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**EMPLOYMENT RELATIONS BOARD**

May 5, 2016 6:00 PM  
Sealing Cove Business Center  
Final Minutes

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I. CALL TO ORDER

Kainulainen called the meeting to order at 6:02 PM.

II. ROLL CALL

Leigh Kainulainen, Mo McBride (arrived at 6:15 PM), John Holst, and Melissa Henshaw (CBS Deputy Clerk) were present

III. WELCOME TO GUESTS

Audience members introduced themselves.

IV. CHANGES TO THE AGENDA

None.

V. APPROVAL OF MINUTES

**MOTION by Kainulainen to approve the March 9, 2015 minutes as written.**

*Motion PASSED unanimously by the two members present by voice vote.*

VI. NEW BUSINESS

A. Petition for Representation

Holst asked Linda Johnson, ERB Attorney, participating telephonically the process of decertifying. Holst read the document from the non-exempt staff employed at the Sitka Fire Department that was passed out at the meeting, "Signatures in favor of decertifying with ASEA, and certifying and forming a new bargaining unit under the IAFF." Holst told of the signatures on the page and it told of the positions it would affect. Ms. Johnson reminded the Board of the questions from last meeting, 1) whether a small group could break away from a large unit, 2) whether or not they must wait a 12 month period between decertifying and certifying with a new union, 3) timing must be correct as far as with a previous election and the contract coming to an end, 4) cards received, 5) the appropriateness of the group, 6) size reasonable, 7) determine that this is not an unnecessary fragmentation, 8) whether or not the group provides a community of interest, 9) determine why ASEA is not able to adequately represent them and take testimony from ASEA, and 10) desire of the employees. She said that other jurisdictions require a 12 month period between the two unions and that it is discouraged to have small numbers in unions.

The Board inquired of cards, Joseph Danon, City and Borough of Sitka (CBS) Fire Engineer, told the Board that he could provide if necessary. General consensus was that the signatures from the document were acceptable. The question arose on whether or not the group could

both decertify and certify within the same election. It was determined that there has not been an election in the last 12 months and that the timing was acceptable. Discussion occurred on the terminology of the majority of the group. Ms. Johnson said that it was an employee group from Sitka General Code (SGC) 2.08.125 E.a. The term "raid" was discussed and was clarified by Sam Rhodes, Business Agent with ASEA. General consensus of the Board was that all basic measures have been met. The Board looked at SGC 2.08.125 E.a.ii. Mark Danielson, CBS Human Resources Director told of the represented number of employees with regards to all the unions.

Craig Warren, CBS Fire Engineer, told of reasons for decertifying and history.

Mr. Rhodes told of ASEA organization and history. Reber Stein, Information Officer with ASEA told of participation during pre-bargaining meetings. Mr. Rhodes voiced that ASEA had never received a written complaint or call from the represented employees of the Fire Department and the appendix that was specifically for this group. He stated that ASEA may have to re-open negotiations if this group splinters off.

Mr. Danon read a prepared letter. He told of the desire for a trade union that understands the trade, safety, risks, hazards, the need to be in the know of legislation, studies, surveys, publications, and industry changes. He read of differences between this group and rest of the ASEA employees.

Kimberly Geariety, asked to represent as Municipal Attorney for CBS for this meeting told that this group decertifying would cause more administrative cost to manage and negotiate, that this group has a unique area of work but that breaking away would fragment and make a smaller group.

Discussion occurred on criteria of 2.08.125, how it relates, and an appeal to the Assembly.

Michelle Snowden, CBS Fire Engineer, stated that they are trying to decertify and disagreed of the appeal to the Assembly.

McBride went over the process: the ERB approves the election for decertification, the election takes place, the ERB then certifies the election, then an appeal is available to the group affected either employees or union. Ms. Johnson stated that the Assembly could determine that the criteria has not been met.

Ms. Geariety told of the State's process.

**MOTION by Holst that a decertification election be approved for non-exempt staff employed at the Fire Department to be held on Thursday, May 26, 2016, conducted by the City and Borough of Sitka's Municipal Clerk by secret ballot. Provisions shall be made for absentee ballots as necessary.**

*Motion PASSED unanimously by voice vote.*

**MOTION by McBride for the wording of the ballot:**

**Shall the decertification of the non-exempt staff employed at the Sitka Fire Department from member and representation of ASEA be approved?**

Yes

No

*Motion PASSED unanimously by voice vote.*

VII. PUBLIC PARTICIPATION  
See above.

VIII. ADJOURNMENT

A meeting was set for the results to be certified on Thursday, June 2, 2016 at 6:00 PM.

Seeing no objection, the meeting adjourned at 8:53 PM.

Submitted by:  
Melissa Henshaw  
Secretary