

ALASKA LABOR RELATIONS AGENCY
MINUTES
Business Meeting

September 11, 1998, 10:00 a.m.

Department of Labor Building, 3301 Eagle St., Room 208

1. Meeting was called to order by Chair Alfred L. Tamagni, Sr., at 10:00 a.m. in the Department of Labor Building, Room 208, 3301 Eagle St., Anchorage, Alaska.

Present at the publicly noticed meeting were Alfred L. Tamagni, Sr., Chair; Blair E. Marcotte, Vice Chair; Raymond P. Smith and Robert A. Doyle, Members. Staff members Mark Torgerson, Jean Ward and Margie Yadlosky attended the meeting.

A sign-up sheet was provided for members of the public. One person, Mark Drygas of the Fairbanks Firefighters Association was present.

2. Approval of May 22, 1998 minutes: Member Doyle moved to approve the minutes. Vice Chair Marcotte seconded the motion and the minutes were approved.

3. Old business:

a. Status of pending cases.

1. Case flow chart.

Chair Tamagni 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 for each calendar quarter in 1998, including the third quarter through September 8, 1998. She noted the Agency is making progress in reducing the total caseload, including unit clarifications. She also provided a breakdown of the 140 open unit clarification case filings by fiscal year: 27 in FY 96; 64 in FY 97; 36 in FY 98; and 13 so far in FY 99. The Agency is pursuing the newer cases as they are filed, while continuing to work on the older filed cases at the same time.

2. Update on unit clarification backlog.

Margie said the Agency continues to reduce the backlog. Unit clarification petitions are in various stages of resolution.

3. Unfair labor practice cases.

Jean reported that she has finished investigations on some unfair labor practice (ULP) complaints and a couple of them have been forwarded for hearing. There was a discussion about ULPs, and board members stated these cases should be made a priority. Member Doyle stated the Agency needs to get these cases cleared up as soon as possible due to the expiration and renegotiation of many State bargaining agreements next year.

4. Status of decision and order backlog.

Jean reported that there is currently no backlog of cases. All pending decisions have now been issued.

5. Elections.

Jean summarized recent elections conducted by the Agency. Since the last Board meeting, the Agency conducted three elections. On June 16, 1998, employees of the Chatham City Schools voted to be represented by a labor organization. On August 4, 1998, employees of the City of Unalaska Parks, Culture & Recreation voted 14-0 to be represented by a labor organization. On September 10, 1998, the Petersburg Medical Center Employees Association voted 38-4 for "no bargaining representative." Jean also reported that there is a pending election with the City of Whittier, but a hearing on some issues may be necessary prior to the election, and a petition has been filed for a decertification election at the City of Seldovia.

6. Status of unit clarification appeals and unfair labor practice accusations.

Mark stated there are a couple of unfair labor practice cases headed for hearing, and there are no current pending appeals of unit clarifications.

7. Streamlining procedures and setting guidelines for time limits.

Chair Tamagni stated that he and Mark discussed working on streamlining procedures and establishing estimated time frames to resolve cases, from the time a petition or complaint is filed, through and including appeals to the board. These would be guidelines and goals, and not necessarily something that must be met in all cases. Agency staff will conduct research on this and report to the Board at its next meeting. Member Doyle said there are things that have to be done quickly, such as an unfair labor practice complaint in pending labor negotiations. He said cases need to be prioritized; six-to-nine months for a decision does not help the parties. Jean pointed out that she completed some ULPs faster than others, depending on the issue and nature of the case. Chair Tamagni stated that a streamlined process for ULPs would require the parties to furnish the Agency with the evidence necessary to complete the ULP investigation. This would save time since Jean would not have to go out to get it. Chair Tamagni would like this addressed at the next quarterly meeting, for board discussion of the Agency staff's research. This research should include a discussion with the NLRB to determine their time limits and procedures. The goal is to have the procedures and time limits in place by approximately March 1999. This process could include a procedure where the Chair appoints a panel for a given case, and the hearing officer then sets the hearing and prehearing after checking with the panel on availability. Chair Tamagni said Mark would also research what other agencies are doing as far as issuing expedited decisions and bench decisions in their processes. Member Doyle said the American Arbitration Association has some expedited procedures.

b. Budget update.

Margie explained that for the current fiscal year, \$8,400 was transferred from contractual to personal services to reflect a change in these areas and bring budgeted items in line with actual costs. The agency had enough money from the FY 98 budget to purchase a copy machine, a new fax machine and other items. In addition, more money was needed in personal services for FY 99 to compensate for unanticipated salary changes. Margie and Mark are beginning work on the FY 2000 budget.

c. Other.

Board member vacancies.

There was discussion about the lengthy period of vacancy for the open management position. Chair Tamagni said he would draft a letter for the Agency staff to send to the Commissioner's office requesting that the position appointment be made. Member Doyle requested the letter emphasize the period of the vacancy, from the time the previous board member resigned until the present. It was also stated two of the current board members' appointments have expired and they have not been reappointed yet.

4. New business:

a. Staff update.

1. ALRA convention.

Mark gave a report on his experience at the national Association of Labor Relations Agencies convention in St. Louis this past July 24 to 29. It began with a two-day ALRA Academy for relatively new agency members and then proceeded into the convention that consisted of various useful workshops and interesting panel discussions. The convention for 1999 is in Phoenix beginning July 10, and Mark encouraged others who have not made it to attend.

2. Agency newsletter.

Chair Tamagni stated agency staff were looking into publishing the newsletter in house and comparing the time and costs to outsourcing the printing and copying. The next newsletter will be published and issued sometime in October. Board members requested that this newsletter include the current member vacancy. Mark encouraged board members to call if they have other items they would like included in the newsletter.

3. Interest based bargaining.

Chair Tamagni asked that those present at the recent seminar on interest based bargaining provide an overview. Vice Chair Marcotte, Jean and Mark described the concept and the seminar presented by Jeff Clark, a Commissioner from the Federal Mediation and Conciliation Service in Seattle. The Board asked that a summary of the seminar be included in the October newsletter so interested parties could contact Mr. Clark for further information. Copies of seminar materials will be provided to the Board.

4. Board hearing and meeting dates for 1999.

Member Doyle inquired whether quarterly board meetings were required by law. Agency staff advised they were not, and he then proposed that the board schedule semi-annual meetings in the future. Vice Chair Marcotte and Member Smith agreed. Chair Tamagni and Vice Chair Marcotte said the Agency could schedule special meetings at other times if a pressing problem arose. Board members agreed to sign a resolution to this effect (scheduling semi-annual meetings beginning in 1999). The meetings will be held in April and October.

Regarding an advance hearing schedule, Chair Tamagni pointed out that there was no longer a need to set specific hearing dates because the Agency has full access to its hearing room and no longer needs to share hearing facilities with another agency. The Board members agreed to sign a resolution indicating hearings may be scheduled on any State of Alaska regular work day. The Board members also expressed a preference for a short lunch hour and long work day (past normal state hours) when necessary to complete hearings in one day. Representatives of the parties were

encouraged to present only the evidence and arguments necessary and relevant to prove their case.

5. Public comment:

Mark Drygas, business agent for the Fairbanks Firefighters Association provided public comment. He stated he primarily attended the meeting to get a feel for how the process worked. He also suggested it would be helpful if the Agency adopted a form to use in cases in which a party requested summary judgment on a case, where there are no disputed facts between the parties. He said a procedure like summary judgment was helpful because it could expedite the resolution of some cases and save costs.

6. Executive session:

The public meeting recessed at 10:52 a.m. and the board reconvened in closed session.