



State of Alaska
LABOR RELATIONS AGENCY

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ORDER AND DECISION CONCERNING PROPOSED
STRIKE VOTE ELECTION TO BE CONDUCTED
BY TRI-TRADES PUBLIC SERVICE COUNCIL

ORDER AND DECISION NO. 17A

Findings of Fact:

1. Order and Decision No. 17 was issued to point out the existence of procedural defects in the March strike vote in the Labor, Trades and Crafts Unit and to delineate the procedures and eligibility requirements which would govern a future strike vote in that unit.

2. While Order and Decision No. 17 considered and ruled upon the eligibility of employees in the so-called "no strike" category (AS 23.40.200(b)), that Order and Decision did not address possible eligibility distinctions between those employees in Class 2 and Class 3 strike categories (AS 23.40.200(c) and (d)). There are employees in both of these categories within the Labor, Trades and Crafts Unit.

3. Order and Decision No. 17 appears to have required that impasse, including the exhaustion of mediation, occur as a prerequisite for a strike vote by any eligible employees, be they in the Class 2 or the Class 3 strike category.

4. Spokesmen for the Tri-Trades Public Service Council appeared before the Agency on June 2, 1975 in Anchorage to request that a new strike vote be permitted in which the employees described by AS 23.40.200(d) have their votes treated separately from employees described by AS 23.40.200(c).

5. Mediation has occurred in an attempt to resolve differences between the State and Tri-Trades Public Service Council for the Labor, Trades and Crafts Unit, but at this point it appears that agreement has not yet been achieved.

6. While mediation has not yet resolved differences between the Union and the Administration, the Agency has received no creditable evidence on which to conclude that mediation has broken down completely.

7. The representatives of the Tri-Trades Public Service Council orally stipulated to the Agency that if the votes of the employees in Class 2 and Class 3 categories are treated separately in a strike vote, no strike may be called for either category of employees unless a majority of the employees in that category and eligible to vote do in fact vote in favor of a strike. Thus it would be possible for a strike to be authorized in one or the other (or both) of the categories of employees who by law are permitted to strike.

8. A spokesman for the Administration indicated at the June 2 meeting of the Agency that it is possible to prepare eligibility lists distinguishing employees described by AS 23.40.200(c) from employees described in AS 23.40.200(d) without great expense or difficulty.

9. A number of the employees within the Labor, Trades and Crafts Unit who would be categorized as employees of "public schools" within the ambit of AS 23.40.200(c) are currently employed by the Alaska State-Operated School System, which organization's future existence and legal status appears to be affected by recently enacted legislation, effective as of July 1, 1975.

10. A number of employees within the unit appear to have "snow removal" responsibilities during the winter months.

Conclusion:

1. While proposed regulations of the Agency, as well as the provisions of Order and Decision No. 17, do not allow a strike vote to occur for any public employees in any unit until after an impasse in the collective bargaining process has occurred, this requirement for impasse does not include a requirement for mediation before a strike vote can be taken by employees described by AS 23.40.200(d) (i.e., those employees not otherwise described by AS 23.40.200(b) or (c)). To the extent that Order and Decision No. 17 implied otherwise, it is hereby clarified.

2. It is implicit in the State Labor Relations Act that where different categories of employees are members of the same bargaining unit, their relationship to a strike vote and an actual strike shall also be different. As already decided in Order and Decision No. 17, so-called "no strike employees" may not participate in a strike vote, nor

are their members to be included in determining whether or not a majority of the eligible employees have approved a strike vote. Similarly, it is here concluded that so-called Class 2 employees may not participate in a strike vote, nor may they strike, nor may their members be included in determining the existence of majority vote of approval of a strike until after mediation. Finally, the remaining category of employees (Class 3 employees) may participate in a strike vote, and in fact strike if such a vote is approved after an impasse, even though other members of the bargaining unit are not similarly eligible to either vote or strike at that time.

3. The Agency is not here faced with the situation wherein an employee organization chose to forego a strike vote until after mediation. Rather, it appears that in the instant situation the effect of previously issued Order and Decision No. 17 may have been to lead the employee organization to forego its option to conduct a strike vote prior to mediation but after impasse for Class 3 employees. Nothing in this Order and Decision should be taken as condoning a bifurcation of the tallying of the strike vote in situations where the employee organization voluntarily refrains from conducting a strike vote until after mediation.

4. Employees whose job function and description includes both snow removal activities (in the appropriate seasons) and less critical functions at other times shall be treated for strike vote eligibility purposes according to the

function in which their primary responsibility lies at the time of the strike vote. However, if their responsibilities shift subsequent to the strike vote back to snow removal activities, then the provisions of AS 23.40.200(c) would be invoked as to those employees.

Decision:

1. If negotiations between the Administration and the Tri-Trades Public Service Council continue at an impasse or deadlock, the Tri-Trades Public Service Council shall be permitted to conduct another strike vote election among employees in the Labor, Trades and Crafts Unit who are described by AS 23.40.200(d). Such an election will be conducted as otherwise provided in Order and Decision No. 17.

2. If mediation has been unsuccessfully completed, a strike vote may also be taken among employees of the Labor, Trades and Crafts Unit who are described by AS 23.40.200(c). Such an election will be conducted as otherwise provided in Order and Decision No. 17.

3. In the event that the strike vote elections described in Sections 1 and 2 are conducted simultaneously, a majority of affirmative votes by the eligible employees in each category of employees shall be required in order for the employees in that category to be authorized to strike.

4. Employees who are at other times of the year engaged in snow removal activities, but whose primary responsibility at the time of the strike vote does not involve such

activities (or the other activities described in AS 23.40.200(c)), shall be deemed to be members of the category of employees described in AS 23.40.200(d) for the purposes of the strike vote election.

DATED: June 12, 1975.


C. R. "Steve" Hafling, Chairman
Labor Relations Agency


Ronald M. Henry, Member

/s/ Morgan Reed
Morgan Reed, Member