



State of Alaska
LABOR RELATIONS AGENCY

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ORDER AND DECISION PERTAINING TO CONFIDENTIAL
BARGAINING UNIT AND BY CONFIDENTIAL EMPLOYEES
ASSOCIATION

ORDER AND DECISION NO. 9

Findings of Fact:

(1) The parties named in Order and Decision No. 6 have been unable to agree upon a voter eligibility list. There are substantial areas of disagreement as to whether or not certain classifications are appropriate in the unit.

(2) On January 7, 1974, a petition was filed with the Agency by the Confidential Employees Association requesting that it be placed on the ballot.

(3) On January 8, 1974, bylaws of the Confidential Employees Association, were submitted in proper form to the Agency.

(4) On January 8, 1974, investigation of the petition submitted by the Confidential Employees Association verified that approximately 25% of the employees in the confidential unit signed the petition.

Conclusions:

(1) The disagreements as to eligibility can only be resolved by affirmative action by the Agency.

(2) Employee rights to self-determination under the act are in no way jeopardized by allowing the Confidential Employees Association to be on the ballot.

(3) The exact unit cannot be determined until all questions of eligibility are resolved.

Order:

(1) A mail ballot election will be conducted as soon as possible among the employees described below.

(2) The ballot will afford employees the opportunity to vote for Alaska Public Employees Association, the Confidential Employees Association or no representation.

(3) Employees who are currently a part of the State's negotiating team are not eligible to vote.

(4) With the above exception, all employees in those classifications originally contained in the confidential unit delineated in Order and Decision No. 1, including those employees in the confidential unit designated managerial employees in a June 15, 1973 stipulation between the State of Alaska and the Alaska Public Employees Association, shall be permitted to vote in the mail ballot election. A copy of the June 15, 1973 stipulation is attached to this Order as Exhibit "A" and by this reference herein incorporated.

(5) In addition to the challenge procedures set forth in the Handbook for Election Supervisors, it is hereby ordered that no challenges based on the managerial exception of the June 15, 1973 stipulation may be summarily over-ruled by the election supervisor. If there are such challenges and regardless of whether or not they are sufficient in number to

affect the outcome of the election, these challenges will be resolved by the Labor Relations Agency in a hearing. However, if the challenges are insufficient in number to affect the outcome, and if either employee organization has in the unchallenged ballots a majority of the ballots cast, the organization may be duly certified by the Agency.

Dated January 17, 1974.

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

/s/ Joe Franich
Joe Franich, Member

AGREEMENT FOR GENERAL GOVERNMENT
NONSUPERVISORY EMPLOYEES UNIT
STATE OF ALASKA

The State of Alaska, as employer, and the Alaska Public Employees Association, an employee organization, hereby agree and stipulate as follows:

General Government Unit

After mutually reviewing a group of classes to determine if they should be considered supervisory, as defined in 2 AAC 10.220(4), or managerial, the Director of Personnel for the Department of Administration and the Executive Director of the Alaska Public Employees Association on behalf of that agency stipulate that the attached list of classes are nonsupervisory and nonmanagerial. This stipulation is based on the joint analysis of the class specifications, and was conducted, under order of the Alaska State Labor Relations Agency, to clarify that portion of Order and Decision No. 1 which relates to Petition No. 2-72, stating:

1. The Labor Relations Agency finds that a unit of general state government employees is appropriate for collective bargaining purposes.

2. The unit of general state government employees shall include all classified employees of the State of Alaska except as follows:

- (a) Partially exempt employees as defined by AS 39.25.120.
- (b) Supervisors as defined by 2 AAC 10.220(4).
- (c) Confidential employees as defined by 2 AAC 10.220(2).
- (d) Ferry Terminal Managers I, II and Ferry Terminal Assistants unless a majority of employees voting in those classifications vote to be a part of the unit of general government employees.

(c) The building and construction trades classifications listed as follows:

- (1) Automotive Equipment Operator I, II, III
- (2) Automotive Mechanic Helper
- (3) Automotive Mechanic I, II, III
- (4) Automotive Shop Foreman
- (5) Carpenter
- (6) Electrician I, II
- (7) Electrical Shop Foreman
- (8) Painter
- (9) Labor Foreman
- (10) Maintenance Mechanic I, II, III
- (11) Maintenance Mechanic Foreman I
- (12) Painter I, II
- (13) General Helper
- (14) Driller I, II
- (15) Highway Maintenance Foreman I, II

3. The Labor Relations Agency will consider joint stipulation by the Department of Administration and the Alaska Public Employees Association as *prima facie* evidence that positions thus jointly stipulated are supervisory as defined in 2 AAC 10.220(4).

Pursuant to an Attorney General's opinion construing AS 23.40.250 (5), nonsupervisory employees of the State Operated School System are not deemed eligible for organization under the Public Employment Relations Act and, therefore, are not covered by this stipulation.

Managerial Employees

The parties hereto do stipulate, and request the Alaska Labor Relations Agency to ratify same, that the following positions are managerial in the sense used by the National Labor Relations Board, and, therefore, are not eligible for organization under the Public Employment Relations Act:

- (1) Personnel Officer I, II, III
- (2) Administrative Officer III
- (3) Director of Personnel
- (4) Personnel Analyst III, IV
- (5) Central Personnel Services Supervisor
- (6) Program Budget Analyst I, II, III, IV
- (7) Deputy Director Budget and Management
- (8) Internal Auditor I, II, III, IV
- (9) Asst. to Commissioner Public Works
- (10) Equal Employment Coordinator
- (11) Highway Administrative Review Specialist
- (12) Passenger Services Inspector

Please see the brief on the subject of managerial employees attached hereto and made a part of this stipulation. While the

parties hereto have not stipulated as to management employees in the supervisory unit, they acknowledge that should said unit be organized, a certain number of employees will be excepted therefrom as managerial.

STATE OF ALASKA

BY Joseph H. Allen, Governor of Alaska
Date: 15 June 1973

ALASKA PUBLIC EMPLOYEES ASSOCIATION

BY John A. Carter
Date: 15 June 1973

APPROVED:

Alaska State Labor Relations Agency

Date: _____