

ALASKA LABOR RELATIONS AGENCY
Minutes of Business Meeting
Friday, Oct. 6, 2017

Because no quorum was established at the regular meeting start time of 10:00 a.m., the board waited to conduct business until the arrival of the fourth board member. Instead, Maria Bahr began her presentation on the Executive Branch Ethics Act under 5.A. below.

1. Call to Order.

Board Chair Jean Ward called the meeting to order at 10:34 a.m.; Chair Ward, Vice Chair Lee Holen, and board members Tyler Andrews and Lon Needles attended in person.

Staff members Nicole Thibodeau, Tiffany Thomas, and Margie Yadlosky attended in person. Kimber Rodgers and Maria Bahr attended in person from the Attorney General's office.

5. New Business.

A. Ethics, Evidence, and ALRA procedures training for board members.

Chair Ward moved this item up on the agenda to accommodate presenters from the Attorney General's office. Maria Bahr proceeded with her presentation on the Executive Branch Ethics Act and conflicts for board members.

Tiffany Thomas provided the board with an overview of the role of staff and the filing process at the Agency. Tiffany's presentation included an overview of the Agency compared with the National Labor Relations Board, Agency jurisdiction, and the types of cases that ALRA handles.

Member Andrews advised staff to clarify the Agency's role and authority in any new printed materials, or presentations, in order to prevent confusion to the public.

Kimber raised a question about full agency review under 8 AAC 97.465. Chair Ward and Tiffany responded that it means review of a panel decision if it conflicts with a prior decision and order and that to the best of our knowledge, it has not occurred.

Chair Ward shared the Agency history about "other" petitions category, and that in one instance a union had requested to offer input on a potential regulatory change and the "other" petition category was developed in order to accommodate that request.

2. Introductions from New Board Members, Hearing Examiner.

Member Holen introduced herself to the board.

3. Approval of Minutes of Dec. 4, 2015 Business Meeting.

Member Andrews moved to approve the minutes, Member Needles seconded the motion. By unanimous consent, the motion carried.

4. Old Business.

A. Status of Pending Cases.

A.1. Case Update.

Tiffany provided a summary of the 20 pending cases and various stages of each case. She gave a breakdown on current cases being investigated, those set for hearing or election, cases in abeyance or conciliation pending possible settlement, and those cases pending in the court system.

A.2. Summary of Recent Board Decisions.

Nicole offered to provide a summary of recent board decisions, but because the board receives a summary in writing of each decision, the board agreed to move on to the next item. In addition, regarding board decisions, the board agreed that deliberations are confidential and that the decisions should speak for themselves.

A.3. Update on *State v. Pohland Case # A-12443*.

Nicole explained that this case is on appeal in the Alaska Court of Appeals and oral argument is expected in either the fall or spring of 2018. Two issues are on appeal: whether the search warrant was valid and whether a jury instruction was proper.

A.4. Update on *UAFT v. University of Alaska, UA and ALRA Case #S-16243*.

Nicole explained that this case is currently before the Alaska Supreme Court. The two unions are trying to decide which employees belong in which union and the parties are in the middle of settlement.

A.5. Update on *PSEA v. City of Fairbanks Case #4FA-15-02868 CI & S16501/S16510*.

Nicole shared that currently the Agency is waiting for a written opinion to be published. In this case PSEA filed an unfair labor practice, ALRA found that the city was a public employer, PSEA appealed the decision to the Alaska Supreme Court. A decision should be issued soon.

A.6. Pending superior court cases: *Teamsters v. City of Kodiak Case #3AN-17-04079* and *Fairbanks Natural Gas v. IBEW Case #3AN-17-08359CI*.

The superior court affirmed the Agency's finding that ALRA lacked jurisdiction in the *Teamsters v. City of Kodiak* case. In *FNG v. IBEW*, ALRA found FNG to be a public employer and ordered an election. FNG appealed to the superior court and currently the parties are at the briefing stage.

B. Budget.

Margie provided an overview of the FY2017, FY2018, and FY2019 budgets. She explained the 22.0 lapsed funds in FY2017 were used by the Department to cover the underfunded working reserves. For FY2018, we have additional personal services funds due to retirement of past administrator so we moved 65.4 personal services funds to other line items of travel, services, and commodities to help cover any shortfall there. She described the FY2019 budget process, explaining the starting point for FY2019 is the FY2018 management plan and that at this point it is unknown if we will be asked to take additional cuts. Chair Ward asked for clarification about possible budget cuts in FY2019, if that was known yet, and Margie confirmed it was too early in the budget process to tell.

C. Action Items.

C.1. Training Update.

Nicole shared that there is money available for training in the current year's budget. Nicole and Tiffany plan to attend mediation training, an evidence class, and a writing class.

C.2. Regulations Update.

Nicole stated that two projects were approved at the previous board meeting: a forged interest cards regulation and a regulation that would force parties back to the bargaining table during failed negotiations. But, for a variety of reasons, these projects have not moved forward. Staff proposes that the board hold a board meeting in February in order to vote on projects we wish to prioritize. The board discussed the process and timeframes for completing a regulation project. Nicole spoke on the timeframe for a possible regulation project indicating that staff may be able to complete a draft by June or July. Chair Ward pointed out that depending on the outcome of the Janus case, we might have additional changes to make after that case is resolved.

Chair Ward and Member Andrews discussed the benefits of training and the forgery regulation.

C.3. AO No. 266.

Nicole shared that Administrative Order 266 requires each agency to examine its regulations to be sure they are consistent with statute and to determine whether they're efficient. Before ALRA can make any regulation changes, our board must approve the changes. When staff meets to discuss Agency regulations projects, we will have an eye toward AO 266 and address that when we meet next.

5. New Business.

A. Ethics, Evidence, and ALRA procedures training for board members. Covered earlier see pg 1.

B. Open Discussion.

Chair Ward opened discussion for board members to address questions or requests to the Agency. Member Andrews expressed his satisfaction that staff and the board now have some money in the budget for long-awaited training and Member Needles agreed.

Chair Ward inquired about the Agency summary of decision and orders and requested that it be made available online. Staff explained that it is a work in progress and efforts are being made to make it available online.

Member Andrews inquired about the Agency providing more opportunities to become less dependent on hard copies and move toward electronic dependence. He mentioned that prices are coming down and that at Chugach Electric they have moved to a product called Onboard. Staff explained some of the difficulty of going electronic, including that we are generally not set up to accept electronic filings of petitions. Also, staff being required to scan documents causes more work for staff.

C. Board Member Update.

Nicole shared that new board members Elizabeth Pierce and Lee Holen were appointed on March 1, 2017. Members Needles and Andrews appointments' expire in March 2018. Margie

shared that Members Needles and Andrews should send a letter to boards and commissions regarding their intentions to remain on the board.

Chair Ward said Member Andrews will continue to serve as the management member until the board hears from Member Pierce.

Margie requested that board members update the calendars so staff is aware of board availability for hearings.

D. Financial Disclosures Reporting.

Members expressed hope that Member Holen's disclosure waiver counts forever. Disclosures are due to APOC on March 15, 2018.

E. ALRA Conference 2018.

Nicole shared that the Association of Labor Relations Agencies will hold its annual meeting in July 2018. The Agency will be requesting funding to attend. Members agreed that it would be ideal to send a board member and a staff member. Staff stated that all participating labor relations agencies are invited. The Agency's budget has not allowed for participation for a few years.

Members agreed that if it comes down to sending one person, the board prefers that a staff member attend. Member Andrews expressed how valuable the conference is. He stated that the pre-conference activities are the most valuable.

F. Scheduling Next board meeting.

Nicole explained that for budget reasons boards are confined to one meeting per year. It is possible, however, to get an exemption to meet again. Member Andrews suggested that we move forward and plan for a meeting between February 8, and early March. Members agreed that for the fall meeting, a Friday in early October would be ideal.

6. **Executive Session.** There was no executive session during this meeting.
7. **Public Comment.** There was no public comment during this meeting.
8. **Adjournment.** The meeting was adjourned at 12:38 p.m. by Chair Ward.