

ALASKA LABOR RELATIONS AGENCY

Minutes of Business Meeting

Friday, May 12, 2006

1. CALL TO ORDER: Chair Gary P. Bader called the meeting to order at 10:05 a.m. Board Members Dennis Niedermeyer, Matthew McSorley, and Gary Atwood attended in person. Vice Chair Aaron Isaacs, Jr. attended telephonically. Member Colleen Scanlon was unable to attend.

Staff members Sherry Ruiz, Margie Yadlosky, and Mark Torgerson also attended. Jean Ward was absent. There was one member of the public in attendance: Dennis Geary from the Alaska Public Employees Association.

2. APPROVAL OF MINUTES FROM DECEMBER 16, 2005, BUSINESS MEETING: Dennis moved to accept the minutes as written, and Gary seconded the motion. By unanimous roll call, the motion carried.

3. OLD BUSINESS.

A. STATUS OF PENDING CASES.

Margie and Mark provided an overview of pending cases, including those in the hearing process. Margie reported that the most significant change in the caseload was the substantial decrease in open unit clarification (UC) petitions, and the reduction in the unfair labor practice caseload.

1. CASE FLOW CHART. Mark recapped the caseload decrease, credited Margie and Jean for the reduction, and asked the Board if there were any questions about the chart. There were no comments.

2. UPDATE ON UNIT CLARIFICATION PETITIONS AND UNFAIR LABOR PRACTICE CHARGES. Jean was absent from the meeting but provided the Board with a written summary of the unfair labor practice caseload. Margie updated the Board on the status of UC and ULP cases. Jean made progress on the unfair labor practice caseload. Margie informed the Board that the Agency still receives some UC case filings, but the number received is less than the average number filed during any given period for the past several years. Chair Gary and Members Dennis and Aaron inquired about cases in abeyance, specifically regarding why they are put in abeyance, whether there are time limits, and whether there is a problem with cases in abeyance. Mark responded that cases are put in abeyance for a variety of reasons, including settlement discussions, pending arbitrations, and appeals to the courts. There are no time limits to meet regarding cases held in abeyance, and there is no significant problem created by keeping a case in abeyance.

3. UPDATE ON ELECTION PETITIONS. Margie reported that although there were election inquiries during the past six-month period, the Agency did not hold any elections.

4. SUMMARY OF RECENT BOARD DECISIONS. There were no decision and orders to report. The Board issued several orders related to appeals of unit clarification positions. The Board also issued two bench orders. Mark is working on four decisions and several UC appeals.

B. BUDGET.

Mark reported that the Agency is on track regarding expenditures of funds for the current fiscal year. There are sufficient funds remaining in this year's budget to purchase new computers. Internet technology (IT) staff had informed agency staff that agency computers were falling behind the technology curve, and IT staff advised that the Agency update its computers as soon as feasible. The fiscal year 2007 budget was approved by the Legislature as requested. Mark expressed gratitude for the support provided by the Commissioner's office, and for the appropriation provided by the Legislature.

C. ACTION ITEMS.

1. CAREER PATH FOR MARGIE. Chair Gary inquired of Vice Chair Aaron whether there was discussion of Margie's career path idea during the December, 2005, Board business meeting. Aaron said that there was discussion and a plan drafted by Jean. There was further discussion about career paths, including questions from Aaron and Matthew regarding the State of Alaska's hiring and classification process. Mark described the application process, including the Workplace Alaska system. Chair Gary said it would be challenging if any of the staff were to leave the Agency. Dennis reiterated that during the December meeting he stated that the Board should not micro-manage the staff. Chair Gary asked staff to discuss options and report to the Board within 30 days. (Email from Mark to Board members enclosed with Board packet.)

2. CALENDAR. Gary asked Sherry to send Board members a calendar to determine their availability for the next Board meeting week. Board members are to return their calendars to Sherry. Chair Gary noted he would be in Africa from late March 2007 through April 2007.

4. NEW BUSINESS.

A. BOARD MEMBER UPDATE.

Chair Gary expressed gratitude that the Agency finally had a full Board with the appointment of new Labor Member Matthew McSorley of Anchorage. Mark noted that Matthew was appointed in December 2005, and both Matthew and Dennis were reappointed for three-year terms in March 2006, and were confirmed by the Legislature

in May, 2006. Chair Gary and Gary Atwood's terms expire in March 2007.

B. ANNUAL REPORT.

Margie reported that the Agency sent the Board a draft of the 2005 Annual Report. Mark described a few minor changes suggested by Chair Bader. The Board voted to approve the report, with the minor changes. The Board signed a resolution approving the report and authorized the Agency staff to send copies to the Governor and Legislators.

C. NEXT BOARD MEETING.

Board members discussed their availability for the December 2006 meeting and hearing week. The meeting had been tentatively scheduled for Friday, December 15, with hearings during the 4 prior days. Chair Gary noted he would be absent during this hearing week. Board members further discussed their availability and decided to schedule the meeting for Friday, December 8, with hearing days reserved for December 4 through December 7. Chair Gary, Matthew, Aaron, and Dennis stated they could be available during this week.

D. PROPOSED REGULATIONS.

Mark reported that he received an email on May 9 from Larry McKinstry, Assistant Attorney General for the Department of Labor & Workforce Development. The regulations 'sat' somewhere in the Department of Law for a period and were eventually discovered when the Department of Labor's regulations specialist inquired about their status. McKinstry finished his review of the proposed regulations and said he would send them to the Agency. Sherry reported that the Agency did receive the edits Friday morning, just prior to the start of the Board business meeting. Dennis moved to put the regulations out to public comment, and Aaron seconded. Motion carried unanimously.

Mark said the next step in the process is to put the regulations out to the public for comment and suggestion. Dennis asked if the board could draft additional regulations if it later finds some are needed. Mark responded that once the regulations go out for public comment, they cannot be changed until after the public comment period closes. If there would be a new regulation that is completely different from those that initially were published, the Board would have to go back through the whole process for the new regulations. However, the Board can amend wording in the currently proposed regulations.

E. TRAVEL PROCEDURE UPDATE.

Board Members were provided with a letter, brochure, and pocket guide regarding the new travel procedure. Sherry reported that the Agency would finally be implementing the new travel procedure this month, specifically on May 22. She said there would be a new "travel desk," and the Agency will make travel arrangements

through this desk. Sherry and Margie train on this new procedure on the morning of May 16, and Mark trains in the afternoon. Among other advantages, the State may get discounted airfares from Alaska Airlines. Board members were provided with information regarding the new procedures.

F. JULY ALRA CONFERENCE.

The July ALRA Conference will be held in Baltimore, Maryland. Staff provided Board members with a summary of the agenda for the conference. Gary Atwood said he may be interested in attending. Chair Gary asked about the benefit of the ALRA conferences. In his experience, the information from these conferences is not always shared. Mark finds the conferences very useful. He can contact colleagues in other jurisdictions to discuss relevant issues. In addition, the conference provides useful and updated information on a variety of issues facing labor relations agencies. Mark said he would consider paying his own way to the conference. Dennis suggested that if the agency staff finds it useful, it would be worth considering sending them, and they could share the information with the Board.

G. HEARING WEEK, FIRST QUARTER 2007.

Chair Gary asked Sherry to contact Board Members regarding their availability for a hearing week during the first quarter of 2007. Mark noted he will tentatively be on leave the last 10 days of March and first week of April 2007. Matthew noted there is an early spring break for the Anchorage School District during the coming school year. Board members tentatively agreed that hearing week could be held sometime in early March 2007.

H. AGENCY RELOCATION TO 6TH AVENUE BUILDING.

Mark noted that the Board was holding its first meeting in the hearing room of the Agency's new location at 1016 West 6th Avenue. The Agency shares space with the Alaska Workers' Compensation Appeals Commission. Mark credited Kristin Knudsen, Chair of the Appeals Commission, with the design of the Hearing Room. He said the move has been a positive change.

5. TO DO LIST: There were no items listed. Chair Bader suggested that the "to do" list be combined or merged into the "action item" list.

6. PUBLIC COMMENT: Dennis Geary, the only public participant, had no comment.

Aaron moved to adjourn, and Dennis seconded. Board members voted in favor of adjournment, which occurred at 11:30 a.m.