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Newsletter is for information only; not  
intended as legal advice.

The Alaska Labor Relations Agency was created to administer the Public Employment Relations Act and thereby promote cooperative relations between government and its employees. ALRA conducts elections on union representation for collective bargaining, hears disputes over composition of public employee bargaining units, hears unfair labor practice charges and considers employee claims for religious exemption from the obligation to pay fees to a bargaining representative. The goal is to protect the public through the orderly and uninterrupted provision of government services.

## IRRA Resumes Activity

After a year of inactivity, the Alaska chapter of the Industrial Relations Research Association (IRRA) is up and running again. The chapter has met the third Wednesday of each month since September, 1999. The highlight of most meetings is a presentation by a speaker with expertise in a specific area.

At the October, 1999, meeting, attorney and arbitrator Robert Landau, with assistance from J.R. "Randy" Carr, gave a talk called *Off the Record with the Arbitrators*. The talk provided valuable do's and don'ts for parties to keep in mind when presenting cases before arbitrators. The chapter heard a presentation in November, 1999, by David Levy and Barbara Jones from the Anchorage Municipal EEO office. Steve Trosper and Keith Heffner from the Teamsters spoke on *Workplace Violence and Safety* in January, 2000. At the February, 2000, meeting, there was a presentation by Joel Shaffer of the Federal Mediation and Conciliation Service (FMCS).

At this time, Anchorage members and guests meet at Room 208 of the Alaska Labor Relations Agency (Department of Labor Building, 34th and Eagle St., one block east of Denali St.). In Fairbanks the Butrovich Building at the University in Fairbanks is the site from which those attending connect with Anchorage by phone. Please contact Rhonda Ooms at UAF (474-1144) if you have any questions. Interested Juneau members or guests may call David Stewart at the Department of Administration (465-4431). Contact this Agency (269-4895) if you want to attend by phone from an area outside Anchorage, Juneau or Fairbanks.

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### IRRA Meeting Locations—Third Wednesdays

City	Site	Contact (RSVP)
Anchorage	AKDOL Bldg. 34th & Eagle St. off Denali, Room 208.	ALRA 907 269-4895
Fairbanks	UAF, Butrovich Bldg.	Rhonda Ooms 474-1144
Juneau	AKDOL, 1111 W. 8th St.	Dave Stewart 465-1864
Other		ALRA 907 269-4895

## **Revived IRRRA Meets**

*(Continued from page 1)*

IRRRA encourages those in the profession to become involved in the organization. IRRRA provides opportunity for professionals from industrial relations and human resources to share ideas and learn about new developments in the field. It promotes education and provides a forum for exchange of ideas on employment issues. IRRRA does not take partisan positions on policy issues; rather, it serves as a resource to labor and management professionals, including advocates and neutrals, government, and the academic community.

An IRRRA application may be found on the back page of this newsletter. Please consider joining the Alaska chapter.

## **Election Activity**

The Agency conducted a certification vote to certify a bargaining unit in Unalaska. The unit consisted of some employees of the City of Unalaska and was represented by the International Union of Operating Engineers, Local 302, AFL-CIO. On June 22, 1999, the Agency certified Local 302 as the unit's representative.

### **ALRA Public Meeting Friday, April 21, 10 am**

The Agency will conduct a business meeting on Friday, April 21, 2000, starting at 10:00 a.m., at ALRA headquarters, 3301 Eagle St., Suite 208, Anchorage. Telephone participation is available. The ALRA Board encourages the public to attend and participate. The April meeting will include a Board discussion on whether the Agency will proceed to amend some of its regulations.

## **Legislation**

The second session of the twenty-first legislature kicked off on January 13, 2000. Several bills related to the Public Employment Relations Act are still in committee. These bills will die in committee unless legislators vote on them in this session. House Bill 1 would amend AS 23.40.215 by making arbitration awards or negotiated agreements (for police or fire protection employees) that have been approved by a municipality's governing body a contract between the parties. House Bill 41 would amend AS 23.40.215(a) by adding that if the legislature votes to fund any monetary term of an agreement, that action constitutes approval of all monetary terms in the agreement. House Bill 129 would exclude school principals from the definition of "public employee" under PERA. Its effect would be to exclude these principals from PERA's jurisdiction.

A new proposal introduced on January 21, 2000, is House Bill 309. The Senate version is SB 230. This bill would eliminate the requirement that public employees join unions as a condition of employment. A so-called 'right to work' bill, it would also prohibit strikes or pickets conducted for the purpose of reaching an agreement with an employer that violates the right to refrain from joining a union.

Another bill that would affect labor relations is SB 256. It would give physicians the right to negotiate agreements with health benefit plans. A bill with the same general idea was enacted in Texas last year. In its present form, this bill would give the Commissioner of Labor and Workforce Development jurisdiction over negotiation issues between physicians and "health benefit plans." The Agency does not appear to have any jurisdiction over the parties who are subject to this bill.

AS 23.30.215(b) would be amended under SB CSSB 269. This bill, sponsored by Senator Drue Pearce, would require that a "final contract" between parties must be submitted to the legislature "no later than the 45th day of the legislative session to receive legislative consideration during that calendar year." This bill is apparently meant to preclude the parties from submitting a contract at the last minute in the legislative session.

A resolution that could impact the Agency Board is HJR 18, sponsored by Representative Scott Ogan. This resolution would put a constitutional amendment on the ballot this coming November. If approved, the amendment would authorize an Office of Administrative Hearings to render final agency decisions. If ALRA fell under this Office's jurisdiction, the amendment would effectively abolish the authority of the Agency's Board to decide disputed cases. There is an equivalent resolution (SJR 19, sponsored by Senator Robin Taylor) pending in the Senate.

## **Recent Board Decisions**

### **Unilateral change**

In a dispute between the State of Alaska and its largest employee union, Alaska State Employees Association (ASEA), the Agency was asked to decide whether an increase in monthly medical benefit premiums without bargaining to impasse was valid or not. The State argued that because the legislature had passed a resolution stating it would not approve any contracts that contained cost increases, the State had no choice but to implement the premium increases it projected were needed during the upcoming fiscal year. ASEA contended the State committed an unfair labor practice (ULP) by implementing a change to a mandatory bargaining subject without bargaining to impasse. In *Alaska State Employees Association v. State of Alaska*, Decision and Order No. 245 (November 17, 1999), the Agency panel concluded the State committed a ULP. The panel held that prior to impasse, and absent necessity, business justification or contractual provisions to the contrary, the State violates AS 23.40.110(a)(5) and (a)(1) by implementing a unilateral change to a mandatory subject of bargaining, such as health benefit costs.

### **Reconsideration**

The State of Alaska requested reconsideration of the Agency's determination in Decision and Order No. 245 (above). It contended the Agency erred in several findings and conclusions. In *Alaska State Employees Association v. State of Alaska* Decision and Order No. 246 (December 17, 1999), the Agency panel reconsidered its decision but affirmed the decision. In doing so, it affirmed its finding that the State committed an unfair labor practice by unilaterally increasing the union members' insurance premiums without bargaining to impasse.

### **Threat of reprisal**

In *Fairbanks Fire Fighters Association v. City of Fairbanks*, Decision and Order No. 247 (December 17, 1999), the issue was whether the City of Fairbanks violated AS 23.40.110(a)(5) and (a)(1) when it sent the union's business agent a letter reserving its right for damages against the Fire Fighters and the business agent for filing alleged "frivolous grievances." By a 2-1 vote, the Agency panel found a violation. The majority found the statement in the letter was an illegal threat of legal action for pursuing rights protected under PERA. Citing several decisions of the National Labor Relations Board (NLRB), the majority found the statement was a threat that was "plainly implied and was at best thinly veiled."

*(Continued on Insert page 1)*

## **Board Member News**

Governor Knowles' two appointments to the Board remain subject to confirmation by the Alaska Legislature during the current session. He reappointed management member Bob Doyle to a second full term. Bob was initially appointed October 7, 1994. He has been employed by the Matanuska-Susitna Borough School District since 1982. Since 1993 he has been the School District's Finance Director. The Governor also appointed Dick Brickley from Fairbanks to a management position on the Board. Dick retired after 20 years in the Air Force, and now works in risk management for the Golden Valley Electric Association. Dick is instrumental in making the Fairbanks Ice Art Festival a success year in and year out.

## **ALRA Web Site Update**

The Agency continues to expand the ALRA web site. The 1997 and 1998 Annual Reports are available online, and 1999's will be there soon. In addition, the web site now contains many prior agency decision and orders available for viewing or downloading. You can access these decisions by clicking on a link in the digest of decisions. The web site now contains decisions from 1994 to the present.

Please let us know if you have ideas or suggestions for improvements or changes to this web site. We appreciate the invaluable assistance of publications staff employees, Jo Ruby and Joanne Erskine.

## **Comments?**

ALRA encourages comments or suggestions to improve this newsletter or Agency procedures. We also welcome your contributing articles, or announcements. Contact Margie Yadlosky at 907-269-4895 or email [Margie\\_Yadlosky@labor.state.ak.us](mailto:Margie_Yadlosky@labor.state.ak.us).

## ***Labor Relations on the Net***

The Alaska Labor Relations Agency: <http://www.labor.state.ak.us/laborr/laborr.htm>

The National Labor Relations Board: <http://www.nlr.gov>

Alaska AFL-CIO: <http://www.alaska.net/~akaficio>

American Arbitration Association: <http://www.adr.org/>

State of Alaska Personnel/Labor Relations: <http://www.state.ak.us/local/akpages/ADMIN/labrel/labrel.htm>

Industrial Relations Research Association: [www.irra.uiuc.edu](http://www.irra.uiuc.edu)

Federal Labor Relations Authority: <http://www.access.gpo.gov/flra>

The Association of Labor Relations Agencies: <http://www.alra.org/>

Employee relations web picks: <http://www.nyper.com>

For a general source of labor and employment links, choose "labor" in the subject matter index at <http://www.findlaw.com>. This site also contains the text of United States Supreme Court opinions on labor law.

Please let us know if you find other useful web sites, or if any of the above web site addresses is out-of-date.

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