of Alaska opposed the formation of the unit on the grounds that it was inappropriate because the unit was not as large as possible. The Universities position was that there should be either one unit state wide, such unit to include the clerical, skilled craftsmen, maintenance, custodians, and para-professionals. The Universities alternative position was that the clerical unit should be separated from the skilled crafts, maintenance, custodians, and para-professionals.

PRIOR ORDERS AND DECISIONS

Before reaching the proposed Findings of Fact and Conclusions of Law, this hearing officer did consider the prior orders and decisions. The legal bases for an appropriate unit considers the community of interest among the employees, the employees wages hours and working conditions, the history of collective bargaining, the desires of the employees, and the unique Alaskan legislative mandate that " bargaining units shall be as large as reasonable, and any unnecessary fragmenting should be avoided." AS 23.40.090.

Order and Decision #1 stated in part that skilled tradesmen in the building and construction have a different community of interest from general government workers. Order and Decision #1 also found inappropriate units of building maintenance personnel at the Anchorage and Fairbanks International Airports, professional, engineers, and other smaller units.

Order and Decision #3 rejected a proposal unit of the employees engaged in maintenance and operations at the heating and power plant at the University of Alaska. The agency rejected the petition as it was not inclusive of all skilled craftsmen in the Universities system.

Order and Decision #5 allowed a consent election for many State employees. The election was held by stipulation of the parties. The election concerned whether the "Grey-Collar" employees (electronic technicians, custodial workers, material lab technicians, and safety officers) wanted to join the general government unit (clerical, technical and administrative) or join the building and construction tradesmen (including automotive mechanics, general maintenance men, electricians, carpenters, painters, drillers, and equipment operators.) Order and Decision #5 sets forth complete listings of individuals who were in the

respective units.)

The result of the election was that the building and construction trades unit was joined with the technical and custodial workers.

Order and Decision #34 issued April 28, 1978, concerned a petition filed for all support, secretarial, clerical, and custodial, employees of the University of Alaska at the community colleges throughout the state. The agency rejected such a unit finding the wages, hours and working conditions are essentially identical for the Community Colleges and the Senior Colleges and again noted the legislative mandate that the bargaining units should be as large as reasonable and unnecessary fragmentation should be avoided.

The Agency concluded Order and Decision #34 by suggesting one unit of all non-supervisor non-confidential employees for the overall University system, or two units, one of all maintenance custodial employees of the overall University system, and the other of all clerical, technical and administrative classified employees.

1. THE UNIVERSITIES WORK FORCE

This hearing officer suggests the same and makes the following Findings of Facts and Conclusions of law:

Even though the University has only 1400 employees, those employees have myriad of different positions and duties.

From all the evidence presented, this hearing officer finds that there are many general maintenance individuals who would fit into the category of the maintenance man, or maintenance mechanics as mentioned in Order and Decision #5, (who are traditionally the blue-collar unit) as well as skilled craftsmen who like the proposed unit, service the entire University or a substantial department of the University. The people in the physical plant primarily service the entire University campus, the others would service the life sciences, or geophysical institute, or marine science divisions, or community colleges around the state. Also there are printers, warehousemen, and other individuals who are servicing the entire local campuses or Universities.

2. COMMUNITY OF INTERESTS

All University classified personnel have a uniform system, and state wide regulations concerning pay, orientation programs, employee handbooks for permanent hires, probationary periods, evaluations, vacation time, sick leave, holidays,

overtime, pension and retirement, travel insurance, health insurance, position of evaluation questioners, legit process, lay off policy, disciplinary policy, promotional policy, tuition waiver, and maternity and paternity leave policies.

The petitioners showed a definite community of interest within their specialties, the petitioners were and are primarily journeymen or certificated electricians, carpenters, heating ventilation and air conditioning individuals, and painters. However the real community of interest among the classified employees appears to lie with other classified employees within the University.

3. WAGES HOURS AND WORKING CONDITIONS

The hours and working conditions for the classified employees are almost identical. The wages have some disparity. However I do not find the disparity between wages of the unit sought for, and other workers, to be a great difference between the other employees performing similar tasks for the geophysical, marine sciences, life sciences, and general maintenance men.

4. THE HISTORY OF COLLECTIVE BARGAINING

The history of collective bargaining for blue-collar and grey-collar employees is set forth in the prior Orders and

Decisions which I take judicial notice of. Since 1973, within Alaska, the historical building and construction trades individuals have been joined with the electronic techs, custodial workers, vo-tec type mechanics, sign painters, stock handlers, store keepers, groundsmen, and engineering techs. The statewide system has been in existence for over 10 years and should be followed. The reason why the historical precedent should be followed also concerns community of interest in that all the individuals involved are servicing either a department, or a University group. The building construction trades are not primarily concerned with building major new buildings on the campus, all of that work is contracted to third party general contractors. All the individuals involved in the units are involved with providing services.

5. THE DESIRES OF THE EMPLOYEES

The desires of the employees is clearly that the petitioners have their own units. No evidence was received to the contrary.

6. SIZE OF THE UNITS

The classified personnel at the University system is much less than the classified personnel state wide, 1,400 at the University compared to over 17,000 state wide. In considering

the reasonableness in the size of the units, this hearing officer considered the facts that (a) on the Juneau campus there is interaction between the building and construction tradesmen, the groundskeepers, and custodians, and (b) the University employees many multi-skilled individuals to perform the multitude of tasks necessary for the respective branches of the University system.

OBITER DICTUM

Considering the evidence presented at this hearing, I would find that the entire physical plants at the Universities, plus those maintenance men-custodians at the community colleges, plus the power plant employees at Fairbanks, plus the general maintenance individuals at the geophysical, marine, and life science institutes (including the farmers, fire fighters, and property officers), the warehousemen, stockmen, maintenance mechanics, and blue-collar lab assistants (as opposed to white-collar lab assistants who have been involved in biological tests and might be more closely aligned with the clerical and administrative individuals), and electronic technicians, could be appropriately placed within one unit; and that the clerical, and administrative personal should be placed in a unit like the general government unit.

CONCLUSIONS OF LAW

Based upon the foregoing findings and fact, I reach the conclusion of law that the petition should be denied, as the unit petitioned for is inappropriate.

Dated on 6-8-84

WILLIAM J. PAUZAUSKIE

The foregoing Findings of Fact and Conclusions of Law are hereby accepted and adopted.

Dated and signed on this 26th day of June, 1984

BEN HUMPHRIES

MARLENE JOHNSON

C.R. "Steve" Hafling

[Signatures on File]