



State of Alaska
LABOR RELATIONS AGENCY

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ORDER AND DECISION CONCERNING THE PETITION FOR
COLLECTIVE BARGAINING REPRESENTATIVE OF ALL NON-
CERTIFICATED EMPLOYEES OF THE STATE-OPERATED
SCHOOL SYSTEM

ORDER AND DECISION NO. 11

Findings of Fact:

(1) The Alaska Public Employees Association petitioned the Alaska State Labor Relations Agency for collective bargaining representative of all non-certificated employees of the State-Operated School System and provided the requisite 30 per cent showing of interest from the proposed bargaining unit.

(2) The Tri-Trades Public Service Council objected to the petition of the Alaska Public Employees Association for all non-certificated employees of SOS on the grounds that the Agency lacked jurisdiction over such employees and that there was not a community of interest between custodial and maintenance personnel and other employees of SOS.

(3) The Tri-Trades Public Service Council also filed an intervention accompanied by 29 authorization cards.

(4) The Tri-Trades Public Service Council introduced testimony from custodial and maintenance individuals working for SOS that their duties were manual in nature and involved little interchange with non-custodial and non-maintenance employees of SOS.

(5) Testimony by Tri-Trades Public Service Council also indicated that the problems of custodial and maintenance individuals working for SOS are similar to those encountered by State employees in similar job classifications throughout the rest of the classified service of the Executive Branch.

(6) Testimony by Tri-Trades Public Service Council indicated that there was a lack of communication and interchange between SOS schools in Anchorage and Fairbanks and those in the rural areas.

(7) All non-certificated employees of SOS are members of the classified service of the Executive Branch. Wages, hours and working conditions are presently governed by the same rules as those governing other individuals in similar job classifications in the classified service within the Executive Branch. Lateral transfer to other State departments is permitted.

(8) All non-certificated employees of SOS belong to job classifications which are currently encompassed by existing bargaining units within the classified service of the Executive Branch.

(9) The Alaska Public Employees Association won the election for representative of the General Government unit by a sufficient number of votes such that the pertinent non-certificated employees of SOS could not have affected the results of that election.

(10) The Tri-Trades Public Service Council won the election for the Labor Trades and Crafts unit by a sufficient number of votes such that pertinent non-certificated employees of SOS could not have affected the results of that election.

Conclusions:

(1) Non-certificated employees of SOS are "public employees" as that term is used in AS 23.40.250(5).

(2) Non-certificated employees of SOS are public employees of the State of Alaska.

(3) A substantial community of interest exists between non-certificated employees of SOS and other individuals in the classified service of the Executive Branch performing like duties.

(4) Though there is a lack of communication and interchange between SOS schools in Anchorage and Fairbanks and those in the rural areas, there exists a substantial community of interest between urban and rural employees of SOS in that the wages, hours and working conditions of both urban and rural SOS employees are presently governed by the same rules.

(5) It has already been determined by the Agency that a division of State employees as between those employees in the General Government unit and those employees in the Labor, Trades and Crafts unit is appropriate.

(6) Unnecessary fragmentation will result if an urban-rural split is recognized by the Agency.

(7) Unnecessary fragmentation will result if an accretion principle is not recognized with regards to non-certificated employees of SOS.

Order:

(1) Employees in those classifications which presently compose the Labor Trades and Crafts unit will be a part of such unit.

(2) Employees in those classifications known as gray collar will be afforded the opportunity to vote in the forthcoming election to determine with which unit gray collar employees wish to affiliate.

(3) All other non-supervisory classified employees will be added to the general government unit except confidential employees.

(4) All supervisory employees other than confidential employees will be afforded an opportunity to vote in the forthcoming supervisory unit election.

(5) All confidential employees will be afforded an opportunity to vote in the forthcoming confidential unit election.

Dated: January 17, 1974.

C. R. "Steve" Hafling
C. R. "Steve" Hafling, Chairman

15/ Joe Franich
Joe Franich, Member