

ALASKA LABOR RELATIONS AGENCY
Business Meeting, May 18, 2001, 10:00 a.m.
MINUTES OF BUSINESS MEETING

1. **Call to order:** Meeting was called to order by Acting Chair Aaron Isaacs, Jr., at 10:00 a.m. in the Department of Labor Building, Room 208, 3301 Eagle St., Anchorage, Alaska. Present at the publicly noticed meeting were Aaron Isaacs, Jr., Acting Chair, and members Robert Doyle, and Ray Smith. Attending by telephone were members Dick Brickley and Karen Mahurin. Staff members Margie Yadlosky, Jean Ward, Mark Torgerson, and Tank Gibson also attended. A sign-up sheet was provided for persons from the public. Nobody from the public attended.

2. **Approval of minutes of April 21, 2000, and June 8, 2000, business meetings:** Member Mahurin moved to approve the minutes. Member Smith seconded the motion and the minutes were approved.

3. **Old business:**

a. Status of pending cases.

1. *Case flow chart. (Margie)*

Board members reviewed the case flow summary report, which provides an overview of the work load by showing the number of cases filed and closed during a reporting period. Staff member Margie Yadlosky provided an overview of case filing and resolution activity, including the monthly statistics for April, 2001. She noted the Agency continues to make progress in reducing the total caseload. Moreover, since the beginning of calendar year 2001 (January 1, 2001), staff has resolved 19 cases while 20 new ones have been filed. The Agency continues to pursue the newer cases as they are filed, while at the same time striving to reduce the backlog of older filed cases. Acting Chair Isaacs asked if the number of cases filed and resolved was normally at this level. Margie explained that the agency continues to make progress in reducing the total caseload due to the procedures implemented in 1998.

2. *Update on unit clarification and unfair labor practice petitions. (Margie/Jean)*

Margie said the Agency continues to reduce the unit clarification (UC) backlog. Jean described the status of pending unfair labor practice (ULP) cases. There were 13 open cases with one case in abeyance. Jean reported that she had finished the very oldest cases, which had been time consuming. She explained that some of the cases had been very difficult with a couple cases having as many as 100 issues. The average ULP

charge may contain two or three issues, so this was like having 75 cases. She reported that she had five cases left from 2000. She hopes to finish them in the next 6-7 weeks, barring unforeseen circumstances. She would then be working in the current year for the first time in a very long time.

3. *Update on election petitions. (Jean)*

Jean summarized the election petitions pending at the agency. She noted that many of the petitions had been filed in the past week. One had been set for an election, two were pending hearings, and four were in the initial stages of checking for sufficiency.

b. Budget.

Mark and Margie outlined the status of the FY 2001 budget, and the proposed FY 2002 budget. Margie reported that 73% of the budget has been spent, with the remainder to be spent in the next two months. She reported that due to a 3-month vacancy, there were adequate funds to purchase three computers and a new printer. Acting Chair Isaacs asked if the money used to purchase personal computers was from this year's budget. Margie confirmed the funds were transferred from personal services to non-personal services from the FY 2001 budget. She reported that there may be additional funds still remaining to purchase one additional personal computer to complete the requirement to transition off the Wincenter. There was some discussion by the board regarding the purpose of the transition off the Wincenter. Margie explained that because the current server had six-year-old software running on a five-year-old server, the equipment was outdated. We are not able to run new software programs, and the current Wincenter software is not compatible with newer software. Mark stated that there had been an increase in the number of computer problems, including computer crashes and slowdowns. Acting Chair Isaacs inquired if there would be any downtime associated with this change. Margie said that she had not been told that there would be any problems with the transition. Member Brickley asked what kind of computer systems were ordered. Margie stated they might be Dell systems. Mark explained that the FY 2002 budget was approved by the legislature. Once again, it is a very lean budget.

4. **New business.** (Acting Chair Aaron Isaacs, Jr. / Mark Torgerson)

a. Board member update.

Mark stated that Aaron's appointment was confirmed by the Alaska Legislature. He also discussed the vacant "public" board member position. One possible appointment had fallen through. He stated that any board member who hears about a good applicant should encourage them to apply for the position. Karen asked about her status on the board and if she was legal, since her appointment had expired. Mark stated that she is still a valid board member. Board members serve on the board unless they resign or they are replaced. Aaron

concluded there was no problem.

b. Dates of future board meetings.

Karen expressed concern about setting specific dates at this time, but thinks there should be a fall meeting. Tank distributed calendars to Bob, Ray, and Aaron and informed Karen and Dick that he would fax them copies to complete. Karen suggested a mid-August meeting because she would be out of state most of the summer. The board did agree on the 15th of August as a deadline to return calendars to ALRA staff. A lengthy discussion continued on possible future dates for board hearings. Mark pointed out that the Fall 2000 board meeting had to be cancelled because a quorum of the board was not available during that time.

In response to an inquiry about the proposed regulations, Mark stated that they are at the Attorney General's office for review. They should be available for public comment soon, assuming a normal initial review by the AG's office. If the Agency's proposals for dates of public comment and public hearings on the regulations are approved by the Attorney General's office, a board meeting could be held anytime after the second week of September or so. This would give staff the time to summarize public comments and provide that information to board members, before the meeting. The Board could then discuss and decide how to proceed with amendment of the proposed regulations at the meeting. Aaron stated that late September worked for him. Karen stated she would not be able to come to Anchorage until the very end of September. The Board voted to have the meeting on Thursday, September 20, 2001, beginning at 9:00 a.m. They will also reserve other days that week (Monday through Wednesday) for board hearings, if necessary, or for further discussion about regulation amendments (Friday the 21st) if the Board does not finish up on Thursday the 20th.

Bob discussed the strike vote regulation in 8 AAC 97.300, and the superior court decision that conflicted with that regulation. Mark reported that, in a very brief decision, the Alaska Supreme Court vacated all agency and superior court decisions related to the dispute between the Inlandboatmen's Union of the Pacific and the State of Alaska over this issue. Bob requested that all board members receive a copy of the decisions that were vacated.

c. Scheduling of hearings.

Jean suggested scheduling a one-week period each month for hearings, or for staff to reserve for hearing days. Margie stated this would make it easier to schedule hearings, and more convenient for the board members as they would know when to set aside time for board hearings. A board member mentioned that the NLRB set hearings 3-4 months in advance. The Board discussed various options but rejected the proposal to set aside one week per month for hearings. Jean suggested leaving open three days every other month. Bob stated it does not work for him. Other board members agreed. They pointed out that they try to

make themselves available when needed. After further discussion, the Board decided that staff could set aside the week of the Board's semi-annual business meeting for scheduling hearings. Otherwise, leave the process the way it is currently. Karen added that she may have to resign if she gets her national appointment again.

d. Regulation update.

Agency staff raised two proposals to add to the legislative amendments. Staff explained the proposal to amend 8 AAC 97.050 and 8 AAC 97.085. Jean and Mark pointed out that staff's earlier proposal called for amendment of 8 AAC 97.060. However, staff did not initially request that the references to unit amendment and unit clarification be moved to 8 AAC 97.050. Staff is now making that request. Regarding 8 AAC 97.085, Jean noted that aspects of the current version of that regulation conflict with the 8 AAC 97.025. One conflict is the percentage required for a showing of interest (5% in section 85 v. 30% in section 25). The other concern is the phrase in section 85 that mentions the agency ordering an election prior to hearing. This would be deleted under the proposal. After Board discussion and questions, Bob Doyle moved to include these proposals in the regulation project. Ray Smith seconded. There was no further discussion. The Board then voted in favor of adding these proposals to this year's regulations project.

5. **Public comment.** There was no public comment.
6. **Adjournment.** The meeting adjourned at 11:03 a.m.