

ALASKA LABOR RELATIONS AGENCY

Minutes of Business Meeting

Wednesday, October 24, 2012

1. Call to Order.

Board Chair Gary Bader called the meeting to order at 9:00 a.m. Chair Bader and board members Will Askren, Daniel Repasky, and Tyler Andrews attended in person for the entire meeting. Board Member Matthew McSorley joined the meeting at 10:05 a.m.

Staff members Kathleen Wagar, Margie Yadlosky, Jean Ward, and Mark Torgerson attended in person.

2. Approval of Minutes from May 22, 2012, business meeting.

Member Repasky moved to approve the minutes from the May 22, 2012, meeting. Member Askren seconded the motion. By unanimous vote of the four members present, Gary Bader, Will Askren, Daniel Repasky, and Tyler Andrews, the motion carried.

3. Old Business.

A.1. Status of pending cases. Jean reported that the agency made progress this year. She described the cases and progress on resolution. Chair Bader asked about upcoming hearings in Juneau. Mark reported that there are currently three Juneau cases in which prehearing conferences have been held, with two scheduled for hearing in December in Juneau. Another prehearing conference will be held next week on the third case.

A.2. Summary of recent Board decisions.

There have been no decisions issued since the May 2012 meeting. There are two cases pending decision.

B. Budget. Margie provided an overview of the budget. Work on fiscal year (FY) 2012 has wrapped up, and ALRA lapsed some funds due to changes in hearing status. It is a challenge to plan budgeting for many line items, but travel is especially challenging. We try to estimate hearing costs as accurately as possible. Chair Bader said we will need to request money if we run out of funds for travel costs. Mark noted that board members have expressed a desire to attend hearings in person.

Margie said we are now in FY 2013. We start with what is authorized and work from there. Mark noted that with two, and possibly three hearings in Juneau the next few months, we will be sending three board members and Mark there. This travel will

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cost a good portion if not most of the FY 2013 travel budget. Margie explained that a significant part of the \$10,000 budgeted for commodities is for the Westlaw legal research subscription. After this cost, there is only about \$1,000 remaining for office supplies. Chair Bader asked if there was a separate line item in the budget for training. Margie indicated there were some funds available in the travel and services (commodities) line items depending on remaining line item expenditure balances.

The budget discussion transitioned into training. Mark indicated that the commissioner's office would make every effort to see that two board members travel to the July 2013 Association of Labor Relations Agencies' Conference. Member Askren asked what training staff members receive. Mark replied that currently it was pretty much OJT (on the job training). Member Askren expressed concern that staff members were not getting training, since labor law continues to evolve and does not remain static. Mark said he attended the ALRA conference in 2011, Jean attended in 2005, and Margie attended in 2007.

Chair Bader asked Member Repasky for an update on Action Item Number 6 regarding working with board members to identify training needs. Member Repasky said he researched this topic and found that there is no single place to get the training. Member Andrews said that perhaps LERA would have useful training. Chair Bader said Mark gave him a hearing officer's manual, which he found useful.

Chair Bader said that speaking as one of the two non-employed board members, he found it challenging to keep abreast of relevant issues. Mark said that he and Jean had discussed training, and they believe they could provide some useful training for the board members. Member Askren asked if we had time to do that. Member Andrews noted that preparing for training takes time, and there are always cases to work on. Member Askren said staff seem to be taxed to the max already, time-wise. He said Mark provides good on-the-job training during hearings, explaining why he ruled one way or another on issues. Member Repasky wondered if board members could "piggy-back" on any training the Department of Law provides. Member Askren said the internet is a good resource.

After further discussion, Chair Bader said the board members accepted the staff's offer to provide training. Some members expressed further reservations about the added work for Mark and Jean. Chair Bader asked Member Repasky if he wanted to

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change action item number 6 by adding a new piece for local training. The timeline was proposed to get input from the board members within 30 days to determine what they would like to see for in-house training. Member Andrews expressed interest in learning more about objections. Member Askren is interested in learning how to give weight to evidence, and learn about rulings made at hearings. The idea of "fundamentals of the hearing process" was raised, and the goal is to get a plan together in 60 days.

Jean asked if board members would like email copies of the "notices of preliminary finding after investigation" and "notices of probable cause" that she issues in cases. The consensus was 'yes.'

C.1. Action item: Look into electronic technology (Outlook) and any conflict with the open meeting rules.

Member Andrews is interested in getting documents electronically, for convenience, as opposed to hauling boxes of documents from his truck. Chair Bader asked Member Askren about the "Outlook" issue. Member Askren is interested in an interactive setup that can be updated as changes arise. Can board members access ALRA's Outlook? Margie said members would need a state password. She could check for permission. After further discussion, the conclusion was that a shared calendar system with non-state employees would not be possible. Members agreed Kathleen could contact them once a month or so get updates. This action item is closed.

C.2. Action item: Gary will work with Mark on the issue of equitable workload distribution.

Chair Bader has been working with Margie and Mark. This item is done and is an ongoing project. Margie provided him with good data to use for assignment purposes. Chair Bader works with Mark on panel assignments. This action item is closed.

C.3. Matt volunteered to work with Mark and Margie on the 2014 budget. Could there be added a per board member allowance for training?

Chair Bader reported that he and Member McSorley met with Mark and Margie on the budget. It became apparent to him that the board was getting too far into the agency's business and slowing things down. This was not the intent. Chair Bader said the budget is "cooking along swimmingly." He does not know if the board's voiced

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concerns have had an impact. Mark said there has definitely been a positive impact on training. Mark also thanked Margie for her excellent work on the budget.

The discussion transitioned to electronic filings and also electronic access for board members, and how it would impact on the budget. Board members commented that it may be less expensive and more convenient to move to electronic filing and access.

Margie said the agency hopes to get a new copy machine at the end of the current fiscal year for better scanning capability. Member Andrews said he does not want the agency to get strained with scanning work. He said the idea would be to have parties file documents by pdf format. Member Askren said we could ask the parties to voluntarily file electronically until there is a regulation in place. Mark indicated that having an electronic transcript is useful.

Member Andrews agreed to take the electronic technology issue as an action item. He will consider regulatory changes, technology solutions to implement for electronic filings, and the IT support needed. Mark stressed the importance of finding out the public's views on electronic filing.

Regarding any budget costs for an electronic filing process, the FY 2014 budget has already been submitted. Member Andrews said it was important to have parallel projects going to get ahead of the process for FY 2015, which begins in June 2013. Member Andrews committed to presenting an outline of the project by the next board business meeting. Action Item Number 3 is closed and replaced by this item.

C.4. Action item: Summarize personnel costs and have out to the board in two weeks. (June 5, 2012). Margie completed this item.

This item was completed on time. There was a brief discussion about transition issues. Mark reiterated, as indicated in previous meetings, that there is a possibility Jean could be put on contract to help train her replacement after Jean retires.

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C.5. Action item: Gary, Matt, and Mark will meet on June 27 to discuss the budget. Board wants minutes issued within 30 days after meeting.

Chair Bader and Member McSorley met with Mark. Minutes were issued within 30 days. Mark said the agency will continue to issue a draft copy of the minutes within 30 days.

C.6. Action item: Dan to work with board members to determine training needs. This item is ongoing. Action item closed for now.

C.7. Action item: Matt to research regulation on decertification/contract bar and report back to board and staff.

Member McSorley indicated he did not think there was support for this change right now. Upon board consensus, this item was removed.

C.8. Action item: Gary to discuss regulation with Mark and Jean on ordering parties back to the bargaining table after legislative body does not fund part of an agreement.

Chair Bader met with Mark and Jean on October 16. This item is closed.

C.9. Action item: Draft regulation language by September 24th and send to board. All board members to get their comments on proposed regulations to Mark, who will forward board members' comments on to other members.

Draft regulations were emailed to board members on September 24th. Mark said he did not receive any comments. Members Askren and Andrews said they commented prior to the last board meeting. Staff will look for those comments. Chair Bader said he is not prepared to discuss the regulation proposals today. He asked if it could be put forward as a project today. Member Andrews said there could be a motion to start a project but that the board was not deciding for or against any regulations today. Upon further discussion, Member Andrews moved to initiate a regulation project based on the proposals contained in the meeting packet. Member Repasky seconded the motion. There was no vote on this motion.

C.10. Action item: Board members will get calendars to staff by June 1, 2012.

Kathleen will touch base with the board members every couple of weeks to determine any changes needed.

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C.11. Action item: Send agenda for next meeting to board members by October 12, 2012. Done.

C.12. Action item: Forward copies of the briefs of Pohland suppression hearing to the board members after they are received, and Gary's must be MAC-friendly.

Member Repasky stated that he did not need to continue receiving these materials. Member McSorley asked for them. Mark will continue to send them and board members can do what they want with them.

**** At 10:23, the Board went off record and called Member Aaron Isaacs, Jr., who was unable to attend the meeting. The Board went back on record at 10:38.**

4. New Business.

A. ALRA Conference 2013. Mark said the 2013 ALRA conference will probably occur in Washington, D.C., in July. Information will become available on ALRA's website in the future.

B. Board member update.

1. Member Repasky and Chair Bader submitted a request for reappointment. Mark said that a representative from Board and Commissions called yesterday and confirmed receipt of the Member Repasky and Chair Bader reappointment requests.

2. Board member calendars. This was discussed previously.

C. Scheduling of next board meeting. After discussion, the board members agreed to schedule the next meeting on May 8, 2013, at 9:00 a.m.

D. Regulation project proposal. Chair Bader noted this item has been discussed and completed. Gary also said he intends to meet the new labor commissioner.

5. Public Comment. There was one member of the public present, but she had no comment.

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6. **Executive session.** The board went into brief executive session, and returned back on the public record at 10:55 a.m.

7. **Adjournment.** Member Repasky moved to adjourn the meeting, and Member Andrews seconded the motion. The meeting adjourned at 10:56 a.m.

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