

ALASKA LABOR RELATIONS AGENCY
Minutes of Business Meeting
September 20, 2001, 9:00 a.m.

1. Call to order: Meeting was called to order by Board Chair Aaron Isaacs, Jr., at 9:00 a.m., in the Department of Labor and Workforce Development Building, Room 208, 3301 Eagle St., Anchorage, Alaska. Present at the publicly noticed meeting were Aaron Isaacs, Jr., Chair, and board members Robert Doyle, Karen Mahurin, and Dick Brickley. Board member Raymond Smith attended by telephone. Staff members Margie Yadlosky, Jean Ward, Mark Torgerson, and Tank Gibson also attended. A sign-up sheet was provided for persons from the public. Thomas Wang attended from the public.

2. Approval of minutes of May 18, 2001, business meeting: Board member Mahurin moved to approve the minutes. Member Doyle seconded the motion and the minutes were approved.

3. Old business:

a. Status of pending cases.

1. *Case flow chart. (Margie)*

Board members reviewed the case flow summary report, which provides an overview of the work load by showing the number of cases filed and closed during a reporting period. Staff member Margie Yadlosky provided an overview of case filing and resolution activity. She noted the Agency continues to make progress in reducing the total caseload: there are currently 55 open cases, compared to 170 approximately 2 years ago. Margie said the Agency investigates cases more assertively now, because incumbents do not respond as readily now as they did previously.

2. *Update on unit clarification and unfair labor practice petitions. (Margie/Jean)*

Margie said the Agency continues to reduce the unit clarification (UC) backlog. She said some cases had required double the work because the original incumbent in some positions was replaced before the investigation was completed. This then required investigating and corresponding with the new replacement incumbent. Staff member Jean Ward described the status of pending unfair labor practice (ULP) cases. There were 15 open cases with 3 in abeyance, and 3 (Quinn cases) set for board deliberation. Jean reported that she is now working on the current year's cases, with the oldest filed in March 2001. In response to a

question by Member Mahurin, Mark and Jean explained the status of an appeal in one of the cases between the Fairbanks Fire Fighters and the City of Fairbanks.

3. *Update on election petitions. (Jean)*

Jean summarized the election petitions pending at the agency. There were 2 elections. In an election at the State of Alaska Human Rights Commission, employees voted for no bargaining unit. There was also an election with the non-certificated employees at the City of Skagway. The employees voted 6-0 for representation by the Skagway Teachers' Organization/NEA-Alaska/NEA. Jean said there is also a pending election at the City of Nenana, regarding sewer and water employees.

Mark reported there are 3 election-related cases in various stages of the hearing process. An election petition by the Fairbanks Nurses Association has progressed through to hearing, and a decision is pending. An election petition by the Alaska Public Employees Association at the Ketchikan Gateway Borough is ready for the scheduling of a hearing. In the third petition, at the City of Unalaska, a prehearing conference was cancelled due to a 'no-show' by the petitioner.

b. **Budget.**

Mark and Margie outlined the status of the FY 2001 and 2002 budgets. Margie reported that the Agency utilized most of the FY 2001 budget. There was a vacancy in the Administrative Clerk position for a few months. The money saved from that vacancy was used to purchase new computers, software, and a printer. The Agency was informed it would be required to get off of the Wincenter system. In order to accomplish this, the Agency would need more powerful computers than it had at that time. Margie explained that the funds for these purchases were transferred from personal services to non-personal services in the FY 2001 budget. Regarding FY 2002, Margie said the Agency is on track with spending under the current budget. This budget is lean, as it has been for several years.

4. **New business.** (Chair Aaron Isaacs, Jr. / Mark Torgerson)

a. **Board member update.**

Mark stated that Aaron's status was no longer "Acting Chair." The Governor's office recently informed Chair Isaacs and the Agency that the Governor officially appointed him Chair. In addition, member Smith has been appointed to another term on the Board. Sadly, board member Mahurin announced her resignation from the Board due to her significant obligation in her position with the National Education Association.

The Board discussed the continuing vacancy in the “public” position, and Member Mahurin’s vacancy effective October 15, 2001. After discussion, the Board instructed staff to draft a letter to Boards and Commissions in the Governor’s office, expressing concern over the vacancies. The letter will be sent over Chair Isaacs’ signature. In addition, staff will send a letter to various organizations announcing the two vacancies.

b. Regulation amendments discussion.

Mark summarized what has happened to this point in the regulation amendment process. The public notice and comment period has ended. Staff sent board members a transcript of the oral public comment, and a copy of the written public comment. In a memorandum to the Board, staff summarized the public comment and made recommendations related to that comment.

Board member Bob Doyle moved and member Dick Brickley seconded the following motion:

“I move to adopt the following regulations in 8 AAC 97, Labor Relations, Collective Bargaining Among Public Employees, as written in the June 12, 2001, draft regulations:

8 AAC 97.010	8 AAC 97.025(a)(3)	8 AAC 97.050
8 AAC 97.060(a)	8 AAC 97.085(a)	8 AAC 97.160(d)
8 AAC 97.230(a)	8 AAC 97.270(b)	8 AAC 97.280
8 AAC 97.300	8 AAC 97.340	8 AAC 97.350(g)
8 AAC 97.470	8 AAC 97.990(b).”	

Board member Karen Mahurin then moved to amend the main motion to vote on the following regulations: 8 AAC 97.010; 8 AAC 97.025(a)(3); 8 AAC 97.050; 8 AAC 97.060(a); 8 AAC 97.085(a); 8 AAC 97.160(d); 8 AAC 97.230(a); 8 AAC 97.270(b); 8 AAC 97.340; 8 AAC 97.350(g); and 8 AAC 97.470. Board member Raymond Smith seconded the motion. Board member Mahurin explained that the purpose of the amendment was to vote separately on those regulations that did not receive any public comment. The Board could then vote on and discuss separately each of the regulations that did receive public comment, including 8 AAC 97.280, 8 AAC 97.300, and 8 AAC 97.990(b). The Board then voted on board member Mahurin’s amendment. The motion carried unanimously. The Board then proceeded to vote on board member Doyle’s main motion, as amended. The motion carried unanimously.

Board member Mahurin then moved to adopt 8 AAC 97.280. Board member Doyle seconded the motion. The Board acknowledged it had received copies of the public comment, and staff’s summary of the comment. Board member Doyle requested a summary of the proposal, including the public comment. Staff members Mark Torgerson and Jean Ward provided a summary. The Board discussed the proposed regulation, including aspects of it that deal

with repeal of the strike vote in proposed draft 8 AAC 97.300. Board member Doyle said the Board wanted to comply with the Superior Court's ruling on this issue. He said this amendment would encourage settlement; it would speed up the process because it clarifies the parties' positions early on in the negotiating process. It is not a strike; it is a strike vote. Board member Smith said that in the initial pre-negotiations meeting of his union, members take a strike vote. Board member Mahurin said the Agency should not get involved in the strike vote process. It is an internal union mechanism. She agrees with board member Doyle: the amendment will speed up the bargaining process. The Board then proceeded to vote on the motion, which carried unanimously.

Board member Mahurin then moved to adopt 8 AAC 97.300 as written in the draft regulations. Board member Doyle seconded the motion. Board member Mahurin pointed out that sections 280 and 300 were linked together. They both deal with repeal of the regulation on the strike vote process. Board member Doyle pointed out that section 300 is kind of a "buddy" to section 280. The Board then proceeded to vote, and the motion to adopt the regulation carried unanimously.

Board member Mahurin then moved to adopt proposed draft 8 AAC 97.990(b). Board member Doyle seconded the motion. Board member Mahurin asked staff to summarize the reason for the change. Mark and Jean explained the reason for the proposal, the Superior Court decision that prompted the change, and the public comment from the State of Alaska. Mark said staff drafted this proposed change at the Board's request. The proposal is intended to comply with the Superior Court decision. He discussed the State's proposals. Board member Doyle said the draft proposal clarifies many things regarding the definition of appointed official. He said the question is how far down through the state bureaucracy should the definition of "appointed official" reach. He said it deals with an exemption from bargaining. Board member Mahurin asked for clarification on what is being deleted, and what is being added to the definition. Board member Brickley said the definition drafted by staff is clear. Board member Doyle said the proposal is a positive thing for employees who want to be in a bargaining unit who may have been excluded before this time. The Board then proceeded to vote, and the motion carried unanimously.

Mark then explained the subsequent steps in the regulation adoption process and said staff would proceed to the next step.

c. **Resolution 01-02.** Mark explained this resolution reflects the Board's adoption of the proposed regulations. The Board will sign the resolution after the meeting.

Resolution 01-03. Staff explained that under this resolution, the Board would give agency staff the authority to sign the certification of the results of elections. By regulation, staff has only 5 days to certify the results, and this

resolution would insure the certification is sent, even if the Chair (who currently signs) is unavailable to sign the results. Staff pointed out this is not substantive in nature. Member Mahurin moved to adopt the resolution, and Member Brickley seconded the motion. Chair Isaacs noted he keeps staff informed of his whereabouts, and staff have his signature stamp if necessary. The Board then amended the motion to add the following words to the resolution: "if appropriate and if the chair is unavailable." The amended motion passed by unanimous vote.

c. **Other.**

Staff asked the Board if they would like to schedule dates for business meetings in 2002. Member Doyle said the Board discussed this matter at the last meeting and said meetings would be conducted in April and September. Staff will contact board members to determine their availability, and then staff will set the business meeting date.

Mark thanked staff members Tank Gibson, Jean Ward, and Margie Yadlosky for their excellent work on behalf of the Agency. He also presented Margie with a certificate of appreciation for her 20 years of dedicated service to the State of Alaska. Mark and Chair Isaacs then presented member Mahurin with a certificate reflecting the Board's appreciation for her eight years of service on the ALRA Board. A plaque will be sent to Karen later. Karen was the first woman appointed to the Board, and she served longer than any other board member has. ALRA will sorely miss her experience and dedication to the public labor relations process.

5. **Public Comment.**

Thomas Wang introduced himself and made a brief comment. There was no other public comment.

6. **Adjournment.** The meeting then adjourned at 10:20 a.m., and the Board met in executive session for deliberation of cases.