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# Alaska Labor Relations Agency

## 2024 Annual Report

*State of Alaska  
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*Department of Labor  
and Workforce Development  
Catherine Muñoz, Commissioner*



*Tammy Schultz, Chair  
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## Introduction

The Alaska Labor Relations Agency (ALRA) administers the Public Employment Relations Act (PERA), AS 23.05.060 - 390, for public employers and employees, including the State, municipalities and other political subdivisions, public schools, and the University. The Agency also administers the railroad labor relations laws for the Alaska Railroad Corporation, AS 23.40.070 - 260. ALRA investigates and processes petitions for certification or decertification of bargaining representatives, petitions to clarify the composition of public employee bargaining units and to amend the certification of units, and charges of unfair labor practices. The Agency enforces collective bargaining agreements, determines employee strike eligibility, and makes impasse determinations.

### 1. Board and Staff Members

Six board members are appointed by the Governor and confirmed by the legislature to serve on the ALRA Board. Members serve staggered three-year terms. Under AS 23.05.360(a) board members must satisfy two requirements to be appointed. “The agency must include two members with a background in management, two members with a background in labor, and two members from the general public. All members must have relevant experience in labor relations matters.” No more than three board members may be of the same political party.

In May 2024, the Governor reappointed Tyler Andrews to a management seat. Emily Jackson-Hall was reappointed to a public seat on January 17, 2025. Jennifer Yuhas was reappointed to a Labor seat on January 17, 2025. In 2024, during a vacancy, ALRA staff positions were reclassified to better reflect the nature of the work of the Agency and to address recruitment and retention issues. By April, 2025 the Agency was fully staffed.

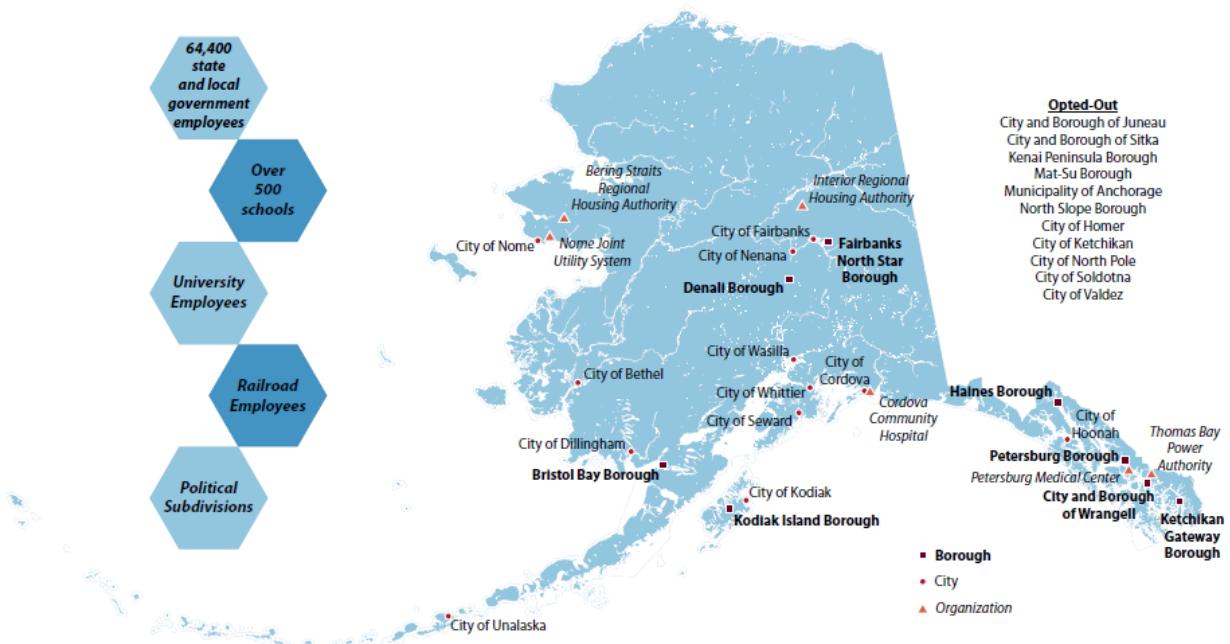
#### Board Members

Tammy Schultz, Chair	Appointed May 12, 2023	Public
Emily Hall, Vice Chair	Appointed January 17, 2025	Public
Jennifer McConnel, Member	Appointed March 1, 2023	Management
Tyler E. Andrews, Member	Appointed May 24, 2024	Management
Justin Mack, Member	Appointed March 1, 2024	Labor
Jennifer Yuhas	Appointed January 17, 2025	Labor

Three full-time staff members manage the day-to-day agency operations under the direction of the Agency Administrator/Hearing Examiner.

#### Staff

Nicole Thibodeau	Administrator/Hearing Examiner II
Andrew White	Hearing Examiner I
Tayler Traughber	Labor Relations Board Assistant/Paralegal II



## 2. Jurisdiction

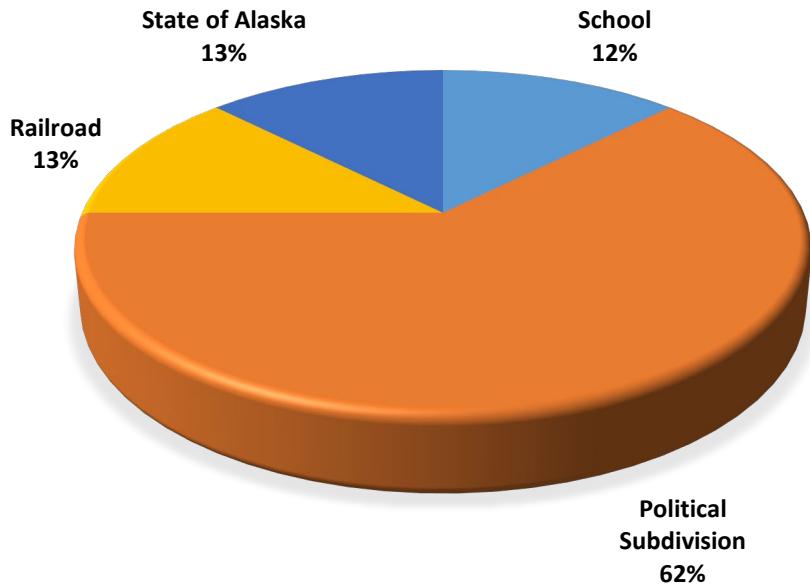
Under the Public Employment Relations Act (PERA) the Agency has jurisdiction over labor relations disputes of all state, university, railroad, public school, and political subdivisions<sup>1</sup> that have not opted out of PERA. Above is a graph illustrating ALRA's jurisdiction with known political subdivisions covered by PERA identified on the map.<sup>2</sup> Those known to have opted out of PERA are listed to the right of the map.

As a result, the Agency handles cases from all over the state. A breakdown of cases by employer type below shows how many of each type were filed in 2024.

<sup>1</sup> Because there is no mechanism by which political subdivisions inform the Agency of their PERA status, ALRA does not have a complete listing, and it is subject to change. These are the political subdivisions that are currently known to have opted in or out of PERA.

<sup>2</sup> Count of total state and local government employees is derived from the State of Alaska, Dept of Labor and Workforce Development Research and Analysis monthly employment statistics for Alaska, 2024 state and local government employee annual average estimates <https://live.laborstats.alaska.gov/labforce/000000/01/ces.html>.

## 2024 CASES OPENED BY EMPLOYER TYPE



## Agency Activity

ALRA continues to conduct elections and other proceedings or meetings via Zoom, and MS Teams. When appropriate ALRA will hold proceedings in person. In 2023 the Agency moved to conducting large elections via electronic voting. Now, the Agency is also moving towards electronic voting for smaller elections, and in 2024 regulations were updated to include electronic voting as a method of conducting elections. Electronic voting streamlines the election process for parties and the Agency and conserves significant Agency resources. Parties report an overwhelmingly positive experience with electronic ballot voting. Because of the Agency's statewide jurisdiction and its limited resources, most agency work is conducted over email, mail, and telephone. Virtual meetings save the Agency and the public time and money.

In 2024 the Alaska Labor Relations Agency became a co-sponsor of the Northwest Labor and Employment Relations Association Conference. This event takes place in Tacoma, Washington and it is an opportunity for area practitioners to learn and share best practices in labor relations. In addition, it is a place to connect with area mediators, arbitrators, agency neutrals, and advocates with labor relations expertise. As a co-sponsor, the Agency contributes to planning the content to ensure that issues relevant to Alaska practitioners are included.

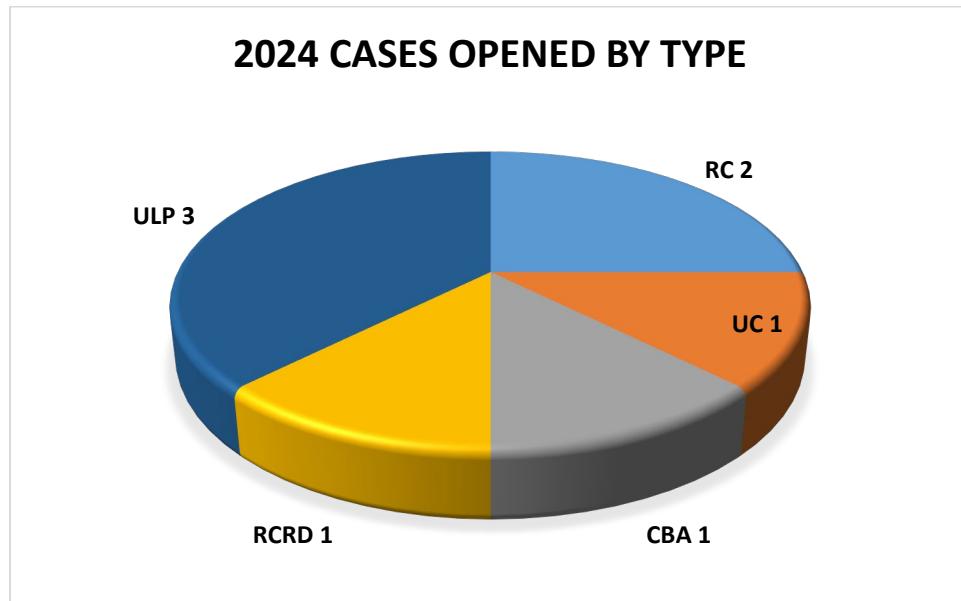
Regulations were updated in 2024 to reduce the numbers of hard copies that parties are required to file with the Agency and to allow for electronic filing and service of documents. In addition, the previous hearing officer separated from the Agency in August and the position was reclassified to a hearing examiner. The result is that staff are better able to manage the workload.

## 1. Adjudications

ALRA resolves disputes through a formal adjudicative process that begins with a party filing a petition or complaint with the Agency. When a petition or complaint is filed with the Agency, staff first determine whether ALRA has jurisdiction over the matter. Then staff determine whether the petition or complaint meets the minimum filing requirements of the statutes and regulations. Depending on the type of petition or complaint filed, an investigation into the questions raised will begin. Staff may issue a decision, and all attempts are made to informally resolve the dispute between the parties. If needed, a hearing will be held before a board panel and a decision and order will be issued.

### A. Types of cases

Agency staff are responsible for resolving petitions for certification of a bargaining unit (RC), decertification of a bargaining unit (RD), a change in representative (RCRD), strike class determination (SC), impasse determinations (SP), unit clarification (UC), unit amendment (AC), religious exemption (RE), enforcement of collective bargaining agreements (CBA), and unfair labor practice complaints (ULP).



#### a. Unfair Labor Practice Complaints AS 23.40.110; AS 42.40.760

Employers, labor organizations, or individual employees may file unfair labor practice (ULP) complaints (charges). Resolving unfair labor practice cases consumes a substantial percentage of the Agency's time because the issues are often complex. The process involves an investigation and research to determine whether probable cause exists then possibly a prehearing conference and a board hearing. Like all case types, ULP case filings are unpredictable in their nature and complexity because of the unique facts of each case. Types of charges against employers include retaliation for union membership or exercise of employee rights, coercion,

domination or interference with an organization, and bad faith bargaining. Charges against unions include coercion, bad faith bargaining<sup>3</sup>, and interference with the employer's selection of its representative for collective bargaining or adjustment of grievances. Often, petitions include multiple charges against a party. Additionally, employees may file a duty of fair representation claims against unions if they believe the union has failed to adequately represent them.

The Agency ranks ULP's by level of priority to determine which cases are investigated first. For example, disputes that affect a large number of employees usually receive high priority. Priority level may change during the life of the case depending on specific facts and circumstances. While priority ranking affects which cases are investigated first, the nature and complexity of a ULP case and the extent of the parties' cooperation affect the time it takes to complete a ULP investigation. The Agency's ability to complete investigations timely is also affected when case filings rise significantly or other workload components such as elections or conducting hearings take priority.

During the investigation, if the hearing officer finds there is probable cause that a ULP violation occurred, and informal resolution<sup>4</sup> is unsuccessful, the case is scheduled for hearing. Hearings may be live or based upon the written record. A case may resolve up to or even before the conclusion of the hearing.

A total of three unfair labor practice charges were filed in 2024. Of those three charges filed in 2024, two included bad faith bargaining, and one concerned the interference with employees' protected rights. None included a charge to dominate with organization or activity, and one included a charge to discriminate against protected union employee activity. An employee may file a charge against a union claiming that the union failed to meet its duty to represent the employee. There were no duty of fair representation claims filed in 2024.

During 2024, the Agency closed one ULP case and issued formal findings in one case. The hearing officer conducted two ULP investigations in 2024. Those investigations took an average of 18 days to complete. The investigation that concluded with formal findings was normal priority. Parties often request a case be put in abeyance as they attempt to reach settlement as was the case for open ULPs in 2024.

#### b. Elections/Representation

Under AS 23.40.100 and AS 42.40.750 labor organizations, employers, or employees may file a petition to initiate a secret ballot election for certification or decertification of a labor or employee organization for collective bargaining. Alternatively, parties may notify the Agency that the employer consents to the labor organization's exclusive representation of a particular unit of employees. When this occurs, no election is required if investigation verifies the majority status of the labor organization and no current collective bargaining agreement exists. Representation cases are designated as a high priority for agency workload purposes.

Prior to conducting an election, the Agency resolves any objections raised by a party. For example, the employer may object to the composition of a bargaining unit. If a party files an objection, a hearing may be conducted before the Board, which then issues a decision and order that clarifies who gets to vote in the election. In 2024, three representation petitions were filed. No petition for representation required mediation with the parties to finalize the unit composition

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<sup>3</sup> Bad faith bargaining charges arise in the context of collective bargaining: one party believes the other party has failed to bargain in good faith under the law.

<sup>4</sup> An effort to resolve the case informally through settlement is always made first and is required by AS 23.40.120.

before the Agency held an election. One petition was a change of representative and two petitions were for self-determination elections. In 2024, Agency regulations were updated to allow for electronic vote elections. Electronic vote elections reduce administrative costs on staff and provide better ease of access to voting in this state's dispersed public sector.

Parties may also file a representation petition to decertify a unit and choose to be unrepresented. In 2024, no petitions for decertification were filed.

Petitions for recognition by mutual consent are a type of representation petition filed where the employer consents to the labor organization's exclusive representation of a particular unit of employees. There were no petitions for recognition by mutual consent filed in 2024.

c. Strike Class Petitions (AS 23.40.200; AS 42.40.850)

Under PERA, the Agency hears disputes about strike classifications and impasse matters. Strike classification is important to employees and employers because it determines whether employees have the legal right to strike. PERA divides public employees into three separate classes for purposes of authorization to strike. Class I's, such as police and firefighters, are prohibited from striking. Class II's, such as snow removal workers, may strike for limited periods of time until a court determines that public safety and health are affected. Class III's, which include a wide range of public employees, have a broad right to strike. There were no strike class petitions filed or closed in 2024.

d. Impasse Determinations (AS 42.40.840; 8 AAC 97.270)

Impasse determinations are conducted upon a written request by a party. During negotiations, parties may believe they have reached an impasse and that continued attempts at negotiations seem unproductive. To find a way forward, parties often engage in facilitated conciliation. Agency impasse determinations are a tool parties may be required to use or may voluntarily request in their efforts to reach agreement. No impasse determinations were filed in 2024.

e. Unit Clarification and Unit Amendment Petitions (8 AAC 97.050)

Unit clarification (UC) and unit amendment (AC) petitions are filed to resolve disputes over unit composition. An employer's reorganization of its employees' duties or adding or eliminating positions can raise a question of the appropriate bargaining unit for the positions. Representation cannot be at issue in a unit clarification petition, and unit issues that arise in the process of handling a representation petition are not counted here. Staff will conduct an investigation to determine whether these, or any other issues are present, and then issue findings. In 2024 one unit clarification petition was filed, and one was closed. The one closed petition had findings issued and was dismissed.

Unit amendment petitions are filed to change the unit's name, affiliation, site, or location. There were no unit amendment petitions filed in 2024, and none closed in 2024.

f. Claims for Religious Exemption (AS 23.40.225; AS 42.40.880; 8 AAC 97.310)

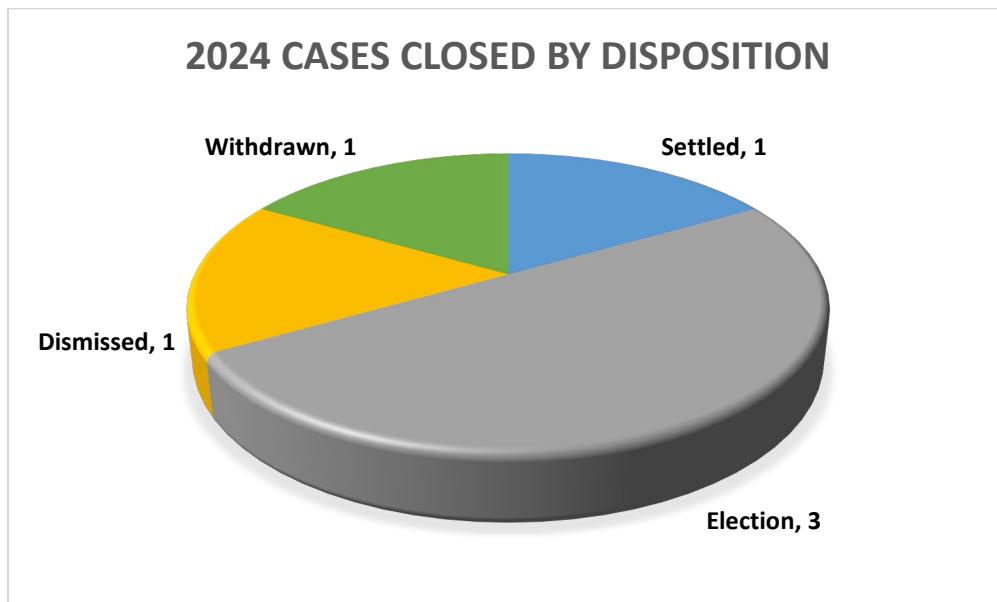
AS 23.40.225 and AS 42.40.880 allow a public employee to seek an exemption from union membership or agency fee payment on the basis of bona fide religious convictions. There were no claims for exemption filed in 2024. In the wake of *Janus v. AFSCME*, 138 S.Ct. 2448, (2018), it is anticipated that claims for religious exemption will no longer be filed.

g. Petitions to Enforce the Collective Bargaining Agreement (AS 23.40.210; AS 42.40.860(b); 8 AAC 97.510)

The Agency has statutory authority to enforce the terms of a collective bargaining agreement. Under the statute, all agreements must contain a grievance/arbitration procedure, which the parties must exhaust before filing a petition to enforce the agreement (CBA). There was one petition to enforce the agreement filed in 2024, and it is open and in abeyance.

## 2. Summary of Agency activity

In 2024, the Agency closed a total of six cases, and eight petitions and complaints were filed. In addition, 39 orders were issued in 2024. In 2024, the Board held two business meetings.





### **3. Informal Resolution**

With an emphasis on informal resolution, agency staff conduct formal and informal mediation in all types of cases which can result in settlement. Specifically, AS 23.40.120 and 8 AAC 97.230 apply to ULP cases and require the hearing officer to attempt to resolve the dispute through the use of conference, conciliation, and persuasion. Under AS 23.40.120, if the Agency determines after preliminary investigation that probable cause exists in support of a complaint or accusation, it will attempt to eliminate the prohibited practice by informal methods of conference, conciliation, and persuasion. Sometimes, with the parties' consent, the Agency may attempt to resolve a complaint or accusation by method of conference, conciliation, and persuasion before a preliminary investigation finds probable cause exists in support of the complaint or accusation. In 2024, the Agency used conference, conciliation, and persuasion to resolve one unfair labor practice case.

In 2024, the hearing officer engaged in mediation or informal conciliation to resolve one non-ULP case.

### **4. Summary of Decisions and appealed cases**

Few cases go all the way to a hearing before a board panel and include a decision and order. In 2024, no cases formally advanced to the Board for hearing. One unfair labor practice complaint that was dismissed by staff order then was appealed to the Board, affirmed by the Board on appeal, and appealed to superior court. The superior court has not issued its decision yet.

## **5. Training**

The ALRA Board is supported by ALRA staff who manage the day-to-day business of the Agency. Staff provide the Board legal advice and information and also provide information to the public and parties. It is important that the Board and staff members participate in continuing education to allow a professional and objective response to the myriad of complex and ever-evolving labor relations issues that come before the Agency. Training provides information and tools that increase the Board and staff's ability to produce a quality work product for the public.

In 2024, both the hearing officer and hearing examiner attended the Association of Labor Relations Agencies Annual meeting in Detroit. The hearing examiner attended the Northwest Labor and Employment Relations Association (LERA) meeting in Tacoma, Washington. All staff participated in several online trainings that are normally only offered in person, including presentations on labor relations issues offered by the American Bar Association (ABA), Federal Mediation & Conciliation Service (FMCS) as well as courses offered by the National Center for State Courts (NCSC).

## **6. Summer Externship**

There are now two avenues available for law student interns to follow to intern at the Agency. First, law students could apply through the Seattle University School of Law as part of its externship program. This program, started in 2008, as a combined effort by Seattle University School of Law, Alaska Pacific University, and government entities to provide legal experience and training to law students. Second, law students could apply directly to the Agency or through the intern program at the Department of Law.

The intern program encourages law students to consider relocating to Alaska and working in labor relations law or other legal fields. The Agency has received positive reviews from participating students and from Seattle University School of Law's program director. This program allows the extern to explore public-sector labor relations laws; conduct labor relations research; write legal memoranda; read and digest opinions, briefs, and motions; write summaries of published agency decisions; and confer with agency staff on performing other technical duties they may encounter as new lawyers. In 2024, ALRA hosted a law student intern from Suffolk University School of Law for ten weeks over the summer. By expanding the intern program and working with the Department of Law, the Agency is able to provide a more robust internship opportunity to students.

## **7. Outreach**

Agency staff provide information about the Public Employment Relations Act (PERA) to new and existing representatives from public employee labor organizations and public employers and distinguish it from the National Labor Relations Act (NLRA). As part of their discussions with new representatives, ALRA staff provide a history of the evolution of public labor relations in Alaska and at the Agency, provide instruction on how to file documents with the agency, and share insight gained through their experience at the Agency. They emphasize the importance of parties developing and maintaining good relationships, particularly after they experience long, difficult negotiations.

In 2024, the Agency fielded labor relations questions, including at least 266 public inquiries. Of those, 105 were regarding PERA and were unrelated to any open matter, and 161 of those were general inquiries from the public unrelated to any open matter.

## **Resources**

The Agency provides information on its website, accessible through the State of Alaska's home page at [www.alaska.gov](http://www.alaska.gov) or directly at <https://labor.alaska.gov/labor/>. The site contains petitions, complaints, and instructions for filing. It also has a link for contacting the Administrator by e-mail, information about Agency programs and resources, and access to a searchable database of all Agency decisions. The Agency continues to add new materials to the website and welcomes public suggestions.

ALRA maintains a resource library accessible to the public, containing printed copies of public-sector labor relations publications, printed copies of Agency decision and orders, and printed copies of election certificates. Patrons are encouraged to call the office first to ensure the library is not already in use.