

2000 ANNUAL REPORT

Submitted April 2001
(In accordance with AS 23.05.370)

INTRODUCTION

The Alaska Labor Relations Agency administers the Public Employment Relations Act (PERA) for the State, municipalities, public schools, and university. The Agency also administers the railroad labor relations laws for the Alaska Railroad Corporation. It determines 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 from labor organizations, public employers, and public employees. It enforces terms of a collective bargaining agreement, determines strike eligibility of workers, and rules on claims for religious exemption from the obligation to pay fees to a bargaining representative.

PERSONNEL

BOARD MEMBERS

The Agency is governed by a board of six members who serve staggered three-year terms. The members must have backgrounds in labor relations, and two members each must be drawn from management, labor, and the general public. AS 23.05.360(b).

Aaron T. Isaacs Jr., Acting Chair	Appointed June 12, 2000	Public
Vacant, Vice Chair		Public
Robert A. Doyle, Board Member	Reappointed Aug. 3, 1999	Management
Dick Brickley, Board Member	Reappointed June 30, 2000	Management
Karen J. Mahurin, Board Member	Reappointed Dec. 2, 1997	Labor
Raymond Smith, Board Member	Reappointed July 31, 1998	Labor

STAFF

Mark Torgerson, administrator/hearing examiner
Jean Ward, hearing officer/investigator
Margie Yadlosky, personnel specialist I
Earl Gibson, Jr., administrative clerk III

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STATUTES

Relevant statutes appear in AS 23.05.360--23.05.390; AS 23.40.070--23.40.260 (PERA); and AS 42.40.705--42.40.890 (railroad).

REGULATIONS

The Agency's regulations appear in 8 AAC 97.010--8 AAC 97.990.

HIGHLIGHTS

For the first time in several years, the Agency did not experience turnover in any of its four staff positions. This stabilizing of personnel, along with streamlined procedures, enabled the Agency to put a significant dent in a caseload backlog that had developed in the mid-1990's. Although a backlog still exists, the total pending cases has decreased in the past three years due to efficiencies of operations.

Cases filed in 2000 totaled 49, a reduction from 68 filed in 1999 and 106 in 1998. This 27 percent decrease, coupled with an increase in dispositions of previously pending cases, reduced the agency's total caseload significantly. The total 2000 filings are lower than the number of filings in 1999 and lower than the average number of filings during the 1991 to 1994 period (84). The Agency's backlog developed in primary part due to the large number of cases filed in the 1995-to-1998 period, an average of 149 per year. Due to the lean budget, the agency continued to work this large caseload increase with the same number of staff.

Unit clarification (UC) petitions totaled 14 in 2000, compared to 31 in 1999 and 66 in 1998. Unit clarification petitions continue to be the largest category of cases filed. Overall, the number of cases filed for unit clarifications has decreased since the highest

year where there were 148 filed in 1996. These petitions usually concern the supervisory status of various State employees. The supervisory status of an employee determines the employee's bargaining unit placement. While the question who is a supervisor affects all State employee bargaining units, UC disputes before the Agency primarily involve the State, the Alaska State Employees Association (ASEA), which represents the general government unit, and the Alaska Public Employees Association (APEA), which represents the supervisors' unit. A significant increase in the number of petitions began in 1995, due in part to a 1995 amendment to a regulation defining "supervisory employee." The validity of this amendment was eventually challenged in the courts. On October 15, 1999, the Alaska Supreme Court affirmed the regulation's validity.

The UC caseload had increased to 207 by November 1, 1997. The procedure at that time, holding a hearing in each case, became impossible to keep up with, given staffing and budget limitations. To reduce the UC caseload backlog and improve production, the agency implemented streamlining procedures in 1998. These new procedures have succeeded so far. In 2000, the agency completed 48 UC investigations. Coupled with the 16 cases filed during the year, the UC caseload was reduced significantly in 2000. (See "Final Disposition" data in chart at page 6, and discussion at page 12).

Filings in unfair labor practice (ULP) charges continue to experience a decrease from 20 in 1999 to 13 in 2000. The issue in 38 percent of the charges was bad faith bargaining. These charges often arise in the context of collective bargaining; one party believes the other party is not bargaining in good faith. The issue in 30 percent of the charges was interference with protected rights, such as organizing and collective bargaining. Twenty-three percent of charges related to the duty of fair representation. The remaining eight percent of charges relate to retaliation.

The Agency's efforts to deal with the unit clarification caseload delayed completion of unfair labor practice investigations. Effective January 1, 1999, the Agency implemented new investigative procedures designed to reduce the time needed to complete investigations. Because this procedure affects only newly filed cases, and not charges filed in prior years, the number of days to conclude all investigations (see chart at page 18) may continue to rise until pre-1999 cases are completed. Applying old procedures, the Agency completed 10 ULP investigations in an average of 304 days. This compares to 7 ULP cases completed under the new, more efficient procedure in an average of 83 days. (See chart at page 18). Under the new procedure, the average number of days to ULP investigation end decreased from 90 days in 1999 to 83 days in 2000.

The Agency received six election petitions in 2000. Six petitions requested certification of a bargaining representative. There were no requests for decertification, or for decertification of the current representative and certification of a new bargaining representative. In 1999, there was one petition seeking certification of a bargaining

representative and two seeking decertification of the current representative and certification of a new bargaining representative.

The Agency also conducted one election, which resulted in certification of a new bargaining unit. The outcome of the election activity in 2000 was a net increase in the number of public employees covered by collective bargaining.

The number of strike petitions decreased for the first time in three years. Total 2000 strike petitions were 2, compared to 6 in 1999, 4 in 1998, and 2 in 1997. The past three year increase was generally attributable to expiration of multi-year contracts between employers and labor organizations.

The Agency continues to emphasize informal resolution of disputes. As a result, 10 unfair labor practice charges were resolved informally in 2000. This compares to 18 such resolutions in 1999, 15 in 1998, 20 in 1997, and 14 in 1996. In addition, the Agency's hearing officer/investigator has worked with parties in structured mediation sessions to settle several unfair labor practice charges, and has expanded mediation services to include collective bargaining agreement enforcement petitions. This success in mediation saved the parties, the Board, and the Agency the cost and time that would have been required for litigation of the disputes. The Agency hopes to train other staff to assist in mediation efforts.

During 2000, the Agency continued to play a proactive role in revitalizing the Alaska chapter of the Industrial Relations Research Association (IRRA). IRRA is the one organization in the country in which professionals from all aspects of industrial relations and human resources can share ideas and learn about new developments and practices in the field. IRRA sponsors and publishes research. It promotes education and provides a forum for the exchange of ideas on employment issues. IRRA does not take partisan positions on policy issues; rather, it serves as a resource to labor and management professionals, including advocates and neutrals, government, and the academic community. An active Alaska chapter provides Alaska employment professionals with opportunities for networking and training, and it serves as a resource within the state.

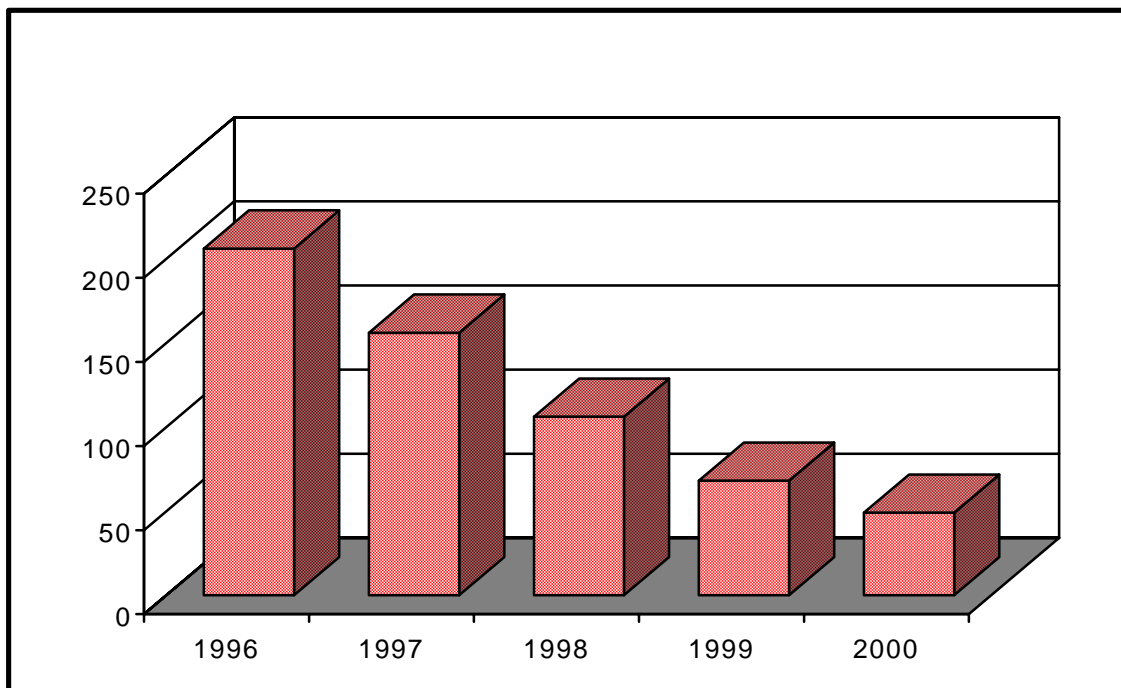
The Alaska chapter met every month in 2000 except November. Meetings were highlighted by speaker presentations. In recent months, speakers have addressed issues such as workplace violence and safety, mediation, labor legislation, and public employee contract negotiations.

Agency information is available on its internet web site, accessible through the State of Alaska's home page (<http://www.state.ak.us>) or directly at <http://www.labor.state.ak.us/laborr/home.htm>. The site contains a link to contact the administrator by email, and information about agency programs and resources. The Agency continues to add new materials. For example, during 2000, digests of Agency

decision and orders, along with a link to the full decision, were added for the years 1997-99. In addition, a person can now research all agency decisions by typing a word or phrase into a search field. The Agency met its goal of having digests and decisions from 1991 (the agency's inception) to the present available on the web site by June 30, 2000. The next goal for the Agency is to have a cross-reference of Agency cases appealed to the Alaska Superior and Supreme courts and their decisions.

CASE STATUS SUMMARIES

CASE LOAD COMPARISON BY YEAR

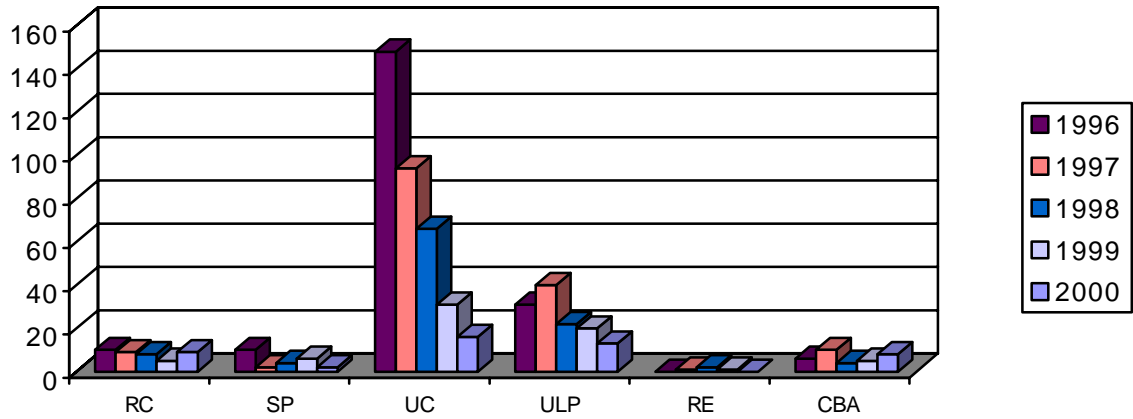


OVERVIEW

CASES FILED	2000	1999	1998	1997	1996
Amended Certification (AC)	3	1	1	1	1
Representation (RC)	6	1	6	6	5
Decertification (RD)	0	1	1	1	2
Decert. to certify a new rep. (RC/RD)	0	2	0	1	2
Strike notice or strike class petition (SP)	2	6	4	2	10
Unit Clarification (UC)	16	31	66	94	148
Unfair Labor Practice Charge (ULP)	13	20	22	40	31
Religious Exemption Claims (RE)	0	1	2	1	0
Contract Enforcement (CBA)	8	5	4	10	6
Other (OTH)	1	0	0	0	1
TOTAL	49	68	106	156	206
AGENCY ACTIVITY	2000	1999	1998	1997	1996
Unfair Labor Practice Investigations	10	31	24	26	20
Unit Clarification Investigations	48	93	NC	NC	NC
Decisions and Orders Issued	5	6	9	25	12
Other Board Orders Issued	1	16	NC	NC	NC
Hearing Officer Orders Issued	5	3	NC	NC	NC
Elections (includes AC)	3	3	6	7	6
TOTAL	72	152	39	58	38
FINAL DISPOSITION	2000	1999	1998	1997	1996
Notices of dismissal issued	48	89	67	27	15
Cases settled or withdrawn	23	45	87	69	25
Cases that went to hearing	6	7	3	10	29
Impasse matters settled or withdrawn	0	5	2	0	1
Cases deferred to arbitration	1	1	1	0	1
TOTAL	78	147	160	106	71

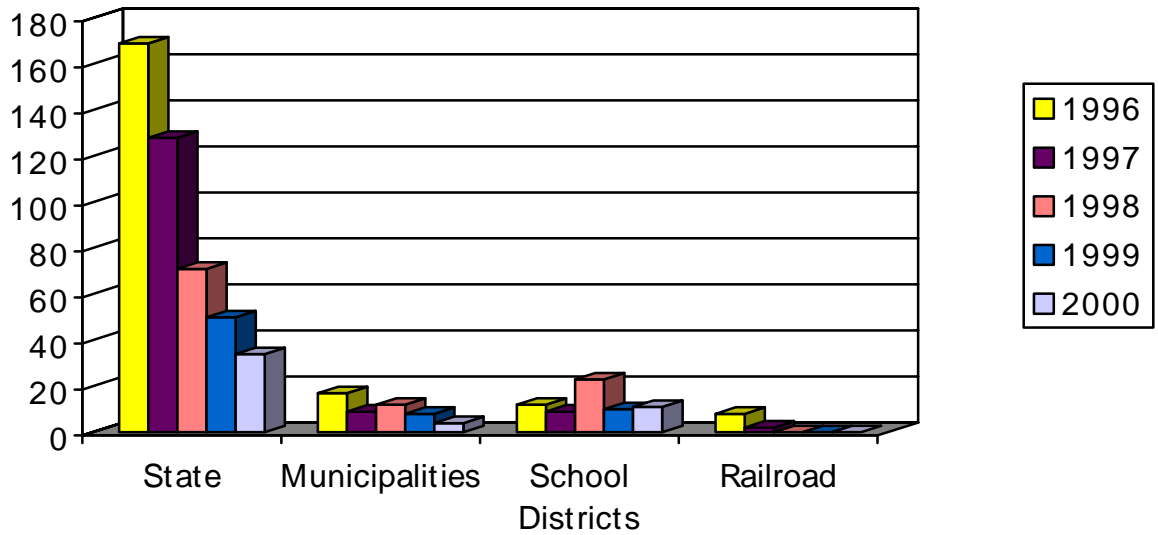
*NC = not counted

CHARTS



PROGRAM COMPARISON BY YEAR

- | | |
|---------------------------------|----------------------------------|
| RC Representation petitions | ULP Unfair labor practice charge |
| SP Strike notices and petitions | RE Religious exemption claim |
| UC Unit clarification petitions | CBA Contract Enforcement |



EMPLOYER COMPARISON BY YEAR

REPRESENTATION PETITIONS (AS 23.40.100; AS 42.40.750)

Representation petitions are filed by labor organizations, employers, or employees to initiate a secret ballot election for certification or decertification of an employee representative for collective bargaining. Less frequently, a petition is filed to advise the agency that the employer consents to the labor organization's representation of a particular unit of employees. Notification of consent to recognition does not require the Agency to conduct an election. Most petitioners seek an election. Before an election can be conducted, any objections to the election or the composition of the bargaining unit must be resolved. Often a hearing before the Agency is needed. Petitions for representation of a municipal bargaining unit frequently require examination of the validity of a municipality's rejection of PERA under the opt out clause in the legislation adopting PERA, section 4, ch. 113, SLA 1972. Employer objections to the unit that the labor organization seeks to represent also are common. The Agency conducts the election, rules on objections or challenges to the conduct of the election, and certifies the results. If the petitioner seeks to sever a group from an existing unit, the petitioner must demonstrate that the existing unit was not fairly representing the interests of the smaller group, and that the smaller group is an appropriate unit, among other factors.

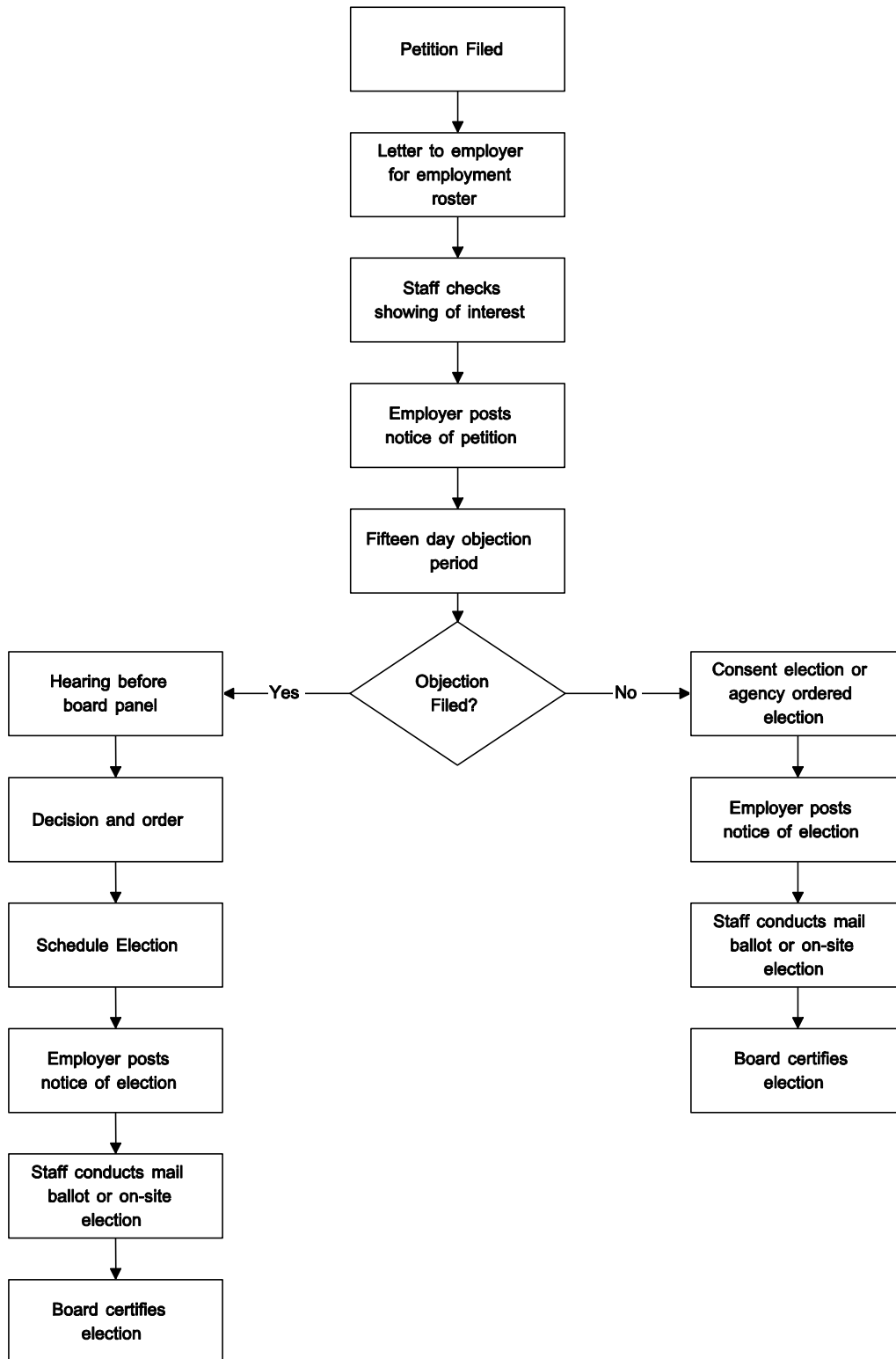
The Agency conducted one election in 2000. This election resulted in certification of the Laborers International Union of North America, Local 341/AFL-CIO, as petitioner to represent maintenance, clerical, and office staff employees of the Bering Straits Regional Housing Authority. In addition to this election, one election is pending and has been set for hearing in April 2001. In this case, APEA filed a petition to represent in a separate unit the Class I employees it now represents in a combined unit of Class I, II, and III Ketchikan Gateway Borough employees. The Agency received three petitions to amend election certificates. One petition showed a bargaining unit name change from Alaska Classified Employees Association to Alaska Higher Education Crafts & Trades Employees, Local 6070/Alaska Public Employees Association/AFT, AFL-CIO. Two petitions were filed by National Education Association-Alaska (NEA-AK) to show a disaffiliation with bargaining unit members of the Chatham School District, represented by the Chatham Education Support Personnel Association, and bargaining unit members of the Aleutians East Borough School District, represented by the Aleutians East Education Support Personnel Association/NEA-AK.

REPRESENTATION PETITIONS FILED

6

Employer

	State	2
	Municipalities	3
	Public Schools	1
Type		
	To certify a new unit	6
	To decertify the unit	0
	To change representatives	0
	To amend certificate	0
Hearings conducted		0
Petitions that proceeded to election		1



REPRESENTATION PETITION FLOW CHART

STRIKE AND STRIKE CLASS PETITIONS (AS 23.40.200; 8 AAC 97.300; AS 42.40.850)

Public employees under PERA are divided into three classes, depending on their right to strike. Under PERA the agency hears disputes about strike classifications and impasse. It receives notices of strike vote election and monitors the election, which the labor organizations conduct themselves. The Agency rules on any objections to the conduct of elections. In the case of school district bargaining representatives, submission to advisory arbitration is required before a strike vote election. 8 AAC 97.300.

The number of strike petitions filed has decreased from six in 1999, to two in 2000. The decrease was primarily attributable to signed multi-year collective bargaining agreements. In one case, employees of the Anchorage School District filed a strike vote petition that involved disputes between the Anchorage School District and support personnel represented by Anchorage Education Association. The Inlandboatmen's Union of the Pacific and the State of Alaska were also involved in a strike vote petition where the State alleged bad faith bargaining and was seeking enforcement of contract. All strike petitions were resolved and bargaining unit members did not go out on strike.

STRIKE PETITIONS FILED 2

Employer

State	1
Municipalities	0
Public Schools	1
Railroad	0

Hearings Conducted 0

UNIT CLARIFICATION PETITIONS (8 AAC 97.050)

Unit clarification petitions and petitions to amend a bargaining unit can be filed to resolve disputes over unit composition. An employer's reorganization of its staff, or adding or eliminating positions can raise a question of the appropriate unit. Representation may not be an issue in a unit clarification petition, and unit issues that come up in the process of handling a representation petition are not counted here.

Historically, most of these disputes have arisen as objections to State transfers of employees from one bargaining unit to another. For example, the State may change a position's job duties, which may affect the position's unit placement. Transfers between the general government unit (GGU) and the supervisory (SU) or confidential (CEA) units comprise most of the disputes. If investigation shows there is reasonable cause to believe that a question of unit clarification exists, the cases require a hearing with the State and both interested labor organizations as parties.

The number of unit case filings in 2000 (16) decreased from 1999 (31). After several years of activity that challenged Agency resources, the caseload is becoming more manageable. Of the 16 unit clarification petitions filed in 2000, 14 were State-related petitions. Most result from the State's shift of employees to the supervisory unit from the general government unit following the Agency's 1995 amendment to the definition of "supervisory employee." The amendment, intended to simplify determining who is a supervisor, has been controversial. However, on October 15, 1999, the Alaska Supreme Court upheld the validity of the regulation defining "supervisory employee." (*See Alaska State Employees Ass'n/AFSCME Local 52 v. State of Alaska*, 990 p.2d 14 (Alaska 1999)).

To address the significant rise in unit clarification cases, the agency implemented streamlining procedures in 1998. Caseloads were adjusted, and as a result, the personnel specialist I, rather than the hearing officer, now handles initial investigations. Under this procedure, the Agency utilizes a comprehensive questionnaire to gather needed information, rather than rely on and wait for the parties to provide it, or proceed to hearing, as was done previously. (For example, 28 UC disputes went to hearing in 1996). As a result of these new procedures, a total of 48 unit clarification investigations were concluded in 2000. Forty-one percent of unit clarification cases open one year ago March 1999 (72), have been resolved. At this time, 30 unit clarifications remain open. The Agency's hearing officer, who previously conducted these investigations, is only required to review and act on the personnel specialist's recommendations. This enables the hearing officer to focus more time on unfair labor practice investigations, mediation, and other duties.

UNIT CLARIFICATION PETITIONS FILED

16

Employer

State	14
Public Schools	2
Municipalities	0
Railroad	0
Hearings conducted	0

UNFAIR LABOR PRACTICE CHARGES (AS 23.40.110; AS 42.40.760)

Employers, employee representatives, and individual employees may file unfair labor practice charges. Charges against employers can 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, dues disputes, and interference with the employer's selection of its collective bargaining representative.

Unfair labor practice charge filings totaled 13 in 2000, compared to 20 in 1999. The dispute in five charges concerned bad faith bargaining. Four charges alleged interference with protected rights, three concerned the duty of fair representation, and one alleged retaliation for exercise of protected rights.

The Agency concluded 10 investigations in 2000, compared to 31 in 1999 and 24 in 1998. As noted (see "Highlights"), staff vacancies and the dramatic increase in the unit clarification caseload had impacted investigation, resolution and conclusion of unfair labor practice cases. The Agency had prioritized unit clarifications in order to gain an element of control over that caseload. Consequently, the time to conclude unfair labor practice investigations and issue decisions increased significantly in 1998. (See timeliness charts at 18). As expected, this pattern continued into 1999 and 2000, as the agency worked through the older pending cases. However, the Agency implemented a streamlined, more efficient unfair labor practice procedure effective January 1, 1999. This procedure has reduced the time needed to conclude investigations (See chart at page 18). The complexity of some of the cases investigated is reflected in the reduced number of investigations completed.

UNFAIR LABOR PRACTICE CHARGES FILED 13

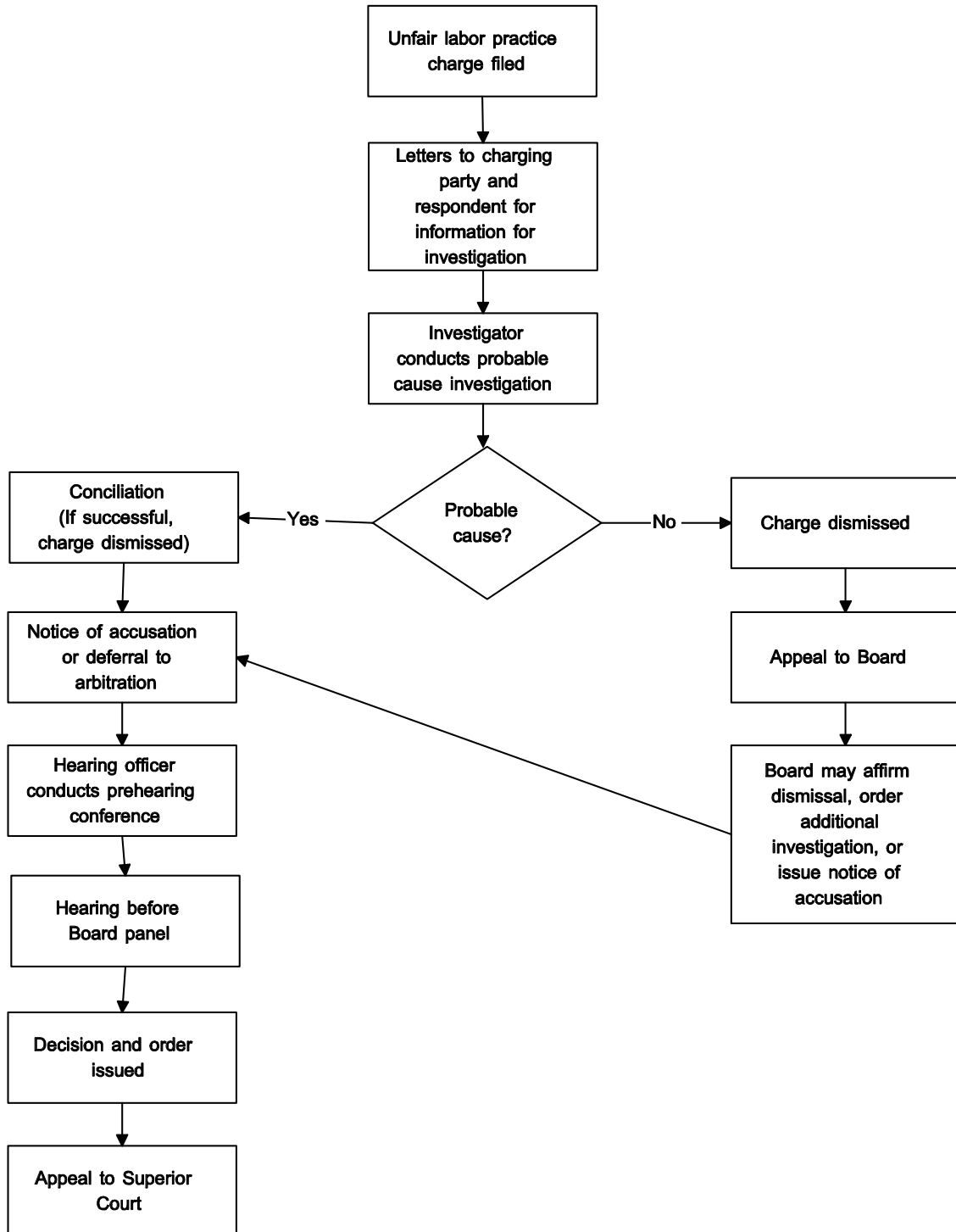
Employer	
State	7
Municipalities	1
Public Schools	5

Railroad		0
Type		
Arbitration related		0
Bad faith bargaining		5
Retaliation		1
Interference with protected rights		4
Union duty of fair representation		3
Employer action without bargaining		0
Information request		0
Scope of bargaining		0
Weingarten		0
Discrimination	0	
Impasse		0
Other		0
Investigations		10
Hearings conducted		2
Other resolution		
Dismissals (no probable cause)		0
Deferrals to arbitration		1
Settled or withdrawn		10
Dismissed, inaction		0
Dismissed, final order	0	
Dismissed, Insufficient		0
Remand		0
Other		0

COMPARISON BY ULP COMPLAINANT

Complainant	2000	1999	1998	1997	1996	Total
Alaska Public Employees Ass'n	0	1	4	1	1	8
Alaska State Employees Ass'n	3	6	1	12	9	39
I.B.U.P.	0	1	0	0	0	3
I.B.E.W.	0	3	0	6	7	21
UA Classified Employees Ass'n	0	0	0	1	0	1
ACCFT	0	0	5	1	0	12
Other Unions	3	0	1	8	3	19
School Unions	2	0	6	3	2	16
Individuals	4	7	3	3	6	46
Employers	1	2	2	5	3	15
Total ULPs filed	13	20	22	40	31	180

UNFAIR LABOR PRACTICE CHARGE FLOW CHART



CLAIMS FOR RELIGIOUS EXEMPTION (AS 23.40.225; AS 42.40.880)

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 religious convictions.

CLAIMS FILED		0
Employer		
	State	0
	Municipalities	0
	Public Schools	0
	Railroad	0
Hearings conducted		0

PETITIONS TO ENFORCE THE COLLECTIVE BARGAINING AGREEMENT (AS 23.40.210; AS 42.40.860(b); 8 AAC 97.510)

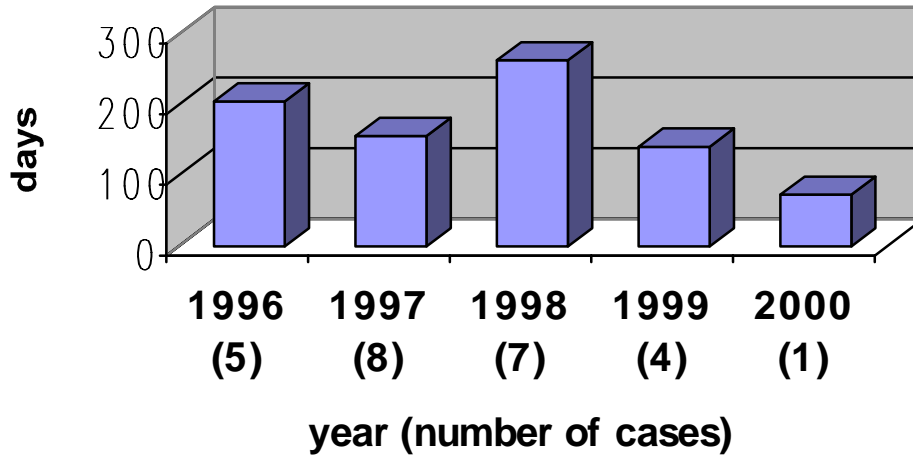
AS 23.40.210 and AS 42.40.860(b) authorize the agency to enforce the terms of a collective bargaining agreement (CBA). Because all agreements under AS 23.40.210 must contain an arbitration clause to handle disputes under the agreement, 8 AAC 97.510 requires that parties first exhaust the arbitration clause or show that it does not apply before filing a petition with the agency to enforce the agreement.

Eight such petitions were filed in 2000, three more than 1999's total, higher than the average number of CBA petitions filed yearly in the 1993 – 1996 period. The 1997 period contained the highest number of CBA petitions filed (10).

CBA PETITIONS FILED		8
Employer		
	State	8
	Municipalities	0
	Public Schools	0
	Railroad	0
Hearings conducted		3

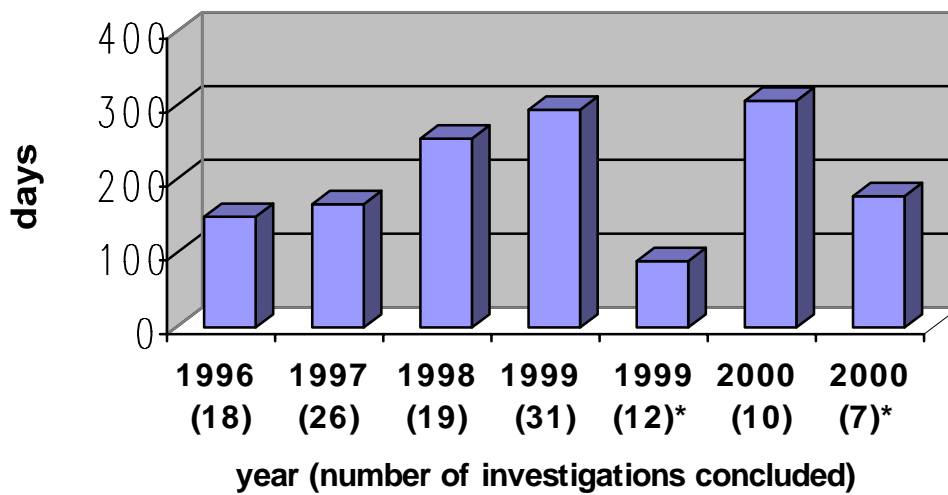
TIMELINESS

ELECTIONS



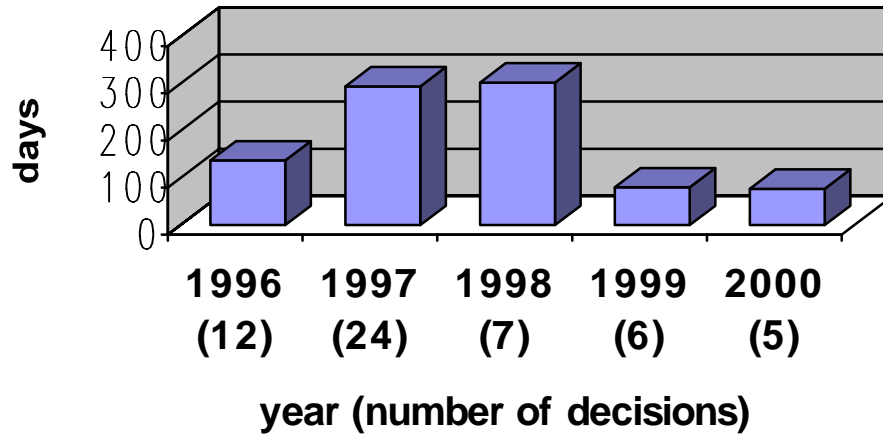
NUMBER OF DAYS TO CERTIFICATION OF ELECTION.

UNFAIR LABOR PRACTICE INVESTIGATIONS



NUMBER OF DAYS TO CONCLUSION OF INVESTIGATION.

DECISION AND ORDERS



NUMBER OF DAYS FROM CLOSING OF RECORD TO DECISION.

DECISIONS AND ORDERS ISSUED

1. *ALASKA STATE EMPLOYEES ASSOCIATION, AFSCME LOCAL 52, AFL-CIO vs. STATE OF ALASKA*, Decision & Order No. 248 (02/07/2000). The classification dispute between ASEA and the State of Alaska is subject to the sole and exclusive method provided in Article 17 of the parties' contract, and not the Article 16 grievance-arbitration provision. The Board will not order arbitration of a matter that is clearly not arbitrable.
2. *ALASKA PUBLIC EMPLOYEES ASSOCIATION, AFT/AFL-CIO vs. CITY OF FAIRBANKS*, Decision & Order No. 249 (03/24/2000). The wage survey dispute between the parties is subject to the arbitration procedure in the parties' collective bargaining agreement. The dispute concerns the interpretation, application, or alleged violation of a provision of their agreement.
3. *ALASKA STATE EMPLOYEES ASSOCIATION, AFSCME LOCAL 52, AFL-CIO vs. STATE OF ALASKA*, Decision & Order No. 250 (6/19/00). (1) Terri Beach was a probationary employee at the time of her separation from State employment. The grievance procedure under Article 16 of the ASEA/State collective bargaining agreement does not apply to the dispute about her separation from employment. (2) The doctrine of detrimental reliance does not apply.
4. *ALASKA PUBLIC EMPLOYEES ASSOCIATION/AFT, AFL-CIO v. CITY OF FAIRBANKS*, Decision & Order No. 251 (12/05/00). (1) The totality of the City's conduct regarding its negotiations with APEA and its actions did not show bad faith bargaining in violation of AS 23.40.110(a)(1), (2) and (5). (2) There is no causal relationship between statements or actions by officials from the City of Fairbanks and the decertification process initiated by members of the APEA. The City did not unlawfully encourage or assist APEA members in their decertification efforts.
5. *ALASKA STATE EMPLOYEES ASSOCIATION, AFSCME LOCAL 52, AFL-CIO v. STATE OF ALASKA*, Decision & Order No. 252 (12/14/00). An employer violates AS 23.40.110(a)(3) and AS 23.40.110(a)(1) when it terminates an employee because the employee contacted a union steward about an agreement to extend the probationary period.

APPEALS

The Alaska Supreme Court issued two decisions in 2000 that relate to the Public Employment Relations Act. The first decision was issued in the form of an Order. It addressed agency decision and orders and superior court cases on a union's right to take a strike vote. A dispute arose in 1995 between the Inlandboatmen's Union of the Pacific (IBU) and the State of Alaska. The parties submitted a new contract agreement to the Alaska Legislature for approval of the monetary terms, but the legislature rejected the terms. The IBU subsequently gave notice it would take a strike vote, and the State filed an unfair labor practice charge (ULP), alleging IBU could not take such a vote until the parties were at impasse. IBU contended that under AS 23.40.200, it did not need to be at impasse before initiating a strike vote. The State argues that agency regulation 8 AAC 97.300 required impasse before a union could conduct a strike vote. The Agency found that the parties were not at impasse, IBU had refused to bargain, and it had committed a ULP. *State of Alaska v. Inlandboatmen's Union of the Pacific*, Decision and Order No. 189 (June 16, 1995). IBU appealed, and the Alaska Superior Court reversed the Agency's decision. In doing so, the Honorable Rene Gonzalez concluded that, AS 23.40.200 did not require the parties to be at impasse before the union could conduct a strike vote. The matter was remanded to the Agency to determine if the union's delay in taking a strike vote was an unreasonable period. 3 AN-95-5882 CI (February 14, 1997).

In Decision and Order No. 243 (April 9, 1999), the Agency concluded the union did not commit a ULP. The State appealed. On June 18, 1999, Judge Gonzalez concluded that because the parties had ultimately reached agreement that was approved by the legislature, the case was moot. The judge dismissed the appeal with prejudice. The State appealed to the Alaska Supreme Court. In an order dated October 3, 2000, the court dismissed the case as moot. Moreover, the court said: "Given the unusual circumstances presented here, both parties acknowledge that, to 'prevent a judgment unreviewable because of mootness, from spawning any legal consequences,' it may be appropriate to vacate all prior decisions that [ALRA] and the Superior Court have entered in this case." The court then vacated Decision and Order numbers 189 and 243, and both of Judge Gonzalez's decisions.

The second decision addressed whether the State of Alaska was required to give objective grounds for terminating a probationary employee. In *Cassel v. State of Alaska*, ___ P. 3d ___ (Alaska 2000) Op. No. 5344 (December 15, 2000), the State argued that good faith, subjective dissatisfaction with employee performance was sufficient to discharge a probationary employee under the collective bargaining agreement. The employee, a member of the Alaska Public Employees Association, argued that a hearing officer improperly applied a subjective standard in concluding his termination was proper. The Supreme Court held that the State/APEA contract required objective grounds to terminate the probationary employee. It stated that a supervisor's personal dissatisfaction with an employee's performance was inadequate. However, the court went

on to find that the hearing officer correctly applied the objective standards, and the dismissal was proper.

OTHER AGENCY BUSINESS

The Agency did not hold any conferences. It began drafting regulations, but the process was not completed in 2000. It did conduct two business meeting. Other meetings will be scheduled as needed. Previously, the Agency had conducted four meetings per year but decreased the scheduled meetings to two for efficiency and cost reduction purposes. Agency staff participated at an annual meeting of the Association of School Boards. Mark Torgerson spoke December 14, 2000 on the subject of what school administrators need to know about the Public Employment Relations Act, and Jean Ward spoke on December 13, 2000, on the topics of the types of cases filed, the history of school district cases, and the types of decision issued. The Agency has also conducted outreach to public employees and public employee labor organizations during this reporting period.

LEGISLATION

Legislation enacted in 2000 that affected the agency was a change to AS 23.40.215, and AS 23.40.250(4) and (9). Section .215 concerns funding and legislative approval of monetary terms of agreements under AS 23.40.070 -- 23.40.260; section 250(4) defines monetary terms of an agreement; and 250(9) defines terms and conditions of employment.

REGULATIONS

The regulations appear in 8 AAC 97.010 -- 8 AAC 97.990, and copies are available upon request.

BUDGET

The agency budget remains very lean. The principal component is the wages and benefits for the four full-time staff members. To stay abreast of the large caseload, the agency is streamlining procedures when possible, and within the constraints of due process. The agency also continues to increase reliance on automation. To minimize costs, it sets hearings in Anchorage when possible, and relies on telephone conferences for participation by persons outside the Anchorage area. Moreover, the agency now hears disputes for decision on the written record where appropriate. The agency also conducts most elections by mail ballot, avoiding travel and loss of productive employee time during travel.

FISCAL YEAR 2001

TOTAL 331.7

Personnel	286.8
Travel	13.0
Contractual	27.6
Supplies	3.9
Equipment	.4

SUMMARY OF SERVICES AVAILABLE

Requests for services can be made either personally at the agency's offices in Anchorage, by telephone at 907 269-4895, by fax at 907 269-4898, or by E-mail to Mark_Torgerson@labor.state.ak.us, unless otherwise indicated.

Board decisions.

Board decisions from 1973 to present are now available for download from the agency's web site. The agency met and exceeded its initial goal to have all decisions from 1991 to present on the site by July 2000. Board decisions are also available by request from the agency electronically or by mail. The older decisions have been scanned into a WordPerfect format for an IBM PC compatible machine. The agency will provide this database of all administrative decisions issued under PERA and the railroad labor laws at no cost upon a request accompanied by the appropriate number of new, formatted 3.5 inch diskettes. If the diskettes cannot be provided, the database may be purchased for \$75.00. The agency provides supplements to the electronic database annually or upon request with the required diskettes. There is currently no charge for this service.

Business meetings.

The Board conducts business meetings in room 208 of the Department of Labor and Workforce Development building, 3301 Eagle St., Anchorage. A meeting agenda is available upon request to the agency two weeks before the meeting. The agency can accommodate requests to participate at the meeting by telephone. Such requests should be made seven days before the scheduled date for the meeting.

Fax filings.

The agency will accept filing by fax, but the person filing by fax must then mail or personally serve the required number of copies of the document upon the agency.

Filings.

The agency maintains a record of all filings. The record is available for review in the office of the agency, or by telephone at 907-269-4895.

Forms.

The agency has forms available to assist persons filing unfair labor practice charges, representation petitions, petitions for recognition by mutual consent, claims for religious exemption, petitions for unit clarification, and petitions to enforce the collective bargaining agreement. Parties are not required to use agency forms, but the forms are provided for the convenience of the public. These forms can be obtained at the office of the agency, by telephoning 907-269-4895, or are now available for download from the agency's web site at <http://www.labor.state.ak.us/laborr.home.htm>.

Information.

Staff members are available between the hours of 8:00 a.m. and 4:30 p.m. to answer questions about agency process and procedure.

Library.

The agency maintains a non-circulating library of labor relations texts, including BNA Labor Relations Reference Manuals. The library is open for public use.

Mediation.

Hearing Officer Jean Ward is available by appointment to answer general questions about mediation and agency mediation services.

Publications.

Pamphlet. The agency publishes a pamphlet containing the laws and regulations the agency administers. The most recent pamphlet was published in February of 1997 and it contains the changes to the statutes effective in 1996 and 2000.

Report to Governor and the Legislature. The agency is required to report to the governor and the legislature annually. AS 23.05.370(a)(4). Copies of the annual report are available upon request.

Representation Services pamphlet. This pamphlet is a basic description of the agency's representation proceedings and is available at no charge.

Unfair labor practices pamphlet. This pamphlet is a basic description of unfair labor practices and the agency's proceedings if an unfair labor practice is charged. The pamphlet is available at no charge.

Practice Handbook. This handbook provides information on practice before the agency and is intended for use by persons who file or must respond to petitions and unfair labor practice charges.

Speakers.

Agency staff members are available to speak to groups about the agency and its programs.

Tapes of agency proceedings.

Copies of tapes of agency case proceedings are available upon a request. Please call agency staff to arrange copying. Generally, there is no charge if the appropriate number of leaderless 90-minute tape cassettes is provided.