

ALASKA LABOR RELATIONS AGENCY
Minutes of Business Meeting
Thursday, December 11, 2003, 10:30 a.m.

1. Call to order: Vice Chair Dave Rasley, in Chair Aaron Isaacs' absence, called the meeting to order at 10:46 a.m. Board Members Randy Frank, Colleen Scanlon, and Dick Brickley attended in person.

Staff members Margie Yadlosky, Jean Ward, Mark Torgerson, and Arvella Thomas also attended. There were no public attendees.

2. Approval of minutes from May 2, 2003, business meeting: Board Member Colleen Scanlon moved to accept the minutes, and Board Member Dick Brickley seconded the motion. Motion carried.

3. Old business:

a. Status of pending cases.

1. Agency Personnel Specialist Margie Yadlosky gave an overview of the Agency's cases. She noted the Agency started November with 70 open cases and ended the month with 68. There were 33 open unfair labor practice cases at the beginning of November, and 32 at the end. She mentioned she had added additional information the board had requested to the Status Report For Pending Cases, and told them to let her know if additional items should be incorporated into the report. Member Brickley suggested that we number the sections and pages for the binders, which would enable everyone to find the information more easily.

Board Member Colleen Scanlon asked why 02-1170-CBA was still shown as the hearing had been held earlier this year. She asked if the board members had not been able to deliberate right after the hearing. Mark said they had not been able to, and one board member reviewed the case based on the record. The case is his highest priority and he expects the decision to be issued soon.

2. Agency Hearing Officer Jean Ward gave an overview of the unfair labor practice caseload, saying that 25 of the 32 open cases were hers. Fifteen are in various stages of action, and 10 are in abeyance, primarily due to settlement or deferral to arbitration. Jean said it has been a busy year for high priority cases, especially in the education arena. She explained to the new board members how cases are prioritized as either high or regular priority, and that the goal for investigating high priority cases was 2 months and 6 for regular priority ones. She said she didn't know if she would meet the goals this year, in part due to the high number of high priority school district cases that were filed at about the same time. She said that the priority assigned could change as the case proceeds and events, such as tentative agreements, can affect the speed with which something needs to move forward.

Jean also explained that only about 11 percent of all ulp cases go to hearing, and most of the rest are resolved through informal efforts, either between the parties or with the agencies' assistance. Additional issues are handled by phone calls, and some charges are not filed as a result of these informal inquires. Other ulp highlights include for the first time ever three appeals filed under 8 AAC 97.470 of notices of preliminary finding of probable cause. The panel assigned to hear the cases declined to hear the appeals, since consideration of an appeal under .470 is discretionary. They ordered that the matters proceed to hearing, as 8 AAC 97.240(a) requires.

Member Brickley asked about 00-1030-ULP, and whether we knew when the court might rule. Jean said she had followed up with the complainant, and PSEA said the case needed to continue to be held in abeyance. We don't know when the court ruling is expected. An inquiry was made about 00-1039-ULP. Jean explained the status of this charge, which is deferred to arbitration.

3. Jean said there are only two representation type cases pending. One is awaiting decision, and the other is insufficient. Based on phone calls, we anticipate additional activity after the first of the year, when the window period for filing opens on a lot of contracts.

b. Budget.

1. Margie gave a budget report and described the Agency's current financial status. She explained that the budget year is July 1 to June 30. The Agency has spent 37 % of its budget. Not as many hearings have been scheduled in the first part of the FY04, so travel costs have not been as high. More hearings are anticipated in the last half of the fiscal year. Mark noted that our travel funds have decreased from \$30,000 to \$13,000. Board members and staff discussed ways to manage travel costs, including scheduling hearings along with the board meetings and scheduling several hearings in the same location at the same time. These are things we already try to do, but sometimes cases settle right before the hearing. That just happened for one of the cases set for hearing before this board meeting.

Member Brickley asked about the use of a Microsoft Office product that would allow board members and staff to attach an inexpensive camera to their computers. Staff will explore this possibility. All board members present agreed to its use if it looks like a good product. Board members who participated in the meeting asked also to have the reports or other items that could be e-mailed sent to them that way instead of mailing copies. Video conferencing for hearings was also discussed.

Member Frank asked if there was a time limit for completing cases. Mark said there were no statutory or regulatory time frames. However, the Board has set goals that we try to meet.

Mark thanked the Board for its support of the funding issue facing the Agency in the 2004 budget. After the Board's letter to the governor, the Department notified the

Agency that it had located money to fund Arvella's position for the remainder of the fiscal year.

2. Mark and Member Scanlon mentioned that the Governor's Office is supporting the Agency's full budget for FY 2005. It must still be approved by the legislature. Mark said staff have spent a lot of time on the FY 05 budget. Among other things, it includes performance measures. Mark said the Agency mission of labor peace helps fulfill the governor's mission of full employment for Alaskans.

Member Brickley said he liked the idea of performance measures. He asked if everyone in the state would be measuring things in the same way. For example, does three months consist of calendar days or work days? Margie explained that we will be using calendar days. That is the way our system is set up. We do not have the capability to track everything the way it needs to be tracked to measure everything. She has work to do on the database, and we will need to pull the files that have been closed in 2003 to make sure the additional information is in the database.

Mark said that the user fee proposal was dead at this time. The Governor's Office did not support it.

4. New business: (Mark)

a. Board member update.

Everyone present welcomed new Member Randy Frank to the board. Board Chair Aaron Isaacs was absent due to a medical appointment. Member Smith had planned to come, but was unable to make it.

Board terms were discussed. Member Brickley's term expired in March 2003, and Member Rasley's is due to expire March 1, 2004. These members can submit application for reappointment to the Board. Member Rasley expressed interest in continuing to serve. Mark said he would forward that information to board and commissions for him. Member Rasley noted a possible problem in an upcoming case that both he and Member Brickley have been appointed to hear. Since it is not scheduled yet, there could be a problem with a quorum if both he and Member Brickley are both replaced before the decision is issued.

b. Annual Report.

Margie said she had hoped to have a preliminary draft of the annual report ready for this meeting, but was unable to do so because extra work needs to be done on the database, and files need to be pulled manually. Consequently, the draft will be later, possibly later than February 2004. The four members present asked to have the annual report sent to them electronically.

c. Telephonic board meetings to save money.

The Board discussed the option of holding board meetings by telephone. They agreed to this method of conducting meetings, unless hearings are scheduled in conjunction with the meeting. The date of the next board meeting was discussed. The four present have clear calendars for the week of April 26-29, 2004. The 29th was discussed tentatively as a date. [See below- the 29th is the fourth Thursday] Arvella asked board members to update their calendars and let her know when they are not going to be available. Member Frank said he has another obligation every Thursday night on the first through the fourth Thursdays of every month. The second and fourth Thursdays are the most important. He could be available for things on those days, as long as he could be back in Fairbanks for the Assembly meeting on those evenings.

d. Other.

Mark said he had hoped to have a presentation on ethics by the Attorney General's office at this board meeting. Due to late approval, the assistant attorney general assigned did not have time plan a training session. Perhaps it can be scheduled for the April meeting. If we have money for the board members to travel, it would be good for them to attend in person if the training takes place. We will need to assess the travel fund situation closer to April.

Mark said NEA had brought some concerns to the Agency about its feeling that the Agency was biased against them. Mark had met with NEA uniserve directors telephonically and heard their concerns. He felt he had responded to them. Member Brickley asked if specific instances were given. Board members were told about two cases with no findings of probable cause, both of which had been appealed to the Board. The Board upheld the no probable cause finding in both instances. Board members, like Agency staff, were surprised to hear NEA felt the Agency was biased against it. Mark said he told NEA if they felt there were problems, it was good to address them rather than letting them simmer.

5. Public comment:

There was no public attendance or comment.

At 12:20 p.m., Member Scanlon moved that the meeting be adjourned. Member Brinkley seconded the motion. It passed unanimously.