Employment Relations Board
Aug. 7, 2006 12:00 P.M.
Harrigan Centennial Building - Maksoutoff Room
Minutes draft

A. CALL TO ORDER
McBride called the meeting to order at 12:05 P.M.

B. ROLL CALL
Members Present: Mo McBride and Gary Paxton
Absent Members: Nancy Cavanaugh
Staff Support: Legal Counsel, Linda Johnson (teleconference) and Acting Secretary, Tracie Laczynski

C. WELCOME OF GUESTS
McBride welcomed everyone present.

D. APPROVAL OF MINUTES
MOTION: by McBride to approve June 26, 2006 minutes with the change of "R. Johnson" to "Rob Johnson, outside counsel to CBS" and to correct the letters of the outline that were not in alphabetical order.

Voice vote PASSED.

E. ADDITIONS/DELETIONS TO THE AGENDA:
MOTION: by Paxton to add to new business ASEA's Unfair Labor Practice protest.

Voice vote PASSED.

F. COMMUNICATIONS:

1. IBEW recognition agreement, certification of recognition agreement, notice of rights regarding IBEW;
Jake Metcalfe, general counsel for IBEW, discussed that the word "carefully" in the last sentence in the notice of rights for IBEW was unnecessary.

Mike Notar, Assistant Business Manager for IBEW, stated that the IBEW Notice of Rights has not been posted on the CBS website and that he asked that the word be striken from the document before it is posted.

MOTION: by McBride to omit the word "carefully" from the last line in the recognition paragraph on the third page for IBEW.

Voice vote PASSED.

2. E-mail from CBS regarding PSEA, PSEA recognition agreement, certification of recognition agreement;
There was brief discussion that the word "carefully" is a mote point for ASEA and PSEA as the posting has already commenced.
MOTION: by McBride to recognize PSEA as the authorized and sole bargaining unit for those jobs within that recognition agreement.

Voice vote PASSED.

Metcalfe mentioned that, in regard to IBEW documents, they are in agreement.

McBride disscussed that signatures and posting is the next step.

Therese Hillhouse, City Attorney, mentioned that Deputy Chair of the ERB may sign in the Chair's absence.

McBride stated that she is the Acting Chair by default.

Hillhouse stated that Notar is authorized to sign on behalf of the Business Manager of IBEW.

There is disscussion that the documents can be signed and posted .

3. E-mail from CBS regarding ASEA, ASEA recognition agreement, certification of recognition agreement;

Fate Putman, Attorney for the ASEA, said that the recognition agreement is o.k.

4. Notice of rights regarding ASEA and PSEA;

5. Objection e-mail by general government bargaining members and copy of letter and signatures.

There was disscussion that there needed to be a current list of employees for CBS and to apply that list as the finalized list of personnele allowed to vote.

G. OLD BUSINESS

1. Update on electrical union positions identified as confidential

Hillhouse asked that there be clarification of confidential positions of the Electric Department by the ERB.

MOTION: by Paxton that the confidential positions are the position entitled Billing Clerk and Materials Specialist on the City and Borough of Sitka's revision charts, Electric Materials Specialist, which is a controlling document for designation of the position title. These positions include the Electric Utility Director, Electrical System Engineer, Electrical Generation System Manager as confidential and exempt.

Hillhouse asked for clarification between confidential and exempt.

MOTION: by Paxton that the confidential positions be the Billing Clerk/Materials Specialist or Electric Materials Specialist, which is also as title of the controlling document for designation of that position. Also included are the positions Transmision and Distribution System Manager and the Electric Department Administrative Assistant.

Voice vote PASSED.

MOTION: by McBride to reconsider the previous motion

Voice vote PASSED.

MOTION: by Paxton that the ERB approve the confidential positions Electric Department Administrative Assistant and Transmision and Distribution System Manager and not include the Materials Specialist as confidential.

Voice vote PASSED.

H. NEW BUSINESS

1. Disscussion of ASEA Unfair Labor Practice (ULP) formal complaint

F. Putman stated that ASEA filed a formal complaint and three e-mails that exhibit unfair labor practice. He continued to discuss the language that CBS used in e-mails to employees that could have been removed and showed intent. He stated that under the ordinance CBS should remain neutral.

Disscussion continued that employee e-mails regarding bargaining units should come from the board and that there needed to be indentification on the e-mails stating that the language is coming from the board. It continued that the city clerk is to be the conduit for the ERB and the flow of approval for dispersal of ERB information. There was further talk about the process for an investigation into the matter and that the UFP matter be opened as a new file named 06-06. The matter continued with disscussing ASEA's withdraw of the ULP, proper conduct, and the ERB decision on directions for information being passed to employees.

MOTION: by Paxton that the Unfair Labor Practice Petition filed by ASEA be sent back and that the CBS and ASEA representatives will get together to review those e-mails and that no further e-mails will go out from the board through Colleen without a heading identifing that it's from the ERB.

McBride stated that all future e-mail that the ERB sends out will have a clear heading to identify it as so.

Voice vote PASSED.

2. Discussion of updated list of CBS employees and the generaL government bargaining members who object.

Hillhouse stated that the general government bargaining members are any that are not in the Police or Electric Departments. She continued that the list of confidential employees can be obtainied from the rec ognition agreements and the handbook code provision which identifies who is exempt.

I. EXECUTIVE SESSION:

MOTION: by McBride to go into executive session to verify names.

Voice vote PASSED.

J. DISSCUSSION ABOUT EXECUTIVE SESSION

McBride stated that the nine names on the petition are valid employees. She continued that the board counted 63 employees as part of the general bargaining unit.

Discussion continued that temporary employees are not part of the unit and are not eligable to vote.

MOTION: by Paxton that the CBS and ASEA certify a list of the 63 permanent employees that are within the proposed bargaining unit that both agree on so that the ERB knows definetively who will be allowed to vote.

There was disscussion about the different processes for secret ballots and the location and length of time for the voting.

K. NEXT MEETING

MOTION: by McBride to table the discussion until Thursday at noon and that CBS and ASEA will get together and confirm the names. The sole topic will be the election.

L. ADJOURNMENT

MOTION: by McBride to adjourn.
Voice vote PASSED.

Respectfuly Submitted by,
Tracie Laczynski, Acting Secretary