

SUPREME COURT OF ALASKA

Fairbanks Fire Fighters Ass'n, Local 1324 v. City of Fairbanks

48 P.3d 1165 (Alaska 2002) · No. S-9715 · Decided June 7, 2002

SUMMARY

The Alaska Supreme Court held that the appeal was technically moot but warranted review under the public interest exception to the mootness doctrine. The court ruled that AS 23.40.210 gives the Alaska Labor Relations Agency jurisdiction to determine whether a labor dispute is arbitrable under a collective bargaining agreement. The court reversed the superior court's contrary ruling and affirmed the agency's determination that it had authority to decide arbitrability.

CASE DETAILS

COURT	Supreme Court of Alaska
WRITING FOR THE COURT	Carpeneti, Justice; Fabe, Chief Justice; Matthews, Justice; Eastaugh, Justice; Bryner, Justice
JURISDICTION	Alaska
DECIDED	June 7, 2002
DOCKET	S-9715
DISPOSITION	reversed
PROCEDURAL POSTURE	The union appealed the superior court's decision concerning the Alaska Labor Relations Agency's authority to determine whether a grievance was arbitrable. Although the union prevailed below on the ultimate arbitrability question, the superior court held that the agency lacked authority to decide arbitrability and affirmed the agency's result as harmless error. The Supreme Court reached the otherwise moot issue under the public interest exception.
STANDARD OF REVIEW	Standing and mootness were reviewed independently because they presented questions of law and judicial policy. The agency's action was directly reviewed. The court applied a substitution-of-judgment standard to the agency's legal conclusion concerning its authority to determine arbitrability because the issue involved statutory and common-law interpretation rather than agency expertise.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Fairbanks Fire Fighters Association, Local 1324 v. City of Fairbanks

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QUESTIONS PRESENTED

1. Whether the appeal was moot because the union had already obtained the ultimate relief it sought below.
2. Whether the public interest exception to the mootness doctrine permitted review of the otherwise moot jurisdictional issue.
3. Whether AS 23.40.210 gives the Alaska Labor Relations Agency authority to determine whether a dispute is arbitrable under a collective bargaining agreement.

HOLDINGS

1. The appeal was moot because the union had already obtained the relief it sought and the court could not provide any further effective relief concerning the intermediate jurisdictional question.
2. The public interest exception applied, allowing the court to decide the moot jurisdictional issue.
3. AS 23.40.210 reserves to the Alaska Labor Relations Agency the power to determine whether a dispute is arbitrable under a collective bargaining agreement.

KEY QUOTATIONS

“The present case meets the “important public interest” requirement. As this case raises a question of the power of government officials, the issues are sufficiently important to the public interest to merit consideration.” (48 P.3d at 1169)

“Because arbitrators have such broad discretion, it is often problematic for them to decide their own jurisdiction, for if they are wrong, there may be essentially no review.” (48 P.3d at 1170)

“For the reasons stated above, we hold that the ALRA has jurisdiction to decide questions of arbitrability under AS 23.40.210.” (48 P.3d at 1170)

FACTUAL BACKGROUND

Fairbanks Fire Fighters Association, Local 1324 filed grievances on behalf of Jim Rice and Lee Despain after the City refused to rehire them for open fire-department positions. Rice and Despain had previously worked as city firefighters and had resigned under circumstances that led them to prevail in constructive-discharge litigation; they received monetary damages but no reinstatement. The City argued that the grievances were not arbitrable because Rice and Despain were no longer city employees when the grievances arose and also challenged the agency's authority to decide arbitrability.

PROCEDURAL HISTORY

The union filed grievances on behalf of two former firefighters under the collective bargaining agreement and sought enforcement of its arbitration provisions before the Alaska Labor Relations Agency. The agency held that it had jurisdiction to determine arbitrability and that the grievance was arbitrable. The superior court held that the agency lacked such jurisdiction but affirmed the agency's ultimate determination because the error was harmless. The union appealed the jurisdictional ruling, and the City did not appeal the determination that the grievance was arbitrable.

DISPOSITION

reversed

CASES CITED

- City of Fairbanks v. Rice, 20 P.3d 1097 (Alaska 2000)
- Kleven v. Yukon-Koyukuk School Dist., 853 P.2d 518, 525 n.13 (Alaska 1993)
- Bowers Office Prod., Inc. v. Univ. of Alaska, 755 P.2d 1095, 1096 (Alaska 1988)
- N. Alaska Envtl. Ctr. v. State, Dep't of Natural Res., 2 P.3d 629, 633 (Alaska 2000)
- Gerstein v. Axtell, 960 P.2d 599, 601 (Alaska 1998)
- O'Callaghan v. State, 920 P.2d 1387, 1388-89 (Alaska 1996)
- Trustees for Alaska v. State, 736 P.2d 324, 327 (Alaska 1987)
- Moore v. State, 553 P.2d 8, 24 n.25 (Alaska 1976)
- R.I. v. C.C., 9 P.3d 274, 278 (Alaska 2000)
- Alaska Consumer Advocacy Program v. Alaska Pub. Util. Comm'n, 793 P.2d 1028, 1032 n.1 (Alaska 1990)
- Allen v. State, Dep't of Revenue, Child Support Enforcement Div., 15 P.3d 743, 749 (Alaska 2000)
- Legislative Council v. Knowles, 988 P.2d 604, 606-07 (Alaska 1999)
- Kodiak Seafood Processors Ass'n v. State, 900 P.2d 1191, 1193-96 (Alaska 1995)
- Krohn v. State, Dep't of Fish & Game, 938 P.2d 1019, 1021-23 (Alaska 1997)
- State v. Public Safety Employees Ass'n, 798 P.2d 1281, 1285 (Alaska 1990)
- AT&T Technologies, Inc. v. Communications Workers of America, 475 U.S. 643, 649 (1986)
- John Wiley & Sons, Inc. v. Livingston, 376 U.S. 543, 546-47 (1964)
- Public Safety Employees Ass'n, Local 92, Int'l Union of Police Ass'ns, AFL-CIO v. State, 895 P.2d 980, 984 (Alaska 1995)
- City of Fairbanks v. Rice, 628 P.2d 565, 567 (Alaska 1981)
- Ahtna, Inc. v. Ebasco Constructors, Inc., 894 P.2d 657, 661 (Alaska 1995)
- Handley v. State, Dep't of Revenue, 838 P.2d 1231, 1233 (Alaska 1992)
- Jager v. State, 537 P.2d 1100, 1107 n.23 (Alaska 1975)

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