

ALASKA LABOR RELATIONS AGENCY
Minutes of Business Meeting
Friday, June 1, 2007

1. Call to order: Chair Gary Bader, called the meeting to order at 10:00 a.m. Vice Chair Aaron Isaacs, Jr., and Board Members Dennis Niedermeyer, Colleen Scanlon, Matthew McSorley, and Ken Peltier attended in person.

Staff members Cindy Teter, Margie Yadlosky, Jean Ward, and Mark Torgerson also attended. There were no members of the public in attendance.

2. Approval of minutes from December 8, 2006, business meeting: Board Member Scanlon moved to approve the minutes, and Board Member Niedermeyer seconded the motion. By unanimous vote, the motion carried.

3. Old business:

A. Status of Pending Cases.

1. Case Flow Chart. Mark highlighted the decrease in the Agency case load, but noted that six unit clarification petitions were recently filed. Chair Bader inquired about the decrease in caseload and what factors contributed to the decrease. Mark noted that there is an ebb and flow to the way things happen in the labor relations world. There have been several settlements, including some scheduled hearings that resolve at the last minute. Jean Ward explained that the low case load is unprecedented during her time at the agency (since 1991). She commented that until recently, staff were never able to get a handle on the caseload. She also noted that there was little activity involving school districts the previous year, like there had been in other years, either in the election front or the unfair labor practice front. Jean noted that although several collective bargaining agreements expired and parties were in negotiations, it was her sense that under the new State administration the parties seem motivated to negotiate and resolve differences rather than turn to the adjudications process. Chair Bader inquired about the status of a Fairbanks Fire Fighters case. Mark responded that the case was appealed to Superior Court and there was no decision issued yet.

2. Update on Unit Clarification Petitions and Unfair Labor Practice Charges. Jean updated the Board on the status of these cases. Jean continued to make progress on the unfair labor practice caseload, which is in good shape. Jean described one unfair labor practice charge she is investigating and two that are currently in abeyance.

3. Update on Election Petitions. Mark reported on two pending representation petitions. In the first petition, an objection was filed and a hearing is scheduled. Depending on the outcome by the board, the petition will either go to election or the case could be dismissed. The second representation petition, regarding a

unit of employees at the City of Wasilla, was dismissed and appealed to the board. Mark explained that this petition deals with the 'opt-out' provision in PERA and that deliberations would be scheduled at a later date. Board Member Scanlon inquired about a previous case concerning the Alaska State Employees Association (ASEA). Jean explained that there was an appeal pending with the Superior Court over the new labor organization's name (State Employees Association of Alaska). ASEA claimed in its appeal that the new labor organization was inappropriate because it contained the same four words used for ASEA but just arranged in a different order. It claimed that its members would be confused about the similarity between the two labor union names. The Superior Court granted ASEA's appeal and ordered the State Employees Association of Alaska to cease and desist operation. It was Mark's understanding that this issue may be appealed to the Alaska Supreme Court.

4. Summary of Recent Board Decisions. Board members were provided with a copy of this summary, prepared by Mark. Chair Bader asked about the status of the 'Alaska Correctional Officers Association vs. State of Alaska' case. Mark reported that he was not aware whether or not it had been appealed. The issue in the case was whether retirement benefits are a mandatory subject of bargaining for the Tier 4 employees subject to the new defined contribution law. Board Member Scanlon asked Mark if the board found in favor of the State in that case. Mark stated yes, explaining that it was an interesting case. He stated that in its decision the Board pointed out that, like the Supreme Court's holding in a 1978 opinion, it would be beneficial if the legislature clarified some of these issues, including retirement benefits and the definition of fringe benefits.

B. Budget.

Mark reported that the Agency is on course with its 2007 budget. He indicated that the Agency had a relatively low amount of travel and that with our conservative spending, notwithstanding any unforeseen expenditures, we may have a remaining balance at the end of the year. Board Members discussed expenditure categories such as commodities, supplies, training costs, and salary increases. Chair Bader inquired specifically about training costs and if any training or conferences had been attended. Mark explained that there were no conferences attended this year by staff or board members, although staff did participate in a CPR training. Chair Bader also asked about the current procedure for Travel thru the STO. Mark and Margie explained the process, the associated costs, and how it applies to the board members. Chair Bader expressed his concerns about the out of state travel procedure, as it applied to his travel, and the associated lower costs to travel from Washington to Alaska compared to the higher costs of flying from Ketchikan to Anchorage. Board Members Scanlon, Niedermeyer, and Isaacs also discussed travel costs and the option of telephonic participation at hearings. All agreed that the cost of travel from Ketchikan to Anchorage was far higher than flying from Seattle to Anchorage, and that it shouldn't matter where you are traveling from if you're on the board. They indicated that if a board member's presence is required, and the costs to fly from a given location are less than the costs from a member's normal residence, it didn't seem improper to reimburse for the costs if the

board member needs to travel to a hearing. They also agreed that telephonic hearings are not very effective, especially if there is a witness credibility question. Additional discussion concerned a prior request for travel reimbursement that disallowed. The Board agreed that Mark should draft a letter regarding this travel issue, for board members' review. Regarding the upcoming year's budget, Mark explained that the Agency submitted and received a maintenance budget for FY2008. He also discussed the budgetary process for appropriations and the potential budget process for salary increases appropriated by the Legislature. Board members discussed this issue and the implications for the Agency.

C. Action Items.

1. Board Members were asked to supply calendars showing dates they were available.
2. The Board agreed that Mark should draft a letter regarding the out-of-state travel issue for board members' review.
3. Chair Bader requested that the board member and staff contact list be updated and sent out to all board members.
4. The Board requested that staff inquire whether the budget allows two people to attend the ALRA Academy and Conference.
5. Mark will follow up with Judy Bockman on filing requirements for quarterly ethics reporting: should it include information on board member recusal from a panel for hearing.

4. New Business:

A. Board Member Terms.

Mark reported that Member Ken Peltier has been appointed and confirmed by the legislature effective March 1, 2007. Chair Bader inquired about his reappointment and if there had been any news from boards and commissions. Mark noted that he was working with the Deputy Commissioner to obtain information. Board Members Scanlon and Isaacs also acknowledged that their terms expire March 1, 2008. Board Member Scanlon stated that she planned on reapplying. Chair Bader brought up his and Board Member Niedermeyer's concern over the APOC filing requirements and agreed to hold off discussing until more information on the filing requirements were received.

1. Board Member Workload.

Chair Bader inquired how the board members felt about the assignment of cases, specifically the number of cases they were assigned. Board Member Scanlon expressed that she was available and ready for additional cases. Chair Bader explained that when the panel assignments are made, he tries to minimize travel costs by checking availability of members and the geographical location. He also wants to make sure members are not being over-utilized or not being utilized enough. He asked whether board members had any comments or questions regarding the workload? There were no

additional comments from the board members on workload.

B. Regulations Amendment Project- Part two, questionnaire approval.

Questionnaire Approval. Mark explained that the regulation project concerns a regulation that was adopted at the December board meeting but returned from the Attorney General's Office for review and further adoption by the board. Mark explained that in this regulatory change instead of our agency's staff sending a questionnaire form out to an employee to be completed, the union will now be sending the form. Because of this change we needed to adopt the three questionnaire forms by reference. It was recommended by the AG's office during their review that we add titles to the forms and add a "revised as of date" to the form. Mark clarified that essentially this regulation has already been passed, all we are doing is adding the titles of these forms. He further explained the process stating the regulations the board adopted in December went into effect May 21, and this action does not require further public comment, but requires a Motion from the Board to Adopt. Chair Bader called for a Motion to Adopt the forms. Board Member Peltier read the Motion " I move to adopt the following regulations as written in the draft of April 24, 2007, draft regulations AAC 97.050F, Board Member Scanlon second the motion, the question was called, all board members were in favor, and it was moved and adopted.

C. Training.

Mark discussed training for staff and board members. Mark explained that he would be attending an Advanced Administrative Law class at the National Judicial College in Reno, Nevada in June. He explained that he has not attended National Judicial training in about 5 years because training funds have been scarce. He explained that this is an intensive four-day training. Board Member Scanlon inquired about training for board members. Mark said there was training available thru the Association of Labor Relations Agencies (ALRA) Conference and the "ALRA Academy," held two days prior to the start of the ALRA Conference. This Academy is an intensive labor relations course. The next training will be held in Toronto this coming July. If any board members are interested in attending, we would need to know and obtain advance approval, thru the Governor's office, for out-of-country travel. He added that the ALRA Academy and conference is usually switched between the USA and Canada every other year. Chair Bader asked if any board members were interested in attending the conference. Members Scanlon and Peltier expressed interest. Training costs were further discussed. Chair Bader requested that an action item be added to the agenda, to investigate whether the budget would allow two people to attend. It was decided that if out-of-country travel was approved, and funds were available, Board Member Peltier could attend the Toronto conference this year. Board Member Scanlon could attend next year if funds were available.

D. Staff Vacancies/New Hire.

Mark introduced the new Administrative Clerk Cindy Teter to the board.

E. Quarterly Ethics Reporting.

Mark addressed an e-mail that was received from Judy Bockman, who yesterday gave an overview of the ethics reporting requirements. Chair Bader asked if a board recusal from participating on a hearing was reportable. Mark stated that he would contact Judy Bockman to check on that question and to clarify a few more he had. Chair Bader asked that this question be added as an action item. Chair Bader asked if there were any real or perceived ethics issues to bring before the Board? Any conflicts? None were reported.

F. Travel Procedure Update.

Chair Bader stated this had essentially been discussed, but noted the personal vehicle use reimbursement form in the board packet. Margie explained the form is used when reimbursement is requested for travel to the office for business-related activity.

G. APOC Financial Filing Disclosure Form.

At Chair Bader's request, Mark explained the Alaska Public Offices Commissions financial filing disclosure form and how it affects the Board Members. Under a recently passed law, ALRA Board Members must now file this form. Mark explained that the Legislature added ALRA board members to the list of boards and commissions required to file disclosure forms. Mark stated that he was informed by the Alaska Public Offices Commission (APOC) that only new Board Member Ken Peltier was required to complete the 2007 form. The other Board Members did not need to complete the form until March 2008. Board Member Niedermeyer stated that he interpreted the bill differently. He believes that once the Governor signs the bill, current board members would be required to complete the form, even for 2007. Further, if a board member resigned after the bill is signed into law, the member would be required file a disclosure form with APOC for the period of time served on the Board. Board Member Niedermeyer interpreted the new law to require a filing for all members. Mark stated that if a member resigned from the board before the law went into effect, there would be no filing requirement. Chair Bader explained that the reason this filing requirement issue is critical, is Board Member Niedermeyer has submitted his resignation rather than file the APOC form. His resignation date severance is contingent on the date the law becomes effective. Board Member Niedermeyer stated that he believes the disclosure law is a good thing, but it places an additional burden on citizens who volunteer for board or commission service. Board members further discussed the APOC requirements.

5. Public Comment

There was no public comment.

6. Adjournment of Public Meeting.

Colleen Scanlon moved to adjourn, and Ken Peltier seconded. Motion carried for adjournment, which occurred at 12:30 p.m.