

ALASKA LABOR RELATIONS AGENCY
Business Meeting, October 8, 1999, 10:00 a.m.
MINUTES

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

1. Call to order: Meeting was called to order by Chair Alfred L. Tamagni, Sr., at 10:08 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; and members Robert A. Doyle, Dick Brickley and Ray Smith (by telephone). Karen Mahurin was unable to attend. Staff members Margie Yadlosky, Jean Ward, and Mark Torgerson also attended.

A sign-up sheet was provided for members of the public. There was no public attendance.

2. Approval of December 11, 1998 business meeting minutes: Member Doyle moved to approve the minutes. Vice Chair Marcotte seconded the motion and the minutes were approved. The April 9, 1999 minutes were also approved, after motion by Member Doyle and second by Vice Chair Marcotte.

3. Old business:

a. Status of pending cases.

The case flow chart was presented. 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. Margie Yadlosky provided an overview of case filing and resolution activity, including the third quarter of 1999. She noted the Agency continues to make progress in reducing the total caseload. Mark Torgerson noted that since November 1, 1997, the total open caseload has decreased from 243 to 115. The Agency continues to work on the newer cases as they are filed, while at the same time striving to reduce the backlog of older filed cases.

b. Budget.

Margie said the FY 2000 budget is lean, but there are no current cuts. Chair Tamagni inquired about the \$4,800 transfer from travel to personal services. Margie explained that this was done to align and balance the personal services budget. Margie said there would be a small savings by stopping the LRRM subscription and instead going to an on-line Westlaw labor account. The equipment budget is \$400. The Agency saved the old printer in case the current one fails. The board members discussed whether to request an increase to the travel budget. Chair Tamagni inquired whether to ask the legislature for a 5% increase to the budget. Member Smith said the Board should at least

request an increase to the travel budget. Member Doyle inquired about data processing chargebacks and suggested the board ask for an increase equal to the chargeback, or that the Agency be exempted from getting charged for data processing chargebacks. Member Doyle moved that the Board pass a resolution requesting an increase in the budget to align the chargeback. Dick Brickley seconded and the motion passed unanimously. The motion is to be drafted and presented to Ed Flanagan, Commissioner of Labor and Workforce Development.

Jean Ward discussed a successful resolution of three cases by mediation. It was an intensive eight-hour effort that paid off. The resolution saved the parties and the Board considerable litigation time and money.

c. Time target presentation.

Raymond Willms from the National Labor Relations Board (NLRB) in Seattle was connected to the meeting by phone. Mark introduced board members and staff and gave Mr. Willms a historical overview of categorizing unfair labor practice investigations from the NLRB's standpoint. As of 1990, the NLRB conducted investigations on a first in, first out basis, regardless of case type. The goal was to try to do dismissals within 30 or 45 days. This procedure resulted in big impact cases getting put on the 'backburner' rather than getting priority treatment.

Then the Clinton administration began, and there was a new emphasis on outcome and customer satisfaction via a mission approach. During this period, the NLRB experienced budget cuts despite the large backlog that had developed. In fact, a large backlog developed between 1990 and 1995. A new procedure was created to address the growing backlog. This procedure places cases into categories by type of issue. Top priority cases are category III; lower priority cases are category II and I. The time target for category III cases, such as representation issues, was set at 7 weeks. Category II cases got an 11-week target, and category I's were given a 15-week target. Priorities were based on the impact of a case on the public, businesses, government, and the number of employees in a dispute. Unfair labor practices could be placed into any category, and they also tend to change categories. In representation, the goal was to reduce the time to get to the election.

Mr. Willms said this approach changed the way the NLRB fundamentally did business. Consequently, the NLRB has reduced the Category II and III cases, but the backlog of Category I cases increased. In addition, due to staffing reductions and varying caseload reductions in the regions, some regions are overstaffed and some are understaffed. Seattle's office is currently understaffed. Consequently, the Seattle office's Category II caseload is the largest caseload, because Category I cases usually get transferred to a region that is overstaffed.

Mr. Willms said it usually takes four months to get a case to hearing. The goal is to prioritize cases as to how soon they will go to hearing. The parties are given a date four months in advance under the assumption their calendar will be clear at that time.

The Seattle office coordinates this with the judges' office in San Francisco. The ALJ's usually travel to Seattle for a two-week period to do hearings. The Category III hearings get priority billing on the trial calendar. The NLRB tries to schedule rule 10(j) cases (temporary injunction cases) within 30 days of filing.

d. Time targets discussion.

The Board discussed streamlining and time targets. Bob said we should have enough information to put together an outline of targets. This could be sent by email to Board members and done at the next Board meeting. There was discussion on the NLRB's Categories. Jean pointed out there are key differences between what we do and what the NLRB does. For example, the local NLRB staff do not conduct ULP hearings. They conduct hearings and then send the hearing tapes to Seattle for decision. This Agency conducts hearings.

Ray expressed concern that we not set the staff up for failure. He said the Board should look at what staff have done the past 2-3 years regarding time to complete ULPs, etc. Blair added that the targets should be doable. Bob agreed that the targets should be doable but that there be some accountability. He added he did not want to put Mark and Jean into an impossible situation. Bob pointed out the Board has spent a lot of time on this. He'd like the staff to come up with recommendations. Al said staff should look at the past 3 years. This information should be available on the annual reports. Then we should look at average time frames and determine if it is possible to meet them.

Ray said staff should sit down and give the Board their opinion of goals at the April meeting. Targets could be set at that time. Bob said we need closure on this issue. Al said we need to come up with some reasonable numbers and reach some type of conclusion in April. The Board agreed.

4. New Business:

a. Staff update. There was no news at this time. Everything is going okay.

b. Board update. Chair Tamagni and everyone else welcomed new member Dick Brickley. Dick said he was glad to be on board, and that it would be a real learning experience.

c. Board meetings in 2000. Mark said Member Karen Mahurin asked if meetings could be adjusted to later in the month so she could attend. The Board discussed dates and agreed on April 28th and September 29th. Chair Tamagni asked Mark to see if these dates would work for Karen.

d. Scheduling of hearings. Staff discussed with the Board the scheduling of hearings and the procedure for setting a hearing date. First, staff will periodically send calendars to the Board asking the members to fill out the calendars and let us know those days in a 3-month period they are *not* available. There were several suggestions for

scheduling of hearings and coordinating the 3 panel members' schedules to set an appropriate date. It was suggested to select 3 possible dates for hearing, with the presumption that the Board panel members will all be available on one of the dates. Al said if there is a conflict with one of the panel members, we could switch to another like panel member (switch one labor member for another labor member, e.g.) if there is still time before hearing for the parties to object to the new panel member. Al mentioned another suggestion in cases where the selected board member might not be able to make it. The prehearing summary could list both the panel member and a possible alternate. That way, the parties would know right away of the possibility of the alternate panel member.

There was no other old or new business.

The meeting was then adjourned.