

Alaska Labor Relations Agency 2008 Annual Report

*State of Alaska
Governor Sarah Palin*

*Department of Labor
& Workforce Development
Commissioner Click Bishop*



*Alaska Labor Relations Agency
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Mark Torgerson, Administrator

Submitted June 24, 2009

2008 ANNUAL REPORT

Submitted June 24, 2009
(In accordance with AS 23.05.370)

INTRODUCTION

The Alaska Labor Relations Agency, or ALRA, administers the Public Employment Relations Act (PERA) for the State, municipalities, public schools, and the University. The Agency also administers the railroad labor relations laws for the Alaska Railroad Corporation. ALRA has jurisdiction over petitions for certification or decertification of bargaining representatives, petitions to clarify the composition of public employee bargaining units and to amend the certification of units, and charges of unfair labor practices. The Agency enforces collective bargaining agreements, determines employee strike eligibility, and rules on claims for religious exemption from the obligation to pay fees to a bargaining representative.

PERSONNEL

BOARD MEMBERS

A board of six members governs the Agency. They serve staggered three-year terms and must have backgrounds in labor relations. Two members each must be drawn from management, labor, and the general public. AS 23.05.360(b). Members volunteer their time as they are unpaid, but they receive per diem. Not more than three members may be from one political party. The following Alaskans serve on the Board:

Gary P. Bader, Chair	Reappointed June 17, 2008	Public
Aaron T. Isaacs, Jr., Vice Chair	Reappointed June 9, 2008	Public
Will Askren, Board Member	Appointed June 9, 2008	Management
Tyler Andrews, Board Member	Reappointed March 1, 2009	Management
Matthew McSorley, Board Member	Reappointed March 1, 2009	Labor
Ken Peltier, Board Member	Appointed March 1, 2007	Labor

STAFF

Mark Torgerson, Administrator/Hearing Examiner
Jean Ward, Hearing Officer/Investigator
Margie Yadlosky, Human Resource Specialist I
Cindy Teter, Administrative Clerk III

OFFICE

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STATUTES

Relevant statutes appear in AS 23.05.360--23.05.390; AS 23.40.070--23.40.260 (PERA); and AS 42.40.705--42.40.890 (railroad).

REGULATIONS

The Agency's regulations appear in 8 AAC 97.010--8 AAC 97.990.

2008 HIGHLIGHTS.

Board Appointments. During the past year, Governor Sarah Palin appointed two new board members and reappointed three current board members. The new board members are Tyler E. Andrews of Anchorage, appointed to a Management seat on June 9, 2008, and reappointed on March 1, 2009, and Will Askren of Anchorage, appointed to a Management seat on June 9, 2008 for a three-year term. Board Chair Gary P. Bader, of Anchorage was reappointed to a Public seat on June 17, 2008, and Vice Chair Aaron T. Isaacs, Jr., of Klawock was reappointed to a Public seat on June 9, 2008. Board member Matthew R. McSorley was reappointed to a Labor seat, on March 1, 2009.

Caseload Trends. Case filings in 2008 decreased by 33% from 2007's total, from 30 to 20. This continues a trend of decreased filings during the past several years. (See "Overview" chart page 6). The Agency continued to apply operational efficiencies to reduce the total number of open cases by year's end. By and large, annual case filings have steadily decreased since 1996, when parties filed the most cases (206) for any year since the agency's inception in 1991.

As demonstrated by the "Overview" chart on page 6, the number and type of cases filed each year is unpredictable. The Agency has no direct control over the number or type of cases filed. Factors that affect the filings include expiration of collective bargaining agreements, economic factors, and changes to statutes and regulations.

Agency Appeals. There was one appeal of an Agency Decision and Order to the Supreme Court during 2008. (See "Appeals" page 19).

Unit Clarification Petitions. In 2008, parties filed two unit clarification (UC) petitions, a dramatic decrease from prior years' filings (e.g., 42 in 2006). This is the lowest annual total since 1994 when six UC cases were filed. Recent regulatory change may have influenced this decrease. (See "Cases Filed" page 6). Historically, UC petitions had outnumbered all other case filings combined.

UC petitions usually involve a dispute over the extent of an employee's supervisory or confidential duties. The employee's actual duties affect bargaining unit placement. Historically, UC disputes have involved the State of Alaska, the Alaska State Employees Association (ASEA) (the largest state union, representing the general government unit), and the Alaska Public Employees Association (APEA) (representing the state supervisors' unit).

Unfair Labor Practice Complaints. The number of unfair labor practice (ULP) charges filed between 2007 and 2008 increased 18%. The completion of unfair labor practice cases is the most time-consuming aspect of the Agency's caseload because it includes investigations, prehearing conferences, and hearings. Like other case types, annual ULP case filing totals are unpredictable. (See "Cases Filed" page 6, discussion at pages 12 - 13, and trends chart page 8). Fifty four percent of the 2008 ULP cases were education-related, 25% were state-related, 15% were Railroad-related, and the remaining 8% were political subdivision cases. Education-related filings rose less last year than during the 2006 - 2007 period. (See "School District Activity" chart page 8). Although not a trend, the ULP increased filings the past two years may imply rising labor/management tensions. However, it is difficult to pinpoint factors that caused the increase.

ULP charges for bad faith bargaining increased from 55% of all ULP's in 2007 to 77% in 2008. More often than not, these charges arise in the context of collective bargaining: one party believes the other party has failed to bargain in good faith under the law. None of the 2008 charges concerned a violation of the union's duty of fair representation, unilateral changes, or a violation of Weingarten rights (the right to have a union representative present at an investigatory interview that could lead to discipline).

Ten ULP investigations were completed in an average of 127 days in 2008. Several factors affect time needed to complete investigations, including case complexity, staff efforts to resolve disputes informally, and other work priorities. (See investigation chart page 16). Currently, the oldest pending case was filed on October 19, 2007. Through efficiencies, agency staff have decreased the number of older pending cases.

Elections. The Agency responded to eight representation petitions in 2008.-Five of the eight petitions requested certification of a new bargaining representative, two petitions requested decertification of the current bargaining representative, and the remaining petition was certified after the union and employer mutually agreed to representation by the union.

The increase in election activity for 2008 is primarily attributable to activity at the City of Wasilla, where voters approved an initiative to opt back into the jurisdiction of the Public Employment Relations Act (PERA). The Wasilla activity also resulted in issuance of one decision and order. (See “Decision and Orders Issued” pages 17 - 18).

The Agency conducted six representation elections in 2008. These elections resulted in an increase in the number of public employees covered by collective bargaining under PERA.

Strike Petitions. There were no strike petitions filed in 2008. (See “Cases Filed” page 6).

Emphasis on Informal Resolution. The Agency continues to successfully resolve some disputes informally. The agency’s hearing officer works with parties to settle unfair labor practice charges. In 2008, 13 unfair labor practice charges were resolved informally. The Agency encourages mediation and other informal resolution because when it succeeds, it saves the parties and the Agency the cost and time that would be required for litigation of the disputes.

Website. The Agency provides information on its Internet web site, accessible through the State of Alaska’s home page (<http://www.state.ak.us>) or directly at <http://www.labor.state.ak.us/laborr/home.htm>. The site contains a link to contact the administrator by e-mail, and information about Agency programs and resources. In addition, a person can research all agency decisions. The Agency continues to add new materials to the website. Public suggestions are encouraged.

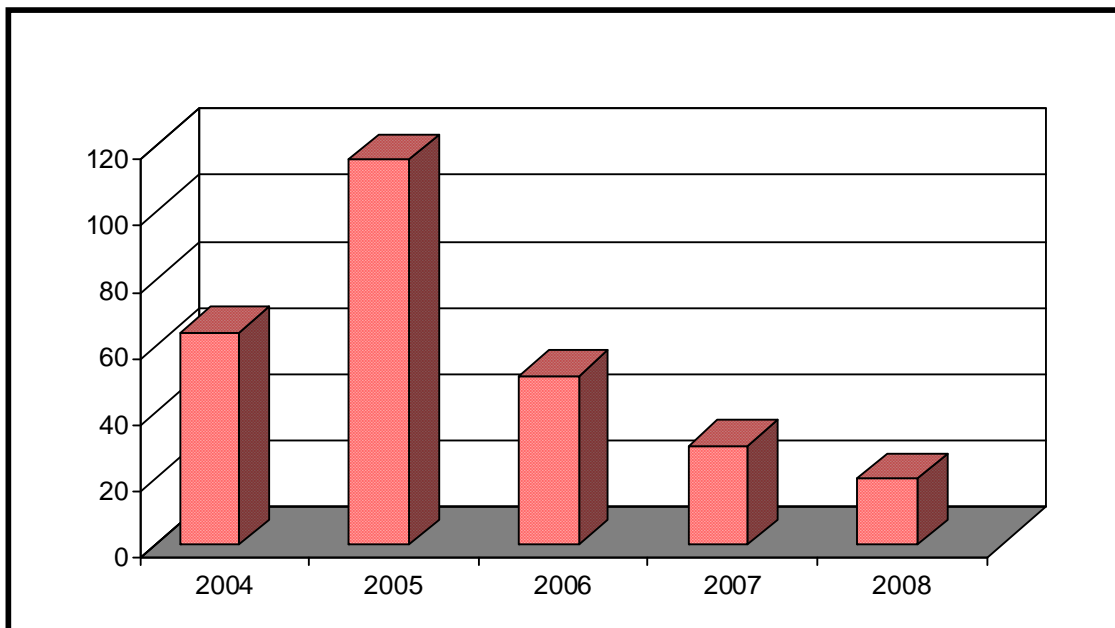
Training. Agency staff member Margie Yadlosky attended the annual national conference of the Association of Labor Relations Agencies, as part of a training plan and also to obtain information on state and national trends in labor relations. It was the agency's first attendance of this conference in several years.

Administrator Mark Torgerson gave a presentation and participated in training at the conference of the National Association of Administrative Law Judges hosted by the Alaska Office of Administrative Hearings. During the training event the Agency participated in reviewing hearing equipment used during Agency proceedings.

For the first time, the Agency provided training to two law student interns during the summer of 2008. Since Alaska does not have a state law school, and since there is a potential looming shortage of labor law attorneys in the state, the Department of Labor and Workforce Development participated in a Volunteer Summer Law Internship through an agreement with the Seattle University School of Law. Two law students, Matthew Prieksat from the University of Iowa Law School and Adam Sadosky from the Seattle University School of Law, received training and instruction at the Agency as well as from the Alaska Workers' Compensation Appeals Commission. Both law students were assigned work in labor relations and workers' compensation, and as a result, they became familiar with the Public Employment Relations Act and the Alaska Workers' Compensation Act. One intern has expressed a desire to return to Alaska to practice law. The 2008 Summer Internship program was such a success, a judicial externship program was approved for 2009.

CASE STATUS SUMMARIES

CASE LOAD COMPARISON BY YEAR



OVERVIEW

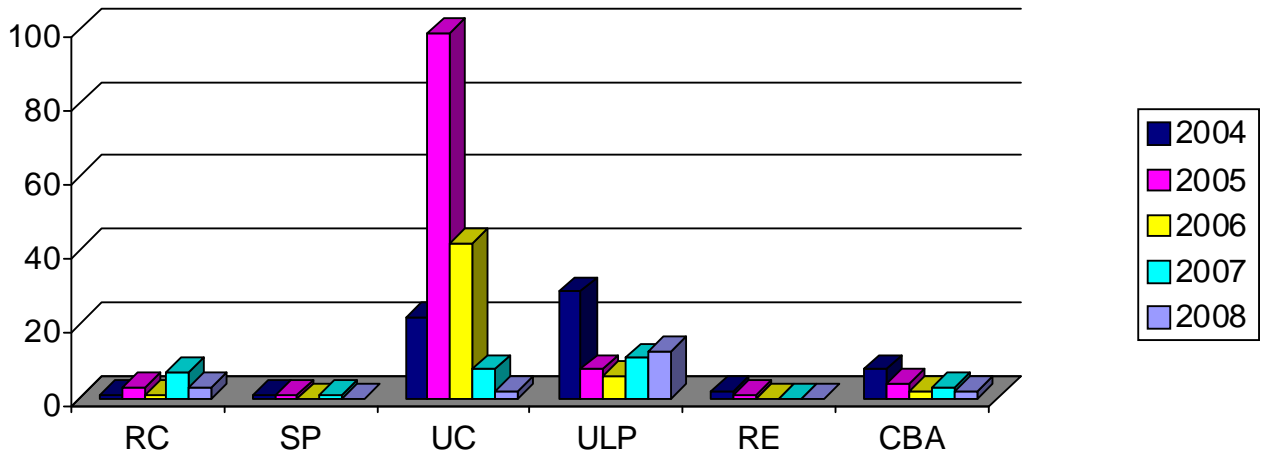
CASES FILED	2004	2005	2006	2007	2008
Amended Certification (AC)	0	2	0	0	0
Representation (RC)	0	1	1	6	2
Decertification (RD)	0	0	0	0	0
Decert. to certify a new rep.(RC/RD)	1	0	0	1	1
Strike notice or strike class petition (SP)	1	1	0	1	0
Unit Clarification (UC)	22	99	42	8	2
Unfair Labor Practice Charge (ULP)	29	8	6	11	13
Religious Exemption Claims(RE)	2	1	0	0	0
Contract Enforcement (CBA)	8	4	2	3	2
Other (OTH)	1	0	0	0	0
TOTAL	64	116	51	30	20

AGENCY ACTIVITY	2004	2005	2006	2007	2008
Unfair Labor Practice Investigations	28	18	7	4	10
Unit Clarification Investigations	12	90	30	8	0
Decisions and Orders Issued	6	4	7	1	4
Other Board Orders Issued	7	3	35	3	2
Hearing Officer Orders Issued	7	0	3	2	3
Elections Conducted (includes AC)	1	2	1	0	7
TOTAL	61	117	83	18	26

FINAL DISPOSITION	2004	2005	2006	2007	2008
Notices of dismissal issued	15	104	59	12	1
Cases settled or withdrawn	34	42	10	7	15
Cases that went to hearing	**9	3	5	3	4
Impasse matters settled or withdrawn	2	1	0	0	0
Cases deferred to arbitration	1	0	0	1	0
TOTAL	59	150	74	23	20

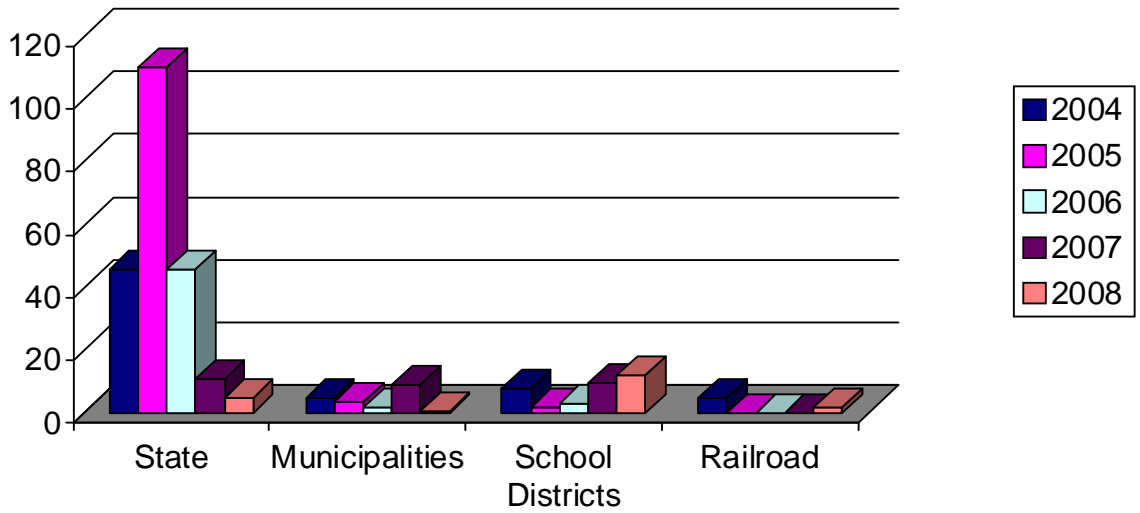
**CASES CONSOLIDATED FOR PURPOSE OF HOLDING HEARING DUE TO LIMITED TRAVEL FUNDS (3 CASES-2004)

CHARTS

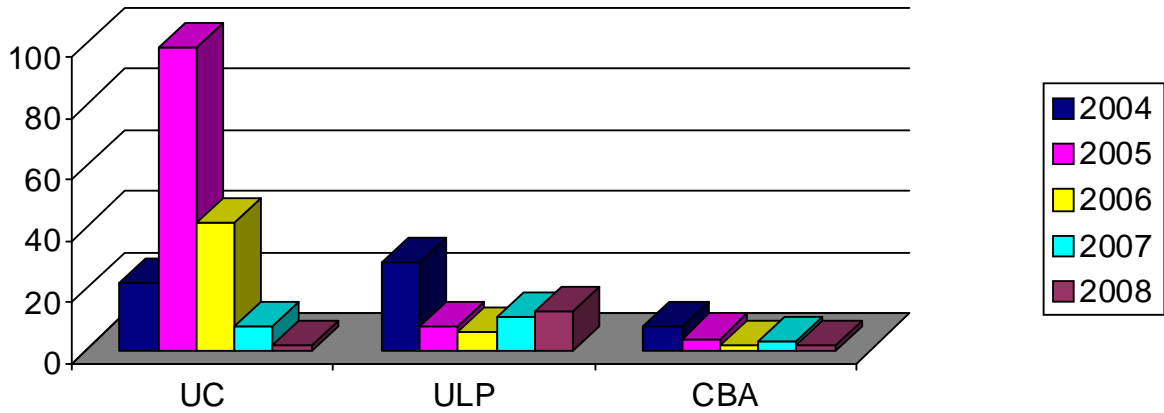


PROGRAM COMPARISON BY YEAR

- | | |
|---------------------------------|----------------------------------|
| RC Representation petitions | ULP Unfair labor practice charge |
| SP Strike notices and petitions | RE Religious exemption claim |
| UC Unit clarification petitions | CBA Contract Enforcement |



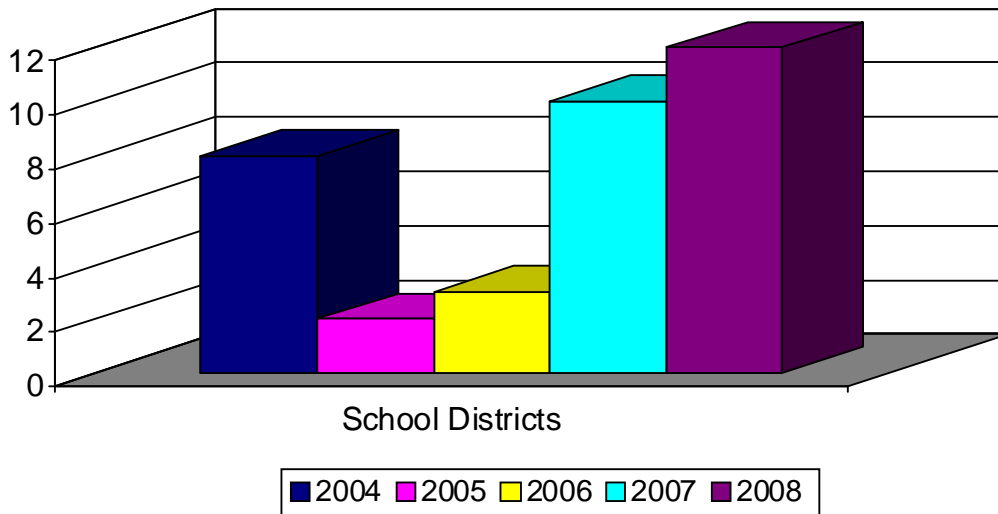
EMPLOYER COMPARISON BY YEAR



PROGRAM FIVE YEAR TRENDS

UC Unit clarification petitions
 ULP Unfair labor practice charges
 CBA Contract Enforcement petitions

**SCHOOL DISTRICT ACTIVITY FROM 2004 TO 2008
 FOR ALL CASES FILED**



REPRESENTATION PETITIONS (AS 23.40.100; AS 42.40.750)

Labor organizations, employers, or employees may file petitions to initiate a secret ballot election for certification or decertification of an employee representative for collective bargaining. Less frequently, parties advise the Agency that the employer consents to the labor organization's representation of a particular unit of employees. When this occurs, no election is required.

Prior to conducting elections, the Agency resolves any objections raised by a party. If a party files an objection, a hearing is conducted before the agency board which issues a decision and order that resolves disputes and clarifies who gets to vote in the election.

There was significant election activity in 2008. This activity was due in part to a ballot initiative, approved in November 2007 by voters in Wasilla, which authorized its public employees to bargain collectively under the jurisdiction of the Public Employment Relations Act (PERA). Two City of Wasilla representation petitions were consolidated, and a board hearing and decision resulted in an election.

There was one Petition for Recognition by Mutual Consent filed in 2008. This petition was submitted by the Denali Education Support Professional Association (association) and the Denali Borough School District. Both the district and the association agreed that the association is the recognized bargaining representative, effective February 25, 2008.

There were two elections held in 2008 where eligible voters had the choices of no bargaining representation, their current bargaining representative, or a new bargaining representative. In both of the elections, voters chose to retain their current bargaining representative.

Unit amendment petitions are filed to change the unit's name, affiliation, site, or location. There were no unit amendment petitions in 2008.

REPRESENTATION PETITIONS FILED	3
Employer	
State	0
Municipalities	0
Public Schools	3

Type		
	To certify a new unit	2
	To decertify the unit	0
	To change representatives	1
	To amend certificate	0
Hearings conducted		1
* 2 cases consolidated for purposes of holding hearings.		
Petitions that proceeded to election		7

STRIKE AND STRIKE CLASS PETITIONS (AS 23.40.200; 8 AAC 97.300 REPEALED; AS 42.40.850)

Under PERA, the Agency hears disputes about strike classifications and impasse matters. Strike classification is important to employees because it essentially determines whether they have the right to go out on strike, or not. PERA divides public employees into three classes, based on their right to strike. Class I's, like police and fire fighters, may not strike. Class II's, like snow removal workers, may strike for limited periods of time until a court determines that public safety and health are affected. Class III's have a broad right to strike.

There were no strike class petitions filed in 2008. However, one strike class petition filed in 2007 resulted in a decision and order issued in 2008. A dispute arose over the strike classification of three employees at the City of Unalaska. The board panel agreed with the City's assertion that all three employees should be Class III, with a broad right to strike. The union had asserted that the employees should be Class I, with no right to strike. See *Public Safety Employees Association, AFSCME Local 803 v. City of Unalaska, Decision and Order No. 285 (February 28, 2008)*

STRIKE PETITIONS FILED 0

Employer	
	State 0
	Municipalities 0
	Public Schools 0
	Railroad 0
Hearings Conducted	0

UNIT CLARIFICATION AND UNIT AMENDMENT PETITIONS (8 AAC 97.050)

Unit clarification (UC) and unit amendment petitions are filed to resolve disputes over unit composition. An employer's reorganization of its staff, or adding or eliminating positions can raise a question of the appropriate unit. Representation may not be an issue in a unit clarification petition, and unit issues that come up in the process of handling a representation petition are not counted here.

Historically, most unit clarification disputes have arisen as objections to state transfers of employees from one bargaining unit to another. This usually occurs when the State of Alaska changes a position's job duties, and the State proposes to move the position to the supervisory or confidential unit from the general government unit. If agency investigation shows there is reasonable cause to believe that a question of unit clarification exists, the case is scheduled for hearing.

In 2008, 2 new UC's were filed and one was resolved, leaving one open UC case. This reflects a short-term trend of significantly reduced UC filings when compared with filings of most prior years at the Agency.

UNIT CLARIFICATION PETITIONS FILED	2
Employer	
State	0
Public Schools	2
Municipalities	0
Railroad	0
Hearings conducted	0

UNFAIR LABOR PRACTICE CHARGES (AS 23.40.110; AS 42.40.760)

Employers, labor organizations, or individual employees may file unfair labor practice (ULP) charges. Charges against employers include retaliation for union membership or exercise of employee rights, coercion, domination or interference with an organization, and bad faith bargaining. Charges against unions include coercion, bad faith bargaining, dues disputes, and interference with the employer's selection of its collective bargaining representative.

Unfair labor practice filings in 2008 increased slightly over filings in 2007. (See "Cases Filed" page 8 for longer-term trends). The 2008 case filings suggest a possible rising trend after the 2006 low. (See case filings in Overview chart, page 10; and comparison table, page 19). Of the 13 charges filed in 2008, two-thirds concerned bad faith bargaining. The remaining charges included interference with protected rights, and domination or interference with the formation, existence, or administration of an organization and retaliation.

The Agency ranks ULP's by level of priority for determining which cases get investigated first. For example, disputes that affect a large number of employees receive higher priority. There were no high priority ULP's filed in 2008. In fact, there have been no high priority cases since 2005. One pending ULP case is in abeyance. This means that the Agency puts the case on hold, usually at the parties' request, or because jurisdiction may lie in the courts.

During 2008, the Agency completed 10 investigations in an average of 127 days. (See "Timeliness" page 22). All 10 investigations were normal priority.

While priority ranking affects which cases get investigated first, the nature and complexity of a case and the extent of the parties' cooperation affect the time it takes to complete the investigations. The Agency's ability to complete investigations timely is also affected negatively when case filings rise significantly.

One unfair labor practice hearing was conducted in 2008. In it, the Education Support Staff Association of Fairbanks alleged that the Fairbanks North Star Borough School District committed an unfair labor practice by unilaterally modifying wages and benefits without bargaining to impasse. (See "Decisions and Orders Issued", No. 4, at page 18).

UNFAIR LABOR PRACTICE CHARGES FILED

13

Employer		
State		3
Municipalities		1
Public Schools	7	
Railroad		2
Type		
Arbitration related		0
Bad faith bargaining		10
Retaliation		0
Interference with protected rights		1
Domination or interference (a)(2)		2
Union duty of fair representation		0
Employer action without bargaining		0
Information request		0
Scope of bargaining		0
Weingarten		0
Discrimination	0	
Impasse		0
Other		0
Investigations		10
Hearings conducted		1
* 1 case consolidated with CBA hearing.		
Other resolution		
Dismissals (no probable cause)		0
Deferrals to arbitration		0
Settled or withdrawn		13
Dismissed, inaction		0
Dismissed, final order		0
Dismissed, Insufficient		0
Remand		0
Other		0

Complainant	2004	2005	2006	2007	2008
Alaska Public Employees Ass'n	0	0	0	2	0
Alaska State Employees Ass'n	5	2	0	0	1
University of Ak Federation of Teachers (was ACCFT 2004-2007)	0	0	0	1	1
School Unions	5	0	1	6	6
Ferry Unions	4	1	1	0	0
Other Unions	3	0	1	1	2
Individuals	6	3	1	0	0
Employers	6	2	2	1	3
Total ULPs filed	29	8	6	11	13

COMPARISON BY ULP COMPLAINANT

	2004	2005	2006	2007	2008
UNION	17	3	3	10	10
EMPLOYER	6	2	2	1	3
INDIVIDUAL	6	3	1	0	0
Total ULPs filed	29	8	6	11	13

CLAIMS FOR RELIGIOUS EXEMPTION (AS 23.40.225; AS 42.40.880)

AS 23.40.225 and AS 42.40.880 allow a public employee to seek an exemption from union membership or agency fee payment on the basis of bona fide religious convictions. There were no such claims for exemption filed in 2008.

CLAIMS FILED		0
Employer		
	State	0
	Municipalities	0
	Public Schools	0
	Railroad	0
Hearings conducted		0

**PETITIONS TO ENFORCE THE COLLECTIVE BARGAINING AGREEMENT
(AS 23.40.210; AS 42.40.860(b); 8 AAC 97.510)**

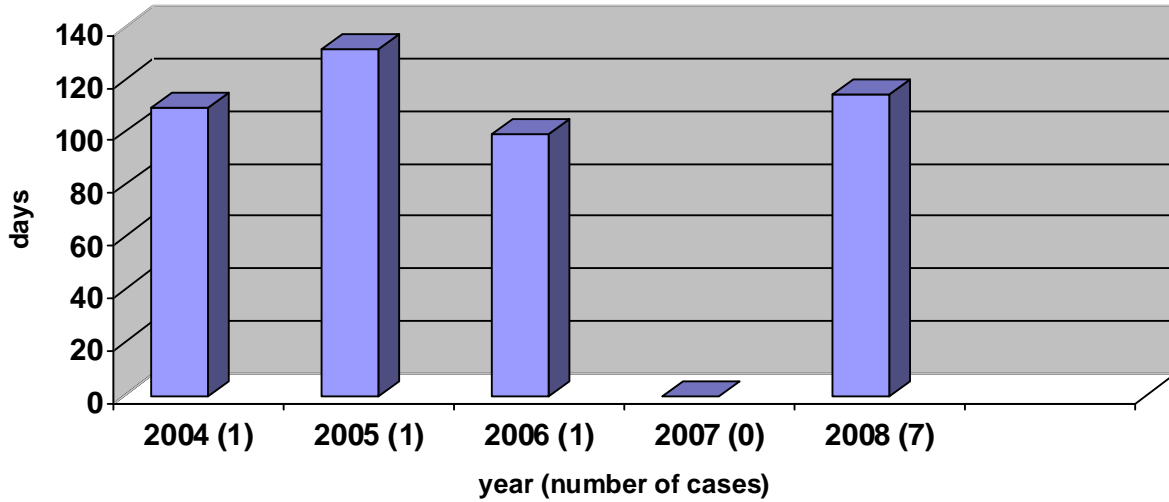
Upon petition of a party, the Agency has statutory authority to enforce the terms of a collective bargaining agreement. All agreements must contain a grievance/arbitration procedure, which the parties must exhaust before filing a petition to enforce the agreement.

Two such petitions were filed in 2008. This total continues a decreasing trend in recent years. The highest annual total of CBA case filings during this decade was 2003, when parties filed 9 petitions.

CBA PETITIONS FILED		2
Employer		
	State	2
	Municipalities	0
	Public Schools	0
	Railroad	0
Hearings conducted		1* case consolidated with ULP hearing.

TIMELINESS

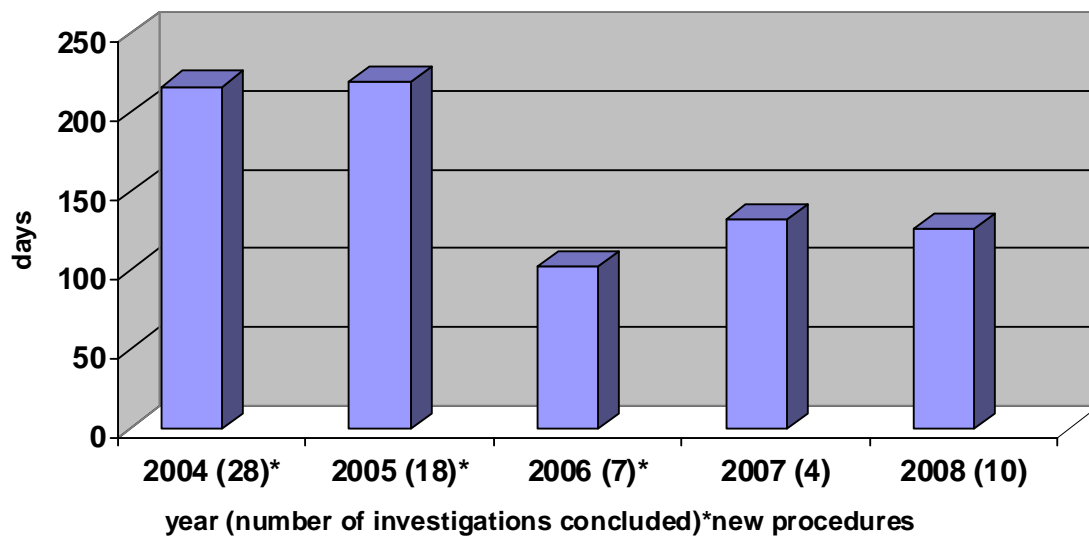
ELECTIONS



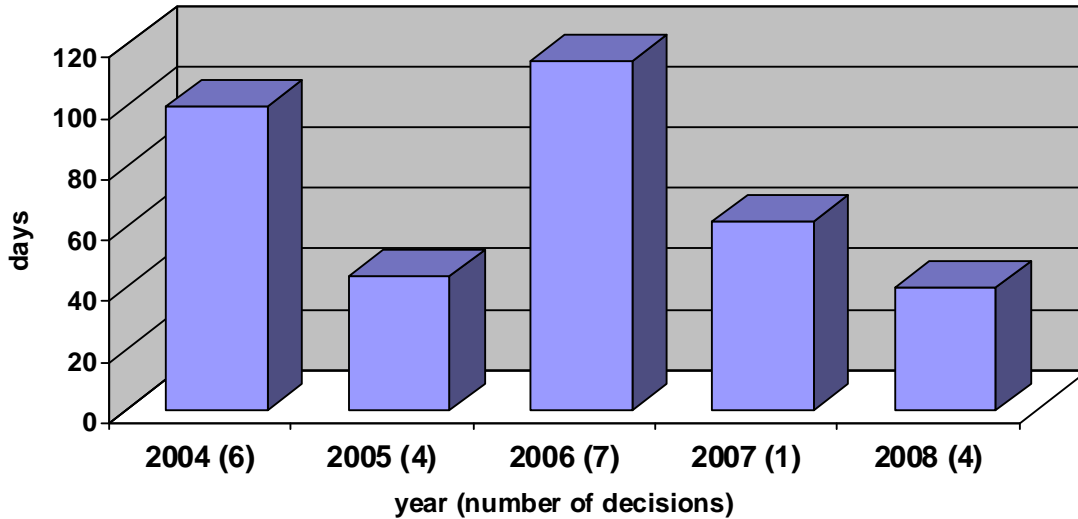
NUMBER OF DAYS TO CERTIFICATION OF ELECTION.

UNFAIR LABOR PRACTICE INVESTIGATIONS

NUMBER OF DAYS TO CONCLUSION OF INVESTIGATION.



DECISION AND ORDERS



NUMBER OF DAYS FROM CLOSING OF RECORD TO DECISION

In 2008, the Board continued to operate a timely adjudications program by exceeding its goal to issue 90% of decision and orders within 90 days. Board decision and orders were issued in an average of 40 days from record closure.

DECISIONS AND ORDERS ISSUED

1. **ALASKA CORRECTIONAL OFFICERS ASSOCIATION VS. STATE OF ALASKA and ALASKA STATE EMPLOYEES ASSOCIATION, AFSCME LOCAL 52, AFL-CIO, CASE NO. 07-1495-RCRD. Decision and Order No. 284 (February 28, 2008).** The petition of the Alaska Correctional Officers Association is granted to sever the Department of Corrections adult probation and parole officers* from the general government unit represented by the Alaska State Employees Association. The petitioner proved by a preponderance of the evidence that the unit appropriate for collective bargaining for the adult probation officers in the petition is the Alaska Correctional Officers Association. The adult probation officers have a greater community of interest with the correctional officers unit than with the general government unit. The Alaska State Employees Association’s motion to dismiss the petition on res judicata grounds is denied because the Alaska Correctional Officers Association is not in privity with the Public Safety Employees Association, and the issue regarding severance in this case is different from the severance issue presented in Public Safety Employees

Association v. State of Alaska, Decision and Order No. 270 (December 21, 2004).
*The general government unit's Department of Corrections adult probation and parole officers will be referred to as adult probation officers, or probation officers.

2. **PUBLIC SAFETY EMPLOYEES ASSOCIATION AFSCME LOCAL 803, AFL-CIO vs. CITY OF UNALASKA, CASE NO. 07-1511-SP. Decision and Order No. 285 (February 28, 2008).** The strike petition of the Public Safety Employees Association to classify the three positions as strike ineligible (Class I) is denied. The duties of the City's Animal Control Officer, Information Services/DMV Agent, and Emergency Medical Services Coordinator do not fit within the factors required for Class I status (strike ineligible).
3. **PUBLIC SAFETY EMPLOYEES ASSOCIATION, AFSCME LOCAL 803, AFL-CIO vs. CITY OF WASILLA, CASE NO. 07-1517-RC and GENERAL TEAMSTERS LOCAL 959 vs. CITY OF WASILLA, CASE NO.07-1518-RC. Decision and Order No. 286 (June 3, 2008).** The representation petitions of the Public Safety Employees Association and the Teamsters are granted as modified by this decision. The public safety unit in the city's Police Department shall include law enforcement officers, along with sergeant supervisors, dispatchers, including dispatch supervisors, other department employees previously agreed to by the parties, and positions sought by each union in its respective petition. The lieutenant is a "supervisory employee" under 8 AAC 97.990(a)(5), and the lieutenant position is excluded from the bargaining unit. Although the sergeant supervisors and dispatch supervisors are technically "supervisory employees" under 8 AAC 97.990(a)(5), they maintain a stronger community of interest with other employees in the city's public safety bargaining unit than the lieutenant's position, and they are appropriately included in the bargaining unit. Further, creating two separate bargaining units in this particular case would result in unnecessary fragmentation.
4. **EDUCATION SUPPORT STAFF ASSOCIATION, NEA-ALASKA, NEA vs. FAIRBANKS NORTH STAR BOROUGH SCHOOL DISTRICT, CASE NO. 07-1506-ULP AND CASE NO. 07-1507-CBA. Decision and Order No. 287 (September 16, 2008).** The complaint by the Education Support Staff Association is granted. The Fairbanks North Star Borough School District committed an unfair labor practice when it unilaterally changed a mandatory subject of the parties' expired collective bargaining agreement prior to declaring impasse and without giving advance notice and opportunity to bargain the change. The District's unilateral declaration of impasse was invalid.

APPEALS

A board decision appealed to the Alaska Superior Court in 2005, was resolved in 2008. The Fairbanks Fire Fighters Association appealed ALRA's March 11, 2005, Decision and Order No. 273 that found the City of Fairbanks did not commit an unfair labor practice when it reduced wages and benefits of bargaining unit members during the third year of a contract. On February 22, 2006, the superior court remanded to the Board the issue of whether the City violated the parties' ground rules, and whether the City committed an unfair labor practice. The ALRA Board held a hearing and issued Decision and Order No. 282, finding the City did not commit a violation. The Superior Court subsequently issued a Memorandum Opinion and Judgment in Case No. 4FA-05-1326CI on January 29, 2008, holding: "The decisions of the Alaska Labor Relations Agency are Affirmed."

On March 4, 2008, the Fire Fighters appealed the superior court decision to the Supreme Court. The Court ultimately dismissed the case on September 23, 2008, after the Fire Fighters filed a motion to dismiss.

OTHER AGENCY BUSINESS

The Agency conducted one business meeting during September 2008. The Board has discussed conducting some business meetings by phone but believes in-person meetings are important for board members, agency staff, and the public. In-person meetings give the public the opportunity for face-to-face communication with board members, and vice-versa.

The Agency conducted Outreach numerous times during 2008. Mark Torgerson spoke at the Alaska Association of School Boards Conference and at a meeting of the Association of School Board Officials. Both talks addressed the Public Employment Relations Act as it relates to school districts and school officials responsibilities in the collective bargaining process. The Agency also provided periodic outreach to public employees and public employee labor organizations during this reporting period.

LEGISLATION

The Agency did not propose legislation for consideration by the Governor in 2008, and legislation was not enacted that affected the Agency.

REGULATIONS

Agency regulations appear in 8 AAC 97.010 -- 8 AAC 97.990. Copies are available upon request. The Board did not propose or adopt any new regulations during 2008.

BUDGET

The agency budget remains lean. The FY 2009 budget funds staff costs. The Agency has requested a maintenance budget for FY 2010. The principal component in the budget is the wages and benefits for the four full-time staff members. To stay abreast of its caseload under current staffing and budget limitations, the Agency has streamlined procedures when possible, and within the constraints of due process. The Agency continues to increase reliance on automation. To minimize costs, it schedules hearings in Anchorage when possible, schedules multiple hearings on successive days, and relies on telephone conferences for participation by persons outside the Anchorage area when necessary. The Agency also hears disputes for decision on the written record where appropriate. However, board members strongly believe that in-person hearings are a more effective way to conduct hearings. They prefer this alternative so they have the opportunity to listen to and question witnesses face-to-face.

The Agency conducts elections by mail ballot, avoiding travel costs and loss of productive employee time during travel.

FISCAL YEAR 2009

TOTAL	491.0
Personnel	426.6
Travel	12.3
Services	43.1
Commodities	9.0

SUMMARY OF SERVICES AVAILABLE

Requests for services can be made either personally at the Agency's office in Anchorage, by telephone at 907.269.4895, by fax at 907.269.4898, or by e-mail to mark.torgerson@alaska.gov, unless otherwise indicated.

Board decisions.

Board decisions from 1973 to present are now available for download from the Agency's web site. Also available is a cross-reference list of Agency cases appealed to the Alaska Superior and Supreme Courts. Board decisions are also available by request from the Agency electronically or in hard copy by mail. Parties may pick up copies at the Agency office.

Business meetings.

The Board conducts business meetings at 1016 West 6th Avenue, Suite 403, in Anchorage. A meeting agenda is available upon request to the Agency two weeks before the meeting. The Agency can accommodate requests to participate at the meeting by telephone. Such requests should be made seven days before the scheduled date for the meeting.

Fax filings.

The Agency will accept filing by fax, but the person filing by fax must then mail or personally serve the required number of copies of the document upon the Agency.

Filings.

The Agency maintains a record of all filings. The record is available for review in the office of the Agency, or by telephone at 907.269.4895.

Forms.

The Agency has forms available to assist persons filing unfair labor practice charges, representation petitions, petitions for recognition by mutual consent, claims for religious exemption, petitions for unit clarification, and petitions to enforce the collective bargaining agreement. Parties are not required to use Agency forms, but the forms are provided for the convenience of the public. Persons can pick up these forms at the Agency's office or by telephoning 907.269.4895. In addition, the forms are available for download from the Agency's web site at <http://www.labor.state.ak.us/laborr/forms.htm>.

Information.

Staff members are available between the hours of 8:00 a.m. and 4:30 p.m. to answer questions about Agency process and procedure.

Library.

The Agency maintains a non-circulating library of labor relations texts, including BNA Labor Relations Reference Manuals. The library is open for public use.

Mediation.

Hearing Officer Jean Ward is available by appointment to answer general questions about mediation and Agency mediation services.

Publications.

Pamphlet. The Agency publishes a pamphlet containing the laws and regulations the Agency administers. Persons may request a copy of Pamphlet 900. The most recent pamphlet was published in July of 2007 and contains the changes to the regulations on collective bargaining among public employees 8 AAC 97.010 -- 8 AAC 97.990 effective on May 20, 2007, and updates to the Public Employment Relations Act AS 23.40.070 -- 23.40.260 passed during the first session of the 25th Legislature.

Report to Governor and the Legislature. The Agency is required to report to the governor annually. AS 23.05.370(a)(4). Copies of the annual report are available upon request.

Representation Services pamphlet. This pamphlet is a basic description of the Agency's representation proceedings and is available at no charge.

Unfair Labor Practices pamphlet. This pamphlet is a basic description of unfair labor practices and the Agency's proceedings if an unfair labor practice is charged. The pamphlet is available at no charge.

Practice Handbook. This handbook provides information on practice before the Agency and is intended for use by persons who file or must respond to petitions and unfair labor practice charges.

Speakers.

Agency staff members are available to speak to groups about the Agency and its programs.

Electronic copies of agency proceedings.

Copies of CD's of Agency case proceedings are available upon a request. Please call Agency staff to arrange copying. Generally, there is no charge if the appropriate type and number of CD's are provided.