



State of Alaska
LABOR RELATIONS AGENCY

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May 5, 1976

ORDER AND DECISION NO. 24
PERTAINING TO UNIT CLARIFICATION PETITION
BY PUBLIC SERVICE EMPLOYEES LOCAL NO. 71,
SUCCESSOR ORGANIZATION TO TRI TRADES
PUBLIC SERVICE COUNCIL.

Findings of Fact

Public Service Employees Local No. 71, as successor organization to Tri Trades Public Service Council as the collective bargaining representative for the Unit of Labor, Trades and Crafts Employees in State Government, filed a petition of Unit Clarification alleging that the positions described below were improperly placed in the General Government Unit of State Employees and should be placed in the Labor, Trades and Crafts Unit.

The petition referred to the following positions:

Chief, Boiler & Pressure Vessel Inspector PCN 2415
Boiler and Pressure Vessel Inspector PCN 2414
Industrial Hygienist I PCN 2425
Industrial Hygienist II PCN 2424.

A hearing was held on the subject petition on May 5, 1976, at Anchorage, Alaska. Notification was given to all concerned parties and the parties were afforded the opportunity to present all relevant and material evidence and to examine and cross-examine witnesses.

Order and Decision No. 1 of the Agency excluded certain craft classification, normally known as "Building and Construction Trades" crafts from the General Government Unit. Subsequently,

the Agency's Order and Decision No. 5 gave a choice of accretion to either the General Government Unit or the Labor, Trades and Crafts Unit to employees in classifications where the community of interest with respect to these two units was in question. A majority of employees given that choice voted to be a part of the Labor, Trades and Crafts Unit. The classifications concerned included Assistant Industrial Safety Inspectors, Industrial Safety Inspectors, Electrical Inspectors, Plumbing Inspectors and Occupational Safety Compliance Officers. These classifications were included in the group to be given a choice of affiliation on the grounds that they were generally employees who had come from the ranks of tradesmen and craftsmen, who in some cases were required to have journeyman status in the specialty area concerned, and who had a great affinity of interest with the trades and crafts whose work they were responsible for inspecting.

Testimony at the May 5 hearing with respect to the classifications concerned did not indicate a similar affinity. The Boiler and Pressure Vessel Inspectors are certificated by examination and not by virtue of journeyman status in a trade. Their training is received from insurance companies or the United States Navy, and they do not come up through the ranks as a part of their training. The Industrial Hygienists are required to have professional degrees, B.A. or higher in their field, and do not have any demonstrated workplace affinity with craft or industrial trade occupations.

There was no evidence that the desires of the affected

employees are to be in the Labor, Trades and Crafts Unit. The only evidence presented at the hearing was to the contrary.

Conclusions

Unit Clarification is normally used by the NLRB only to correct errors in unit placement, oversights, or in connection with newly established positions. None of these factors is present in the case at hand.

Of the criteria set forth by the Public Employment Relations Act to be used by the Agency in unit determination, the only ones relevant to this matter are community of interest and the desires of the employees. Based on these criteria the present placement of the classifications concerned in the General Government Unit is correct.

DECISION AND ORDER

The subject petition is denied.

Signed: C. R. "Steve" Hafling Dated: 5/12/76
C. R. "Steve" Hafling, Chairman

/s/ Ronald M. Henry
Ronald M. Henry, Member

/s/ Morgan Reed
Morgan Reed, Member