

[Labor Relations Agency Stationery]

IN THE MATTER OF GARY CUSCIA:)
)
PUBLIC EMPLOYEES' LOCAL NO. 71,)
)
Petitioners,)
)
vs.)
)
STATE OF ALASKA and THE ALASKA)
PUBLIC EMPLOYEES' ASSOCIATION)
)
Respondents.)
_____)

Case No. UC 85-3

ORDER AND DECISION NO. 97

SUBJECT:UNIT CLARIFICATION CONCERNING POSITION TRANSFER
FROM LTC BARGAINING UNIT TO APA-GGU BARGAINING
UNIT (STOREKEEPER OR SUPPLY OFFICER, DEPARTMENT
OF HEALTH AND SOCIAL SERVICES)

The State Labor Relations Agency (the "Agency") convened a hearing to consider the matter of transferring position classification number (PCN) 06-1064 occupied by Gary Cuscia from the Public Employees' Local No. 71, Labor, Trades and Crafts ("LTC") bargaining unit to the Alaska Public Employees' Association, General Government Unit (APEA-GGU). The hearing was conducted in Juneau, Alaska on January 23, 1986, and all members of the Agency were present and therefore constituted a quorum. LTC was represented by Don Rouleau, APEA was represented, and the State of Alaska was represented by Tom O'Donnell, personnel officer for the Department of Health and Social Services. Mr. Cuscia also testified. The Agency, having considered the arguments and evidence, renders the following order and decision.

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Findings of Fact and Conclusions of Law

1. Gary Cuscia occupies (PCN) 06-1064, a position which has in the past been classified as a Storekeeper VI in the State Department of Health and Social Services, Division of Public Health, a classification in the LTC bargaining unit. The State reclassified the position as a Supply Officer II, a position assigned to the APEA-GGU bargaining unit. LTC contended that the position should not be so reclassified and that the Storekeeper position, rather than being transferred to APEA-GGU as a Supply Officer II, should be reclassified as Storekeeper IV, an LTC position.

2. A person in the Storekeeper VI classification has the responsibility to project supply requirements and order, receive, maintain, store, issue, and ship supplies, material and equipment and account for supplies issued and received. The class requires technical knowledge of supplies and recognizes that projection and supply of items are extremely complex in nature. The Storekeeper VI and IV functions require certain independence but require the obtaining of supplies from central offices without local technical supervision. The two Storekeeper positions require skills as set forth but presume a level of responsiveness to supervision and to centralized requirements.

3. The position at issue has evolved over time into one requiring substantial independent authority and functions beyond the Storekeeper series which generally covers positions dealing primarily with "hands-on" requisitioning, receipt and shipment of supplies. Particularly, the evidence indicated that Mr. Cuscia was not ordering from centralized supply channels and did not need approval for orders within the Department's financial authority. Mr. Cuscia's personnel description questionnaire suggests purchasing through complex approaches as opposed to routine channels. Cuscia himself stated that he handled and negotiated some fifteen bids per week on the average. Cuscia also stated that he was the one and only purchaser of supplies for nursing facilities within his division.

4. Statements made by Mr. O'Donnell and a representative of the Department of Administration indicated that there had been an upgrading over time of the particular PCN and that while in the past the Storekeeper position was an appropriate description of the position, greater independent responsibility had accrued.

5. Placement of particular positions within a bargaining unit presumes the authority of the State to make such adjustments as an element of its inherent authority as employer. The placement however must be consistent with placement within units previously ascertained as appropriate, based on such factors as community of interest, wages, hours and other working conditions

of the employees involved, the history of collective bargaining, and the desires of the employee. The evolution of increased responsibilities for (PCN) 06-1064, presently held by Mr. Cuscia, indicates a greater present relationship to the unit designated as APEA-GGU rather than that of LTC. The Agency has authority to ascertain and consider the proper placement of employees within appropriate bargaining units. AS 23.40.160.

Order and Decision

Based on the foregoing findings of fact and conclusions of law, the Agency unanimously orders and decides that:

1. PCN 06-1064, currently held by Gary Cuscia, may and shall be reclassified and transferred from the LTC bargaining unit into the APEA-GGU bargaining unit, and such actions taken by the State of Alaska are appropriate and upheld.

2. This order and decision sets forth the rationale for the decision announced by the Agency on January 23, 1986.

DATED this 19th day of February, 1986.

STATE OF ALASKA LABOR RELATIONS
AGENCY

By _____
C. R. "Steve" Hafling
Chairman

[Signature on File]