

City and Borough of Juneau Personnel Board

Friday, April 20, 2012, 12:00p.m.

City Hall Conference Room 224

Minutes

I. Call to Order: Chair Nicki Neal called the meeting to order at 12:00 p.m.

II. Roll Call / Introductions

Board Present: Brett Allio, Nicki Neal, Donna Pierce, Judy Porter

Board Absent: Max Mielke

Others Present: Amy Mead, Counsel to Personnel Board; Corey Baxter, IUOE-Local 302 Representative; Tom Brice, Labors Local 942, Beth McEwen, Deputy Clerk

III. Approval of Minutes

1. February 23, 2012 Personnel Board Meeting Minutes

MOTION, by Porter, to approve the minutes with one correction. Hearing no objection, the minutes of February 23, 2012 were approved as corrected.

IV. International Union of Operating Engineers - LOCAL 302 Request to petition the Juneau Personnel Board for creation of a separate bargaining unit for the Airport Field Maintenance Workers

Ms. Neal said the task before the Board was to review and approve the decision as prepared by Ms. Mead. At the last meeting, the decision was agreed to, but since that time, one member had changed his mind, and he was not present today. Before voting to approve the decision as written, she asked for any further discussion or questions.

Ms. Pierce asked if the rules required that a reason for dissent be stated.

Ms. Mead said she was not aware of any such requirement. Ms. Mead clarified that an affirmative vote of three members was required to take action. The Chair of the Board signed the decision, so there did not need to be a reference to those dissenting or reasons presented for doing so. The issue was that there was a unanimous decision at the last meeting to make certain findings and to decide in a particular way. If there was a board member, who wanted to discuss that, or change their decision, a motion of reconsideration of that decision would be appropriate. Any objection to the written decision had to be that the written decision did not

accurately reflect what the Board directed the attorney to prepare at the last meeting.

Ms. Neal said she did not know why one board member did not agree. To her knowledge he did not provide a reason and he was not present. She asked Mr. Allio if he was in agreement with the decision made at the last meeting.

Mr. Allio said he may have some objections.

Ms. Mead said if there was to be a discussion on the merits, there should be a motion to reconsider the previous decision. Otherwise, the objection would be that the written decision did not accurately reflect the previous decision of the Board.

Ms. Pierce said the motion to reconsider should state reason for reconsideration.

Ms. Mead said the motion to reconsider was only to reconsider the issue – it should not discuss the merits of the issue. Ms. Mead said the timing for a motion to reconsider would be appropriate due to the irregular meeting times of this Board.

MOTION, by Allio, to reconsider the decision. Seconded by Porter.

Mr. Allio said he was concerned with the community of interest versus a bargaining unit and wished to review that for clarification of a potential collective bargaining unit. He said there was still some confusion with the rule changes made by the Assembly and the Rules of Procedure and how those related to this issue.

Ms. Neal said there may be some confusion as to the role of this board and by members of this Board. Two members are recommended by Labor and appointed by the Assembly. The Board is neutral. The Labor members are not on the Board to advocate for Labor and at the last meeting Mr. Mielke said he did not see how the Board could reach any other conclusion. She said that at least one Board member was contacted by someone from the Central Labor Council and she did not feel that was appropriate. The hearing was the place for information to be presented. She asked for correction if she was wrong.

Ms. Mead said the Board needed to address the motion on the floor.

Both Ms. Neal and Ms. Porter said they felt the decision stood based on the reasoning provided in the written decision.

Roll call on reconsideration:

Aye: Allio

Nay: Neal, Porter, Pierce

Motion failed, 1 aye, 3 nays.

MOTION, by Pierce, to adopt the Board's written decision in the matter of International Union of Operating Engineers - LOCAL 302 Request to petition the Juneau Personnel Board for creation of a separate bargaining unit for the Airport Field Maintenance Workers.

Mr. Allio objected.

Roll call:

Aye: Neal, Porter, Pierce

Nay: Allio

Motion passed, 3 ayes, 1 nay.

Ms. Neal said it was unfortunate if some Board members are feeling an obligation to Labor since they are nominated from the labor unions since as this was a neutral appeal board. She said she may be wrong on her viewpoint but she was not sure.

Ms. Mead said that it was correct that the Board was to be neutral. The intent in nominating members to the Board from Labor was to have people bring different perspectives to the Board discussions. She did not believe there was any process to raise the issue in this context, but it could be discussed at a future meeting.

V. Agenda Items and Schedule for Next Meeting – No meeting set.

VI. Adjournment: 12:23 p.m.

Submitted by Laurie Sica, Municipal Clerk