



State of Alaska

A. Schwarz

LABOR RELATIONS AGENCY

P. O. BOX 6701 • ANCHORAGE, ALASKA 99502
TELEPHONE (907) 243-6955

October 28, 1980

C. R. "STEVE" HAFLING
CHAIRMAN
RONALD M. HENRY
MORGAN REED

WM. J. PAUZAUSKIE
CONSULTANT

STATE OF ALASKA,

Petitioner,

vs.

BRICE PEARSON,

Respondent.

RE: UNIT CLARIFICATION
No. 80-2

ORDER AND DECISION NO. 61

On April 9, 1980, the State of Alaska petitioned the Labor Relations Agency to determine whether PCN No.064159, an Assistant Correctional Superintendent, should or should not be moved from the Supervisory Bargaining Unit to the General Government Bargaining Unit. The Alaska Public Employee Association disagreed with the proposed move and a hearing was held by the Labor Relations Agency's appointed Master, William J. Pauzauskie, on October 16, 1980, at 1:00 P.M. The basic issue involved, was whether or not the employee, Mr. Brice Pearson, had the substantial responsibility on behalf of the Public Employer, the Department of Health and Social Services and the Department of Corrections, to employ, promote, transfer, suspend, discharge, or adjudicate the grievances between employees, and whether or not, the exercise of such responsibility was or were they not merely routine nature that required Mr. Pearson's exercise of independent judgment.



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The hearing officer has entered his FINDINGS OF FACT and CONCLUSIONS OF LAW into the record, and based upon that report, the Board makes the following:

FINDINGS OF FACT

1. That Brice Pearson is currently in the Supervisory Unit.
2. That Brice Pearson has substantial responsibility on behalf of the Public Employer, the Department of Health & Social Services, the Department of Corrections, to employ, promote, transfer employees, and to adjudicate grievances between employees. Mr. Pearson has actually employed five employees since his arrival in May, 1980, has promoted five employees, has transferred two employees, and has adjudicated one grievance.
3. That Mr. Pearson is not in the lead position, but actually does perform the duties mentioned above. That the exercise of such responsibility is not of a merely routine nature, but requires Mr. Pearson's exercise of independent judgment.
4. That Mr. Pearson has been with the Division of Corrections for thirteen years. That he is assigned to one of the three facilities in Alaska, with similar supervisors; these positions are in Nome, Ketchikan, and the Ridgview facility at Anchorage.



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5. The State based their Unit Clarification request on a P-402, that does not reflect the substantial responsibilities of Mr. Pearson. The testimony of Mr. Pearson was uncontroverted.

CONCLUSIONS OF LAW

RECOMMENDED ORDER: THAT MR. PEARSON SHOULD REMAIN IN THE SUPERVISORY UNIT AND THAT THE REQUEST FOR UNIT CLARIFICATION BY THE STATE BE DENIED.

Based upon the foregoing FINDINGS OF FACT and CONCLUSIONS OF LAW, it is hereby ORDERED, that Brice Pearson, PCN No. 064159, Assistant Correctional Superintendent, remain in the Supervisory Bargaining Unit.

DATED: 10/31/80

C. R. "Steve" Hafling
C.R. "Steve" HAFLING, CHAIRMAN

Ronald M. Henry
RONALD M. HENRY - MEMBER

MORGAN REED - MEMBER