

ALASKA LABOR RELATIONS AGENCY
Business Meeting, April 21, 2000, 10:00 a.m.

MINUTES OF BUSINESS MEETING

1. Call to order: Meeting was called to order by Chair Alfred L. Tamagni, Sr., at 10:15 a.m. in the Department of Labor Building, Room 208, 3301 Eagle St., Anchorage, Alaska.

Present at the publicly noticed meeting were Alfred L. Tamagni, Sr., Chair; Blair E. Marcotte, Vice Chair; and members Robert Doyle, Dick Brickley, Ray Smith and Karen Mahurin. Staff members Margie Yadlosky, Jean Ward, and Mark Torgerson also attended.

A sign-up sheet was provided for members of the public. Jay Trumble, General Counsel from the Alaska State Employees Association, attended.

2. Approval of October 8, 1999, business meeting minutes: Member Bob Doyle moved to approve the minutes. Member Ray Smith seconded the motion and the minutes were approved.

3. Old business:

a. Status of pending cases.

The case flow chart was presented. 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. Margie Yadlosky provided an overview of case filing and resolution activity. She noted the Agency continues to make progress in reducing the total caseload. In the previous quarter, the Agency received 8 cases but resolved 40. The Agency continues to work on the newer cases as they are filed, while at the same time striving to reduce the backlog of older filed cases. Jean Ward reported on unfair labor practice investigations. She said the older cases have priority and she hopes to resolve them by the end of the summer. Chair Al Tamagni pointed out that beginning in 2000, the Agency changed its reporting of case activity from a fiscal year to a calendar year basis. For example, petitions filed during calendar year 2000 will have the designation "00".

b. Budget.

Margie said the FY 2001 budget is lean, but there are no current cuts. It appears we will get the budget we requested. However, the budget does not cover salary increases for staff. The increases will have to be found in other parts of the budget. Margie said there is a proposal to pay non-union state employees a one-time \$1,200 per person payment. If that happens there is no consideration for these increases in the current budget. Upon a question from member Dick Brickley, Mark explained that the the \$1,200 payments for staff would have to be paid out of other areas of the budget, such as travel.

Margie said the Agency is on track with spending; 70% of the budget has been spent. She estimated that there was adequate money in the travel line to cover expenses through the end of the fiscal year.

Member Doyle inquired about the mediation training that Mark attended in Boston in April. Mark described the training as an intensive 40-hour course, with 3 nights of homework. It was co-sponsored by the American Bar Association, the National Association of Administrative Law Judges, and the National Conference of Administrative Law Judges. Six experienced faculty taught the course, which included a substantial amount of role-playing.

c. Time goal discussion.

Jean and Mark provided the Board with data and information requested during previous board meeting discussions on time goals. The data showed the amount of time needed to get agency work done for the past 3 and 5-year periods. They proposed that the Agency set time goals for two categories of cases, rather than three categories as is done by the NLRB. Chair Tamagni said this type of categorization probably fits our needs better than that used by the NLRB. Member Doyle added that the staff's proposals are what the board was looking for.

The time goals for unfair labor practice investigations are 2 months for Category I (high priority) cases, and 5 months for Category II (lower priority) cases. For representation elections, the proposed goal is 6 months from date of filing to certification of election. For decision and orders, the proposal is 2 months for Category I and 4 months for Category II cases, from date of record closing to issuance of decision. Jean pointed out that the Agency has been "all over the board" on time to issue decision and orders. She said it is a balancing act to prioritize decisions in conjunction with other agency business. Member Doyle asked if Category I cases could be reduced to 30 days if we get rid of the strike vote regulations. Mark noted that the proposal includes an annual review to determine if the time goals can be reduced.

For investigations of objections to strike votes, staff proposed 2.5 months. Two prior investigations had taken an average of 5.6 months.

d. Other.

Staff gave a website update. One goal is to have all agency decision and orders available on the website, as well as a searchable database. Agency forms have been put into Adobe Acrobat format so the forms can be printed out and completed. This saves time and expense for both the Agency and the public. Member Brickley asked if we have a counter that determines how many hits there are on the website. Staff were unsure. Staff also noted we do not have the word search capabilities for finding specific information from decision and orders. Staff continues to work with Juneau webmasters to add new items to the site. It is an ongoing work in progress.

4. New Business:**a. Board member legislative approvals (of board member appointments).**

The governor's reappointments of Members Doyle and Brickley are finally ready for a vote of the full legislature. Both members' reappointments have been approved by committee. Regarding HJR 18, which staff feel would effectively abolish the board's authority over the outcome of decision and orders (constitutional amendment to create an Office of Administrative Hearings), Member Mahurin expressed concern over this proposal. She asked staff to keep the Board informed of this bill's progress. Chair Tamagni pointed out that bills can be tracked on an "envelope" basis. Mark said staff would notify the Board if the bill starts to move out of committee.

b. Presentation of proposed amendments to regulations.

Staff presented a proposal to clarify, amend and possibly delete some regulations. Staff also noted receipt of what appears to be a petition by the Alaska State Employees Association (ASEA) to take up review of the definition of "supervisory employee" contained in regulations. This regulation was not included as a proposal by staff. There was discussion about the process and what the Board would be proceeding on today. Chair Tamagni said the purpose today is to see if the Board wants to start the regulation-amending process. Does the Board want to go forward? Mark explained the process, which starts with drafting regulations that are then reviewed by the Attorney General's office, and then submitted for public review and comment. Member Doyle expressed a desire to fix the sections on the strike vote process. Member Mahurin expressed a desire to proceed carefully with the process. After further discussion, Member Doyle moved to open the process, and member Smith seconded. The Board then voted to open the process, limited to a discussion of the staff's proposed changes, and ASEA's proposal. The Board briefly discussed the proposed changes. The Board wanted more time to review the proposals. A meeting was scheduled for June 8 at 10:00 a.m., to discuss the specific proposals and determine the maximum scope of regulations open for amendment. The Board asked staff to send out a schedule of time lines for the regulation process, to be provided in advance of the June meeting along with any written comments board members have to the proposals.

c. ALRA convention for board members.

This year's convention is in Philadelphia. Chair Tamagni said we should try to send at least one board member each year. It was proposed Members Smith and Brickley be sent this year. They will look into their July schedules. Chair Tamagni suggested staff purchase the plane tickets early from this year's budget.

d. Other.

Chair Tamagni said staff should look into putting on a conference in the state as it did in 1996. Staff discussed time constraints such a conference puts onto the small agency staff. Chair Tamagni that the Department of Labor has a "lot more bodies" and could take responsibility for setting up the conference. Member Marcotte expressed concern about overloading the staff with this responsibility. Staff will discuss with the Commissioner.

5. **Public Comment:** James Gasper congratulated the Agency regarding its website. He said it provides better service than sites of larger states. He asked if there was a way to let readers know if there has been a superior or supreme court decision related to a case. Staff will look into this.

6. **Adjournment:** The meeting adjourned at 12:30 p.m.