

HEB

102

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 4/14/93

FURTHER:

DATE TURNED INTO OFFICE: 4-26-93

The Finance Committee considered CS FOR HOUSE BILL NO. 102(FIN)

"An Act relating to the Alaska Labor Relations Agency; and providing for an effective date."

and recommends:

- replace with _____ CS _____ (FINANCE)
- or adopt previous 5 CS CSHB 102 (L.C.)
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal
DOLabor	4-17-93	0	

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

DO PASS:

Mike Mori
George Brown
Tim Kelly
Best Map
 1. Mark Do pass
 Co-Chair: Signature/Recommendation

OTHER RECOMMENDATIONS:

No Res J. V. Kottala
 2. True/Deane - 10/20/93
 Co-Chair: Signature/Recommendation

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO : SCSCSHB 102 (L&C)

Revision Date: _____
 Title: Panel Members on Ak. Labor
Rel. Agency
 Sponsor: House Labor & Commerce
 Requestor: Senate Finance

Department Affected: Labor
 BRU: Commissioner's Office
 Component: Alaska Labor Relations Agency
 COMPONENT SERIAL NO. 1200

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE FUND SOURCE:						
----------------------	--	--	--	--	--	--

FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ None

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Jan DeYoung, Hearing Examiner Phone: 269-4895
 Division: Alaska Labor Relations Agency Date: 4/17/93

Approved by Commissioner: Charles W. Mahlen Date: 4/17/93
 Agency: Department of Labor

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Back-up

HOUSE LABOR AND COMMERCE COMMITTEE

ALASKA STATE LEGISLATURE

STATE CAPITOL, JUNEAU, AK 99801-1182

(907) 465-4954



House Bill 102, Alaska Labor Relations Agency

Departmental contact: Arbe Williams, Department of Labor
465-2700

Administration personnel who testified:

Jan De Young, Administrator
Alaska Labor Relations Agency
269-4895

HOUSE JOURNAL

554

March 5, 1993

HB 102

HOUSE BILL NO. 102

"An Act relating to the Alaska Labor Relations Agency; and providing for an effective date."

with the: Journal Page

L&C RPT 3DP 2NR	388
-FISCAL NOTE (LABOR) 2/19/93	388
FIN RPT CS(FIN) 8DP	504
-ZERO FISCAL NOTE (H.FIN/LABOR) 3/2/93	504

Representative Phillips moved and asked unanimous consent that the following committee substitute be adopted in lieu of the original bill:

CS FOR HOUSE BILL NO. 102(FIN)
(same title)

There being no objection, it was so ordered.

Representative Phillips moved and asked unanimous consent that CSHB 102(FIN) be considered engrossed, advanced to third reading and placed on final passage. There being no objection, it was so ordered.

CSHB 102(FIN) was read the third time.

The question being: "Shall CSHB 102(FIN) pass the House?" The roll was taken with the following result:

CSHB 102(FIN)
Third Reading
Final Passage

YEAS: 35 NAYS: 0 EXCUSED: 4 ABSENT: 1

Yeas: Barnes, Brice, Brown, Bunde, Carney, Davidson, Davies, B.Davis, G.Davis, Foster, Grussendorf, Hanley, Hoffman, Hudson, James, Kott, Larson, Mackie, MacLean, Martin, Moses, Mulder, Nicholia, Nordlund, Olberg, Parnell, Phillips, Porter, Sanders, Sitton, Therriault, Toohey, Ulmer, Vezey, Willis

HOUSE JOURNAL

March 5, 1993

555

HB 102

Excused: Green, Menard, Navarre, Williams

Absent: Finkelstein

And so, CSHB 102(FIN) passed the House.

Representative Phillips moved and asked unanimous consent that the roll call on the passage of the bill be considered the roll call on the effective date clause. There being no objection, it was so ordered.

CSHB 102(FIN) was referred to the Chief Clerk for engrossment.

LEGISLATIVE CITATIONS

Representative Phillips moved and asked unanimous consent that the House approve the citation on the calendar. There being no objection, the following citation was approved and sent to enrolling:

Honoring - Earl and Mimi Mayo on . . . th Anniversary of the How
How Restaurant
By Representatives Mulder, Kott, B.Davis, Hanley, Martin, Menard,
Navarre, Nicholia, Sanders, Willis; Senators Kelly, Phillips

UNFINISHED BUSINESS

Representative Phillips moved and asked unanimous consent that the following members be excused from a call of the House as noted:

Representative Bunde - from 3:00 p.m., March 19 to 9:00 p.m., plane time, March 21, 1993; and from 3:00 p.m., April 8 to 9:00 p.m., plane time, April 11 1993

Representative Mackie - from 6:00 a.m., March 18 to 5:00 p.m., March 21, 1993

Representative Sanders - from 6:05 p.m., March 19 to 8:45 p.m., plane time, March 21, 1993

Representative Ulmer - from 10:20 a.m. to 5:25 p.m., March 13, 1993

FISCAL NOTE

No. 2
 Bill Version CSHB 102 (FTN)
 (H) Publish Date: 3/2/93

STATE OF ALASKA
 1993 LEGISLATIVE SESSION

Revision Date:	Dept. Affected: <u>LABOR</u>
Title: <u>Panel Members on AK. Labor</u>	BRU: <u>Commissioner's Office</u>
<u>Rel. Agency</u>	Component: <u>Alaska Labor Relations</u>
Sponsor: <u>House Labor & Commerce</u>	<u>Agency</u>
Requestor: <u>HOUSE FINANCE COMMITTEE</u>	COMPONENT SERIAL NO. <u>1200</u>

Expenditures/Revenues:	(Thousands of Dollars)					
OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE FUND SOURCE:	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING:	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:						
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ _____

ANALYSIS: (Attach a separate page if necessary)

Prepared by: <u>Representative Ron Larson, Co-Chair</u>	Phone: <u>465-3878</u>
Division: <u>House Finance Committee</u>	Date: <u>3/01/93</u>
Approved by Commissioner: _____	Date: _____
Agency: _____	

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HOUSE LABOR AND COMMERCE COMMITTEE

ALASKA STATE LEGISLATURE

STATE CAPITOL, JUNEAU, AK 99801-1182
(907) 465-4954



MEMORANDUM

March 12, 1993

TO: Senator Tim Kelly, Chair
Senate Labor and Commerce Committee

FROM: Representative Bill Hudson, Chair
House Labor and Commerce Committee

SUBJECT: Request for Hearing

Committee Substitute for House Bill 102 (Finance) an Act relating to the Alaska Labor Relations Agency, has been referred to your committee. This is to request that you schedule HB 102 for a hearing at your earliest convenience.

CSHB 102 (Fin) proposes to expand the membership of the Alaska Labor Relations Agency. The bill would expand the membership of the board from three members to six members and the governor would designate a chair from the public members of the board.

The Alaska Labor Relations Agency has had difficulty in obtaining a quorum and on several occasions the agency has had to reschedule hearings. Rescheduling is an inconvenience and costly to the parties involved, particularly when counsel has been retained or the representative has had to travel. Expanding the board will expedite the hearings of the agency and avoid rescheduling meetings.

The bill has a zero fiscal note and the support of the Department of Labor.

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF LABOR

OFFICE OF THE COMMISSIONER

P.O. BOX 21149
JUNEAU, ALASKA 99802-1149
PHONE: (907) 465-2700

FAX: (907) 465-2784

March 4, 1993

The Honorable Carl Moses
Chair, Rules Committee
Alaska State House of Representatives
State Capitol, Room 204
Juneau, AK 99801-1192

Dear Representative Moses:

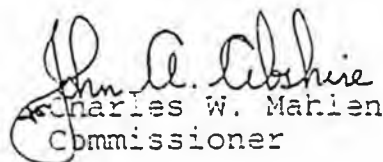
Committee Substitute for House Bill No. 102 (Finance) which proposes to expand the membership of the Alaska Labor Relations Agency was passed out of the House Finance Committee on March 1, 1993. I am requesting that the bill be scheduled for a vote.

The bill would expand the membership of the board from three members to six members and the governor would designate a chair from the public members of the board.

A fiscal note and position paper from the Department of Labor and a copy of the bill are enclosed for your information. If you would like additional information concerning this legislation, please do not hesitate to contact my Special Assistant, Arbe Williams.

Thank you for your consideration of my request to schedule Committee Substitute for House Bill No. 102 (Finance).

Sincerely,


Charles W. Mahien
Commissioner

Enclosures

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO : CSHB 102(FIN)

Revision Date: _____
 Title: Panel Members on Ak. Labor
Rel. Agency
 Sponsor: House Labor & Commerce
 Requestor: House Rules

Department Affected: Labor
 BRU: Commissioner's Office
 Component: _____
Alaska Labor Relations Agency
 COMPONENT SERIAL NO. 1200

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE FUND SOURCE:						
-------------------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ None

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Jan DeYoung, Hearing Examiner Phone: 259-4895
 Division: Alaska Labor Relations Agency Date: 3/4/93
 Approved by Commissioner: Charles W. Manien
 Agency: Department of Labor Date: 3/4/93

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WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF LABOR

OFFICE OF THE COMMISSIONER

P.O. BOX 21149
JUNEAU, ALASKA 99802-1149
PHONE: (907) 465-2700

FAX: (907) 465-2784

February 8, 1993

The Honorable Bill Hudson
Chair, Labor & Commerce Committee
State House of Representatives
State Capitol, Room 108
Juneau, AK 99801-1182

Dear Representative Hudson:

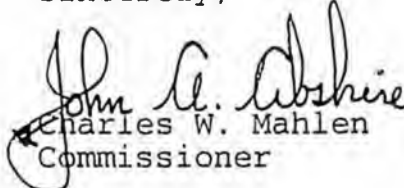
House Bill No. 102, relating to expanding the membership of the Alaska Labor Relations Agency Board and to providing an honorarium for board members, was introduced and referred to the House Labor and Commerce Committee on January 29, 1993. I am requesting that the bill be scheduled for a hearing.

The legislation would expand the membership of the board from three members to six members. Continuing with the current workload, the board members would be sitting 40 or more days per year. This is a heavy workload and the Alaska Labor Relations Agency has had difficulty obtaining a quorum. Expanding the board will expedite the agency's administrative hearings.

The bill would also provide compensation of \$100 per day per board member for each day spent in meetings or on authorized official business related to board duties. A fiscal note for 12.8 thousand dollars has been submitted to reflect anticipated expenditures.

If you would like additional information concerning this legislation, please do not hesitate to contact my Special Assistant, Arbe Williams. Thank you for your consideration of my request to schedule House Bill No. 102 for a hearing before the House Labor and Commerce Committee.

Sincerely,


Charles W. Mahlen
Commissioner

BILL NO: HOUSE BILL NO. 102

DATE: February 8, 1993

TITLE: Panel Members on Alaska Labor Relations Agency
CONTACT: Arbe Williams
465-2700

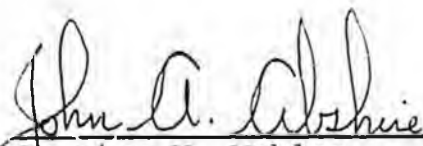
House Bill No. 102, proposes to expand the membership of the Alaska Labor Relations Agency. The bill would also provide compensation of \$100 per day per board member for each day spent in meetings or on authorized official business related to board duties.

The bill would expand the membership of the board from three members to six members. Two members would have a management background, two members would have a labor background and two members would be from the general public. The governor would designate a chair from the public members of the board.

Continuing with the current workload, the three current board members would be sitting 40 or more days per year. This is a heavy workload and the Alaska Labor Relations Agency has had difficulty obtaining a quorum. Expanding the board will expedite the agency's administrative hearings.

The bill would also provide a payment of \$100 per day to compensate board members for each day spent in meetings or on authorized official business related to board duties. A fiscal note for 12.8 thousand dollars has been submitted to reflect anticipated expenditures.

The Department of Labor supports House Bill No. 102.



Charles W. Mahlen
Commissioner

Date: 2/8/93

POSITION PAPER/Department of Labor

SENATE COMMITTEE REPORT

DATE: 3/8/93

FURTHER: FINANCE

DATE TURNED INTO OFFICE: 4/14/93

L&C Committee considered CS FOR HOUSE BILL NO. 102(FIN)

"An Act relating to the Alaska Labor Relations Agency; and providing for an effective date."

and recommends:

- replace with SENATE CS HB 102 (L&C)
- or adopt previous _____ CS _____
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

- adopts _____ Letter of Intent
- further referral to the _____

- do pass
- do not pass
- no recommendation
- individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal
-5 DOL - Comm OFF.	3/1	2	

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

DO PASS:

[Signature]

[Signature]

J. E. Salo

OTHER RECOMMENDATIONS:

[Signature] - WR

Tim Kelly - D. Pass

HOUSE COMMITTEE REPORT

(11)

Date Referred: February 19, 1993

FURTHER REFERRALS:

Date of Committee Action: 3/1/93

The FINANCE Committee considered:

HB 102

HOUSE BILL NO. 102

PANEL MEMBERS ON AK LABOR REL. AGENCY

"An Act relating to the Alaska Labor Relations Agency; and providing for an effective date."

RECOMMENDATIONS:

be replaced with CS HB 102 (FIN) the same title a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact _____

fiscal note(s) _____

zero fiscal note HFC

zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Edson P. Maclean</i> Maclean ✓					
<i>Ronald T. Larson</i> Larson X	X				
<i>Mark Hanley</i> Hanley Y	Y				
<i>Sean R. Parnell</i> Parnell X	X				
<i>Ben Grussendorf</i> Grussendorf X	X				
<i>Mike Navarre</i> Navarre X	X				
<i>Tom Brown</i> Brown ✓	✓				
<i>Greg Therriault</i> Therriault X	X				

Ronald T. Larson E. P. Maclean
 CHAIRMAN'S SIGNATURE
 Larson Maclean

HOUSE COMMITTEE REPORT

2/19

Finance

(7)
Date Referred: January 29, 1993

FURTHER REFERRALS:

Date of Committee Action: 2/18/93

The LABOR AND COMMERCE Committee considered:

HB 102

HOUSE BILL NO. 102

PANEL MEMBERS ON AK LABOR REL. AGENCY

"An Act relating to the Alaska Labor Relations Agency; and providing for an effective date."

RECOMMENDATIONS: the same title
 be replaced with _____ a new title
 have attached amendments(s)
 do pass
 do not pass
 no recommendations
 individual recommendations
 additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact Labor

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<u>Brian S. Porter</u>		<u>Porter</u>		<input checked="" type="checkbox"/>	
<u>Joe Litter</u> <u>Sutton</u>	<input checked="" type="checkbox"/>	<u>Green</u>		<input checked="" type="checkbox"/>	
<u>B.R. Williams</u> <u>Williams</u>	<input checked="" type="checkbox"/>				
<u>Bill Hudson</u> <u>Hudson</u>	<input checked="" type="checkbox"/>				

Bill Hudson Hudson
 CHAIRMAN'S SIGNATURE

DEPARTMENT OF LABOR

SECTIONAL ANALYSIS

Senate Committee Substitute for Committee Substitute for House Bill 102(L&C)

"An Act relating to the Alaska Labor Relations Agency; and providing for an effective date."

Section 1

Adds three board members to the existing three-member board of the Alaska Labor Relations Agency to increase the number of board members available to hear cases and to decrease the members' individual workloads.

Section 2

Adjusts for the increase in the number of board members by increasing the number of board members who may belong to a single political party from two to three.

Section 3

Provides that the governor appoint the chair from the two public board members.

Provides that a panel of three members appointed by the chair and consisting of one representative each from management, labor, and the general public would hear a particular case. A member from one panel could substitute for the corresponding member of the other panel if the need arose.

Section 4

Adjusts for the increase in the number of board members to provide that a quorum is two members of a panel for the consideration of cases and four members of the full board for the transaction of business other than hearings.

Section 5

Repeals the provision which provides for the board members to elect the chair.

Section 6

Provides a transition section to permit the Agency to operate under the pre-amendment rules until the governor appoints and the legislature confirms the additional members.

Section 7

Provides for an effective date of July 1, 1993.

APR 21 1993

MEMORANDUM

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 2
To Arbe Williams	From Jan DeYoung	
Co.	Co.	
Dept.	Phone # 269-4893	
Fax #	Fax # 269-4898	

TO: Arbe Williams
Special Assistant
Commissioner's Office

DATE: April 20, 1993

FILE NO:

TELEPHONE NO: 269-4895

FROM: Jan Hart DeYoung
Administrator/Hearing Examiner
Alaska Labor Relations Agency

SUBJECT: Committee Substitute
for House Bill 102

The Alaska Labor Relations Agency administers the Public Employment Relations Act and the railroad labor relations laws. It is the neutral dispute resolution mechanism for disagreements between government employers and labor organizations that are not decided in arbitration. For example, the Agency receives petitions from labor organizations to represent units of government employees. It receives petitions to decertify labor organizations from government employees no longer desirous of representation. These representations proceedings can include hearings before the present board of three members and elections conducted by the Agency's staff of four employees. The Agency must resolve any disputes on the appropriate boundaries of the bargaining units. Often this involves hearings on disputes between the State and one or more labor organizations on which positions belong in which bargaining unit or whether positions should be excluded from bargaining altogether. The largest share of the Agency's workload is made up of unfair labor practice charges. These charges frequently arise when the parties bargain the collective bargaining agreement. It can also involve discrimination or interference with rights protected under the Public Employment Relations Act or the railroad labor laws. Charges of unfair labor practice violations must first be investigated before hearing. The Agency's staff investigator does investigate each charge to determine whether probable cause supports it. If probable cause supports the charge it is referred for hearing before a hearing examiner and the members of the board.

As public budgets shrink tensions increase between labor organizations and government employers. In Alaska, this has resulted in an increase in the workload of the Alaska Labor Relations Agency. In 1992 the Agency's workload increased 67 percent. One result of that workload increase is a very heavy burden on the time of the volunteers who serve as the three board members of the Agency. Those board members were asked to attend 8 business meetings and 25 scheduled hearings in 1992. Thirty-three days is a large commitment for a volunteer. In addition, each board member must spend time in preparation for the hearing and in

Page 2
Memo/Williams
April 20, 1993

consideration of proposed decisions and deliberations after the hearing. The uncompensated workload of the board members can be a hardship to the member. In addition, it makes it difficult for the Agency to attract volunteers to serve on the board. Moreover, when a hearing is scheduled, if more than one board member cannot appear, the Agency cannot obtain the quorum required for hearing. In 1992, the Agency postponed two hearings because it was not able to provide a quorum. Such postponements can be an expense for the participants in the hearing who often obtain counsel to represent them. In addition, it delays decision on the labor dispute raised before the Agency. Delays in decisions of labor disputes can disrupt labor relations for that employer.

The increase in the number of board members is intended to allow the sharing of the workload. The bill anticipates that two three-member panels will sit in hearings. The board would consist of two members each from labor, management, and the general public. Thus, at any given time a board member would at least in theory be available to substitute for another board member. It would also split the caseload, providing a more reasonable workload for these volunteers.

These measures are intended to assist the Agency in managing its increasing caseload. Whether that caseload will continue to increase depends on factors not within the Agency's ability to predict or control. Some of the increase in workload is attributed to the fact the State of Alaska is in bargaining with its major bargaining unit representatives. It is hoped that some of the increase will level off when agreements are reached. However, this is by no means certain.

The costs associated with increasing the board are negligible. The board members do not receive any per diem costs if they do not travel. The board's present policy is to hear cases from their place of residence, which for the current board members is Anchorage. The Agency has purchased teleconference equipment to permit remote site participation in hearings and made this purchase to reduce travel expenses. However, board members who travel do receive State per diem and their transportation costs are covered. Unless present policy changes, however, an increase in the size of the board will not increase travel expenses because any remote site board members could or would participate by the Agency's teleconferencing system.

File:		13FC	CG
Comr.	Adm	✓	✓
Deputy	SC	✓	✓
Sp Asst	BJD	✓	
Info Off.)		✓
Adm Asst		✓	
Int Aud			
ASD			
ESC			
LRA			
LS & S			
WC			

ALASKA LABOR RELATIONS AGENCY

1992 Annual Report

Submitted February 1993
(In accordance with AS 23.05.370¹)

Alaska Labor Relations Board

B. Gil Johnson, Chairman
James W. Elliott, Board Member
Darrell Smith, Board Member

Office:

3301 Eagle Street, Suite 208
P.O. Box 107026
Anchorage, Alaska 99510-7026
(907) 269-4895
Fax: 269-4898

1993
Commissioner

Staff:

Jan Hart DeYoung, Administrator/Hearing Examiner

Jean Ward, Hearing Officer
Margie Yadlosky, Administrative Assistant
Norma Wren, Clerk

HIGHLIGHTS

The agency administers the Public Employment Relations Act (PERA) for the state, municipalities, and public schools and the state's railroad labor relations laws for the Alaska Railroad Corporation. It considers petitions for certification as

¹ AS 23.05.370 (a) provides in part:

The agency shall . . . 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.

A. Representation Petitions (AS 23.40.100; AS 42.40.750)

Representation petitions are filed by labor organizations and employers 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 and labor organization have consented to representation of a particular unit of employees. Notification of consent to recognition does not require any action by the agency. 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 any objections or challenges to the conduct of the election, and certifies the results.

Petitions filed	10	
State	2	(Alaska Energy Authority & University)
Municipalities	4	(1 dismissal due to city opt out, 1 certified election, and 2 elections to be conducted in 1993)
Schools Districts	4	(4 elections certified)
Hearings conducted	6	
Elections conducted	8	

B. Strike Petitions (AS 23.40.200; 2 AAC 10.270; 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 it conducts strike vote elections upon receipt of a strike vote petition and determination of impasse. In the case of public schools, submission to advisory arbitration is required before the agency can conduct a strike vote election. Under the railroad labor relations laws, the agency does not conduct the strike vote election, but it does have a role in monitoring impasse procedures.

The agency recently adopted 8 AAC 97.300, not yet effective, that would provide for labor organizations to conduct strike votes. The agency would have a role in monitoring procedures.

D. Unfair Labor Practice Charges (AS 23.40.100; AS 42.40.760)

Employers, employee representatives, and individual employees may file unfair labor practice charges against labor organizations and employers. Charges against employers can include retaliation for union membership or exercise of employee rights, coercion, domination or interference with organization, and bad faith bargaining. Charges against unions can cover coercion, bad faith bargaining, dues disputes, and interference with the employer's selection of its representative.

The agency's experience in 1992 continues to be that charges arise most often during or leading up to contract bargaining. Charges this year include charges concerning the state's transfer of the personnel officers outside of the bargaining unit, the state's consolidation of the Alaska State Housing Authority and the Alaska Housing Finance Corporation and the effect on former ASHA employees, the state's implementation of a drug testing program for Alaska Marine Highway employees, the state's plan to change employee health benefits in early 1993, and a dispute between two factions of the Marine Engineers Beneficial Association. Charges have also included duty of fair representation charges filed by unit members against labor organizations.

Charges that arise while a contract is in effect often can be deferred to the parties' dispute resolution procedures in the contract's grievance arbitration clause. After an investigation concludes in a finding of probable cause and an attempt is made at conciliation, the charge is referred for hearing before the board members.

Charges filed	56
State	37
Municipalities	5
Public Schools	12
Railroad	2
Investigations	55
Notices of Accusation	33
Dismissals (no probable cause)	15
Charges that went to hearing	11
Deferrals to arbitration	5
Settled or withdrawn	42

3. Inlandboatmen's Union of the Pacific v. State of Alaska, Decision & Order No. 141 (Aug. 7, 1992): An employer can commit an unfair labor practice by implementing a change to a condition of employment in a collective bargaining agreement without first negotiating to impasse. A labor organization can waive the right to bargain by failing to respond to an employer's notice of a prospective change.
4. Fairbanks Fire Fighters Ass'n Local 1324, IAFF v. City of Fairbanks, Decision & Order No. 142 (Aug. 7, 1992): When enforcing a collective bargaining agreement under AS 23.40.210, the Alaska Labor Relations Agency will not substitute for the arbitrator under the agreement's grievance arbitration clause. Instead, it will enforce the agreement by compelling arbitration under the grievance arbitration clause in the agreement.
5. Alaska Public Employees Ass'n & Alaska State Employees Ass'n v. State of Alaska, Decision & Order No. 143 (Sept. 16, 1992): Adult field probation officers and juvenile probation officers are employees whose services may not be interrupted for even the shortest time under AS 23.40.200(a) and, therefore, are class 1 employees denied the right to strike under AS 23.40.200(d) but entitled to arbitration under AS 23.40.200(b).
6. State of Alaska v. Public Employees Local 71, Decision & Order No. 144 (Oct. 1, 1992): The food service manager at the Valdez Harborview Developmental Center shares a community of interest with the Labor, Trades and Crafts unit rather than the supervisory unit because the position does not meet the requirements for supervisor in 2 AAC 10.220(b)(3).
7. International Brotherhood of Electrical Workers v. Thomas Bay Power Authority, Decision & Order No. 145 (Nov. 25, 1992): Acting to reject the Public Employment Relations Act more than one year after a local government had the capacity to reject it is untimely and ineffective.
8. Alaska Public Employees Ass'n v. Ketchikan Gateway Borough, Decision & Order No. 146 (Nov. 25, 1992): After assuming an areawide power over parks and recreation from the City of Ketchikan, the Ketchikan Gateway Borough succeeded to the City's bargaining representative and its collective bargaining agreement for the term of the agreement. This unit of parks and recreation department employees is appropriate under AS 23.40.090.
9. State of Alaska v. Alaska Public Employees Ass'n, Decision & Order No. 147 (Nov. 25, 1992): The environmental conservation manager at the facility construction and operation office of the Department of Environmental Conservation in Juneau shares a community of interest with the general government unit rather than the supervisory unit because the position does not meet the requirements for supervisor in 2 AAC 10.220(b)(3).

IV. Legislation

The agency proposed legislation for consideration by the Governor. Two proposals are under consideration. The first proposal would increase the number of board members to six and provide that the board sit in panels of three members when hearing cases. The reason for the proposal is board member workload. It also would provide for payment to board members of an honorarium in the amount of \$100.00 per day spent in the conduct of agency business. House bill 102, incorporating this proposal, was introduced on January 29, 1993.

A second proposal is a housekeeping proposal. It would amend the railroad's impasse procedures in AS 42.40.850. AS 42.40.850 requires that a mediator involved in a contract bargaining impasse must later serve as the arbitrator in interest arbitration if a striking bargaining unit is compelled to return to work and thus entitled to interest arbitration. The Federal Mediation and Conciliation Services last year provided mediation services and training for railroad management and labor representatives. FMCS policy prevents mediators from serving as arbitrators. The agency has proposed legislation to remove the requirement that the person serving as the mediator also serve as the arbitrator if labor and management require interest arbitration services. It would also amend AS 23.40.225 and AS 42.40.880, which provide for an exemption from union membership and dues obligations on the basis of religious convictions. Staff of the Alaska Human Rights Commission and a recent case indicate that the existing law may be unconstitutional. Wilson v. NLRB, 920 F.2d 1282, 135 L.R.R.M.(BNA) 3177 (6th Cir. 1990). The agency is seeking the assistance of the Office of the Attorney General for a proposal of a religious exemption consistent with recent cases interpreting the federal and state constitutions.

V. Budget

Fiscal year	1991	1992	1993
TOTAL	309.4	309.8	307.5
Personnel	195.7	231.5	243
Travel	32.5	29.2	25.2
Contractual	70.3	41.6	31.8
Supplies	2.7	2.7	2.7
Equipment	7.2	4.8	4.8

FISCAL NOTE

No. 2
 Bill Version CSHB 102 (FTN)
 (H) Publish Date: 3/2/93

STATE OF ALASKA
 1993 LEGISLATIVE SESSION

Revision Date:		Dept. Affected:	LABOR
Title:	Panel Members on AK. Labor	BRU:	Commissioner's Office
	Rel. Agency	Component:	Alaska Labor Relations Agency
Sponsor:	House Labor & Commerce		
Requestor:	HOUSE FINANCE COMMITTEE	COMPONENT SERIAL NO.	1200

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE FUND SOURCE:	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF Program Receipts						
1006 GF MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ _____

ANALYSIS: (Attach a separate page if necessary)

Changes in Part CSHB 102 (LTC) have no fiscal impact. This fiscal note is appropriate.

4/14/93 DPF
 date Copye Aide (initial)

Prepared by: Representative Ron Larson, Co-Chair Phone: 465-3878
 Division: House Finance Committee Date: 3/01/93

Approved by Commissioner: _____ Date: _____
 Agency: _____

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