

ALASKA LABOR RELATIONS AGENCY
Minutes of Business Meeting
Thursday, December 16, 2004

1. **Call to order:** Chair Gary P. Bader called the meeting to order at 10:07 a.m. Vice Chair Aaron Isaacs, Jr., and Board Members Randy Frank, Colleen Scanlon, and Dennis Niedermeyer attended in person.

Staff members Margie Yadlosky, Jean Ward, Sherry Ruiz and Mark Torgerson also attended. There were no members of the public in attendance.

2. **Approval of minutes from May 25, 2004, business meeting:** Dennis moved to accept the minutes, and Randy and Colleen seconded the motion. The motion carried.

3. **Old business:**

a. **Status of pending cases.**

Margie, Jean and Mark provided an overview of pending cases, including those in the hearing process. Gary inquired about the procedure for written record cases. Mark usually decides with the parties whether the case is appropriate for written record or oral hearing. Jean also makes the call on some cases. Mark pointed out that the Board can always order an oral hearing if it decides one is necessary.

1. Case Flow Chart. Margie summarized case flow activity and inquired whether the Board finds the quarterly review useful. Board Members do find the year-to-date summary useful.

2. Update on Unit Clarification Petitions and Unfair Labor Practice Charges. Jean and Margie updated the Board on the status of these cases. Staff members have made progress since the last business meeting.

3. Update on Election Petitions. Jean reported that an election tally was held on June 30, 2005 in Anchorage office and certified on July 7, 2004. Results of election tally were 296 employees voted for representation by Alaska Correctional Officers Association, Inc.; 189 employees voted for Alaska Corrections Union, ASEA AFSCME Local 52, AFL-CIO; 8 employees voted for Public Safety Employees Association; and 6 employees voted for no bargaining representation.

4. Summary of Recent Board Decisions. Gary reported that he asked Mark to prepare a summary of some recent Decision and Orders to keep all Members up to speed on case activity. The summary lets Members know what other panels have decided. Board Members stated they found the summary useful and asked that staff continue providing this summary for Board meetings.

5. Bench Decisions. Board Members discussed implementation of "bench" decisions, a brief written decision that notifies the parties of the Board's decision in a case. Gary said the idea is to issue the bench decisions soon after the hearing to notify the parties in a timely manner. He did not realize the bench decision was an extra piece of work for ALRA staff. Colleen said that issuing bench decisions was important: it gives the parties prompt notice of the Board panel's decision. The parties should not have to wait 6 to 9 months to get a Board decision in a case. Gary said the goal should be to speed up the process and reduce staff work. Dennis said it is important for the parties to know the Board's decision as soon as possible. He feels that some issued decisions are complex but don't need to be so. He said he is not uncomfortable with decisions being less than a "Mona Lisa." More middle ground is needed. The Board discussed ways to issue Decision and Orders more quickly. Mark said he wants to finish Decision and Orders more quickly and he has time to be more current. Regarding Bench Decisions, Mark said the Agency is required to issue a final Decision and Order that contains adequate findings of fact and conclusions of law. Failure to include these would result in reversal on appeal. After further discussion, the Board agreed it would continue to issue Bench Orders, and it recommended staff issue less rigorous Decision and Orders.

b. Budget.

Mark and Margie reported that the current fiscal year's budget is adequate provided the Department assists in funding the Agency's "indirect" costs, as pledged. Mark said the Agency's operating budget was approved by the Governor's Office of Management and Budget (OMB) and submitted to the legislature. This budget would provide adequate funds to keep all staff during the upcoming fiscal year. OMB did deny the Agency's request for a capital budget of \$35,000 to upgrade the Agency's database. The legislature will consider this budget during the upcoming legislative session.

The Board discussed the budget and staffing needs. Colleen said that perhaps the Board should talk to the Governor and legislators and tell them the Agency is not adequately supported. Gary asked whether we have enough information to state the problem. For example, "backlog" is sometimes brought up, but what is a backlog? Colleen ALRA staff could recommend to the Board what is needed. Mark said that in past years, staff members have discussed needs with Department budget personnel but staff members are told budgets are lean; chances of getting additional staff are slim. Colleen moved to table this discussion until the May 2005 Board meeting. Randy seconded. Motion carried.

c. Action Items.

1. Subcommittee to consider whether Agency should seek injunctive relief. The Board discussed the written summary regarding injunctive relief requests filed under AS 23.40.150. Colleen moved to provide this summary as a response to Jim Gasper, who inquired during the previous Board meeting whether the Board would consider going to court and seeking injunctive relief in some cases. Randy seconded, and the motion carried.

2. Subcommittee to consider Mr. Gasper's request that the Agency publish additional documents online. Jean said the Agency does not have adequate staff to do what Mr. Gasper requests. It was moved and seconded to put Bench Orders on the Agency's website. Dennis said he sees no purpose in putting Bench Orders on the website. Gary agreed, adding that the Agency already puts Decision and Orders on the website. The motion failed.

4. **New Business.**

a. **Board Member Update.**

Mark reported that there was still a labor seat vacancy. This vacancy places a significant burden on Randy, the only current labor member, because he must sit on each case. The Board discussed ways to get the seat filled. While in Juneau for a hearing in early December 2004, Randy and Dennis visited Lorraine Derr at the Governor's Office of Boards and Commissions. They discussed ways to recruit a labor member. Randy said that he knew someone in Fairbanks who may be suitable for a labor seat.

b. **Annual Report.**

Margie reported that the Annual Report was submitted to the Governor as required by statute. This information was provided to the Board for information purposes only.

c. **Future Board Meetings:**

The Board discussed a date for the spring 2005 business meeting and agreed to meet on Friday, May 20, 2005. The Board members also agreed to reserve the weekdays prior to the business meeting to hold hearings, if needed.

d. **Collective Bargaining Agreement cases.**

Dennis wanted to discuss how to reduce the number of these cases that get scheduled for hearing. Staff pointed out that a change in statute would be needed.

e. **Travel Procedure Update.**

Sherry reported that the State was in the process of updating travel procedures. Gary asked that this item be placed under Old Business for the next business meeting.

f. **Preparation of Board Packets.**

Gary asked why the Board has so much information, and he asked whether staff members could email the information to Board Members. After further discussion, the

Board requested that staff members mail the Board the packets 10 working days or 2 calendar weeks before the business meeting.

g. Other: Scheduling of Board Hearings.

Colleen and Randy requested that ALRA staff members schedule hearings according to Board availability. Colleen said we give the parties too much consideration. Dennis said we should have hearings based on board's time, not necessarily to accommodate parties' schedule. Jean pointed out that in the past, the Board reserved one week each calendar quarter to hold hearings. The Board discussed this concept and agreed to give it a try. This schedule will start with the week of the May Board meeting. Other Board hearing dates in 2005 include the third week of August and the third week of December.

Other: Staffing Announcements.

Mark announced that former Department of Labor and Workforce Development Administrative Services Director Guy Bell has been appointed Assistant Commissioner for the Department, replacing Ed Fisher. Mark also introduced Administrative Clerk III Sherry Ruiz to the Board. Sherry has worked for ALRA for several months, and8/ Mark, Jean, and Margie are very happy to have her on board.

Other: Template for Deliberations.

Gary said that it would be helpful to him if staff members could summarize the issues and the applicable law of a case, and provide this to the Board panel members prior to deliberations on a case. Other Board members agreed.

5. Public comment:

There was no attendance from the public.

Gary asked whether there was a motion to adjourn. Colleen so moved, and Randy seconded. The meeting adjourned at 11:55 a.m.