

Presented by: Assemblyman Thomas
Introduced: 01-22-76
Referred to:

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 352

A RESOLUTION AMENDING THE RULES AND REGULATIONS OF THE JUNEAU EMPLOYEE RELATIONS BOARD ADOPTED BY RESOLUTION NO. 316.

WHEREAS, the assembly, by Resolution No. 316 adopted Rules and Regulations for the Juneau Employee Relations Board; and

WHEREAS, such rules should be amended to expand and clarify the procedures and standards for determining community of interest groups, the methods by which majority status is determined and the times when community of interest groups may be exempted from collective bargaining;

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

1. Rule 4.03(3) is amended to read as follows:

3. Any group of employees determined by the Board pursuant to Rule 4.11 to have a community of interest who by a majority vote of the employees in said group, elect to be excluded from collective bargaining, shall not be included within a bargaining unit.

2. Rule 4.11 is amended to read as follows:

4.11 COMMUNITY OF INTEREST GROUP. Any group of employees as set forth in Rule 4.03(3) may elect to be excluded from collective bargaining according to the following procedure:

1. A petition signed by sufficient employees to constitute a majority of the proposed group shall be submitted to the Board, setting forth the definition of the group and stating the desire of the petitioners to have the group exempted. The petition shall contain a list of all positions in the proposed group and shall be identified by Position Classification Number (PCN) and Position Classification Title.

2. The Board shall by hearing after notice to all members of the proposed group and to any certified employee organizations representing any member of the proposed group, decide whether the group is appropriate for exclusion by reason of community of interest. In reaching such determination, the Board shall give substantial weight to relevant decisions of the National Labor Relations Board. No petition shall be granted allowing a group to be exempted including employees of two or more departments. The Board may modify, reject, or approve the proposed group.

3. A petition under subsection (2) above may be presented at any time, and shall be acted upon by the Board within 60 days unless extensions of time are agreed upon by the petitioners. If the board approves the proposed or a modified group, it shall order an election within the approved group upon the question of whether the group shall be excluded from collective bargaining.

4. The election shall be conducted in the manner prescribed by Rule 10 to the extent that the procedures thereunder are compatible with a community of interest group election; except, the board may modify any such procedures it deems appropriate for the conduct of the election.

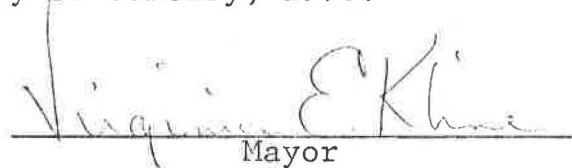
5. Any group which has been exempted under this section may again be included in the bargaining unit from which exempted. Such re-inclusion shall be accomplished by the same petition procedure outlined in (1) through (4) above.

6. The exclusion or inclusion of a community of interest group shall be effective upon the certification of the election results by the Board; provided, if the certification occurs during a period when the affected bargaining unit is under a collective bargaining agreement with the municipality, the exclusion or inclusion shall not be effective until the termination of such agreement; and provided further, if the certification occurs during such period, members of a group which has voted to be excluded shall not have the right

to vote on the acceptance or rejection of a proposed collective bargaining agreement and members of a group which has voted to be included may vote on a proposed collective bargaining agreement if such group will be a part of the bargaining unit directly affected by the proposed agreement.

7. The board shall expeditiously process any community of interest petition received during the period after negotiations have begun but before the negotiating teams have reached an agreement which has not been rejected by the bargaining unit or the assembly. No community of interest group election may be held unless the petition for inclusion or exclusion is filed with the board not less than 14 days before such negotiating team agreement is reached. In the event of such timely filing of an inclusion or exclusion petition, neither management nor the bargaining unit may take action to accept or reject the agreement until the election on inclusion or exclusion has been held and certified by the board.

Adopted this 22nd day of January, 1976.



Mayor

Attest:



Clerk