

Presented by: The Manager
Introduced: 06-03-76
Referred to: Committee of
the Whole

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 373 (C.O.W. Substitute)

A RESOLUTION AMENDING THE JUNEAU
EMPLOYEE RELATIONS BOARD RULES ADOPTED BY
RESOLUTION 316 AND AMENDED BY RESOLUTION 352.

WHEREAS, the Assembly, by Resolution Serial No. 316 adopted rules and regulations for the Juneau Employee Relations Board; and

WHEREAS, such rules were amended by Resolution Serial No. 352 to expand and clarify the procedures and standards for determining community of interest groups; and

WHEREAS, local conditions should be considered in addition to traditional standards when determining the existence of a community of interest;

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

1. That Rule 4.11 of Juneau Employee Relations Board 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 procedures:

4.11.1 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. The Board may accept petitions lacking Position Classification Numbers and Titles prior to the hearing, or the Board may waive such requirements where it believes such Numbers and Titles are not needed to define the proposed group.

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4.11.2 The board shall by hearing after notice to all members of the proposed group, to management and to any certified employee organizations representing any members 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 employee desires, local conditions, and shall be guided by 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.

4.11.3 A petition under subsection .1 above may be filed:

(a) at any time prior to the actual commencement of negotiations where there is no contract in effect. The initial submission or exchange of proposed contracts does not constitute the commencement of negotiations. Negotiations shall be deemed to have commenced when the designated negotiators from management and the employees representative of the bargaining unit meet for the purpose of negotiating the terms of a contract, or

(b) at any time ninety days prior to the expiration of a contract which is in effect.

The Board shall act expeditiously upon petitions filed under this rule. 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.

4.11.4 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. The Board may modify election time requirements when negotiations are eminent and either management or the certified employee representative requests an expedited election.

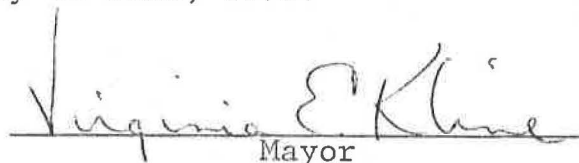
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4.11.5 Any group which has been exempted under this section may again be included in the bargaining unit from which exempted. Such reinclusion shall be accomplished by the same petition procedure outlined in subsection .1 through .4 above.

4.11.6 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.

2. That Rule 6.05.2 of the Juneau Employee Relations Board is repealed.

Adopted this 17th day of June, 1976.



Mayor

Attest:



Clerk