Offered: 1/8/90
In the House -- Labor & Commerce, and Finance
In the Senate -- State Affairs, Labor & Commerce, and Finance

EXECUTIVE ORDER NO. 77

Under the authority of art. III, sec. 23, of the Alaska Constitution, and in accordance with AS 24.08.210, I order the following:

* Section 1. FINDINGS. As governor, I find that it would be in the best interest of efficient administration to reassign the labor relations functions of the Department of Administration personnel board, the Department of Labor, and the railroad labor relations agency into one state agency, the Alaska Labor Relations Agency, in the Department of Labor. This reassignment is necessary in order to increase the efficient and effective management of labor relations, without changing the substantive rights and responsibilities of parties subject to the present agencies' jurisdiction. Such a reassignment will enhance the opportunities for impartial and independent labor relations decision-making in the state.

* Sec. 2. AS 23.05 is amended by adding new sections to read:

ARTICLE 5. LABOR RELATIONS AGENCY.

Sec. 23.05.360. ALASKA LABOR RELATIONS AGENCY. (a) There is established within the Department of Labor the Alaska Labor Relations Agency. The agency is comprised of three members appointed by the governor and confirmed by the legislature. The term of office of a member is three years. Members serve staggered terms in accordance with AS 39.05.055. A vacancy in an unexpired term shall be filled by appointment by the governor for the remainder of the term. The agency must include a member with a background in management, a member with a background in labor, and a member from the general public. All members must have relevant experience in labor relations matters.

(b) Not more than two members of the agency may be members of the same political party.

(c) Members of the agency may be removed by the governor only for cause.

(d) Members of the agency receive no compensation for their services, but are entitled to per diem and travel expenses authorized for boards and commissions.

Sec. 23.05.370. POWERS, DUTIES, AND FUNCTIONS OF ALASKA LABOR RELATIONS AGENCY. (a) The agency shall

(1) establish its own rules of procedure;

(2) elect a chairperson from the membership;

(3) exercise general supervision and direct the activities of staff assigned to it by the department;

(4) prepare and submit to the governor and the legislature an annual report on labor relations problems it has encountered during the previous year, including recommendations for legislative action;

(5) serve as the labor relations agency under the Public Employment Relations Act (AS 23.40.070 - 23.40.260) and carry out the functions specified in that Act; and

(6) serve as the railroad labor relations agency for the Alaska Railroad under the Alaska Railroad Corporation Act (AS 42.40) and carry out the functions specified in that Act.

(b) Two members constitute a quorum for the transaction of business and two affirmative votes are required for final action on matters acted upon by the agency.

Sec. 23.05.380. REGULATIONS. The agency shall adopt regulations under the Administrative Procedure Act (AS 44.62) to carry out labor relations functions under AS 23.05.360 - 23.05.390, AS 23.40.070 - 23.40.260, and AS 42.40.730 - 42.40.890.

Sec. 23.05.390. DEFINITION. In AS 23.05.360 - 23.05.390, "agency" means the Alaska Labor Relations Agency established in AS 23.05.360.

* Sec. 3. AS 23.40.250(3) is amended to read:

(3) "labor relations agency" means the Alaska Labor Relations Agency established in AS 23.05.360 [STATE PERSONNEL BOARD WITH REGARD TO THE STATE AND EMPLOYEES OF THE STATE, AND MEANS THE DEPARTMENT OF LABOR WITH REGARD TO ALL OTHER PUBLIC EMPLOYEES AND ALL OTHER PUBLIC EMPLOYERS];

* Sec. 4. AS 42.40.730 is repealed and reenacted to read:

Sec. 42.40.730. RAILROAD LABOR RELATIONS AGENCY. (a) The Alaska Labor Relations Agency, established in AS 23.05.360, is the sole railroad labor relations agency.

(b) The Alaska Labor Relations Agency shall carry out the provisions of AS 42.40.730 - 42.40.890.

* Sec. 5. AS 42.40.890 is amended by adding a new paragraph to read:

(3) "railroad labor relations agency" means the Alaska Labor Relations Agency established in AS 23.05.360.

* Sec. 6. INITIAL APPOINTMENTS. Notwithstanding the provisions of AS 23.05.360(a), as enacted in sec. 2 of this Order, the governor shall appoint the initial members to the Alaska Labor Relations Agency (AS 23.05.360) by June 1, 1990, with staggered terms of one, two, and three years, beginning July 1, 1990.

* Sec. 7. TRANSITION. (a) Regulations adopted by the labor relations agency under AS 23.40.170, by the Department of Labor under AS 23.40.170, and by the railroad labor relations agency under AS 42.40.820, and in effect before July 1, 1990, remain in effect until regulations adopted by the Alaska Labor Relations Agency under AS 23.05.380 take effect. The Alaska Labor Relations Agency shall administer those other agencies' regulations until its own take effect.

(b) All hearings, investigations, and other proceedings pending under a law amended by this Order, or in connection with functions transferred by this Order, may be continued and completed notwithstanding the transfer or

amendment provided for in this Order. All contracts, rights, liabilities, and obligations created by or under a law amended by this Order, and in effect on July 1, 1990, remain in effect notwithstanding this Order's taking effect. However, all hearings, investigations, and other proceedings pending before an agency identified in sec. 1 of this Order, other than the agency created by this Order, shall be concluded no later than December 31, 1990.

(c) The agencies identified in sec. 1 of this Order, other than the agency created by this Order, shall complete, no later than December 31, 1990, adjudication of cases pending before them on July 1, 1990.

* Sec. 8. AS 23.40.230 is repealed.

* Sec. 9. Sections 1 - 5, 7, and 8 of this Order take effect July 1, 1990.

* Sec. 10. Section 6 of this Order takes effect immediately under AS 01.10.070(c).