

Alaska Labor Relations Agency 2005 Annual Report



*Alaska Labor Relations Agency
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Submitted May 2006

2005 ANNUAL REPORT

Submitted May 2006
(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 determines 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

STAFF

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

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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.

2005 HIGHLIGHTS.

Board Appointments. During the 23rd and 24th legislative sessions, Governor Frank Murkowski reappointed three current board members and appointed two new members. The first new member, Gary Atwood of Fairbanks, filled a vacant Labor seat effective March 9, 2005. 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, they must then 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.

Agency Caseload Decreases Despite Increased Filings. Streamlined procedures, implemented in 1998, enabled the Agency to put a significant dent in a caseload backlog that developed in the mid-1990's. The total number of pending cases decreased from 170 in 1999 to 56 in 2001, due to changes in operational efficiencies and reduced case filings. The total number of cases filed in 2005 is 116, a 81% increase from 2004 (64). This significant increase indicates that the number of cases filed has continued to increase each year since 2000, when 49 cases were filed. Although the current trend signals an increase in the number of case filings (116 in 2005), the Agency continued to apply operational efficiencies and reduced the total number of open cases by the end of the year. The total number of open cases at the end of December 2005 (34) was less than December 2004 (71). There were 31 open cases reported at the beginning of February 2006. The large caseload resolution in 2005 occurred because a substantial number of unit clarification petitions were resolved both informally and formally.

The Agency developed a backlog primarily because of a large number of case filings during the 1995-to-1998 period (149 per year average). The Agency continued to work this increased caseload with the same number of staff. As demonstrated in the past few years, the number and type of total 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 only one appeal of an Agency Decision and Order to the Superior Court during 2005. (See "Appeals" page 25).

Unit Clarification Petitions. In 2005, filing of unit clarification (UC) petitions increased by 350 percent from 2004's total. Parties filed 99 UC petitions in 2005, compared to 22 in 2004. Although the past trend for UC petitions shows increased filings may continue, as of April 2006, only five new UC petitions have been filed. The 99 cases filed in 2005 exceeds the total number of cases filed each year since 1996, when 148 unit clarification petitions were filed. If this trend continues, unit clarification petition filings will outnumber the total number of cases filed for all other cases combined including unfair labor practice charges and contract enforcement petitions. (See "Overview" 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 affects all State employee bargaining units, 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)). However, the Agency has not experienced the anticipated reduction in petitions filed after the court affirmed the regulation's validity.

After the UC caseload increased to 207 by November 1997, Agency staff analyzed alternatives to improve efficiency while still providing due process. 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). In 2005, the Agency completed 90 investigations compared to 12 investigations in 2004. The Agency has no direct control over the number or type of cases filed by parties.

Unfair Labor Practice Complaints. The Agency experienced a 72.4% decrease in the number of unfair labor practice (ULP) charges filed for 2005. This caseload is the most time-consuming due to its investigatory requirements. The eight unfair labor practice charges filed in 2005 countered a four-year trend of a relatively steady case filings averaging 28 per year (2001 -27, 2002 -28, 2003 -28, and 2004 -29). (See "Cases Filed" page 7, discussion at pages 16 - 17, and trends chart, page 9). The decreased filings can be interpreted to show that the Agency's goal of labor peace is being met, and that the parties' relationships in 2005 were more positive. However, it is difficult to pinpoint factors that resulted in the reduction. Seventy-five percent of the 2005 cases were State-related, while the other 25% consisted political subdivision and education cases.

Bad faith bargaining charges have decreased significantly from 70% of the ULP filings in 2003 to 38% in 2005. 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 12% of the 2005 ULP charges was interference with protected rights, such as organizing and collective bargaining. Thirty-eight percent concerned the duty of fair representation, and the remaining 12% concerned charges related to domination or interference.

None of the 2005 ULP charges concerned unilateral changes, retaliation, a violation of Weingarten rights (the right to have a union representative present at an investigatory interview that could lead to discipline), or charges concerning restraint or coercion.

Eighteen ULP investigations were completed in an average of 220 days in 2005. This compares to 28 ULP investigations in an average of 217 days in 2004. Staff finished 14 regular priority ULP investigations in 2005, compared to 25 regular priority

ULP investigations in 2004. Time required to investigate these charges in 2005 (252), was higher than 2004 (237). 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). One factor that impacted timeframes for 2005 was the completion of cases filed in 2003. Currently, the oldest pending case needing investigation was filed on June 15, 2005. This reflects a decrease in the number of older cases that have pending investigations.

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

The Agency conducted one representation election in 2005 that resulted in the certification of a new bargaining representative. The result of the election activity in 2005 increased the number of public employees covered by collective bargaining under PERA.

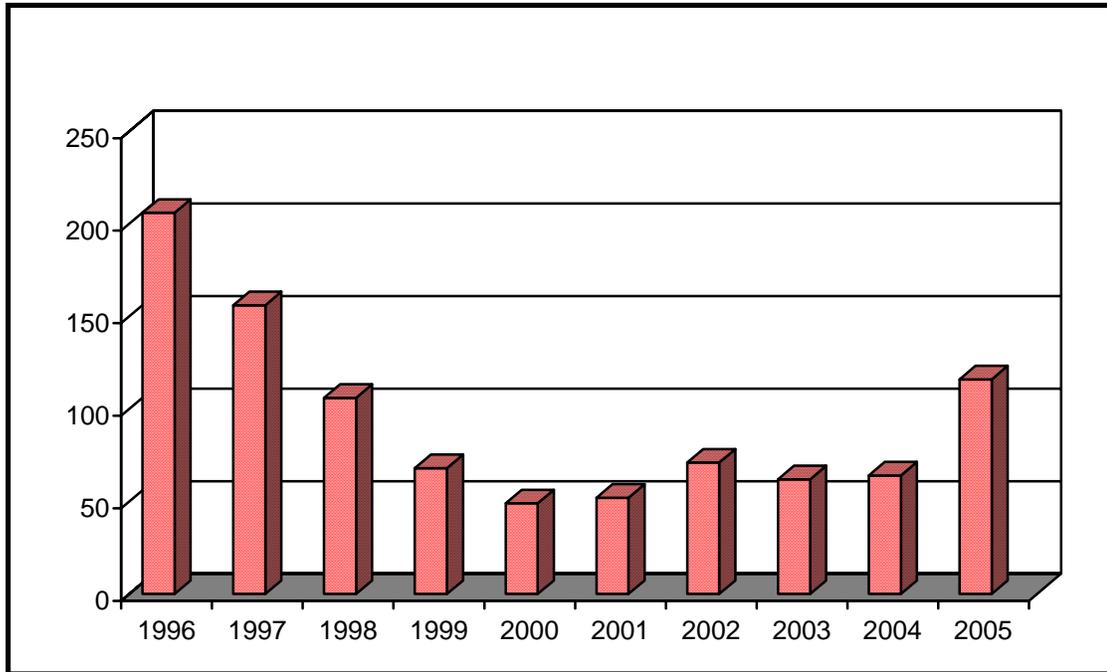
Strike Petitions. There was one strike petition filed in 2005. (See "Cases Filed" page 7). The State of Alaska alleged impasse with MEBA, IOMMP, and IBUP over negotiations for a full agreement to operate the fast ferry M/V Fairweather, and the State requested mediation. The Agency issued an Order of Dismissal on June 6, 2005, after the State filed its Notice of Withdrawal.

The Agency continues to emphasize informal resolution of disputes. As a result, 19 unfair labor practice charges were resolved informally in 2005, compared to 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 because 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.

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	2005	2004	2003	2002	2001	2000	1999	1998	1997	1996
Amended Certification (AC)	2	0	4	0	0	3	1	1	1	1
Representation (RC)	1	0	1	5	7	6	1	6	6	5
Decertification (RD)	0	0	0	1	1	0	1	1	1	2
Decert. to certify a new rep.(RC/RD)	0	1	1	0	1	0	2	0	1	2
Strike notice or strike class petition (SP)	1	1	1	2	0	2	6	4	2	10
Unit Clarification (UC)	99	22	17	30	13	16	31	66	94	148

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Unfair Labor Practice Charge (ULP)	8	29	28	28	27	13	20	22	40	31
Religious Exemption Claims (RE)	1	2	0	0	0	0	1	2	1	0
Contract Enforcement (CBA)	4	8	9	5	3	8	5	4	10	6
Other (OTH)	0	1	1	0	0	1	0	0	0	1
TOTAL	116	64	62	71	52	49	68	106	156	206

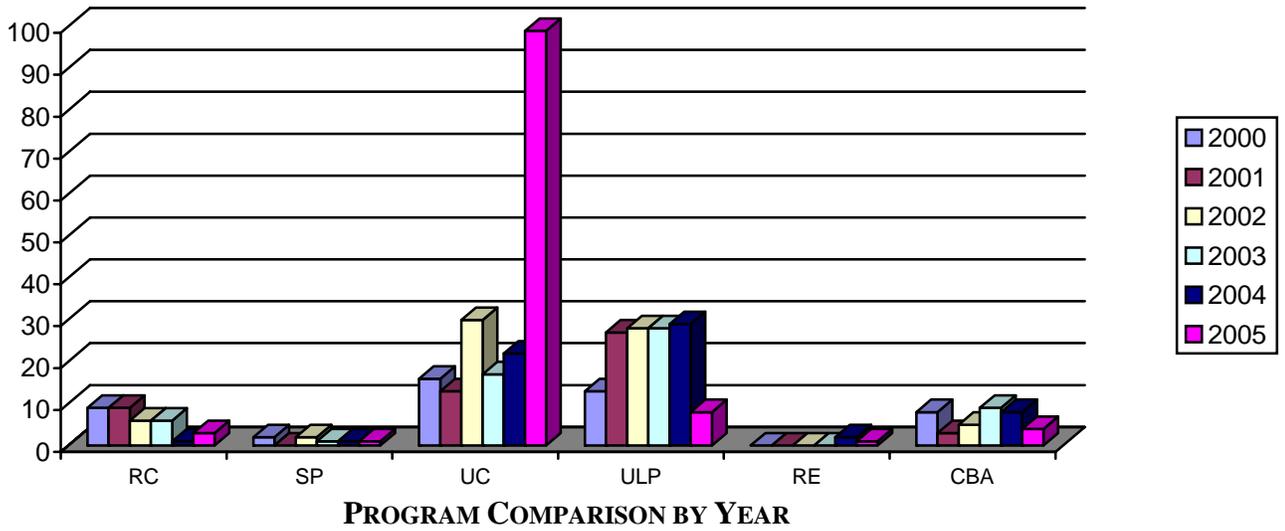
AGENCY ACTIVITY	2005	2004	2003	2002	2001	2000	1999	1998	1997	1996
Unfair Labor Practice Investigations	18	28	26	29	22	10	31	24	26	20
Unit Clarification Investigations	90	12	32	12	11	48	93	NC	NC	NC
Decisions and Orders Issued	4	6	4	4	5	5	6	9	25	12
Other Board Orders Issued	3	7	1	1	5	1	16	NC	NC	NC
Hearing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

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

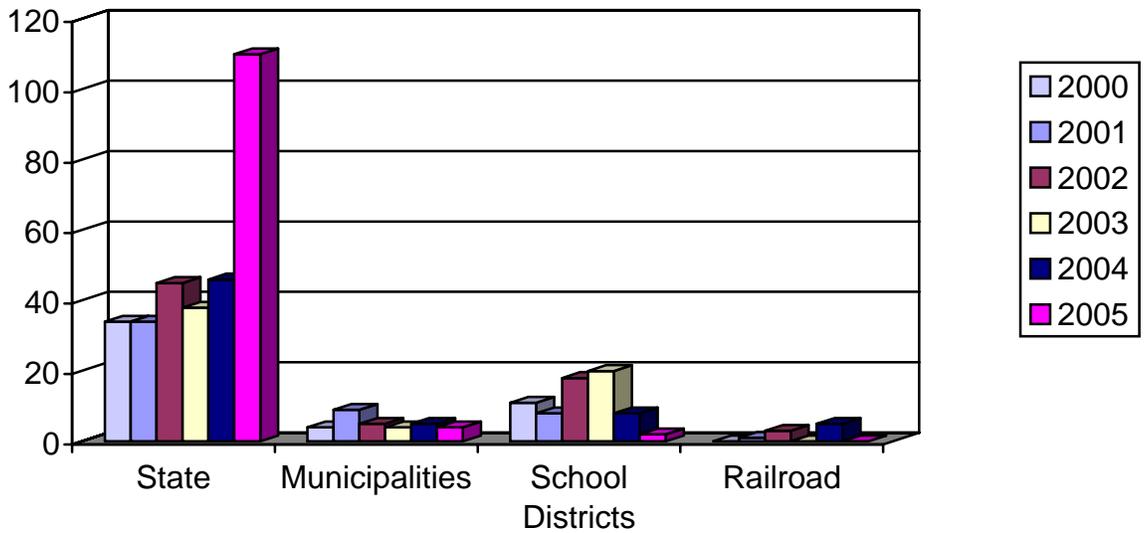
*NC = not counted

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

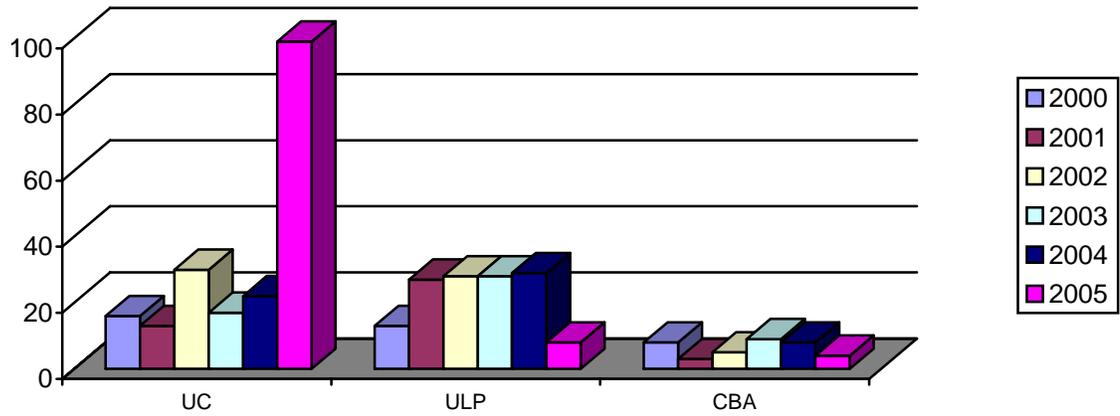
CHARTS



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

REPRESENTATION PETITIONS (AS 23.40.100; AS 42.40.750)

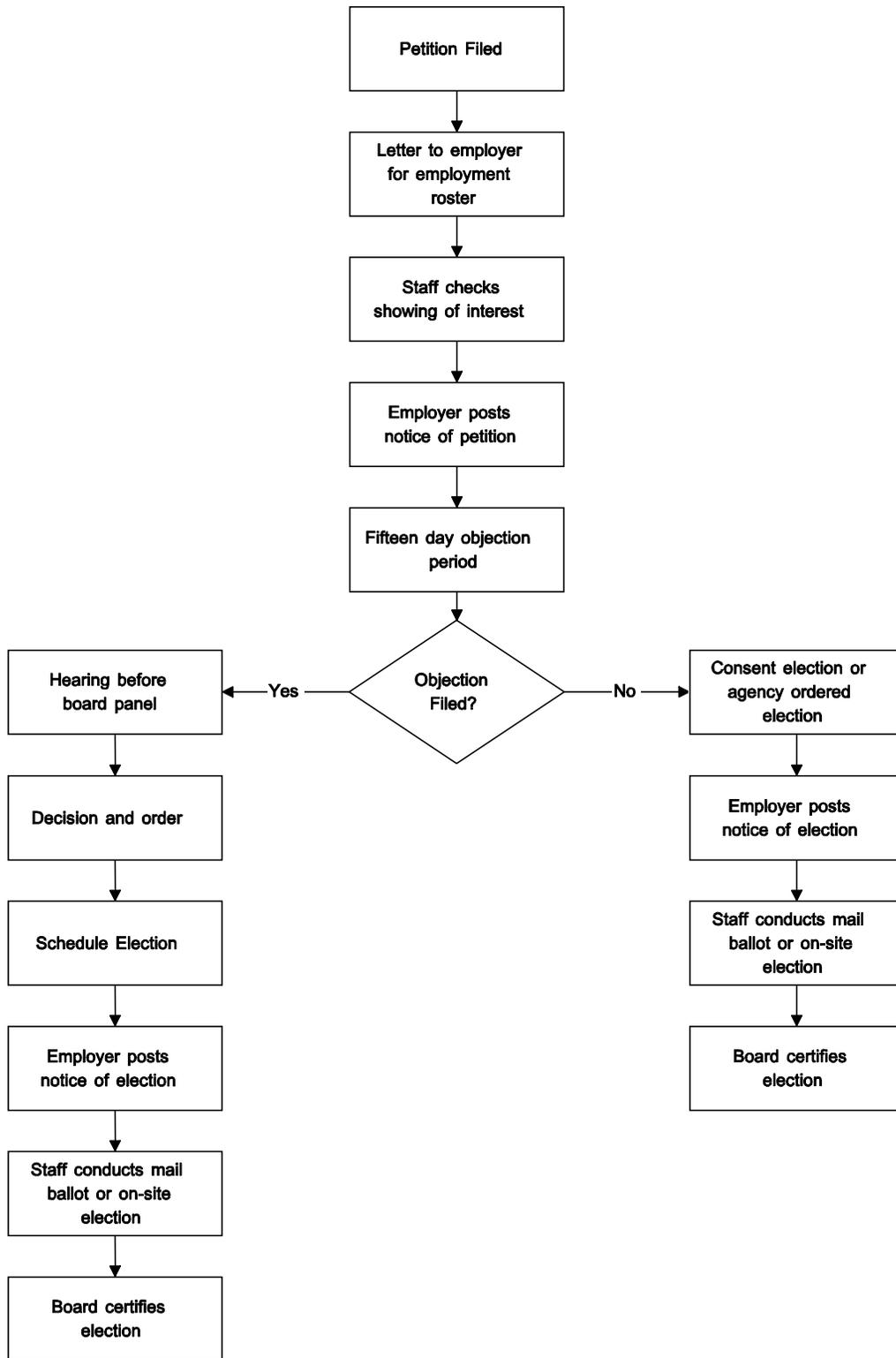
Labor organizations, employers, or employees file petitions to initiate a secret ballot election for certification or decertification of an employee representative for collective bargaining. Less frequently, parties file a petition to advise the agency that the employer consents to the labor organization's 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 unit 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 2005 that resulted in certification of a new bargaining unit. In this election tally, held on October 20, 2005, the classified employees of the Annette Island School District voted for certification of the new representative, the Metlakatla Education Association, NEA-AK/NEA. In this election, 15 employees voted for representation by the Metlakatla Education Association, NEA-AK/NEA, while 4 employees voted for no bargaining representation. The Agency certified the election results and issued an election certificate on November 3, 2005.

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 two unit amendment petitions filed in 2005. One unit amendment petition, filed by the Alaska Public Employees Association, requested amendment to certification to show a name change to Fairbanks North Star Borough Employees Association Local 6125, Alaska Public Employees Association AFT, AFL-CIO. The amended certification was issued June 21, 2005. The second petition was filed by the City of Seldovia. It sought to exclude the Police Chief from the existing bargaining unit. This petition was dismissed due to insufficiency, but the City refiled it as a unit clarification petition.

Employer		
	State	0
	Municipalities	2
	Public Schools	1
Type		
	To certify a new unit	1
	To decertify the unit	0
	To change representatives	0
	To amend certificate	2
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 was one strike petition filed during 2005. This petition involved employees of the State's Alaska Marine Highway System, represented by the Marine Engineers Beneficial Association (MEBA), International Organization of Masters, Mates, and Pilots (IOMMP), and the Inlandboatmens Union of the Pacific (IBUP). In this case, the State alleged the parties were at impasse over negotiations for a full agreement to operate the fast ferry M/V Fairweather, and the State requested that the Agency "order the parties to submit to mediation. In January 2005, the Agency's hearing officer concluded the investigation of whether the parties were at impasse. Since impasse was disputed, the hearing officer recommended the matter be scheduled for a hearing to allow the Board to determine the impasse issue, and she recommended that IBUP be dismissed as a party. In June 2005, the State withdrew its impasse declaration, and the Agency issued an Order of Dismissal on June 6, 2005.

STRIKE PETITIONS FILED

1

Employer

State		1
Municipalities		0
Public Schools	0	
Railroad		0

Hearings Conducted		0
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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 current trend shows an increase in UC petition filings. In fact, the Agency experienced a 350 percent increase in the number of UC petitions filed since 2004. This increase represents the largest change of all case types for 2005. In 2005, 85 percent of all cases filed at the Agency were UC petitions, compared to 34 percent in 2004. (See trends chart page 9). As in prior years, most UC petitions were state-related disputes. The number of state-related petitions rose from 20 cases in 2004 to 98 cases filed in 2005, demonstrating a 390 percent increase. This trend continues in 2006: where there have been six new state-related UC petitions filed as of April 2006.

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. These hearings are rare now.)

The revised procedures have enabled the Agency to conclude 473 UC disputes since 1998. In January 2005, there were 40 open UC petitions. By December 31, 2005,

99 new UCs had been filed with 118 having been resolved, leaving 21 open UC cases. The Human Resource Specialist and the Agency's Hearing Officer worked together to reduce the unit clarification backlog.

UNIT CLARIFICATION PETITIONS FILED 99

Employer

State		98
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 2005 (8) were significantly lower than 2004's 29 ULP filings. The number of cases filed in 2005 is a departure from the past four-year trend, which showed a significant increase in case filings. (See trends chart page 9, and table, page 18). Of the 8 charges filed in 2005, one-third concerned bad faith bargaining, compared to 2004 where more than two-thirds (20) concerned bad faith bargaining. Other charges included interference with protected rights, a violation of the duty of fair representation, and domination or interference with the formation, existence, or administration of an organization. There were no cases related to retaliation, unilateral action by an employer, and violation of Weingarten rights filed in 2005.

The Agency ranks ULPs by level of priority. For example, collective bargaining and other disputes that affect a large number of employees receive higher priority. Three of the 8 ULP's filed in 2005 were classified as high priority, compared to three of the 29 ULP's filed in 2004, and eleven of the 28 ULP's filed in 2003. Two of these cases were dismissed after the parties settled, and one case was dismissed after an investigation found no probable cause. There were no high priority cases that proceeded to hearing in 2005. There were 8 open unfair labor practice cases on December 31, 2005.

During 2005, the Agency completed 18 investigations in an average of 220 days. Starting in 2004 and continuing into 2005, staff concentrated on resolving older, lower priority cases that affected the number of days required to complete investigations. (See timeliness chart page 22).

Of the 18 investigations concluded in 2005, 3 were high priority and 15 were normal priority. The average number of days to conclude a high priority ULP for 2005 was 61 days, with 252 the average number of days to conclude the normal priority cases. Regardless of priority ranking, case complexity varies considerably. The nature of a case and its complexity affects 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.

UNFAIR LABOR PRACTICE CHARGES FILED 8

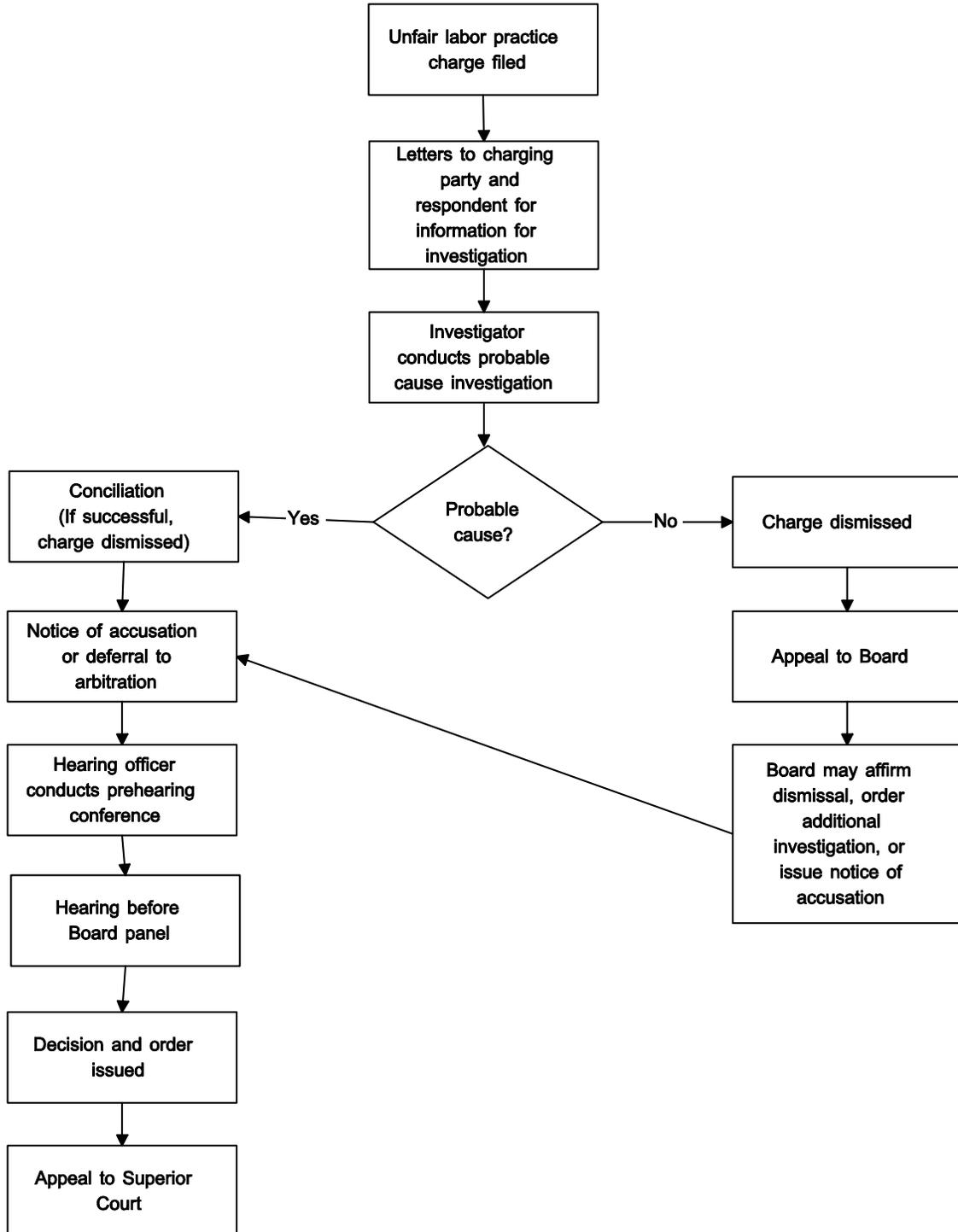
Employer		
State		6
Municipalities		1
Public Schools	1	
Railroad		0
Type		

Arbitration related		0
Bad faith bargaining		3
Retaliation		0
Interference with protected rights		1
Domination or interference (a)(2)		1
Union duty of fair representation		3
Employer action without bargaining		0
Information request		0
Scope of bargaining		0
Weingarten		0
Discrimination	0	
Impasse		0
Other		0
Investigations		18
Hearings conducted		3
Other resolution		
Dismissals (no probable cause)		3
Deferrals to arbitration		0
Settled or withdrawn		19
Dismissed, inaction		0
Dismissed, final order	1	
Dismissed, Insufficient		0
Remand		0
Other		0

COMPARISON BY ULP COMPLAINANT

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

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 1

Employer		
	State	1
	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.

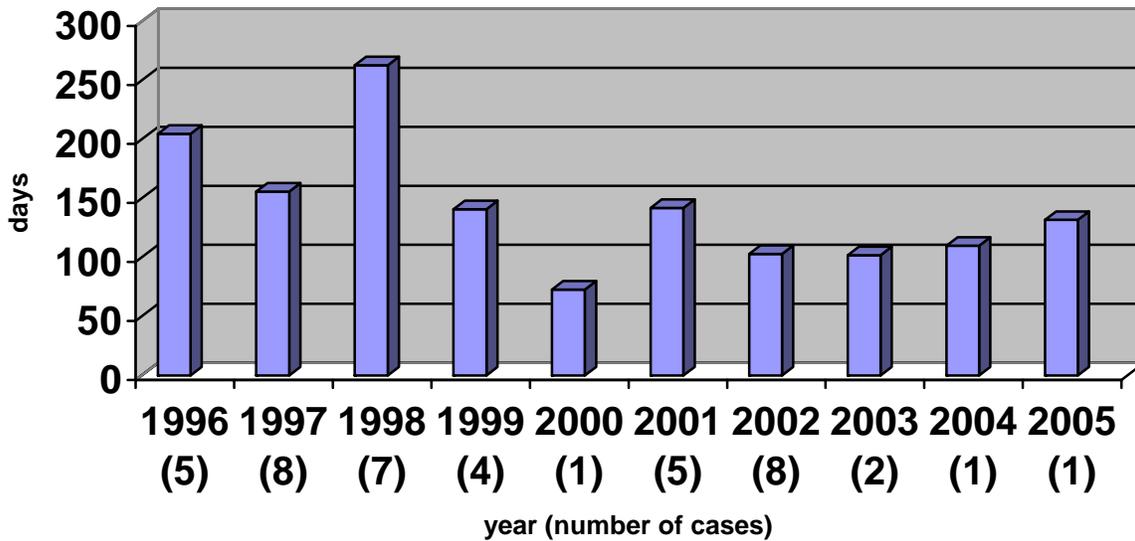
Four such petitions were filed in 2005. Although less than 2004 (8), 2003 (9), and 2002 (5) this number remains exceeds 2001's total (3). The 2004 and 2003 totals more than double the average number of CBA petitions filed yearly in the 1993 – 1996 period (4). The largest number of CBA petitions was filed in 1997 (10).

CBA PETITIONS FILED 4

Employer		
	State	4
	Municipalities	0
	Public Schools	0
	Railroad	0
Hearings conducted		2

TIMELINESS

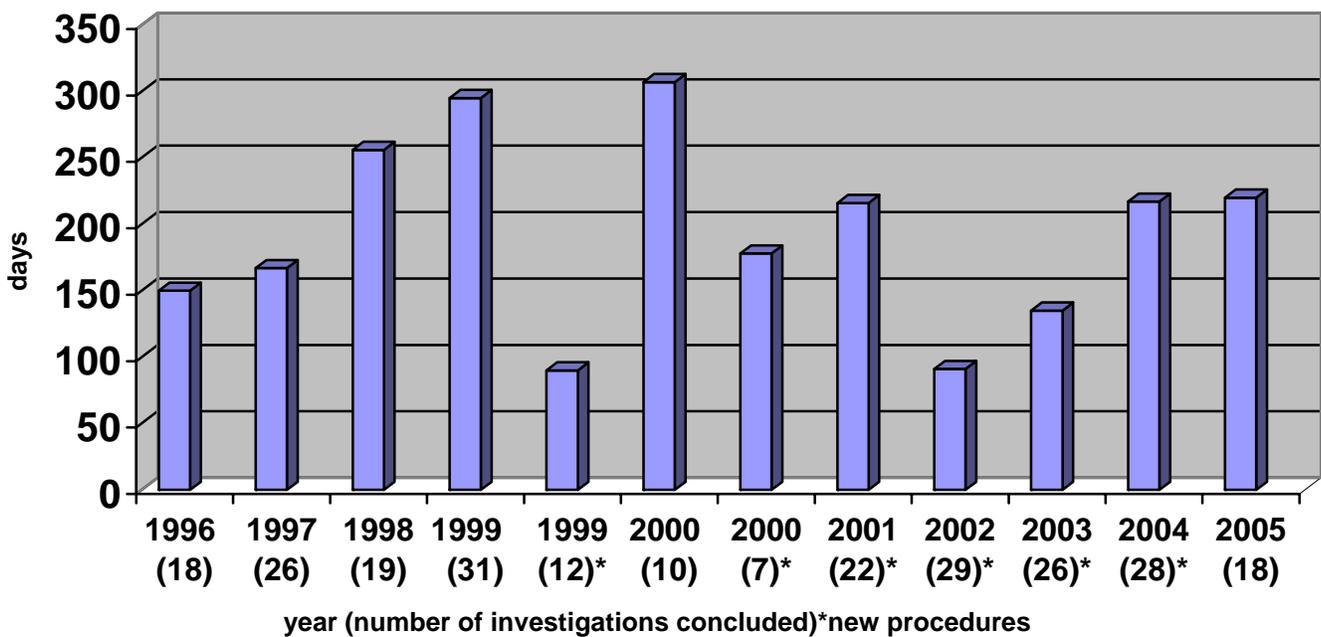
ELECTIONS



NUMBER OF DAYS TO CERTIFICATION OF ELECTION.

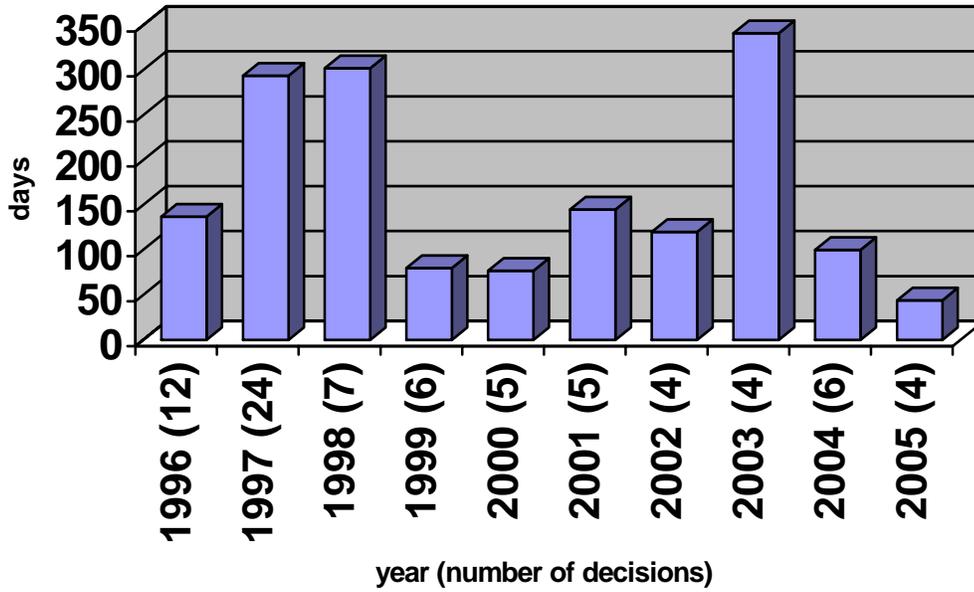
UNFAIR LABOR PRACTICE INVESTIGATIONS

NUMBER OF DAYS TO CONCLUSION OF INVESTIGATION.

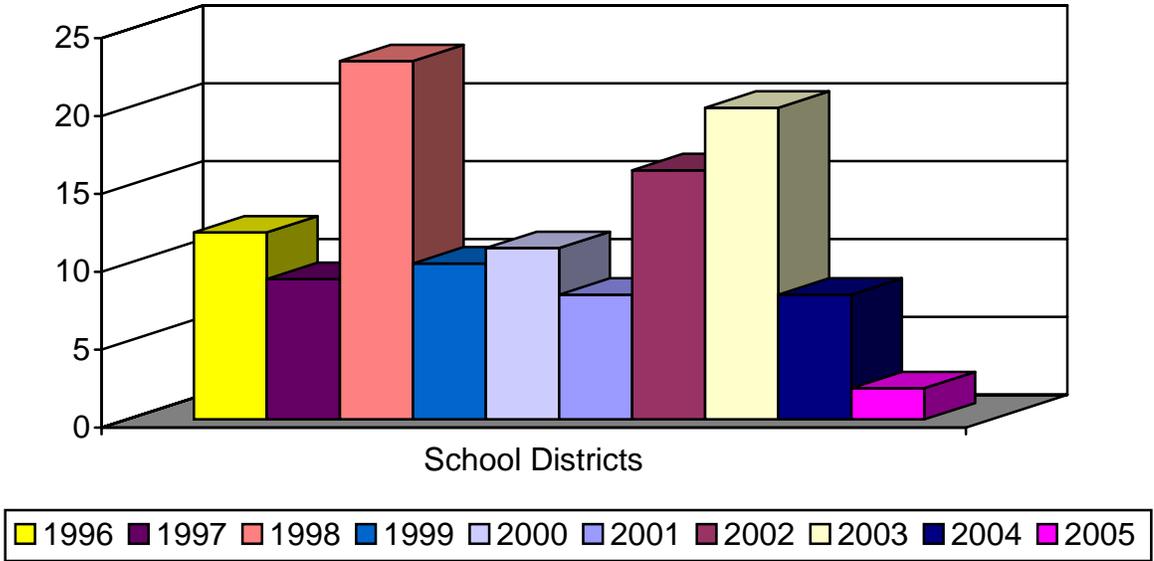


DECISION AND ORDERS

NUMBER OF DAYS FROM CLOSING OF RECORD TO DECISION



**SCHOOL DISTRICT ACTIVITY FROM 1996 TO 2005
FOR ALL CASES FILED**



DECISIONS AND ORDERS ISSUED

1. DISTRICT NO. 1 MARINE ENGINEERS BENEFICIAL ASSOCIATION, AFL-CIO vs. STATE OF ALASKA, CASE NO. 03-1218-ULP. Decision and Order No. 272 (February 25, 2005). The Marine Engineers Beneficial Association failed to prove that the State of Alaska committed an unfair labor practice by bargaining in bad faith when the State discussed contract negotiations and when the State agreed to meet with the union.
2. FAIRBANKS FIRE FIGHTERS ASSOCIATION, LOCAL 1324, IAFF vs. CITY OF FAIRBANKS, Case No. 04-1275-ULP. Decision and Order No. 273 (March 11, 2005). Although the Fairbanks Mayor recommended against approval of funding of some monetary terms for the third year of the parties' collective bargaining agreement, he did provide the appropriating legislative body, the Fairbanks City Council, with the parties' collective bargaining agreement that contained the monetary terms, for the Council's consideration. Further, AS 23.40.215 permits the Council to review each monetary term in an agreement, and choose to fund or not fund each term. There was therefore no unfair labor practice violation.
3. ALASKA VOCATIONAL TECHNICAL EDUCATION CENTER TEACHERS' ASSOCIATION, NEA- ALASKA, vs. STATE OF ALASKA, Case No. 04-1313-ULP. Decision and Order No. 274 (April 13, 2005). The Preamble and Recognition clauses of the parties' collective bargaining agreement are permissive subjects of bargaining. The State's unilateral change to the job description/position description from "teacher" to "instructor" was not an unfair labor practice under AS 23.40.110. The State did not bargain to impasse over a permissive subject of bargaining, and the State did not implement the change until after expiration of the collective bargaining agreement.
4. MARINE ENGINEERS' BENEFICIAL ASSOCIATION, DISTRICT 1, AFL-CIO, vs. STATE OF ALASKA and ART CHANCE, Case No. 03-1246-ULP. Decision and Order No. 275 (April 29, 2005). The request by the Marine Engineers Beneficial Association (MEBA) that the Board issue a Decision and Order on the merits of this unfair labor practice dispute is denied. The hearing occurred more than a year ago. After the hearing, the parties requested that the Board place the case in abeyance and not issue a Decision and Order because the State of Alaska (State) agreed to negotiate with MEBA. The only remedy MEBA requested was that the Board order the State to start negotiations regarding the fast vehicle ferry M/V Fairweather. The State did just that, and the parties have now reached agreement on a new three-year contract. Lacking a live case or controversy, the issue for decision is now moot, and there are no public interest exceptions to the mootness doctrine.

APPEALS

One Alaska Labor Relations Agency decision was appealed to the Alaska Superior Court in 2005, and is currently pending a decision. The Fairbanks Fire Fighters Association, Local 1324, IAFF appealed ALRA's Decision and Order No. 273, on March 11, 2005, finding the City of Fairbanks did not commit an unfair labor practice.

There were no Alaska Labor Relations Agency decisions appealed to the Alaska Supreme Court in 2005.

OTHER AGENCY BUSINESS

The Agency conducted two business meetings during 2005. 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 communications with Board members.

On December 15, 2005, Mark Torgerson gave a talk to the Alaska Association of School Boards conference. The talk addressed the Public Employment Relations Act (PERA). The Agency has also conducted outreach to public employees and public employee labor organizations during this reporting period.

LEGISLATION

The Agency did not propose legislation for consideration by the Governor in 2005, and legislation was not enacted that affected the Agency.

REGULATIONS

The Agency Board did not propose or adopt any new regulations during 2005. However, the Agency initiated a project to propose amendment to several regulations.

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 2006 budget does fully fund staff costs this fiscal year.

The principal component in the budget is the wages and benefits for the four full-time staff members. To stay abreast of its caseload, 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 find that in-person hearings are a more effective way to conduct Agency hearings.

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

FISCAL YEAR 2006

TOTAL	434.9
Personnel	369.5
Travel	12.3
Services	44.8
Commodities	8.3

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 in Suite 403 of the Department of Labor and Workforce Development building, 1016 West 6th Avenue, 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 now 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.

Tapes of agency proceedings.

Copies of tapes of Agency case proceedings are available upon a request. Please call Agency staff to arrange copying. Generally, there is no charge if the appropriate number of leaderless 90-minute tape cassettes is provided.