

City and Borough of Juneau Personnel Board
Tuesday July 9, 2013
City Hall Conference Room 224
Minutes

I. Call to Order: Chair Nicki Neal called the meeting to order at 12:07 p.m.

II. Roll Call

Board Present: Brett Allio, Joan Cahill, Max Mielke, Nicki Neal

Board Absent: Judy Porter

Others Present: Mila Cosgrove, CBJ Human Resources & Risk Management Director, Ben Goldrich, MEBA District One Union Representative, and Amy Mead, CBJ City Attorney and Counsel to the Personnel Board.

III. Approval of Minutes

1. October 17, 2012 Personnel Board Meeting Minutes

Ms. Neal requested that the minutes be amended to correct a typographical error on page 3, in the first paragraph, 10th line down the word “them” should in fact be the word “then.”

MOTION, by Mielke to approve the minutes as amended. Seconded by Allio. Hearing no objection, the minutes of the October 17, 2012 meeting were approved.

IV. Request for Reinclusion in Bargaining Unit – Airport Field Maintenance

Ms. Neal stated that the Board had received a request from the CBJ and the MEBA requesting that the Airport Field Maintenance Group be allowed to hold an election for reinclusion into the General Government Bargaining unit represented by the MEBA. Ms. Neal summarized the points of the request from the June 24, 2013, letter provided by the parties to the Board. Ms. Neal then asked the parties if they wished to address the issue.

Ms. Cosgrove stated that she believed the issue to be properly before the board for their consideration. She stated that the request was appropriate under the provisions of Article 4.10 of the Personnel Board Rules of Procedure, but that the request had been filed outside the window period. Given the specific history of this group, Ms. Cosgrove stated she felt the board could rely on their authority under the provisions of Article 1.03 to allow an election to proceed, provided that

the employees voting in the election understood that it was occurring outside the window period and that the employees specifically waived their right to challenge the vote. Ms. Cosgrove stated that under the circumstances, the CBJ thought this action was appropriate.

Mr. Goldrich stated that he agreed with Ms. Cosgrove's statements and wished the election to proceed.

Ms. Neal then asked if it was appropriate for the Board to waive the provisions of Article 4.10 since the language was clear and unambiguous.

Ms. Cosgrove stated that the Board should consult with Counsel on the point.

Ms. Mead stated that given the suggested protocol for the election, having the employees vote first on the threshold issue that they waived their right to challenge the window period exception and requiring a 100% affirmative vote on the threshold issue, prior to considering a vote on moving back into the bargaining unit, would allow the Board to proceed in a way that protected the rights of individual employees. Ms. Mead felt it was appropriate to proceed with the request of the parties.

Ms. Cahill then asked about precedent on this topic. Ms. Neal indicated that she had the same question.

Ms. Cosgrove stated that as far as she knew there was no established precedent on this issue. She stated that given the fact that this particular group of employees had been before the board several times in the last few years, with a clear desire to be represented, there was a strong preference in that direction. Ms. Cosgrove further stated that CBJ would feel quite differently about waiving the window period if it was another group that had come forward with no recent history regarding representation.

Mr. Mielke then asked for clarification on how the vote would proceed regarding the threshold question and asked if there would have to be two separate elections. Ms. Cosgrove stated that she thought both issues could be presented on the same ballot provided there was clear explanation to the employees.

MOTION, by Neal, second by Cahill: to authorize a reinclusion election for the Airport Field Maintenance Group outside the window period specified in 4.10(3)(b). The election should cover two issues, the threshold issue regarding waiving objection to holding the election outside the established window period, and the second issue regarding whether or not to opt back into the General Government bargaining unit currently represented by MEBA. All eligible employees must vote and affirm that they agree the election should be held outside the window period. If there is unanimous consent on the first issue, the second issue will be decided by a simple majority. Hearing no objections, it was so ordered.

Ms. Cosgrove then reviewed Article 10, Election Procedures with the board. Mr. Mielke expressed concern with holding an in person election due to the fact that some of the employees in the group were on seasonal leave. He requested that an absentee ballot process be used as provided for in Article 10.07. There was general discussion over the provisions of how to put together the employee notice required under Article 10.04 and what the timing of the election process would be.

The board determined through discussion and consensus to appoint Ms. Laurie Sica, CBJ Municipal Clerk, the Election Agent and asked that Ms. Sica, along with Ms. Cosgrove, to prepare and distribute the employee notice and ballot. They asked that employees have a thirty (30) period of notice and balloting to assure that everyone would have the opportunity to be informed of the election and have the opportunity to vote. All ballots would be distributed through the mail and no workplace vote would occur.

The Board asked that ballots be received no later than August 9, 2013, and tentatively set the next Personnel Board meeting for Monday, August 19th at 12:00 p.m. to certify the results. Board members also asked that Ms. Sica apprise them when all ballots had been returned if that occurred prior to August 9th. In that case, if Board schedules allowed, the votes could be counted earlier than August 9th as provided for in Article 10.03, and a meeting to certify the election could potentially be held earlier. If Board members were unavailable, the ballots could be closed at the end of the noticed period and the tentatively scheduled Board meeting could proceed.

V. Agenda Items and Schedule for Next Meeting

The Board tentatively scheduled Monday, August 19th at 12:00 p.m. for their next meeting.

Agenda items for the next meeting include certification of election results for the Airport Field Maintenance Group and election of the Chair and Vice Chair of the Personnel Board for Calendar year 2013.

VI. Adjournment

The Board adjourned at 12:38 p.m.

Submitted by Mila Cosgrove, HRRM Director