

Alaska Labor Relations Agency 2006 Annual Report



*Alaska Labor Relations Agency
P. O. Box 107026
1016 West Sixth Avenue, Suite 403
Anchorage, Alaska 99501*

Submitted February 2007

2006 ANNUAL REPORT

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(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 from labor organizations, public employers, and public employees. The Agency enforces terms of collective bargaining agreements, determines strike eligibility of workers, 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). Not more than three members may be from one political party. The following Alaskans comprise the current Board:

Gary P. Bader, Chair	Appointed March 24, 2004	Public
Aaron T. Isaacs, Jr., Vice Chair	Reappointed March 9, 2005	Public
Colleen E. Scanlon, Board Member	Reappointed March 9, 2005	Management
Dennis Niedermeyer, Board Member	Reappointed February 20, 2006	Management
Matthew McSorley, Board Member	Reappointed March 1, 2006	Labor
Gary Atwood, Board Member	Appointed March 9, 2005	Labor ¹

STAFF

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

¹ Governor Sarah Palin appointed Palmer resident Ken Peltier to replace Board Member Atwood effective March 1, 2007, when Atwood's term expires.

OFFICE

1016 W. Sixth Avenue, Suite 403
P.O. Box 107026
Anchorage, Alaska 99501

Phone: 907.269.4895
Fax: 907.269.4898

Website: <http://www.labor.state.ak.us/laborr/home.htm>

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.

2006 HIGHLIGHTS.

Board Appointments. During the 23rd and 24th legislative sessions, former Governor Frank Murkowski appointed two new members and reappointed three current board members. The first new member, Gary Atwood of Fairbanks, filled a vacant Labor seat effective March 9, 2005. Member Atwood's term expires effective March 1, 2007, and Governor Sarah Palin has appointed Palmer resident Ken Peltier to replace Atwood. The second new member, Matthew McSorley of Anchorage, was appointed December 15, 2005, and then reappointed on March 1, 2006, to fill a Labor seat vacated by Randy Frank of Fairbanks. Board Member Aaron Isaacs, Jr., of Klawock was reappointed to a Public seat and continues to serve in the Vice Chair position. Ketchikan resident Colleen E. Scanlon and Eagle River resident Dennis S. Niedermeyer were reappointed to serve in their Management seats. Reappointments for Isaacs and Scanlon were effective March 9, 2005, with Niedermeyer's reappointment effective February 20, 2006. After the Governor appoints Agency board members for three-year terms, they must be confirmed by the Legislature.

Regulations. At the Board's direction, the Agency initiated a project to propose amendments to the regulations. At its December 16, 2005, business meeting, the Board reviewed the proposed regulations and voted to initiate the process to put the regulations out for public comment and possible adoption. During 2006, the Agency conducted two

regulation hearings for public testimony on the proposed amendments to the regulations. During its December 8, 2006, business meeting, the Board considered the proposed amendments and all public comments regarding the regulations. The Board rejected some amendments and adopted others. The Department of Law is currently reviewing the regulations packet.

Agency Caseload Decreases Despite Continued Filings. Streamlined procedures, implemented in 1998, enabled the Agency to steadily reduce its caseload in the ensuing years. The total number of cases filed in 2006 is 51, a 56% decrease from 2005 (116). This is a substantial change from 2005, when the Agency experienced an 81% increase in the number of cases filed from 2004 (64). Although this is a decrease in the number of cases filed compared to 2005, it is consistent with prior years' case filings. (See "Overview" page 7). Along with the decrease in the number of case filings (51 in 2006), the Agency continued to apply operational efficiencies and significantly reduced the total number of open cases by the end of the year. The total number of open cases at the end of December 2006 (9) is the lowest since the Agency's inception in 1990. There were 7 open cases reported at the beginning of February 2007. The large caseload resolution in 2005 and 2006 occurred because staff resolved a substantial number of unit clarification petitions both informally and formally.

The Agency developed a significant backlog during the 1995-to-1998 period (149 per year average) due to a substantial increase in case filings. The Agency continued to work this increased caseload with the same number of staff but chipped away at the caseload size by implementing streamlined procedures and reassigning some caseload responsibilities. As demonstrated during the past few years, the number and type of cases filed each year is unpredictable. Factors that may affect the number of case filings include expiration of collective bargaining agreements, economic factors that affect the size of government budgets, and changes to statutes and regulations.

Agency Appeals. There was one appeal of an Agency Decision and Order to the Superior Court during 2006. (See "Appeals" page 25).

Unit Clarification Petitions. In 2006, parties filed 42 unit clarification (UC) petitions, compared to 99 in 2005. This 58 percent decrease followed a 350 percent increase between 2004 (22 filings) and 2005 (99). Except for the 99 cases filed in 2005, the number of UC filings in 2006 exceeds the number of cases filed each year since 1997, when parties filed 94 UC petitions. In recent years, UC petitions have outnumbered all other case filings combined, including unfair labor practice charges and contract enforcement petitions. (See "Cases Filed" page 7).

UC petitions usually involve a dispute over the proper bargaining unit placement of employees who may have supervisory or confidential duties. The majority of these disputes concern the supervisory status of State employees. An employee's status as a supervisor or non-supervisor affects the employee's bargaining unit placement. While the issue of supervisory status may arise in most employee bargaining units under the

Public Employment Relations Act (PERA), UC disputes filed with the Agency primarily involve 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). A significant increase in the number of petitions began in 1995 after the Board amended the regulation defining "supervisory employee." The validity of this amendment was challenged in the courts. On October 15, 1999, the Alaska Supreme Court affirmed the regulation's validity. (*See Alaska State Employees Ass'n/AFSCME Local 52 v. State of Alaska*, 990 P.2d 14 (Alaska 1999)).

After the UC caseload increased to 207 by November 1997, Agency staff analyzed alternatives to improve efficiency while still providing parties their due process rights. The old procedure, holding a hearing in each case, became impossible to administer given staffing and budget limitations. To reduce the backlog and improve production, staff streamlined procedures in 1998 and reduced the hearing load. These new procedures succeeded. The Agency has reduced the UC caseload significantly, despite increased case filings each year since 2002. (See "Final Disposition" page 7, discussion at pages 14 - 15, and trends chart page 9). The Agency has no direct control over the number or type of cases filed.

Unfair Labor Practice Complaints. The Agency experienced a 25% decrease in the number of unfair labor practice (ULP) charges filed for 2006, compared to a 72% decrease in 2005. The ULP caseload is the most time-consuming due to its investigatory requirements, in addition to time required to conduct prehearing conferences and hearings. The six unfair labor practice charges filed in 2006 and the five filed in 2005 countered a four-year trend of relatively steady case filings averaging 28 per year between 2001 and 2004. (See "Cases Filed" page 7, discussion at pages 16 - 17, and trends chart page 9). The decreased filings may suggest that the Agency is making progress in its goal of labor peace. However, it is difficult to pinpoint factors that resulted in reduced ULP filings. Fifty percent of the 2006 cases were education-related cases, while 40% were State-related and the remaining 10% consisted of political subdivision cases. The most notable change for ULP's was the 47% decrease in State-related case filings between 2005 and 2006. Only 33% of all ULP's filed during 2006 were State-related, compared to 75% in 2005. One factor that may have affected this decrease was the number of signed multi-year collective bargaining agreements that were in effect. Generally, an increase in the number of employers and unions conducting collective bargaining negotiations will generate an increase in the number of ULP filings.

Regarding specific types of ULP charges, bad faith bargaining charges increased in 2006 by 65% over 2005's filings. In 2005, bad faith filings comprised 38% of all ULP's. In 2006, these filings increased to 67% of filed ULP charges. Although the percentage of bad faith bargaining charges increased in 2006, the total number of bad faith bargaining charges filed has decreased significantly from 20 in 2003 to 4 in 2006. These charges often arise in the context of collective bargaining: one party believes the other party has failed to bargain in good faith. The issue in the remaining 35% of the

2006 ULP charges was interference with protected rights, such as organizing and collective bargaining. This compares to 12% in 2005.

None of the 2006 ULP charges concerned a violation of the union's duty of fair representation, unilateral changes, retaliation, restraint or coercion, or a violation of Weingarten rights (the right to have a union representative present at an investigatory interview that could lead to discipline).

Seven ULP investigations were completed in an average of 104 days in 2006. This compares to 18 ULP investigations in an average of 220 days in 2005. Staff finished 6 regular priority ULP investigations in 2006, compared to finishing 14 regular priority investigations in 2005. Average number of days required to investigate these charges in 2006 (104) was lower than 2005 (252). Several factors affect time needed to complete investigations, including case complexity, staff efforts on informal resolution, and the investigating staff member's other caseload and work priorities. (See trends chart page 9). Currently, the oldest case pending an investigation was filed on May 6, 2004. This case was in abeyance from August 30, 2004, thru May 22, 2006, and is currently pending informal resolution. The next oldest case was filed May 11, 2006. This reflects a decrease in the number of older cases that have pending investigations.

Elections. The Agency received one election petition in 2006. This petition requested certification of a new bargaining representative. This compares to one petition filed in 2005 and 2004, two in 2003, six in 2002, seven in 2001, and six in 2000.

The Agency conducted one representation election in 2006 that resulted in the certification of a new bargaining representative. The result of this election increased the number of public employees covered by collective bargaining under PERA.

Strike Petitions. There were no strike petitions filed in 2006. This compares to one strike petition filed in 2005. (See "Cases Filed" page 7). In that case, the State of Alaska alleged impasse with the Marine Engineers Beneficial Association (MEBA), the Masters, Mates and Pilots union (MMP), and the Inlandboatmans Union of the Pacific (IBUP) over negotiations for an agreement to operate the fast ferry M/V Fairweather. The State requested mediation under the strike petition. The State subsequently filed a Notice of Withdrawal of the petition after reaching agreement on negotiating procedures, and the Agency issued an Order of Dismissal on June 6, 2005.

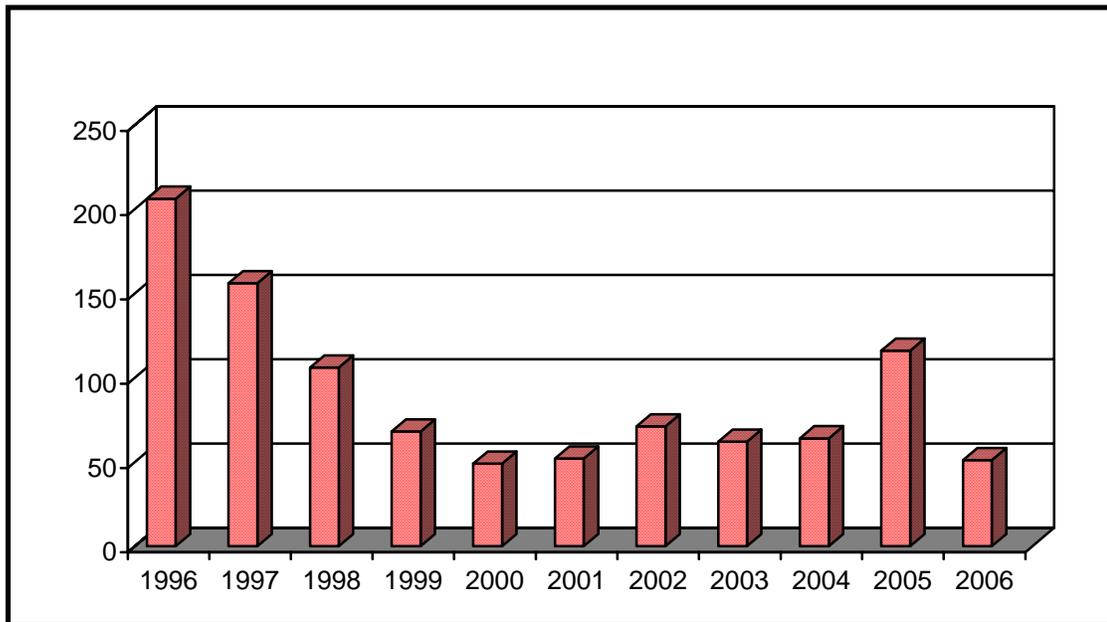
Emphasis on Informal Resolution. The Agency continues to seek informal resolution of disputes. In 2006, 5 unfair labor practice charges were resolved informally, compared to 19 in 2005, 27 in 2004, 22 in 2003, 26 in 2002, and 13 in 2001. The Agency's hearing officer/investigator works with parties to settle unfair labor practice charges. She has expanded mediation services to include collective bargaining agreement enforcement petitions. The Agency encourages mediation. When successful, mediation saves the parties, the Board, and the Agency the cost and time that would be required for

litigation of the disputes. The Agency hopes to train other staff to assist in mediation efforts. However, budget and time constraints have precluded this training thus far.

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 by typing a word or phrase into a search field. The Agency continues to add new materials such as creating a cross-reference list of Agency cases appealed to the Alaska Superior and Supreme Courts, including citations to the decisions issued.

CASE STATUS SUMMARIES

CASE LOAD COMPARISON BY YEAR



OVERVIEW

CASES FILED	2006	2005	2004	2003	2002	2001	2000	1999	1998	1997	1996
Amended Certification (AC)	0	2	0	4	0	0	3	1	1	1	1
Representation (RC)	1	1	0	1	5	7	6	1	6	6	5
Decertification (RD)	0	0	0	0	1	1	0	1	1	1	2
Decert. to certify a new rep.(RC/RD)	0	0	1	1	0	1	0	2	0	1	2
Strike notice or strike class petition (SP)	0	1	1	1	2	0	2	6	4	2	10
Unit Clarification (UC)	42	99	22	17	30	13	16	31	66	94	148
Unfair Labor Practice Charge (ULP)	6	8	29	28	28	27	13	20	22	40	31
Religious Exemption Claims (RE)	0	1	2	0	0	0	0	1	2	1	0
Contract Enforcement (CBA)	2	4	8	9	5	3	8	5	4	10	6
Other (OTH)	0	0	1	1	0	0	1	0	0	0	1
TOTAL	51	116	64	62	71	52	49	68	106	156	206

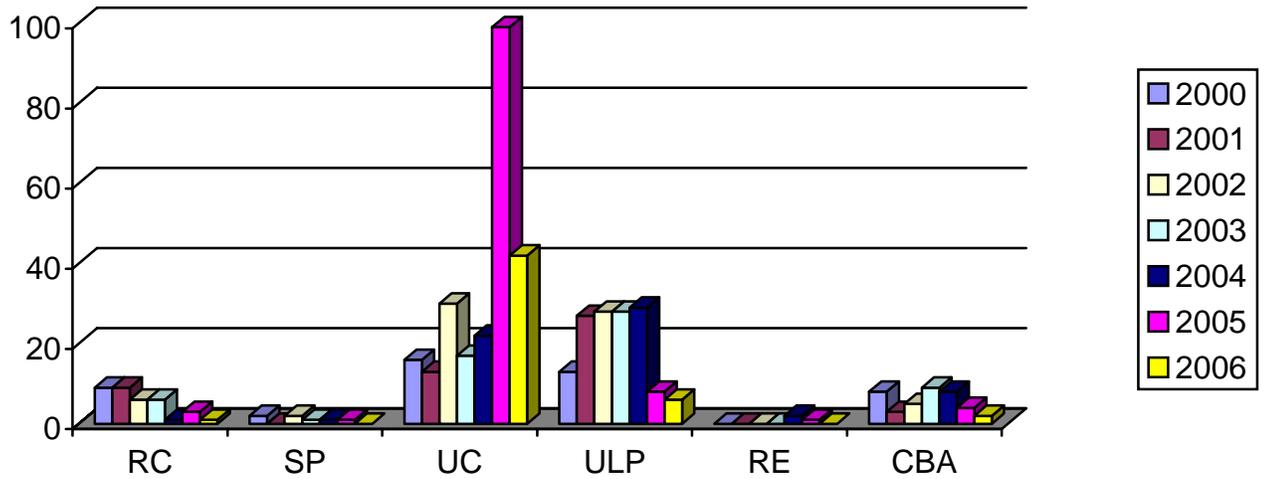
AGENCY ACTIVITY	2006	2005	2004	2003	2002	2001	2000	1999	1998	1997	1996
Unfair Labor Practice Investigations	7	18	28	26	29	22	10	31	24	26	20
Unit Clarification Investigations	30	90	12	32	12	11	48	93	NC	NC	NC
Decisions and Orders Issued	7	4	6	4	4	5	5	6	9	25	12
Other Board Orders Issued	35	3	7	1	1	5	1	16	NC	NC	NC
Hearing Officer Orders Issued	3	0	7	11	3	2	5	3	NC	NC	NC
Elections Conducted (includes AC)	1	2	1	8	8	6	3	3	6	7	6
TOTAL	83	117	61	82	57	51	72	152	39	58	38

FINAL DISPOSITION	2006	2005	2004	2003	2002	2001	2000	1999	1998	1997	1996
Notices of dismissal issued	59	104	15	28	18/43	13/38	48	89	67	27	15
Cases settled or withdrawn	10	42	34	31	25	25	23	45	87	69	25
Cases that went to hearing	5	3	**9	**6	**8	4	6	7	3	10	29
Impasse matters settled or withdrawn	0	1	2	0	1	0	0	5	2	0	1
Cases deferred to arbitration	0	0	1	0	1	3	1	1	1	0	1
TOTAL	74	150	59	65	53/78	45/70	78	147	160	106	71

*NC = not counted

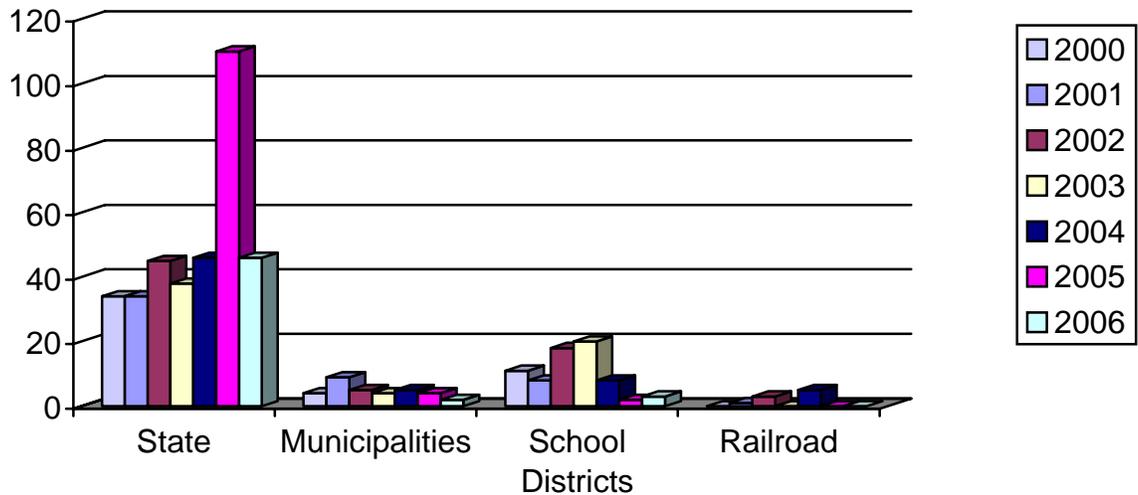
**Cases consolidated for purpose of holding hearing due to limited travel funds (3 cases-2004; 4 cases-2003 & 2002)

CHARTS

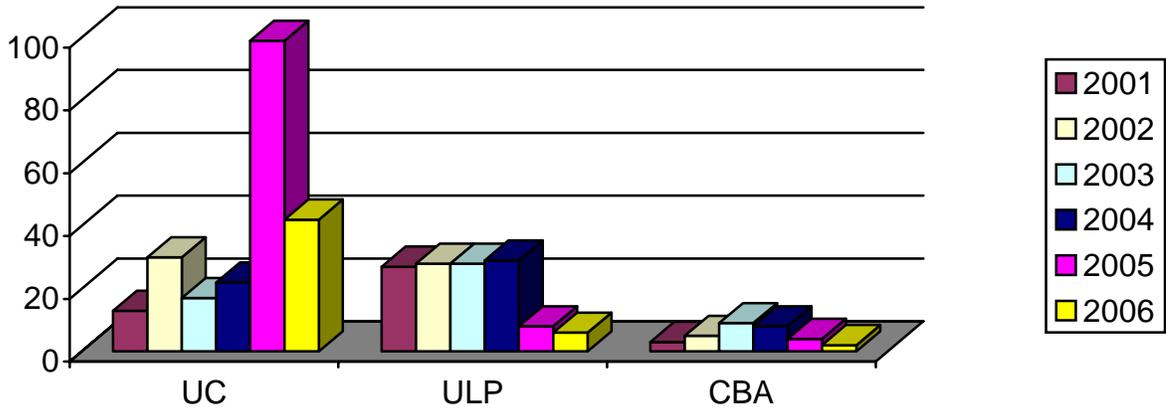


PROGRAM COMPARISON BY YEAR

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



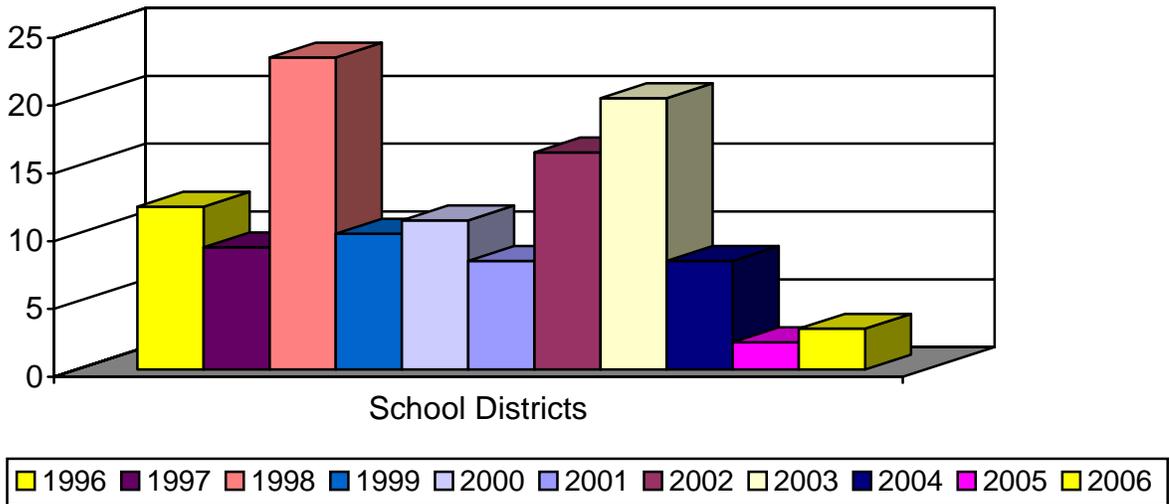
EMPLOYER COMPARISON BY YEAR



PROGRAM SIX YEAR TRENDS

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

**SCHOOL DISTRICT ACTIVITY FROM 1996 TO 2006
 FOR ALL CASES FILED**



REPRESENTATION PETITIONS (AS 23.40.100; AS 42.40.750)

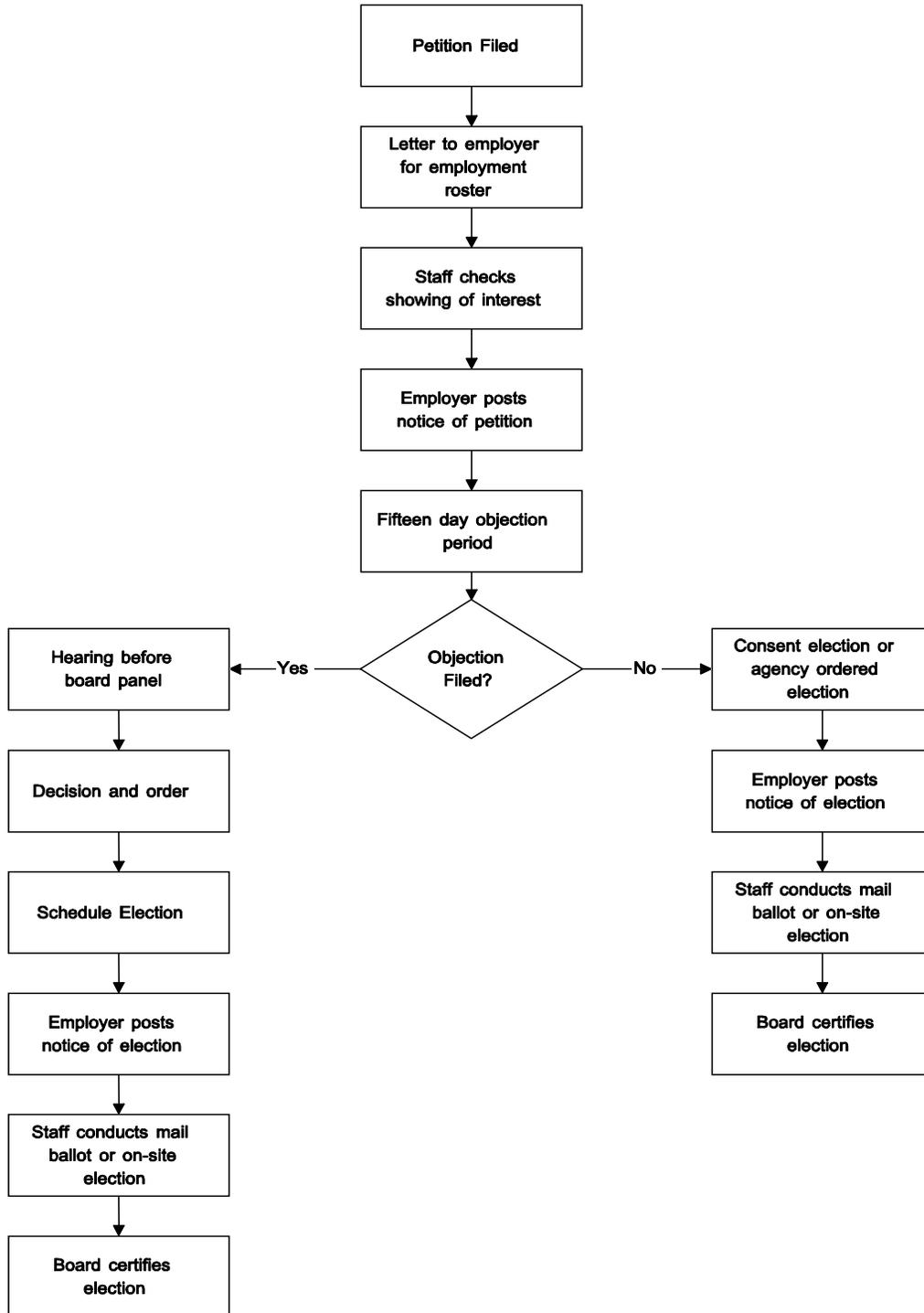
Labor organizations, employers, or employees file petitions to initiate a secret ballot election for certification or decertification of an employee representative for collective bargaining. Less frequently, parties file a petition to advise the agency that the employer consents to the labor organization's representation of a particular unit of employees. This notification of consent to recognition does not require the Agency to conduct an election. At any rate, most petitioners seek an election. Before an election can be conducted, the Agency must resolve any objections to the election or the composition of the bargaining unit. Often, a hearing is needed. Petitions for representation of a municipal bargaining unit frequently require examination of the validity of a municipality's rejection of PERA under the opt-out clause in legislation adopting PERA, section 4, ch. 113, SLA 1972. Employer objections to the unit that the labor organization seeks to represent also are common. The Agency conducts the election, rules on objections or challenges to the conduct of the election, and certifies the results. If the petitioner seeks to sever a group from an existing unit, the petitioner must demonstrate that the existing representative was not fairly representing the interests of the smaller group, and that the smaller group is an appropriate unit, among other factors.

The Agency conducted one election in 2006 that resulted in certification of a new bargaining unit. In this election tally, held on November 15, 2006, City of Wrangell employees voted for certification of a new representative, the International Brotherhood of Electrical Workers Local 1547, AFL-CIO (IBEW). In this election, 15 employees voted for representation by the IBEW and one employee voted for the choice of no bargaining representative. The Agency certified the election results and issued an election certificate on November 21, 2006. An interesting aspect in this representation petition was that the City of Wrangell opted-out of the Public Employment Relations Act AS 23.40.070-260 (PERA) through a resolution in 1973. The city repealed that resolution in 2004 and chose to again come under jurisdiction of PERA. The result of the election activity in 2006 was a net increase in the number of public employees covered by collective bargaining under PERA. This increase continues a recent trend.

Unit amendment petitions are filed to obtain an amendment of certification due to changed circumstances, such as a change in name, affiliation, site, or location. There were no unit amendment petitions filed in 2006.

REPRESENTATION PETITIONS FILED		1
Employer		
	State	0
	Municipalities	1
	Public Schools	0
Type		
	To certify a new unit	1
	To decertify the unit	0
	To change representatives	0
	To amend certificate	0
Hearings conducted		0
Petitions that proceeded to election		1

REPRESENTATION PETITION FLOW CHART



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

Under PERA, the Agency hears disputes about strike classifications and impasse matters. PERA divides public employees into three classes, based on their right to strike. Effective May 18, 2003, the Agency repealed 8 AAC 97.300, which had given the Agency oversight of strike vote elections held by labor organizations. School district bargaining representatives must submit to advisory arbitration before the employees may strike, and before districts may implement their last best offer. 8 AAC 97.300.

There were no strike petitions filed during 2006. The decrease of strike petitions filed continues a trend of past years. The number of strike petitions filed in 2003 and 2004 was one, down from two filed in 2002. Although the past history shows that the decrease was primarily attributable to signed multi-year collective bargaining agreements, the expiration of collective bargaining agreements in 2007 could change the past trends.

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. For example, the State may change a position's job duties, which may affect the position's unit placement. Transfers between the State's general government unit (GGU) and the supervisory (SU) or confidential (CEA) units comprise most of the disputes. If investigation shows there is reasonable cause to believe that a question of unit clarification exists, the case requires a hearing that includes the State and both interested labor organizations.

Disputes arose substantially over the State's shift of employees to the supervisory unit from the general government unit following the Agency's 1995 amendment to the definition of "supervisory employee." The amendment, intended to simplify determining who is a supervisor, has been controversial. However, on October 15, 1999, the Alaska Supreme Court upheld the validity of the regulation defining "supervisory employee." (*See Alaska State Employees Ass'n/AFSCME Local 52 v. State of Alaska*, 990 P.2d 14 (Alaska 1999)).

Although the 1999 Supreme Court decision seemingly reduced the number of UC petition filings for a few years, the past two years shows an increase in UC petition filings. In fact, the Agency experienced a 350 percent increase in the number of UC petitions in 2005 from 2004. This increase represents the largest change of all case types for 2005 and 2006. In 2006, 82 percent of all cases filed at the Agency were UC petitions, closely following the 85 percent in 2005. (See trends chart page 9). All of the UC petitions filed in 2006 were State-related disputes. Although the number of State-related petitions filed in 2006 (42) is lower than the number filed in 2005 (98), UC petitions continue to have the highest number of filings in the past couple of years, ranking second in subsequent years. (See "Overview" page 7).

In 1998, the Agency tackled the significant rise in UC cases by implementing streamlined procedures and adjusting caseloads. As a result, the Human Resource Specialist assumed responsibility from the Hearing Officer to handle initial UC investigations. Under the revised procedure, the Agency sends the parties a comprehensive questionnaire to gather relevant information, rather than waiting for the parties to provide it, or proceeding to hearing, as was done previously. (For example, 28

UC disputes went to hearing in 1996, compared to 3 for 2006. These hearings are rare now.)

The revised procedures have enabled the Agency to conclude 583 UC disputes since 1998. In January 2006, there were 21 open UC petitions. By December 31, 2006, 42 new UC petitions had been filed and a total of 62 were resolved, leaving 1 open UC case. Working together, the Human Resource Specialist and the Agency's Hearing Officer completed the bulk of the UC backlog work.

Three UC hearings were held in 2006. Two unit clarification petitions filed by the State of Alaska and one unit clarification petition filed by the City of Seldovia required a hearing. Both State petitions involved a unit of employees represented by the Confidential Employees Association, APEA/AFT. One petition proposed removing the professional labor relations staff from the bargaining unit, and the other proposed removing confidential members of senior management team who supervise others in the confidential bargaining unit from the bargaining unit. The ALRA board decided in Decision and Order Nos. 278 and 281 to keep the proposed employees in the confidential bargaining units. The remaining unit clarification petition filed by the City of Seldovia was to exclude the Police Chief from the existing bargaining unit represented by the International Brotherhood of Electrical Workers Local 1547. In Decision and Order No. 280, the board concluded that the "police chief shares a sufficient community of interest with the other employees in the bargaining unit for the position to remain where it has resided historically." The City appealed this decision to the Superior court but later withdrew its appeal. (See "Decisions and Orders Issued" pages 23 - 24).

UNIT CLARIFICATION PETITIONS FILED	42
Employer	
State	42
Public Schools	0
Municipalities	0
Railroad	0
Hearings conducted	3

UNFAIR LABOR PRACTICE CHARGES (AS 23.40.110; AS 42.40.760)

Employers, employee representatives, and 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 2006 (6) were similar to 2005 (8) but significantly lower than 2004's (29) ULP filings. (See "Cases Filed" page 7). The number of cases filed in 2006 is a divergence from the previous four-year trend that suggested a rising trend in filings. (See trends chart page 9, and comparison table page 18). Of the 6 charges filed in 2006, two-thirds concerned bad faith bargaining, compared to 2005 where one-third (3) concerned bad faith bargaining. Other charges included interference with protected rights, and domination or interference with the formation, existence, or administration of an organization. In 2006, there were no cases related to a violation of the duty of fair representation, retaliation, unilateral action by an employer, or a violation of Weingarten rights.

The Agency ranks ULP's by level of priority. For example, collective bargaining and other disputes that affect a large number of employees receive higher priority. Two of the 6 ULP's filed in 2006 were classified as high priority, compared to three of the 8 ULP's filed in 2005, and three of the 29 ULP's filed in 2004. One of the 2006 high priority cases was dismissed after the parties reached settlement, and one case currently has an investigation pending. There were no high priority cases that proceeded to hearing in 2006. Of the six open unfair labor practice cases pending in January 2007, two are in abeyance. This means the case is put on hold at the Agency. Abeyance may occur, for example, because the parties have requested time to settle their dispute, or some aspect of the case may be in arbitration or on appeal to Alaska's appellate courts.

During 2006, the Agency completed 7 investigations in an average of 104 days. Beginning in 2004, staff focused on resolving older, lower priority cases that affected the number of days required to complete investigations. (See "Timeliness" page 21).

Of the 7 investigations concluded in 2006, 1 was high priority and 6 were normal priority. The average number of days to conclude a high priority ULP for 2006 was 10 days, with 119 the average number of days to conclude the normal priority cases. Regardless of priority ranking, case complexity varies considerably. The nature of a case, its complexity, and the parties' cooperation affect staff's ability to complete investigations within the Agency's time targets. The Agency's ability to complete investigations timely is also affected negatively when case filings rise significantly.

Regardless of the extent of this rise and the total caseload, the Agency must work the caseload with the same number of staff.

Two unfair labor practices hearings were conducted in 2006. One concerned an employee's allegation that her union violated the duty of fair representation (See "Decisions and Orders Issued", No. 4, at page 23). The second concerned the failure to honor a negotiated raise between the Fairbanks Fire Fighters Association and the City of Fairbanks (See "Decisions and Orders Issued", No. 7, at page 24).

UNFAIR LABOR PRACTICE CHARGES FILED 6

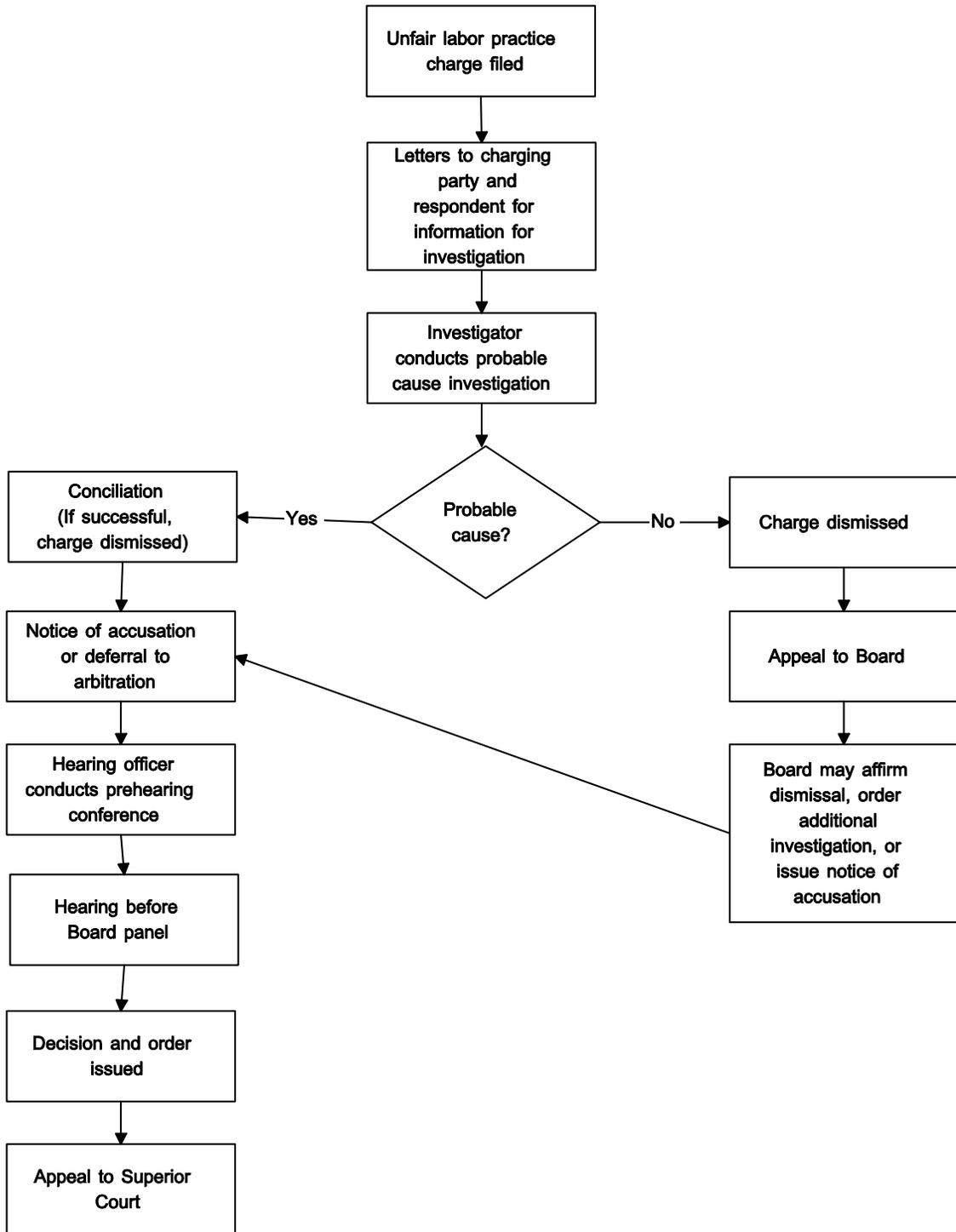
Employer	
State	2
Municipalities	1
Public Schools	3
Railroad	0
Type	
Arbitration related	0
Bad faith bargaining	4
Retaliation	0
Interference with protected rights	2
Domination or interference (a)(2)	0
Union duty of fair representation	0
Employer action without bargaining	0
Information request	0
Scope of bargaining	0
Weingarten	0
Discrimination	0
Impasse	0
Other	0
Investigations	7
Hearings conducted	2
Other resolution	
Dismissals (no probable cause)	1
Deferrals to arbitration	0
Settled or withdrawn	2
Dismissed, inaction	2
Dismissed, final order	0
Dismissed, Insufficient	1
Remand	0
Other	0

COMPARISON BY ULP COMPLAINANT

Complainant	2006	2005	2004	2003	2002	2001	2000	1999	1998	1997	1996
Alaska Public Employees Ass'n	0	0	0	3	3	2	0	1	4	1	1
Alaska State Employees Ass'n	0	2	5	3	3	8	3	6	1	12	9
ACCFT	0	0	0	2	2	0	0	0	5	1	0
United Academics	0	0	0	1	4	2	0	0	1	3	0
UA Classified Employees Ass'n	0	0	0	0	0	0	0	0	0	1	0
I.B.E.W.	0	0	0	0	0	0	0	3	0	6	7
School Unions	1	0	5	9	8	1	2	0	6	3	2
Ferry Unions	1	1	4	6	0	3	0	1	0	3	0
Other Unions	1	0	3	1	3	4	3	0	0	2	3
Individuals	1	3	6	1	2	6	4	7	3	3	6
Employers	2	2	6	2	3	1	1	2	2	5	3
Total ULPs filed	6	8	29	28	28	27	13	20	22	40	31

	2006	2005	2004	2003	2002	2001	2000
UNION	3	3	17	25	23	20	8
EMPLOYER	2	2	6	2	3	1	1
INDIVIDUAL	1	3	6	1	2	6	4
Total ULPs filed	6	8	29	28	28	27	13

UNFAIR LABOR PRACTICE CHARGE FLOW CHART



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 religious convictions.

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)**

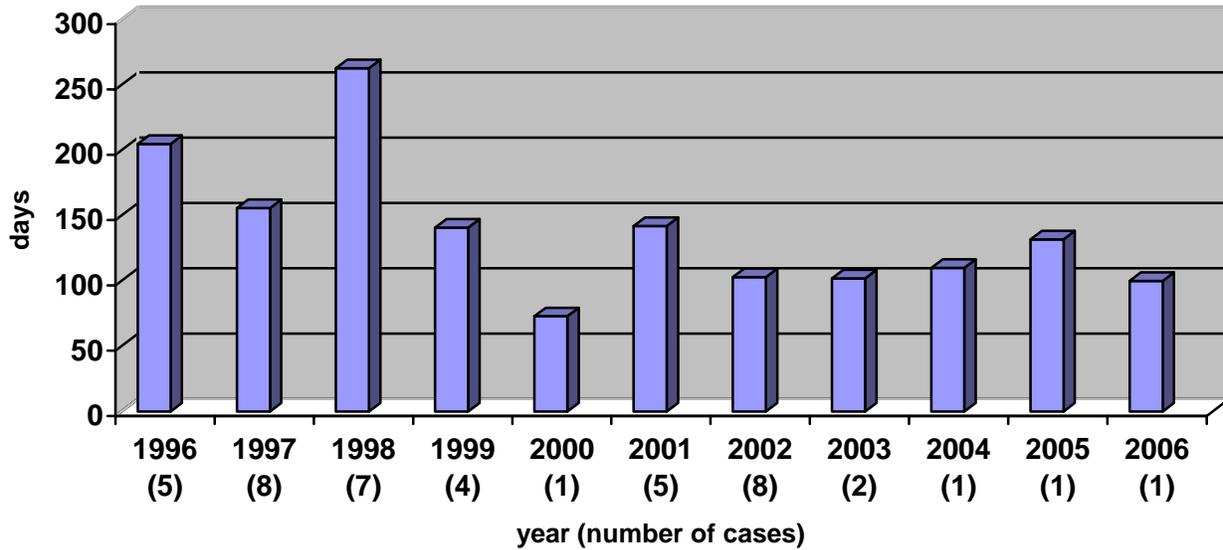
AS 23.40.210 and AS 42.40.860(b) authorize the agency to enforce the terms of a collective bargaining agreement (CBA). Because all agreements under AS 23.40.210 must contain an arbitration clause to handle disputes under the agreement, 8 AAC 97.510 requires that parties first exhaust the arbitration clause or show that it does not apply before filing a petition with the agency to enforce the agreement.

Two such petitions were filed in 2006. This is the lowest number of petitions to enforce collective bargaining agreement filed at the Agency, and half as many filed in 2005 (4). The number of CBA's filed since 2003 (9) has continued to decrease. The largest number of CBA petitions was filed in 1997 (10).

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

TIMELINESS

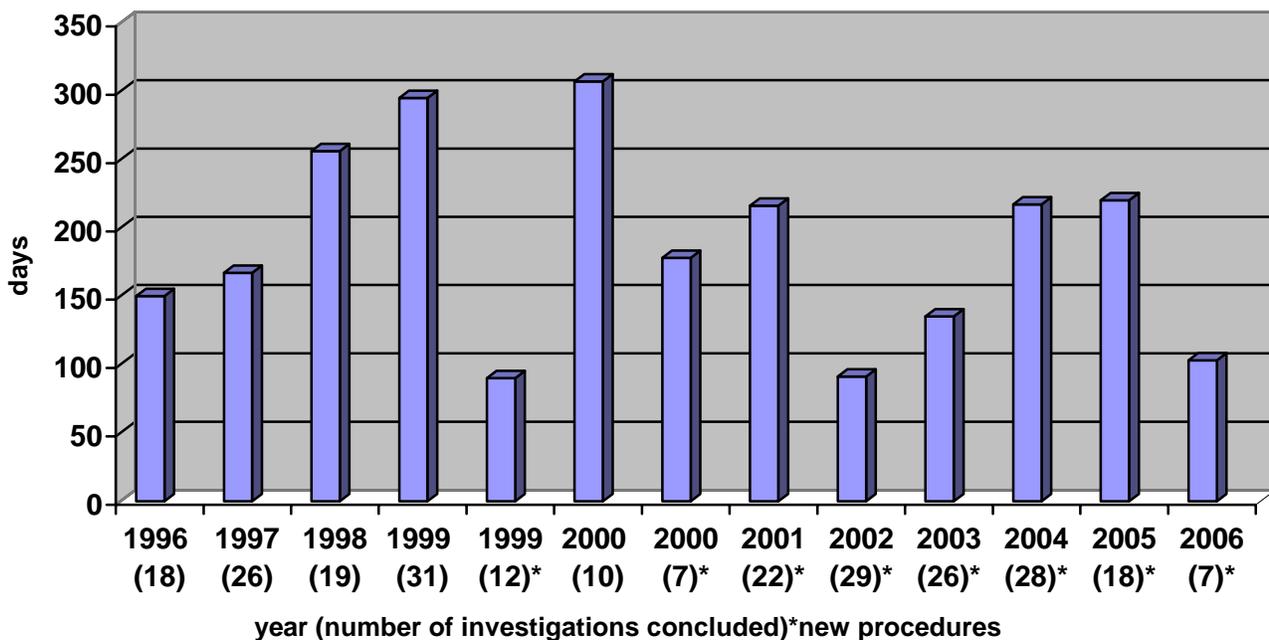
ELECTIONS



NUMBER OF DAYS TO CERTIFICATION OF ELECTION.

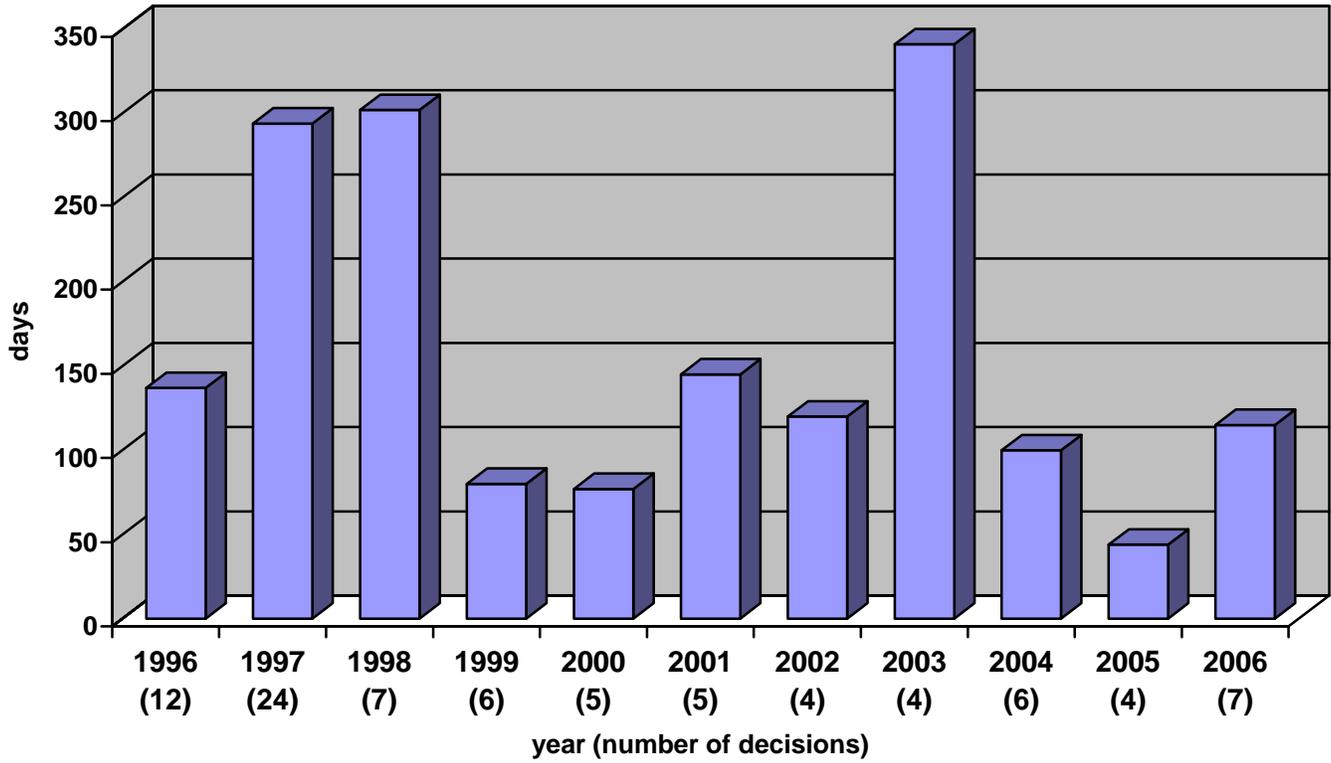
UNFAIR LABOR PRACTICE INVESTIGATIONS

NUMBER OF DAYS TO CONCLUSION OF INVESTIGATION.



DECISION AND ORDERS

NUMBER OF DAYS FROM CLOSING OF RECORD TO DECISION



DECISIONS AND ORDERS ISSUED

1. **ALASKA STATE EMPLOYEES ASSOCIATION, AFSCME LOCAL 52, AFL-CIO, VS. STATE OF ALASKA, Case No. 05-1350-CBA. Decision and Order No. 276 (January 26, 2006).** The ALRA Board will not consider a petition to enforce an arbitration award until the parties exhaust their grievance/arbitration clause in their collective bargaining agreement. Further, the arbitration award must be relevant to the disputed grievance. The arbitration award ASEA seeks to enforce is not relevant to the specific issue in the current grievance filed on behalf of Pam Ramey.
2. **TEACHERS EDUCATION ASSOCIATION OF MOUNT EDGE CUMBE, NEA-ALASKA, NEA, VS. STATE OF ALASKA, Case No. 05-1398-CBA. Decision and Order No. 277 (January 26, 2006).** The State submitted a request to the Alaska Legislature for payment of monetary amounts awarded by an arbitrator to TEAME in a timely manner.
3. **STATE OF ALASKA VS. CONFIDENTIAL EMPLOYEES ASSOCIATION, APEA/AFT, Case No. 04-1302-UC. Decision and Order No. 278 (July 5, 2006).** The petition to remove the Labor Relations Analysts and Human Resource Specialist from the CEA bargaining unit and take away their collective bargaining rights is denied. The Labor Relations Analysts and the Human Resource Specialist are not a public employer under AS 23.40.250(7); they are public employees under AS 23.40.250(6), and therefore have collective bargaining rights. They are confidential employees under 8 AAC 97.990(a)(1). They share a community of interest with other employees in the CEA bargaining unit. Although they have a conflict of interest, it has not interfered with their work duties; regardless, the Alaska Legislature has not included this group of employees under an exception to "public employee" in the Public Employment Relations Act.
4. **DEE NELSON VS. MID-LEVEL MANAGEMENT ASSOCIATION, Case No. 05-1335-ULP. Decision and Order No. 279 (July 25, 2006).** Complainant Dee Nelson failed to prove under AS 23.40.110(c) that the Mid-Level Management Association committed an unfair labor practice. The Association's representation of Nelson, after her termination by the Matanuska Susitna Borough School District, was not arbitrary, discriminatory, or in bad faith.

5. **CITY OF SELDOVIA VS. INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 1547, AFL-CIO, CASE NO. 05-1405-UC. Decision and Order No. 280 (August 22, 2006).** The petition to remove the police chief position from the City bargaining unit that the IBEW represents is denied. The police chief is not an “appointed official” under 8 AAC 97.990(b)(2), a “confidential employee” under 8 AAC 97.990(a)(1), or a guard. Although previously the police chief has effectively recommended the hire of subordinates in a manner that could make him a “supervisory employee” under 8 AAC 97.990(a)(5), any supervisory duties he has under 8 AAC 97.990(a)(5) do not require his exclusion from the bargaining unit of City employees. Removing the police chief position from the bargaining unit would reduce the size of the unit, making it not as large as is reasonable. The police chief shares a sufficient community of interest with the other employees in the bargaining unit for the position to remain where it has resided historically.

6. **STATE OF ALASKA VS. CONFIDENTIAL EMPLOYEES ASSOCIATION, APEA/AFT, AFL-CIO, CASE NO. 04-1312-UC. Decision and Order No. 281 (September 11, 2006).**The petition to remove ten confidential employees from the confidential bargaining unit and eliminate their collective bargaining rights is denied. The ten positions do not meet the definition of “public employer” under AS 23.40.250(7). Rather, the individuals in the positions are each a “public employee” under AS 23.40.250(6) and none of them comes within any exception provided in subsection 250(6). The Alaska Legislature has not included this group of employees under an exception to the definition of “public employee” in the Public Employment Relations Act. They therefore have collective bargaining rights and are confidential employees under 8 AAC 97.990(a)(1). They share a community of interest with other employees in the CEA bargaining unit despite supervising some of those employees. Any conflict of interest they have has not interfered with their work duties. The requirement in AS 23.40.090 that “unnecessary fragmenting shall be avoided” outweighs any potential conflicts of interest these employees might have based on both confidential and supervisory duties.

7. **FAIRBANKS FIRE FIGHTERS ASS’N, LOCAL 1324, IAFF VS. CITY OF FAIRBANKS, CASE NO. 04-1275-ULP. Decision and Order No. 282 (September 25, 2006).** The City of Fairbanks did not violate the parties’ ground rules for negotiating a collective bargaining agreement. The lead negotiator for the City, Mayor Steve Thompson, did seek and did obtain ratification of the parties’ tentative agreement. The Fire Fighters failed to prove by a preponderance of the evidence that the City committed either a per se unfair labor practice or an unfair labor practice based on the totality of the circumstances.

APPEALS

One Alaska Labor Relations Agency decision was appealed to the Alaska Superior Court in 2005, and is still pending there. The Fairbanks Fire Fighters Association, Local 1324, IAFF appealed ALRA's March 11, 2005, Decision and Order No. 273 that found the City of Fairbanks did not commit an unfair labor practice. On February 22, 2006, the superior court ordered the issue of whether negotiating ground rules constitute an unfair labor practice be remanded to ALRA for determination. The ALRA Board held a hearing and issued a bench order on June 30, 2006. Decision and Order No. 282 was issued on September 5, 2006, finding the City did not violate the parties' ground rules for negotiating a bargaining agreement. The Superior Court has not issued a final ruling on this case.

One Alaska Labor Relations Agency decision was appealed to the Alaska Superior Court in 2006. The City of Seldovia appealed ALRA's Decision and Order No. 280, on September 21, 2006, denying the City's petition to remove the police chief position from the City bargaining unit that the International Brotherhood of Electrical Workers, Local 1547, AFL-CIO represented. The Agency found that the police chief shares a sufficient community of interest with the other employees in the bargaining unit for the position to remain where it has resided historically. The City of Seldovia filed a motion to dismiss appeal on November 21, 2006. The Superior Court issued an Order of Dismissal on December 14, 2006, after no objections were filed. There were no Alaska Labor Relations Agency decisions appealed to the Alaska Supreme Court in 2006.

OTHER AGENCY BUSINESS

The Agency conducted two business meetings during 2006. Several years ago, the Agency reduced scheduled business meetings from four to two due to travel and other funding reductions. 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.

LEGISLATION

The Agency did not propose legislation for consideration by the Governor in 2006, and legislation was not enacted that affected the Agency.

REGULATIONS

The Agency Board proposed a number of amendments to its regulations during 2006. This project, initiated by the Agency in 2005, is currently pending review at the Department of Law. The Agency held two public hearings, one in Juneau and one in Anchorage, to solicit public comment on the proposed amendments. The Agency Board rejected some regulations and approved other regulations at its December 2006 Board meeting.

Agency regulations appear in 8 AAC 97.010 -- 8 AAC 97.990. Copies are available upon request.

BUDGET

The Agency budget remains lean. The FY 2007 budget does fully fund staff costs. The Agency has requested a maintenance budget for FY 2008. 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 the current staffing and budget limitations, the Agency has effectively 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. Moreover, the Agency hears disputes for decision on the written record where appropriate. Nonetheless, Board members have found that in-person hearings are a more effective way to conduct Agency hearings. They prefer this alternative so they have the opportunity to address witnesses face-to-face.

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

FISCAL YEAR 2007

TOTAL	460.7
Personnel	391.2
Travel	12.3
Services	48.2
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@labor.state.ak.us, 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 May of 2002 and contains the changes to the regulations on Collective Bargaining among Public Employees 8 AAC 97.010 -- 8 AAC 97.990 effective on May 18, 2002, and updates to the Public Employment Relations Act AS 23.40.070 -- 23.40.260 passed during the 23rd Legislative Session.

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.