

Executive

Order

77



OFFICIAL BUSINESS

Alaska State Legislature

Senate

Office of the Secretary

PO BOX V
CAPITOL BUILDING
JUNEAU, ALASKA 99811

January 8, 1990

MEMORANDUM

TO: Senator Dick Eliason, Chair
Labor and Commerce Committee

FROM: Nancy Quinto *NQ*
Secretary of the Senate

RE: Executive Order No. 77

The President has referred Executive Order No. 77 (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) to your committee.

Section 23, Article III of the Constitution states:

The governor may make changes in the organization of the executive branch or in the assignment of functions among the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders. The legislature shall have sixty days of a regular session, or a full session if of shorter duration, to disapprove these executive orders. Unless disapproved by resolution concurred in by a majority of the members in joint session, these orders become effective at a date thereafter to be designated by the governor.

Attachment

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

2077

January 8, 1990

The Honorable Tim Kelly
President of the Senate
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Mr. President:

Under the authority of art. III, sec. 23, of the Alaska Constitution, I am transmitting Executive Order No. 77, reassigning the labor relations functions of the Department of Administration's personnel board, the Department of Labor, and the railroad labor relations agency into a new agency in the Department of Labor, called the Alaska Labor Relations Agency. The Order will improve efficiency and effectiveness in the administration of labor relations in the state by having these functions centralized in one body. The order will not change the substantive rights and responsibilities of parties previously subject to the transferred organizations' authority.

The Order establishes a three-person body, appointed by the governor. The Order gives the new agency the same responsibilities as the previous organizations had concerning these functions.

I see the Order as an important step forward in enhancing opportunities for impartial and independent labor relations decision-making the the state. Since the Order consolidates existing functions, these goals can be accomplished at no additional cost to the state. I urge your support of this important legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Cowper", written over the typed name.

Steve Cowper
Governor

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.

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

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

6 (1) establish its own rules of procedure;

7 (2) elect a chairperson from the membership;

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

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

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

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

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

22 Sec. 23.05.380. REGULATIONS. The agency shall adopt regulations
23 under the Administrative Procedure Act (AS 44.62) to carry out labor
24 relations functions under AS 23.05.360 - 23.05.390, AS 23.40.070 -
25 23.40.260, and AS 42.40.730 - 42.40.890.

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

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

1 (3) "labor relations agency" means the Alaska Labor Re-
2 lations Agency established in AS 23.05.360 [STATE PERSONNEL BOARD WITH
3 REGARD TO THE STATE AND EMPLOYEES OF THE STATE, AND MEANS THE DEPART-
4 MENT OF LABOR WITH REGARD TO ALL OTHER PUBLIC EMPLOYEES AND ALL OTHER
5 PUBLIC EMPLOYERS];

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

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

10 (b) The Alaska Labor Relations Agency shall carry out the pro-
11 visions of AS 42.40.730 - 42.40.890.

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

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

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

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

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

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

8 (c) The agencies identified in sec. 1 of this Order, other than the
9 agency created by this Order, shall complete, no later than December 31,
10 1990, adjudication of cases pending before them on July 1, 1990.

11 * Sec. 8. AS 23.40.230 is repealed.

12 * Sec. 9. Sections 1 - 5, 7, and 8 of this Order take effect July 1,
13 1990.

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

FISCAL NOTE

REQUEST:

Revision Date:	Agency Affected: <u>Labor</u>
Title: <u>Alaska Labor Relation Agency</u>	BRU: <u>Office of the Commissioner</u>
Consolidation	
Sponsor: <u>Rules Committee</u>	Components: <u>Commissioner's Office</u>
Requestor: <u>Governor</u>	

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	113.0	113.0	113.0	113.0	113.0	113.0
TRAVEL	20.0	20.0	20.0	20.0	20.0	20.0
CONTRACTUAL	39.2	39.2	39.2	39.2	39.2	39.2
SUPPLIES	2.0	2.0	2.0	2.0	2.0	2.0
EQUIPMENT	4.8	4.8	4.8	4.8	4.8	4.8
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	179.0	179.0	179.0	179.0	179.0	179.0

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	179.0	179.0	179.0	179.0	179.0	179.0
FEDERAL FUNDS						
OTHER						
TOTAL	179.0	179.0	179.0	179.0	179.0	179.0

POSITIONS:

FULL-TIME	2.0	2.0	2.0	2.0	2.0	2.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

(See Attached)

Prepared by: <u>Jim Sampson</u>	Phone: <u>465-2700</u>
Division: <u>Department of Labor</u>	Date: <u>1/5/90</u>
Approved by Commissioner: <u>Jim Sampson</u>	Date: <u>1/5/90</u>
Agency: <u>Department of Labor</u>	

Distribution (by preparer) :
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

**Fiscal Note Analysis
for
Alaska Labor Relation Consolidation**

This Executive Order provides for the consolidation of labor relations functions within the Department of Labor.

This consolidation would involve the hiring of two full time employees. One Labor Relations Hearing Officer (68.8) to oversee the necessary hearings and one technician (44.2) to assist in procedural issues under the statute, including representation elections, unit clarification issues and investigation and conciliation of complaints and unfair labor practice allegations.

Travel would include hearing officer and board member travel.

Contractual costs would include communication and postage (2.0), subscription and reference materials (2.5), Department of Law support (5.0), space rent (5.9), Indirect costs (8.8), and contractual hearing officer fees of (15.0)

Commodities and equipment are normal office startup and maintenance items.

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Labor
 Title: Alaska Labor Relation BRU: Labor Standards & Safety
 Consolidation _____
 Sponsor: Rules Committee Components: Wage & Hour
 Requestor: Governor

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	(15.8)	(15.8)	(15.8)	(15.8)	(15.8)	(15.8)
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	(15.8)	(15.8)	(15.8)	(15.8)	(15.8)	(15.8)
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	(15.8)	(15.8)	(15.8)	(15.8)	(15.8)	(15.8)
FEDERAL FUNDS						
OTHER						
TOTAL	(15.8)	(15.8)	(15.8)	(15.8)	(15.8)	(15.8)

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Funds for professional hearing officer contracts will no longer be required by this component as the new Alaska Labor Relations Agency component will assume responsibility for Public Employment Relation Act activities.

(See related Fiscal Note)

Prepared by: Tom Stuart, Director Phone: 465-2712
 Division: Labor Standards & Safety Date: 1/5/90
 Approved by Commissioner: Jim Sampson Date: 1/5/90
 Agency: Department of Labor

Distribution (by preparer) :
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Administration
 Title: Executive Order No. 77 - Reassigning BRU: Central Administration
and Combining Labor Relations Functions
 Sponsor: Rules Committee Components: Labor Relations Agency
 Requestor: Governor

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL	(19.5)					
CONTRACTUAL	(93.0)					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	(112.5)					
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	(112.5)					
FEDERAL FUNDS						
OTHER						
TOTAL	(112.5)					

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Reassigns funding to the Department of Labor for combined Alaska Labor Relations Agency.

Prepared by: Mike Maher *M. Maher* Phone: 465-2277
 Division: Administrative Services Date: 1-5-90

Approved by Commissioner: Frank Baxter *Frank Baxter* Date: 1-5-90
 Agency: Administration

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Administration
 Title: Executive Order No. 77 - Reassigning
and Combining Labor Relations Functions BRU: Central Administration
 Sponsor: Rules Committee Components: Railroad Labor Relations
 Requestor: Governor Agency

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL	(4.0)					
CONTRACTUAL	(31.0)					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	(35.0)					
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER / A Receipts	(35.0)					
TOTAL	(35.0)					

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Reassigns funding to the Department of Labor for combined Alaska Labor Relations Agency.

Prepared by: Mike Maher *M. Maher* Phone: 465-2277
 Division: Administrative Services Date: 1-5-90

Approved by Commissioner: Frank Baxter *Frank M. Baxter Jr* Date: 1-5-90
 Agency: Administration

Distribution (by preparer): _____
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)