

Alaska Labor Relations Agency 2007 Annual Report

*State of Alaska
Governor Sarah Palin*

*Department of Labor
& Workforce Development
Commissioner Click Bishop*



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Mark Torgerson, Administrator

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2007 ANNUAL REPORT

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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
Vacant, Board Member		Management ¹
Matthew McSorley, Board Member	Reappointed March 1, 2006	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

¹ A vacancy remains for the Management seat, which was vacated by Board Member Dennis Niedermeyer who resigned effective July 8, 2007.

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.

2007 HIGHLIGHTS.

Board Appointments. After the Governor appoints Agency board members for three-year terms, they must be confirmed by the Legislature. During the 25th legislative session, Governor Sarah Palin appointed Palmer resident Ken Peltier to fill a vacant Labor seat effective March 1, 2007. Although Board Chair Gary P. Bader's term expired on March 1, 2007, he continues to serve on the Agency board in a Public seat. One Management seat remains vacant after Board member Dennis Niedermeyer resigned from his Management seat effective July 8, 2007. After the Governor appoints Agency board members for three-year terms, they must be confirmed by the Legislature. The Board continues to be concerned regarding the amount of time it takes to fill vacant or expired members' terms. The worst case scenario would be an inability to conduct hearings because of the lack of appointments.

Regulations. Amendments to regulation changes in Title 8 of the Alaska Administrative Code, dealing with labor relations, were approved by the Alaska Labor Relations Board, and became effective July 12, 2007, after the Department of Law's final review.

Agency Caseload Decreases Despite Continued Filings. Streamlined procedures, implemented in 1998, and amended regulations in 2007 have enabled the Agency to steadily reduce its caseload. The total number of cases filed in 2007 was

30, a 41% decrease from 2006 (51). This suggests a possible near-term trend as filings also decreased 56% between 2006 (51) and 2005 (116). Nonetheless, the number of 2007 case filings is consistent with total case filings from prior years. (See "Overview" page 8). The Agency continued to apply operational efficiencies and significantly reduced the total number of open cases by year's end. There were 18 open cases by the end of December 2007, compared to 9 in December 2006 (which was the lowest year-end total since the Agency's inception in 1990). The large caseload resolutions in 2005 and 2006 occurred because the Agency prioritized unit clarification petitions and resolved them both informally and formally. Notably, the largest percentage of cases filed in 2007 occurred during the last quarter of the year.

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 2007. (See "Appeals" page 24).

Unit Clarification Petitions. In 2007, parties filed 8 unit clarification (UC) petitions, compared to 42 in 2006. A recent regulation change may have slowed the number of unit clarification filings compared to previous years. (See "Cases Filed" page 8). The number of cases filed in 2007 is the lowest number of UC filings since 1994 when 6 were filed. In past years, UC petitions outnumbered all other case filings combined, including unfair labor practice charges and contract enforcement petitions. (See "Cases Filed" page 8).

Historically, 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 in during the years 2002 to 2006. (See "Final Disposition" page 8, discussion at pages 15 - 16, and trends chart page 10). The Agency has no direct control over the number or type of cases filed.

Unfair Labor Practice Complaints. Although the Agency experienced an 83% increase in the number of unfair labor practice (ULP) charges filed between 2006 and 2007, it continues to make progress in its mission of labor peace. The investigation of unfair labor practices is the most time-consuming aspect of the Agency's caseload because it includes investigatory requirements in addition to time required to schedule and conduct prehearing conferences and hearings. Eleven unfair labor practice charges were filed in 2007, compared to six filed in 2006. Up until the increase of filings between 2006 and 2007, the Agency has experienced a relatively steady decrease in case filings from 2001 to 2004, when an annual average of 28 were filed. (See "Cases Filed" page 8, discussion at pages 17 - 18, and trends chart page 10). The increased filings in 2007 suggest an increased tension in labor relations after a quiet period of labor peace. However, it is difficult to pinpoint factors that caused the increase. Seventy-three percent of the 2007 ULP cases were education-related, while 18% were State-related. The remaining 9% consisted of political subdivision cases. The most notable change was the 166% increase in Education-related case filings between 2006 (3) and 2007 (8). (See School District Activity chart page 10). No one factor seems to have caused the increase. Generally, an increase in the number of employers and unions conducting collective bargaining negotiations will generate an increase in the number of ULP filings, but this is not always the case.

Regarding specific types of ULP charges, bad faith bargaining charges decreased 10% between 2006 and 2007. In 2006, bad faith filings comprised 65% of all ULP's. In 2007, these filings decreased to 55% of ULP charges. Although the percentage of bad faith bargaining charges decreased 10% between 2006 and 2007, the total number of these charges increased slightly in 2007 (6). 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 27% of the 2007 ULP charges was interference with protected rights, such as organizing and collective bargaining. This compares to 35% in 2005. Nine percent of the ULP charges concerned retaliation, restraint or coercion, and the remaining 9% of the 2007 ULP charges was arbitration related.

None of the 2007 ULP 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).

Four ULP investigations were completed in an average of 103 days in 2007. This compares to 7 ULP investigations in an average of 104 days in 2006. Staff finished 3 regular priority ULP investigations in 2007, compared to finishing 6 regular priority investigations in 2006. The average number of days required to investigate these charges in 2007 (133) was higher than 2006 (104), but significantly lower than 2005's average (252). One high priority ULP investigation was concluded in 2007. This charge was investigated in 17 days, compared to a 10-day average in 2006. 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 10). Currently, the oldest case pending an investigation was filed on July 3, 2007. The parties are attempting to resolve this case by informal resolution. Through efficiencies, agency staff have decreased the number of older cases that have pending investigations.

Elections. The Agency received seven election petitions in the last quarter of 2007. Six petitions requested certification of a new bargaining representative; and one petition requested decertification of the current bargaining representative and certification of a new bargaining representative. This compares to one petition each year from 2004 through 2006. The 2007 increase 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). As a result, five labor unions filed petitions to represent groups of City employees, in which one election is scheduled to be held in 2008. One of the five labor unions withdrew its petition, and another two petitions are pending the outcome of a hearing on the appropriate bargaining unit. Two unions are seeking to represent the same unit of public safety employees in one of the petitions.

The Agency did not conduct any representation elections in 2007. This is the first year since 1995 that an election has not been conducted. The result of this inactivity does not increase or decrease the number of public employees covered by collective bargaining under PERA.

Strike Petitions. There was one strike petition filed in 2007. (See "Cases Filed" page 8). In this case, the Public Safety Employees Association alleges the City of Unalaska's has erroneously classified some city employees as Class 1, which means they cannot go out on strike. The Public Safety Employees Association is asking the Agency to clarify the status of these employees. The Agency held a hearing on

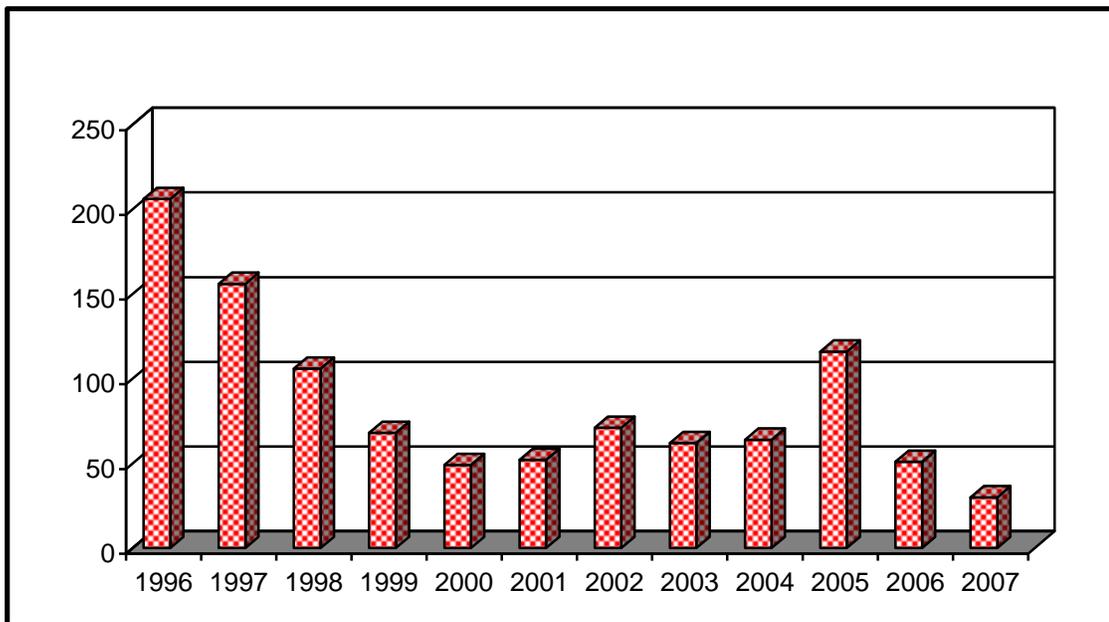
December 13 - 14, 2007, and anticipates its Decision and Order will be issued soon after the parties submit their final written briefs on January 14, 2008.

Emphasis on Informal Resolution. The Agency continues to seek informal resolution of disputes. In 2007, 6 unfair labor practice charges were resolved informally, compared to 5 in 2006, and 19 in 2005. 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

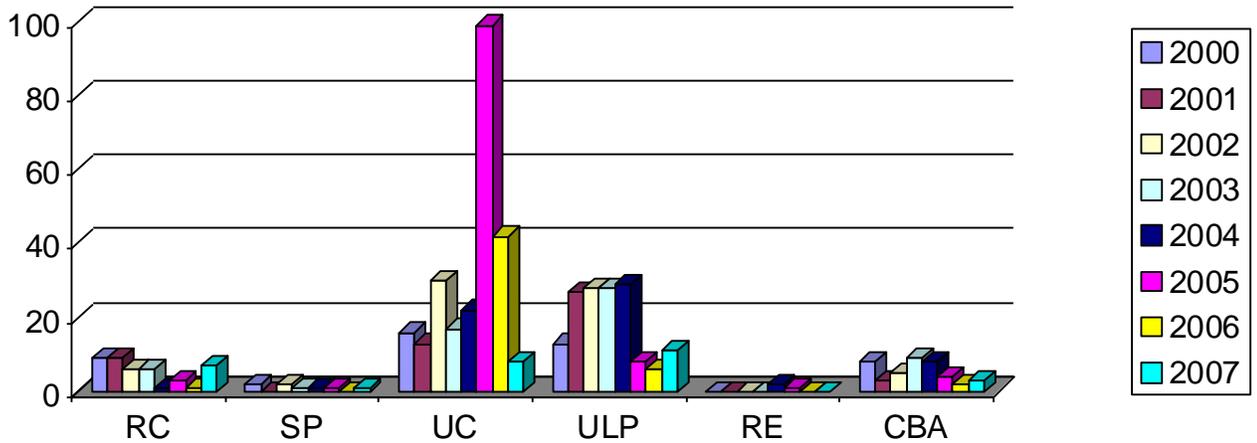
CASES FILED	2007	2006	2005	2004	2003	2002	2001	2000	1999	1998	1997	1996
Amended Certification (AC)	0	0	2	0	4	0	0	3	1	1	1	1
Representation (RC)	6	1	1	0	1	5	7	6	1	6	6	5
Decertification (RD)	0	0	0	0	0	1	1	0	1	1	1	2
Decert. to certify a new rep.(RC/RD)	1	0	0	1	1	0	1	0	2	0	1	2
Strike notice or strike class petition (SP)	1	0	1	1	1	2	0	2	6	4	2	10
Unit Clarification (UC)	8	42	99	22	17	30	13	16	31	66	94	148
Unfair Labor Practice Charge (ULP)	11	6	8	29	28	28	27	13	20	22	40	31
Religious Exemption Claims(RE)	0	0	1	2	0	0	0	0	1	2	1	0
Contract Enforcement (CBA)	3	2	4	8	9	5	3	8	5	4	10	6
Other (OTH)	0	0	0	1	1	0	0	1	0	0	0	1
TOTAL	30	51	116	64	62	71	52	49	68	106	156	206

AGENCY ACTIVITY	2007	2006	2005	2004	2003	2002	2001	2000	1999	1998	1997	1996
Unfair Labor Practice Investigations	4	7	18	28	26	29	22	10	31	24	26	20
Unit Clarification Investigations	8	30	90	12	32	12	11	48	93	NC	NC	NC
Decisions and Orders Issued	1	7	4	6	4	4	5	5	6	9	25	12
Other Board Orders Issued	3	35	3	7	1	1	5	1	16	NC	NC	NC
Hearing Officer Orders Issued	2	3	0	7	11	3	2	5	3	NC	NC	NC
Elections Conducted (includes AC)	0	1	2	1	8	8	6	3	3	6	7	6
TOTAL	18	83	117	61	82	57	51	72	152	39	58	38

FINAL DISPOSITION	2007	2006	2005	2004	2003	2002	2001	2000	1999	1998	1997	1996
Notices of dismissal issued	12	59	104	15	28	18/43	13/38	48	89	67	27	15
Cases settled or withdrawn	7	10	42	34	31	25	25	23	45	87	69	25
Cases that went to hearing	3	5	3	**9	**6	**8	4	6	7	3	10	29
Impasse matters settled or withdrawn	0	0	1	2	0	1	0	0	5	2	0	1
Cases deferred to arbitration	1	0	0	1	0	1	3	1	1	1	0	1
TOTAL	23	74	150	59	65	53/78	45/70	78	147	160	106	71

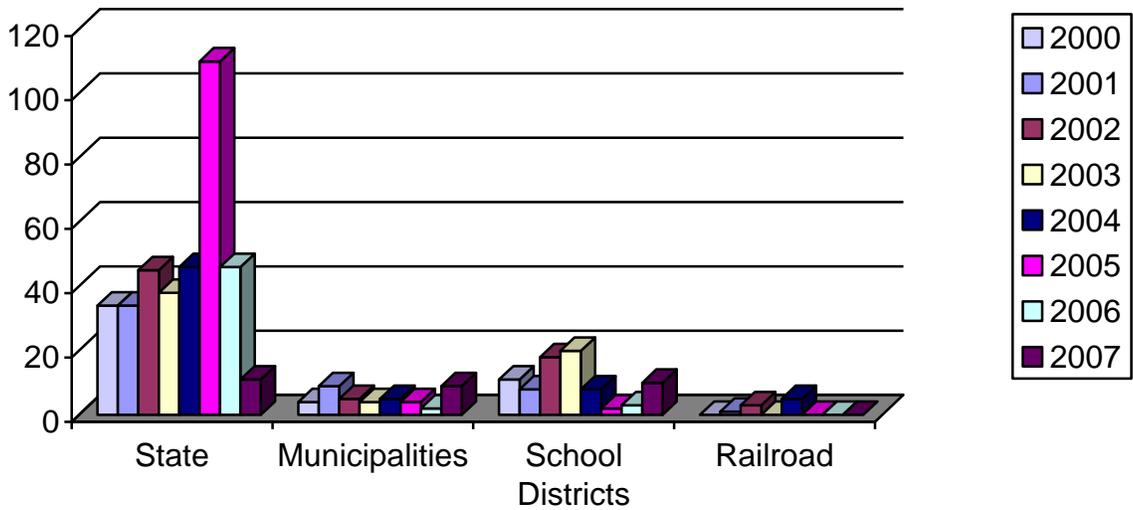
*NC = not counted **Cases consolidated for purpose of holding hearing due to limited travel funds (3 cases-2004; 4 cases-2003 & 2002)

CHARTS

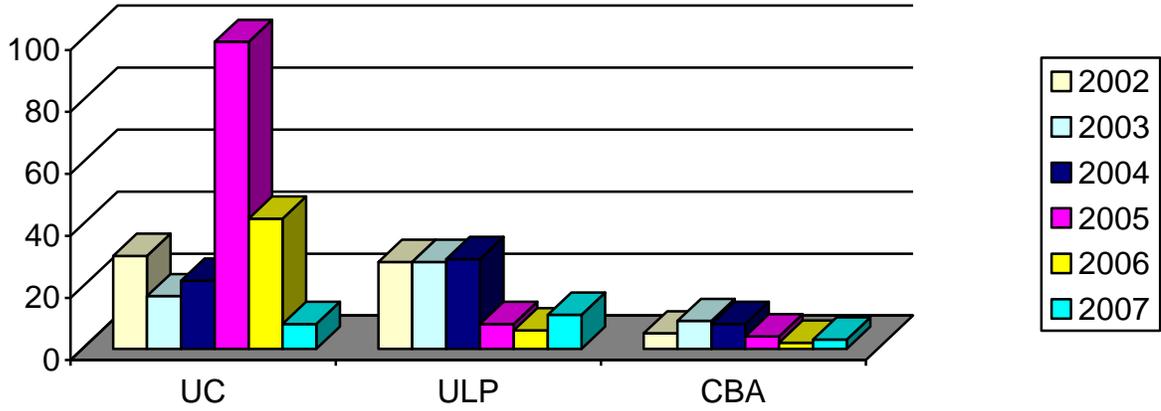


PROGRAM COMPARISON BY YEAR

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



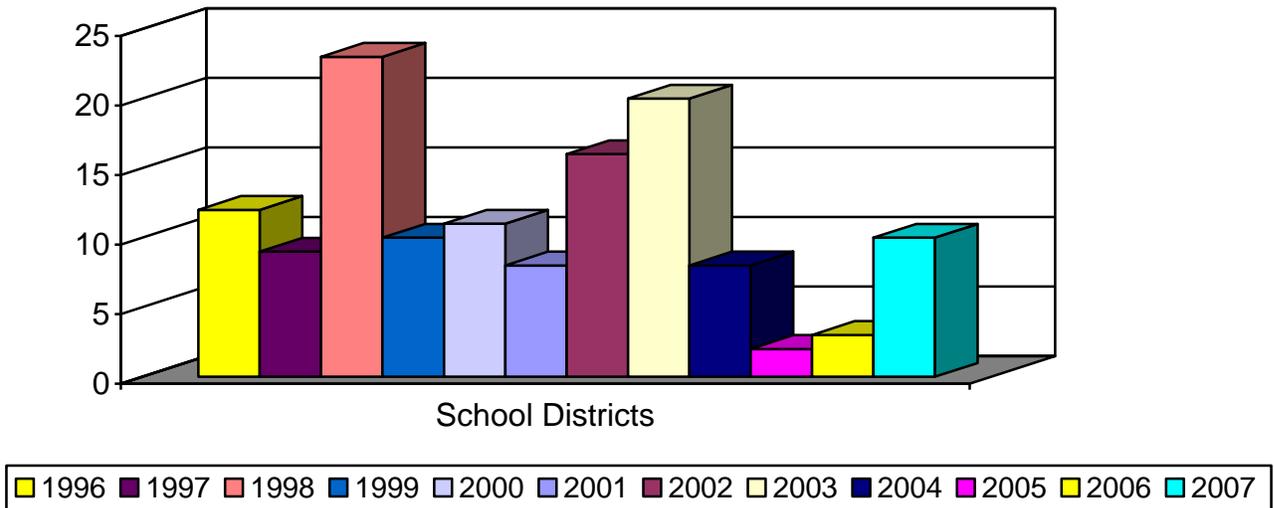
EMPLOYER COMPARISON BY YEAR



PROGRAM SIX YEAR TRENDS

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

**SCHOOL DISTRICT ACTIVITY FROM 1996 TO 2007
 FOR ALL CASES FILED**



REPRESENTATION PETITIONS (AS 23.40.100; AS 42.40.750)

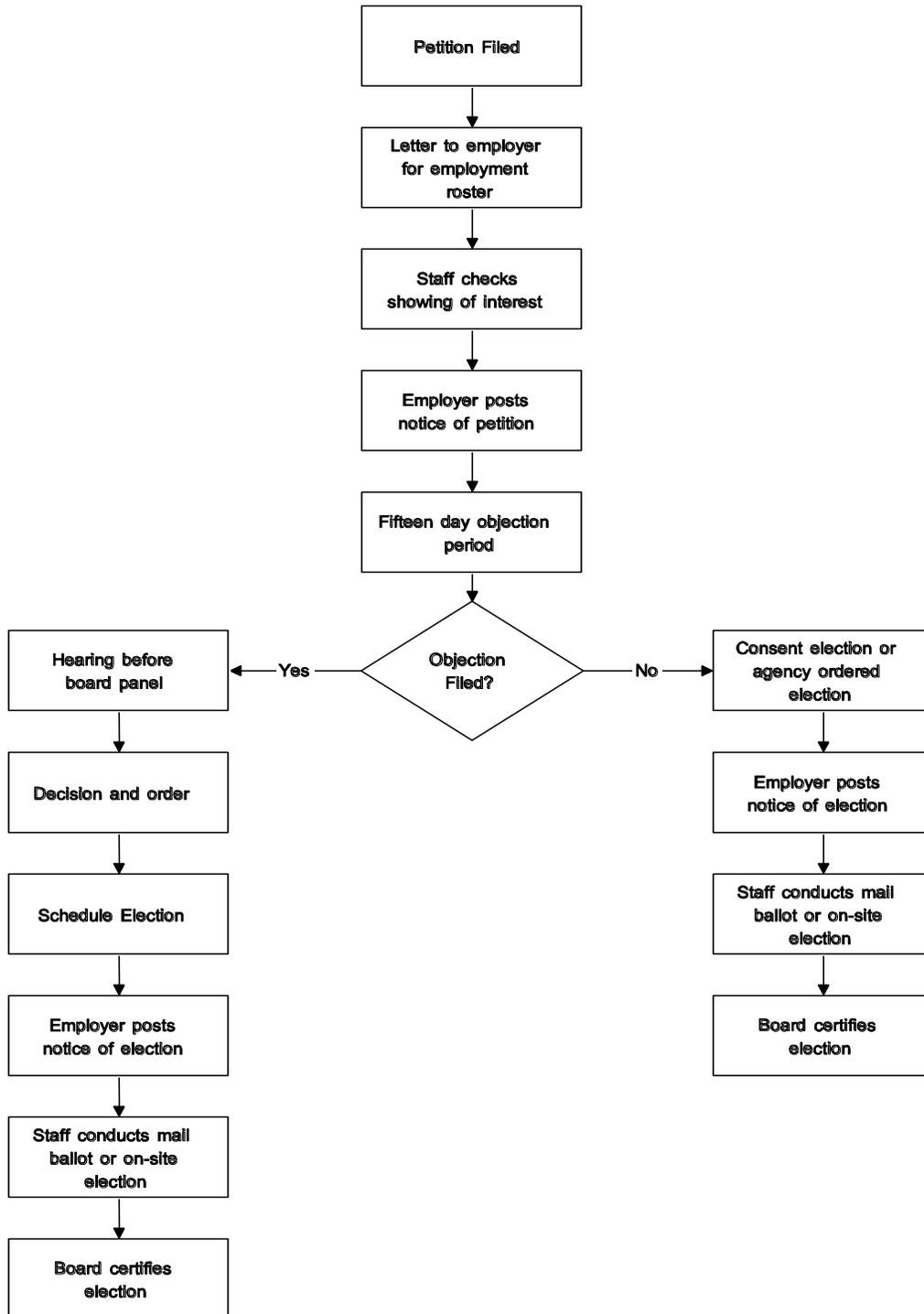
Labor organizations, employers, or employees file petitions to initiate a secret ballot election for certification or decertification of an employee representative for collective bargaining. Less frequently, parties file a petition to advise the agency that the employer consents to the labor organization's 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.

There was significant activity in 2007, which will result in representation elections at the beginning of 2008. The increase in election activity is due to a ballot initiative approved in November 2007 by voters in one South Central community (City of Wasilla) which allowed its public employees to collectively bargain under the jurisdiction of the Public Employees Relations Act (PERA). In 1995, this Agency heard a dispute between the Public Employees Local 71 and the City of Wasilla and found that the City of Wasilla's rejection of the Public Employment Relations Act by resolution in 1978 did not interfere with any organizational activity, was reasonably prompt, and therefore was effective to opt out of PERA. The November 2007 ballot initiative puts the City of Wasilla under the jurisdiction of PERA. The result of the petitions filed in 2007 will be felt in 2008, when the elections will be held. One representation petition for the City of Wasilla has been heard in 2008 and the other has settled and is proceeding to election. Until that time, there has been no increase or decrease in the number of public employees covered by collective bargaining under PERA.

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 2007.

REPRESENTATION PETITIONS FILED		7
Employer		
	State	1
	Municipalities	6
	Public Schools	0
Type		
	To certify a new unit	6
	To decertify the unit	0
	To change representatives	1
	To amend certificate	0
Hearings conducted		0
Petitions that proceeded to election		0

REPRESENTATION PETITION FLOW CHART



**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. 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 97.280.

There was one strike class petition filed during 2007. The decrease of strike class petitions filed continues a year-over-year trend. 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 and 2008 could change the trend.

The one strike class petition filed in 2007 involved employees of the City of Unalaska, represented by the Public Safety Employees Association. In this case, the Public Safety Employees Association alleged the City of Unalaska's erroneously classified some employees as Class 1 under the Public Employment Relations Act (PERA), meaning these employees cannot go out on strike under PERA. The Agency held a hearing on December 13 and 14, 2007, and anticipates its Decision and Order will be issued soon after the parties submit their final written briefs on January 14, 2008.

STRIKE PETITIONS FILED 1

Employer

State	0
Municipalities	1
Public Schools	0
Railroad	0

Hearings Conducted 1

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, the Alaska Supreme Court upheld the validity of the regulation. (*See Alaska State Employees Ass'n/AFSCME Local 52 v. State of Alaska*, 990 P.2d 14 (Alaska 1999)).

After the 1999 Supreme Court decision, the number of UC petitions filings decreased until 2005 and 2006 when the Agency experienced a significant increase. During this two year period, the Agency experienced a 350 percent increase in the number of UC petitions filed. (See trends chart page 10). This increase represented the largest change of all case types during that time frame. For 2007, the reverse has occurred. The number of UC petitions had decreased to the lowest number filed since Agency inception. (See "Overview" page 8).

In 1998, the Agency addressed 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 conduct initial UC investigations and determine appropriate unit. 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. In 2007, amendments to agency regulations implemented an additional process. The new process requires that a petition for unit clarification be filed along with an Agency questionnaire completed by the incumbent in the disputed position. The regulation further provides that the Agency will not accept the unit clarification

petition if the position is vacant at the time of filing. The revised procedures have enabled the Agency to conclude 544 UC disputes since 1998. (For example, 28 UC disputes went to hearing in 1996, compared to 3 for 2006 and zero for 2007. There were no UC hearings held in 2007.

In 2007, 8 new UC's were filed and a total of 9 were resolved, leaving an unprecedented zero balance.

UNIT CLARIFICATION PETITIONS FILED	8
Employer	
State	7
Public Schools	0
Municipalities	1
Railroad	0
Hearings conducted	0

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 2007 (11) increased over filings in 2006 (6), 2005 (8). (See "Cases Filed" page 8 for a longer-term trends). The 2007 case filings could suggest a change in trend, but it is still too early to tell. (See trends chart page 10, and comparison table page 19). Of the 11 charges filed in 2007, over one-half concerned bad faith bargaining, compared to 2006 where two-thirds concerned bad faith bargaining and 2005 where only one-third concerned bad faith bargaining. Other charges included interference with protected rights, and domination or interference with the formation, existence, or administration of an organization and retaliation. In 2007, there were no cases related to a violation of the duty of fair representation, 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. One of the ULP's filed in 2007 was classified as high priority, compared to 2 of the 6 ULP's filed in 2006, 3 of the 8 ULP's filed in 2005, and 3 of the 29 ULP's filed in 2004. The high priority case filed in 2007 was dismissed after the parties reached settlement. There were no high priority cases that proceeded to hearing in 2007. 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 2007, the Agency completed 4 investigations in an average of 103 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 22).

Of the 4 investigations concluded in 2007, 1 was high priority and 3 were normal priority. The average number of days to conclude a high priority ULP for 2007 was 17 days, with 133 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.

One unfair labor practice hearing was conducted in 2007. This ULP concerned allegations by the Alaska Correctional Officers' Association (ACOA) that the State had refused to bargain in good faith over retirement benefits. (See "Decisions and Orders Issued", No. 1, at page 24). ACOA appealed Agency Decision & Order No. 283 to Superior Court on July 20, 2007. Appeal pending in case 3-AN-07771-CI.

UNFAIR LABOR PRACTICE CHARGES FILED 11

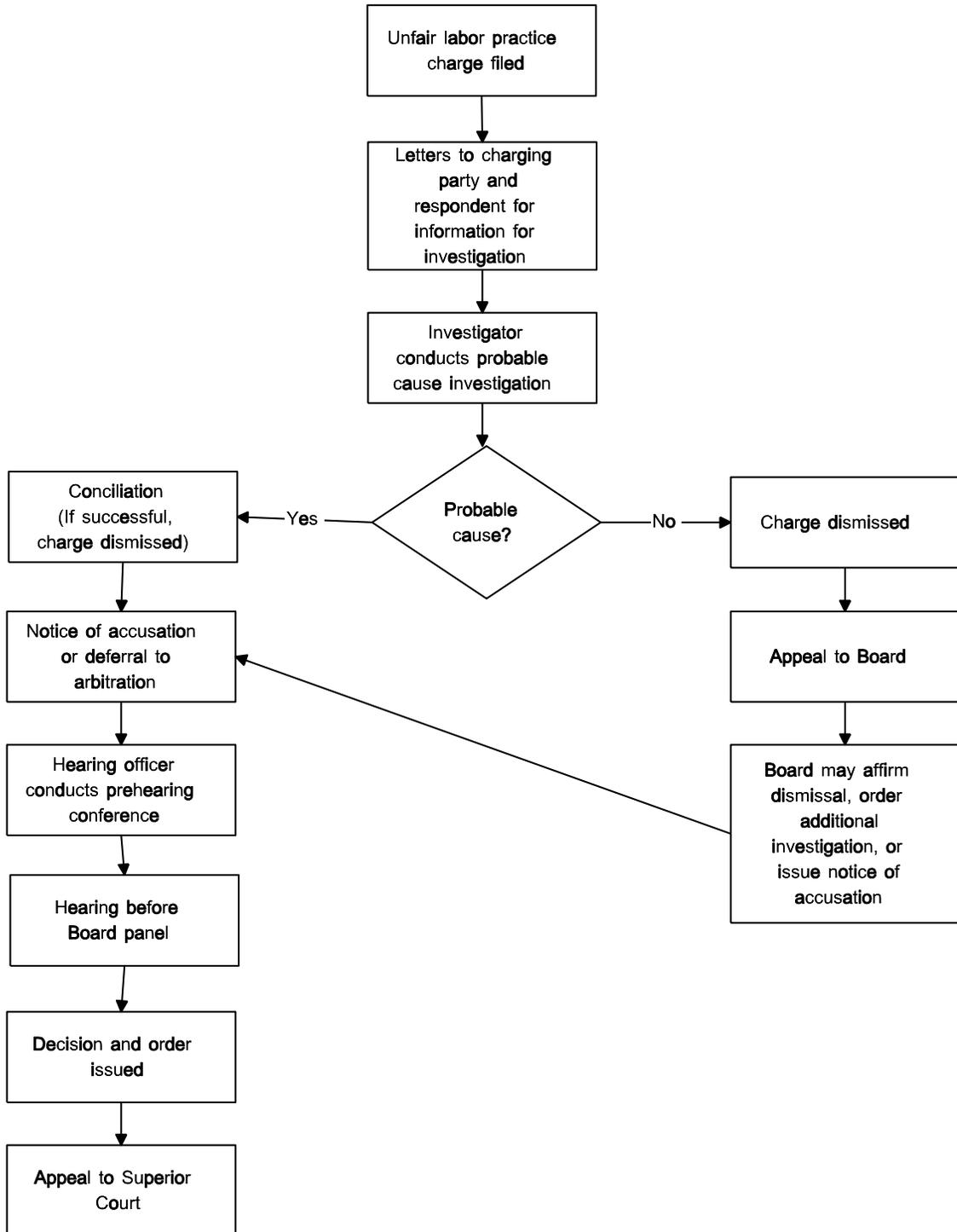
Employer	
State	2
Municipalities	1
Public Schools	8
Railroad	0
Type	
Arbitration related	1
Bad faith bargaining	6
Retaliation	1
Interference with protected rights	3
Domination or interference (a)(2)	0
Union duty of fair representation	0
Employer action without bargaining	0
Information request	0
Scope of bargaining	0
Weingarten	0
Discrimination	0
Impasse	0
Other	0
Investigations	4
Hearings conducted	1
Other resolution	
Dismissals (no probable cause)	1
Deferrals to arbitration	1
Settled or withdrawn	5
Dismissed, inaction	0
Dismissed, final order	0
Dismissed, Insufficient	0
Remand	0
Other	0

Complainant	2007	2006	2005	2004	2003	2002	2001	2000	1999	1998	1997	1996
Alaska Public Employees Ass'n	2	0	0	0	3	3	2	0	1	4	1	1
Alaska State Employees Ass'n	0	0	2	5	3	3	8	3	6	1	12	9
ACCFT	1	0	0	0	2	2	0	0	0	5	1	0
United Academics	0	0	0	0	1	4	2	0	0	1	3	0
School Unions	6	1	0	5	9	8	1	2	0	6	3	2
Ferry Unions	0	1	1	4	6	0	3	0	1	0	3	0
Other Unions	1	1	0	3	1	3	4	3	0	0	2	3
Individuals	0	1	3	6	1	2	6	4	7	3	3	6
Employers	1	2	2	6	2	3	1	1	2	2	5	3
Total ULPs filed	11	6	8	29	28	28	27	13	20	22	40	31

COMPARISON BY ULP COMPLAINANT

	2007	2006	2005	2004	2003	2002	2001	2000
UNION	10	3	3	17	25	23	20	8
EMPLOYER	1	2	2	6	2	3	1	1
INDIVIDUAL	0	1	3	6	1	2	6	4
Total ULPs filed	11	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)

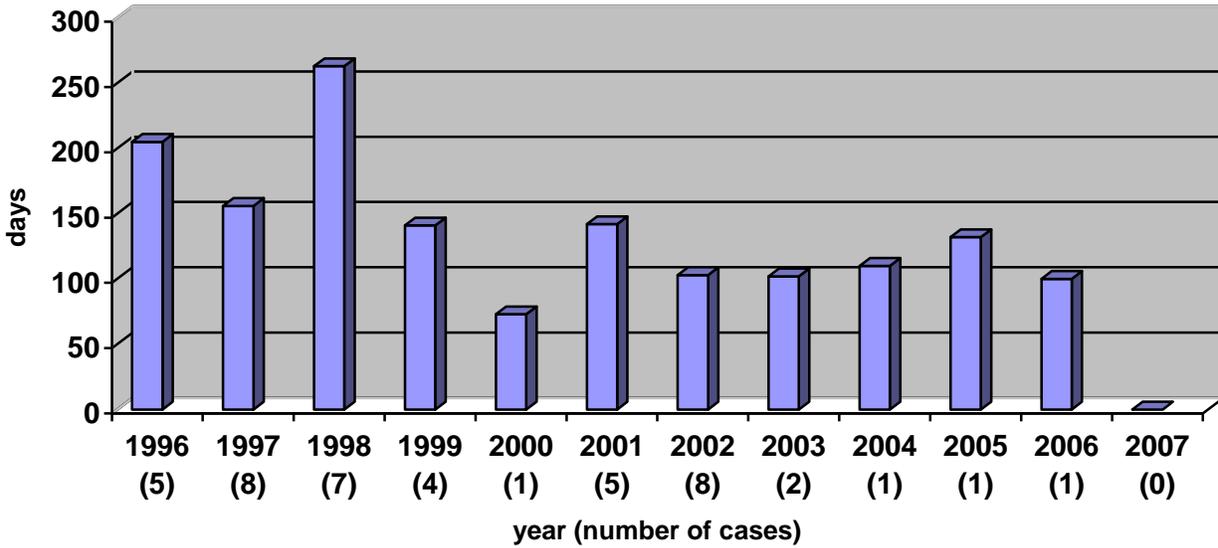
AS 23.40.210 and AS 42.40.860(b) authorize the agency to enforce the terms of a collective bargaining agreement (CBA). Because all agreements under AS 23.40.210 must contain an arbitration clause to handle disputes under the agreement, 8 AAC 97.510 requires that parties first exhaust the arbitration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

Three such petitions were filed in 2007. This is higher than the number of petitions to enforce collective bargaining agreement filed in 2006 (2), and lower than 2005 (4). The number of CBA's filed since 2003 (9) has continued to decrease.

CBA PETITIONS FILED		3
Employer		
	State	1
	Municipalities	0
	Public Schools	2
	Railroad	0
Hearings conducted		0

TIMELINESS

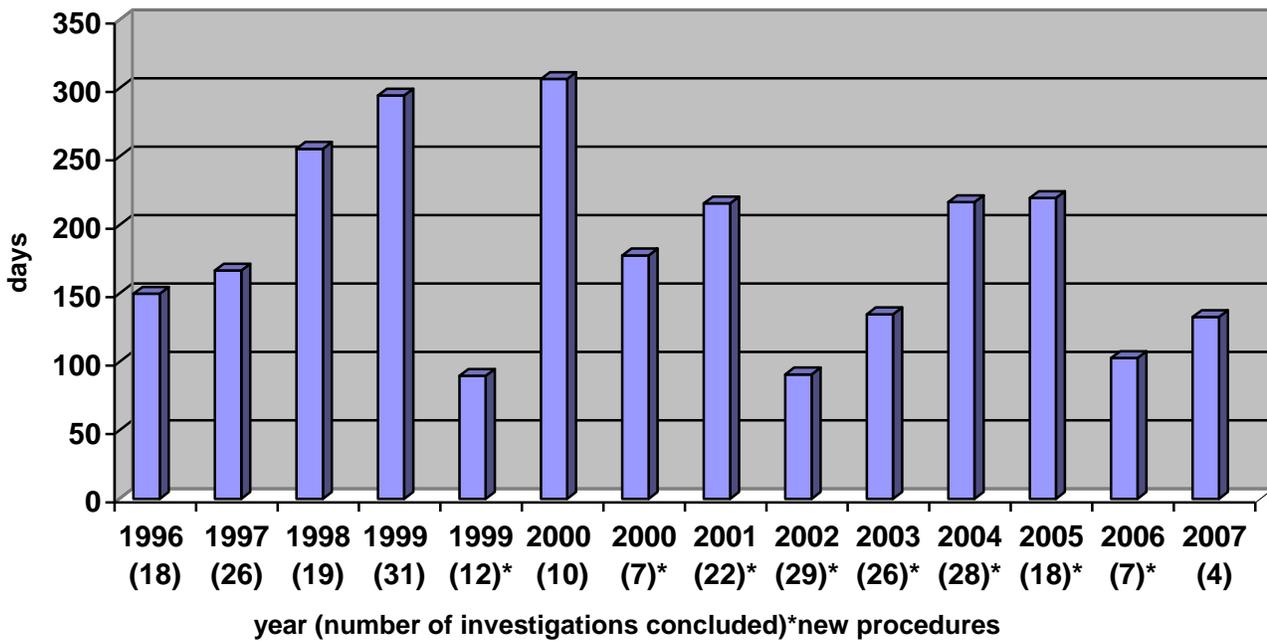
ELECTIONS



NUMBER OF DAYS TO CERTIFICATION OF ELECTION.

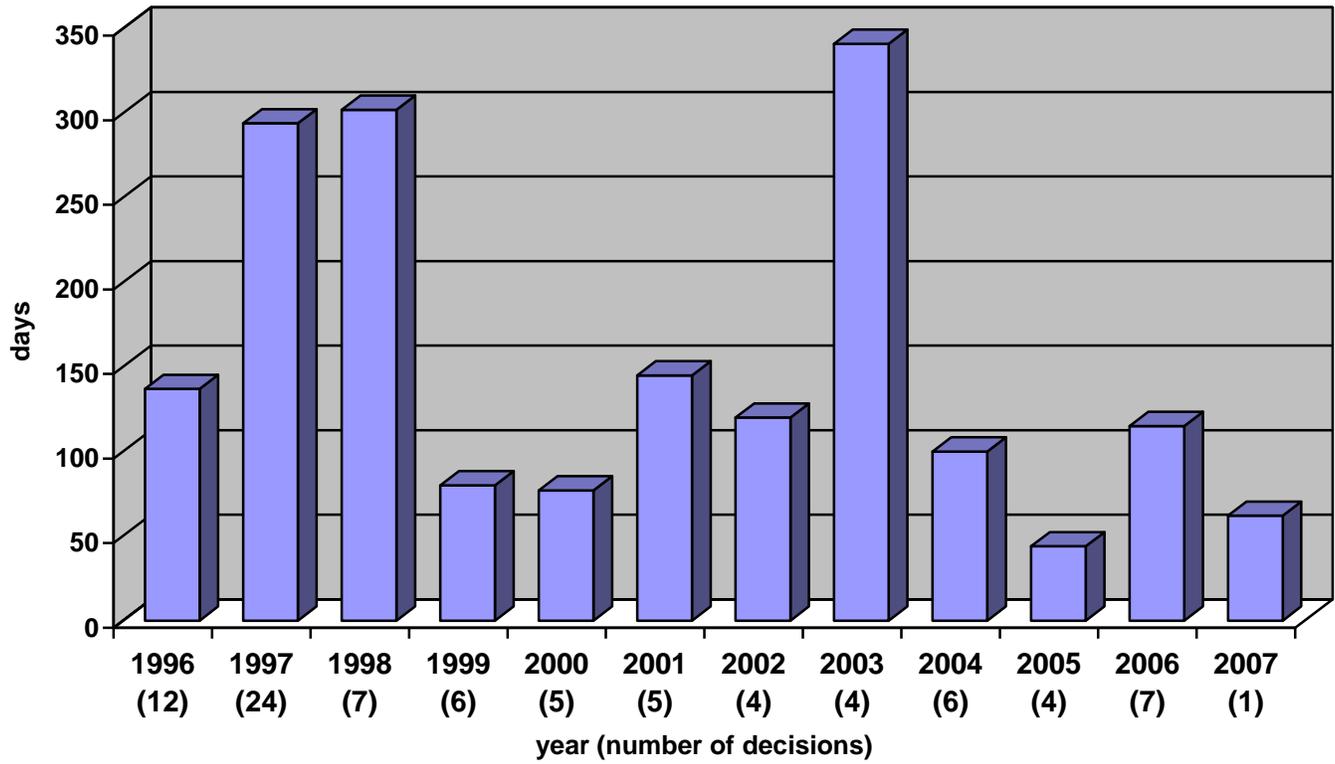
UNFAIR LABOR PRACTICE INVESTIGATIONS

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 CORRECTIONAL OFFICERS ASSOCIATION VS. STATE OF ALASKA, Case No. 06-1481-ULP.** Decision and Order No. 283 (May 10, 2007). Retirement benefits are not a mandatory subject of bargaining under the Public Employment Relations Act. Even if retirement benefits were a mandatory subject of bargaining, the Alaska Correctional Officers Association waived its right to negotiate the statutory change to state retirement benefits. The Alaska Correctional Officers Association failed to prove by a preponderance of evidence that the State committed an unfair labor practice. Alaska Correctional Officers Association appealed Agency decision and order to Superior Court in case number 3AN-07-07771-CI on June 8, 2007. Appeal is pending in Superior Court.

APPEALS

One Alaska Labor Relations Agency decision was appealed to the Alaska Superior Court in 2005. 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 issued a Memorandum Opinion and Judgment in Case No. 4FA-05-1326CI on January 29, 2008, that held: "The decisions of the Alaska Labor Relations Agency are Affirmed."

There were no Alaska Labor Relations Agency decisions appealed to the Alaska Supreme Court in 2007.

OTHER AGENCY BUSINESS

The Agency conducted one business meeting during 2007. Several years ago, the Agency reduced scheduled business meetings from four to two due to travel and other funding reductions. The 2007 Winter business meeting was cancelled and is tentatively rescheduled during the Summer of 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.

During the Spring business meeting in July 2007, the Board members and Agency staff participated in the following training:

- Ethics training, provided by Assistant Attorney General Judy Bockmon
- Jurisprudence and process in administrative law, provided by Professor S. Ronald Ellis, Q.C.
- Legal logic and editing of decisions and orders, provided by Chief Administrative Law Judge Terry Thurbon
- Reviewing evidence and decision making at the trial and appellate level, provided by Judge Elaine Andrews

LEGISLATION

The Agency did not propose legislation for consideration by the Governor in 2007, and legislation was not enacted that affected the Agency.

REGULATIONS

The Agency completed a regulations project during 2007. This project, initiated during the latter part of 2005, was ultimately adopted by the ALRA Board and certified by the Lieutenant Governor in 2007. During this process, the Agency Board rejected some regulatory proposals and approved others. The amendments to the regulations were made effective July 12, 2007.

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 2008 budget funds staff costs. The Agency has requested a maintenance budget for FY 2009. 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 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. The Agency also 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 2008

TOTAL	459.7
Personnel	395.3
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 18, 2002, 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.