

ALASKA LABOR RELATIONS AGENCY
Minutes of Business Meeting
Tuesday, May 22, 2012

1. **Call to Order.** Board chair Gary Bader called the meeting to order at 9:02 a.m. Chair Bader, vice chair Aaron Isaacs, Jr., and board members Matthew McSorley, Will Askren, and Daniel Repasky all attended in person for the entire meeting. Board Member Tyler Andrews joined the meeting at 11:02 a.m.

Staff members Margie Yadlosky, Jean Ward, and Mark Torgerson attended in person. Nobody from the public attended.

2. **Approval of Minutes from September 29, 2011 Business Meeting.** Chair Bader expressed concern about items for the “to do” list that were not successfully accomplished. Chair Bader would like to see those items listed on the next meeting’s agenda. Budget process and training was reviewed.

Vice chair Isaacs moved to accept the minutes for purposes of discussion. Member Repasky seconded the motion. A discussion of action items ensued, and member Repasky moved to review the minutes and approve as written. By unanimous vote, the motion carried.

3. **Introductions.**

A. Assistant Commissioner Greg Cashen.

Mark introduced Greg Cashen, Assistant Commissioner of the Department of Labor and Workforce Development. Assistant Commissioner Cashen expressed appreciation for the board’s volunteer service, time, and effort. They work on important issues. He stated he has heard about and listened to the ALRA's budget concerns, and he is working hard to get \$17,000 backfilled for personal services. He stated that the Department's new commissioner is Dianne Blumer. He said the department has some excellent staff at the director’s level.

Chair Bader said it feels like the board is in the Dark Ages with the amount of paper. Are we in the same position as the rest of the department? Assistant commissioner Cashen said 'yes.' In his experience, the ALRA board is comparable to other boards.

Member Askren asked if there is a way to have a calendar on the web site that we could update ourselves. Mark said there are security issues but we can ask again.

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Action item: Look into electronic technology regarding Outlook and also any conflict with the open meeting rules.

4. Status of Pending Cases (staff)

A. 1. Case Update

In the first quarter of the year, five cases were filed and eight resolved. Currently ALRA has 10 pending unfair labor practice charges, eight of which are in the investigative process with one unit clarification case involving port engineers at the Alaska Marine Highway System.

A. 2. Summary of recent Board decisions.

Recent Board decisions are *Alaska Nurses Association vs. Wrangell Medical Center* and *Petersburg Police Association vs. City of Petersburg Municipal Employees Association*, Local 6132, APEA/AFT, AFL-CIO.

Chair Bader said it is apparent to him that some are working harder on caseload than others.

Action item: Chair Bader will work with Mark on the issue of equitable workload distribution.

4. B. Budget (Mark and Margie)

1. Budget Overview– Fiscal Year 2012 & Fiscal Year

Mark reiterated that assistant commissioner Cashen will try to square up the budget so ALRA gets back to full funding. Next year's budget, for the fiscal year that begins July 1, 2012, is already set. The budget planning for the following fiscal year is already in progress. Mark and Margie said ALRA usually submits its budget the last week in August. As stated in prior meetings, ALRA submits its proposed budget to the commissioner's office and departmental administrative staff. They then finalize the budget and submit it to the governor's Office of Management and Budget.

Chair Bader suggests the board be more involved with the budget. Board member McSorley volunteered to work with Mark and Margie on the fiscal year 2014 budget.

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Action item: Member McSorley will work with Mark and Margie on the 2014 budget.

Action item: Chair Bader, member McSorley and Mark will meet on June 27th. Issue minutes within 30 days of meeting.

4. B. 2. Report on board member budget training held on October 20, 2011 with DOLWD Admin Svc. Director & Budget Manager.

At the request of the board during the September 29, 2011 business meeting, ALRA staff arranged budget training within 30 days of the business meeting. The training was conducted by departmental budget manager Paloma Harbour. Three of the six board members attended (Askren, Repasky, and Isaacs). All ALRA staff members attended. Margie reiterated that she has a CD recording of the training, and the training materials, if any board members are interested.

5. New Business

A. Board member training—process to obtain additional funds for board training (As per chair Bader's request 5/19/11).

Member McSorley expressed frustration about getting training funds and feels like it is an exercise in futility. He said there is no money for training when there is a shortage of money for staff salaries. Member Repasky said it may be cost-efficient to piggy-back onto other organizations' training instead of spending money on out-of-state travel. He asked if there would be a conflict if ALRA sent board members to training that someone else sponsored. It may be appropriate, but the board would need to review ethics rules to be sure there is no conflict.

Training opportunities were discussed to include both board members and agency staff. Mark suggested getting someone to come to board meetings to provide training. Chair Bader said he had some of that training previously and did not find it as effective as having interchange between labor and management.

Mark asked what the board members' specific training needs were. Member Repasky said he wants training in adjudications and hearsay objections. He wants to be trained enough to be able to ask the right questions in hearings. Member Askren said the agency's functions and processes are different from those in a courtroom or

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arbitration. He asked what specifically the board members believe they need for training. ALRA staff said that any money available for training should first be used for board member training.

Action item: Motion made by member Repasky to find out about training for hearing officers. Member Isaacs seconded. (It is unclear who is supposed to do this.)

Action item: Within 30 days, board members will meet with member Repasky on training needs. Member Repasky will meet with Mark to discuss.

5.B ALRA Conference 2012

The annual ALRA conference will be held in Montreal this year. Chair Bader thinks it's too much in terms of curriculum and costs.

General consensus was that it is better to wait until the following year when the conference returns to the U.S. Some concern was expressed about asking for out-of-country travel when our budget is so short.

5.C. Regulation Project Proposal

Regulation adoption process was reviewed and discussed. There was some discussion about whether different language would be required than the language used in the proposal. Yes, Mark confirmed that different language is needed. The information provided in the summary is not in regulation format.

Mark can do a draft of the regulations and send it by e-mail to the board members in advance of the next meeting. There was some discussion about the process to adopt regulations. Mark said the proposed regulations have to go through the Attorney General's office before going to the public through the public notice process. At the next meeting, the board could decide what proposals it would like to have presented to the public.

Specifically, regulation 8 AAC 97.030 Petition for decertification of a public employee representative, was brought up by Board Member, Matt McSorley with reference to the contract bar part in regulation 8 AAC 97.060(e)(3) and there could be some conflict with statutes because contract bar may be addressed in statutes. Referenced AS 23.40100(e) by Jean Ward.

Board members discussed and agreed to meet next on October 24.

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Action item: send proposed regulations to board within 30 days of next business meeting.

Action item: Member McSorley will meet with staff and discuss regulation on ordering parties back to the table if a legislative body does not fund part of an agreement.

Action item: Board members will submit their comments on regulations to Mark. Mark will forward individual comments to all board members.

5.D. Board Member Update.

1. Board Member Reappointments

Board members McSorley and Andrews were reappointed for another term which expires March 1, 2015. Board members' terms that expire on March 1, 2013, include member Repasky and chair Bader. Mark told them that at some point, probably this fall, the Governor's office of Boards and Commissions would ask if the two are interested in reappointment. At that time, they should send an email expressing whether or not they are interested in another appointment.

2. Board Member Calendars/availability through December 2012.

Board members will get their calendars to staff within 10 days.

5.E. Annual Report

The Annual Report was sent to all Board Members in advance for their review and input prior to submission to the governor. Board member Repasky expressed a desire to have greater input into the annual report's development. Staff members noted that board members are sent a draft of the report so they can provide their input.

Also discussed was the timeliness of ALRA cases from beginning to end in comparison to the NLRB. Jean said she is doing the best she can to get unfair labor practices completed.

5.F. Scheduling of Next Board Business Meeting.

Chair Bader asked the other board members their preference on having an annual meeting or meeting twice a year. The members' consensus was to meet twice a year. Chair Bader addressed three items for the next meeting: budget, regulations, and training. The agenda is to be provided to board members 10 days before the

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meeting. The next board meeting is scheduled for 9 a.m. on Wednesday, October 24, 2012.

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

6. Executive Session.

No executive session was held. A brief update on the status of the two criminal cases was provided. The Agency anticipates getting copies of briefs on the motions.

Action item: Forward copies of the briefs to board members.

7. Public Comment.

No members of the public were present. There was no public comment.

8. Adjournment of Public Meeting.

The meeting adjourned at 11:35.

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