



State of Alaska
LABOR RELATIONS AGENCY

P.O. BOX 6701 • ANCHORAGE, ALASKA 99502
TELEPHONE (907) 248-2630

C. R. "STEVE" HAFLING
CHAIRMAN
RONALD M. HENRY
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WM. J. PAUZASKIE
CONSULTANT

BEFORE THE STATE OF ALASKA LABOR AGENCY

THE INTERNATIONAL BROTHERHOOD OF)
ELECTRICAL WORKERS, LOCAL 1547)
)
and)
)
PUBLIC EMPLOYEES LOCAL 71, AFL-CIO,)
)
Petitioners)
)
vs.)
)
UNIVERSITY OF ALASKA,)
)
Respondent.)
)
) ULPC 84-2 and 84-5

HEARING OFFICERS PROPOSED
ORDER AND DECISION #89

These two unfair labor practices were consolidated pursuant to a pre-hearing order, a hearing was held in Fairbanks Alaska on May 14, 1984.

The unfair labor practices were similiar in that ULPC 84-2 (filed by Local 71) alleged the University of Alaska had violated Alaska Statue 23.40 by threatening it's employees for the purpose of depriving them of their union rights. University supervisors had allegedly made several threats saying that union activity will result in lay-offs of employee positions. Several maintenance employees continued their organizing efforts despite the threats. On Jan. 31, 1984 the University enclosed an anti-union letter in the employees pay envelopes which criticized



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employees who were union supporters. The termination allegedly discouraged many employees from taking any action to sign bargaining cards to show support for the union and to show the support for the union violation.

The I.B.E.W. petition, ULPC 84-5, was that the University had layed-off several temporary employees at the Fairbank campus. Said employees had been promised permanent positions at the University of Alaska other employees had been promised continued employment as temporaries.

This hearing officer having reviewed the entire record, makes his Proposed Findings Of Fact and Conclusion of Law:

(1) The University of Alaska during fiscal year 1983 and 1984 followed a consistant practice of hiring temporary employees for no more than a six month period of time. Exhibit F presented at the hearing clearly showed that the practice had been consistent through both fiscal years.

(2) That exhibit E showed that the employees in the physical plant since 8-18-83 have been hired for no more than a six month continual period of time. The University of Alaska Fairbanks has been conducting an in internal study attempting to create more full time positions and less need for temporaries. This particular problem was debated during calendar year 81-82 and the effect of the debate was the reinforcement of the



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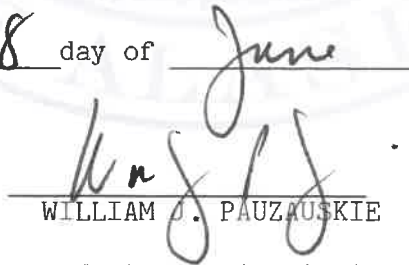
University policy to have temporaries work for continual period of no more than six months. Hence, no anti-union motive is found in regards to the Feb. 1984 lay offs, as well as no discrimination in wages, hours or working conditions. See Alaska Community College Federation of Teachers vs. University of Alaska 669 P2d1299 (AK 1983)

(3) The letter referred to in the petition and marked exhibit 2, is primarily informational. I do not find it threatening. The letter contains statements within the broad constitutional rights of free speech. See chp. 6 of The Developing Labor Law 2nd Edition (1983). The debates preceeding elections are often conducted by letters by both parties, considerable leeway is giving to both parties. See NLRA vs. Gissell Packing Co. 395 US 575 (1969)

I CONCLUDE AS A MATTER OF LAW

(1) That an unfair labor practice did not occur and therefore both petitiones are denied.

DATED this 8 day of June, 1984


WILLIAM J. PAUZAUSKIE

The foregoing Findings of Facts and Conclusions of Law are hereby accepted and adopted.



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Dated and Signed on this 26th day of June, 1984

Ben Humphries H
BEN HUMPHRIES

Marlene Johnson rgs
MARLENE JOHNSON

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