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PENDING APPROVAL OF STATE EXECUTIVE BOARD

MINUTES OF ASEA/AFSCME LOCAL 52 Quarterly Business Session State Executive Board September 5, 2007 (Fairbanks AK)

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**QUARTERLY BUSINESS SESSION OF THE
ASEA/AFSCME LOCAL 52 STATE EXECUTIVE BOARD
SEPTEMBER 5, 2007
SpringHill Suites, Fairbanks, Alaska**

9/5/2007

CALL TO ORDER AND ROLL CALL (8:30 a.m.)

The quarterly business session of the State Executive Board convened in the Conference Room of the SpringHill Suites, and was called to order at 8:30 a.m. by President Fred Brown. Secretary Michael Williams called the roll and noted for the record the following board members and staff to be present. The presence of a quorum was declared.

Present were:

Chris Lyou, Class I Representative
Chris Pace, Professional Representative
Fred Brown, President
Jerry Farrington, Rural Representative
Karen Zubillaga, Treasurer
Michael Williams, Secretary
Pat Moss, Northern (Fairbanks) Region Representative
Stephen Wright, Southeast (Juneau) Representative
Vicki Spear-Shipley, Administrative Support Representative
Jim Duncan, Business Manager (with voice/no vote)

Absent: Sheila Fowlkes, (a brief telephonic connection established at 8:35 a.m., disconnection at 9:49 a.m.)

Pennelope Goforth reported to President Brown that she will be leaving state service effective September 4, 2007.

Also present: NW Area Field Services Director Tam Tocher; and Administrative Assistant III MaryAnn Ganacias

Members present: Susan Carpentino (Midnight Sun Chapter), Rosemary Foster (Anchorage Chapter), and Bryan Evans (Anchorage Chapter)

ADOPT AGENDA

Main Motion 07-096 (Adopt Agenda)

Moved by Chris Lyou, seconded by Vicki Spear-Shipley
To adopt the agenda as presented.

Amendment 07-096A

The following amendments to the agenda were brought forward:

- Health Trust Election under New Business

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- Health Trust Eligibility under New Business

Amendment 07-096A passed, without objection.

Motion 07-096 as amended passed, without objection.

APPROVE MINUTES (6/25-26/07)

Main Motion 07-097 (Adopt 6/25-26/07 Minutes-Quarterly Business Session-Nome)

Moved by Jerry Farrington, seconded by Chris Lyou

To approve the June 25-26, 2007, minutes (Quarterly Business Session-Nome) as presented.

Motion 07-097 passed, without objection.

The record stood at ease upon request of the Chair with no objection at 8:49 a.m., resuming the record at 9:48 a.m. at T1-275.

Note of Record: Sheila Fowlkes telephonic disconnection at 9:49 a.m.

REPORT – BUSINESS MANAGER

Budget Review/Update

FY07 Budget/Financials-Unaudited

The Business Manager reviewed the Balance Sheet, with no questions from the Board.

The annual audit will occur during the month of October 2007.

Regarding the Unaudited Financials for FY07 (Budget vs. Actual) the following items were especially noted:

REVENUES

Dues

- Gross Dues Revenue for the year is higher than expected. Three factors that contributed to higher revenues were through the progressive collection of back dues and getting members to sign up; a slight increase in state employment; and from the AFSCME International Dues increase that was a result of the 2006 AFSCME Convention.

Note of Record: Chris Lyou commends the efforts of staff for keeping costs down and reducing the deficit given the difficult budget year which included the decertification; additionally, to commend the support of AFSCME Staff.

For purposes of clarification the Business Manager responds to the Board in regards to the deficit position stating that the Union will do its best to increase revenue through more external organizing and a strong dues collections effort and to control expenses of the Union. It is recommended to the Board that they look at the dues structure and determine if it is sufficient enough to continue to provide the current level of service now and in the future.

1 Point of Information: A Subcommittee for Progressive Dues was formed at the June Executive Board
2 meeting, chaired by Karen Zubillaga. Stephen Wright has volunteered to sit on the committee.

3
4 (The State Executive Board took a brief break at 10:16 a.m., resuming the record in general session at T1-
5 1178 at 10:34 a.m.)

6
7 FY08 Budget

8 The Business Manager presented the FY08 Balance Sheet and the Unaudited Financials for FY08 to the
9 Board, with no questions from the board.

10
11 Alaska Airline EasyBiz Account

12 There have been no miles used for this reporting period.

13
14 /end of budget report

15 Policy and Procedures 9.00.000

16 In regards to Policy 9.08.020.B “Procedures”, the Judicial Panel finds that they have no Constitutional
17 Authority to act on complaints against a chief steward.

18 The Business Manager informs the Board that there is not a venue where a member can submit
19 complaints against a chief steward.

20 The Board has referred this issue to the Subcommittee for Policies and Procedures for a resolution.

21
22 Main Motion 07-098 (Executive Session)

23 Moved by Mike Williams, seconded by Chris Lyou

24 To enter into executive session to protect the privacy of individuals.

25
26 Main Motion 07-098 passed, without objection.

27
28 The State Executive Board entered into executive session at 10:46 a.m.

29
30 (The State Executive Board took a brief break at 11:15 a.m., resuming the record in general session at T1-
31 1626 at 11:20 a.m.)

32
33 Main Motion 07-099 (Complaints against a Chief Steward)

34 Moved by Karen Zubillaga, seconded by Vicki Spear-Shipley

35 The Business Manager is to contact complainants regarding chief steward issue(s) and advise that the
36 State Executive Board will hear chief steward complaints until a policy and procedure to address this
37 issue is in place.

38
39 Main Motion 07-099 passed, without objection.

40
41 Main Motion 07-100 (Interpretation of ASEA Constitution Article 11)

42 Moved by Michael Williams, seconded by Chris Lyou

43 WHEREAS, both the ASEA and AFSCME Constitutions afford all members the right to due process;
44 and,

1 WHEREAS, the ASEA Judicial Panel is a body established to resolve internal union disputes, but is not a
2 court of law, nor is it a policy setting body; and,

3 WHEREAS, there appears to be some misunderstanding among members as to the proper process for
4 communicating with and receiving communications from the ASEA Judicial Panel; and,

5 WHEREAS, under Article 8.01.B of the ASEA Constitution the State Executive Board is given authority
6 to issue interpretations of its constitution;

7 THEREFORE BE IT RESOLVED that the State Executive Board provides the following instruction to
8 the ASEA Judicial Panel:

- 9 1. Consistent with Article XI, §18, of the AFSCME Constitution, and with Article II, § 4 of the
10 ASEA Judicial Panel Rules of Procedure, all official correspondence to and from the Judicial
11 Panel shall be conducted through Union Headquarters.
- 12 2. In carrying out the duties of the Judicial Panel Chair under Article 11.02.D, the Chair shall work
13 with designated Union staff to ensure all meetings are properly noticed, all hearings properly
14 documented, all correspondence is properly delivered to the affected parties, and that the actions
15 of the Judicial Panel adhere to established rules and policies;
- 16 3. Consistent with Article 13.01 of the ASEA Constitution, the Judicial Panel is instructed to work
17 with the Business Manager to receive authorizations for any expenditure of funds, or to carry out
18 any act that would have a binding effect upon the Union; and, finally,
- 19 4. The Judicial Panel is not authorized to hold "membership meetings." The Judicial Panel should
20 only hold closed meetings to discuss filed charges or other business properly addressed to the
21 panel. The Union has other forums, such as the Executive Board, committees, chapters, stewards,
22 and BATs to carry out normal communication with the membership. The Judicial Panel must act
23 and be perceived as a neutral body in addressing matters that properly come before it.

24
25 Main Motion 07-100 passed, without objection

26
27 **REPORT - PRESIDENT**

28
29 The record stood at ease until time-certain of 11:30 a.m. to receive any verbal committee reports or until
30 such time a call is joined.

31 Committee Reports (Times Certain at 11:30 a.m.)

32 Committee Reports from the following committees were noted for the record and incorporated into the
33 minutes at Exhibit A, a copy of which is available upon filing of an Information Request to the Business
34 Manager.

35 Election Committee Report

36 Grievance Review Committee Report

37 Judicial Panel Committee Report

38 Women's Committee Report

39 Probation/Parole Committee

40
41
42 Main Motion 07-101 (Receive Written Reports into the Record)

43 Moved by Michael Williams, seconded by Pat Moss

44 To accept and receive the following written reports of the Election Committee, and the Grievance Review
45 Committee into the record.

ASEA/AFSCME Local 52 State Executive Board
Quarterly Business Session
September 5, 2007 (Fairbanks, Alaska)

1 **REPORT – BUSINESS MANAGER (CONTINUED)**

2 Collections Update

3 The Business Manager presented the Collections report to the Board. Prior to September 2005, there was
4 a substantial amount of approximately \$167,000 to be collected. Since then, we have identified another
5 \$22,918.00 in outstanding dues. We have collected \$144,932.30 in back dues with an estimated \$44,985
6 still outstanding. There has been a lull due to the decertification; additionally the collections person has
7 been periodically unavailable due to personal reasons. There is a system in place that assigns the
8 responsibilities to other staff in her absence.

9
10 Note of Record: Chapters that want to obtain a monthly list of new hires must submit an information
11 request to the ASEA Headquarters stating “monthly new hire list”. The Chapters will receive the monthly
12 list after the second week of each month.

13
14 The Business Manager recognizes Business Agents Bill Johnson and Carrie Ann Gilmore from the ASEA
15 Fairbanks Field office.

16 Contract Negotiating Committee (CNC) Update

17 The Contract Ratification vote is on schedule with ballots to be mailed on September 10, 2007, due back
18 in the ASEA post office box no later than 8:30 a.m. on October 16, 2007.

19 All materials have been printed and delivered to the mail house as of September 5, 2007. The
20 Business Manager, Skye McRoberts, and Scott Dutton met with the manager of the mail house to walk
21 through their process. Skye McRoberts and Scott Dutton will be at the mail house to monitor and perform
22 quality checks with the mail house manager during the stuffing/insert process. The ballots will be mailed
23 via United States Postal Service First-Class mail to the member’s home address of record in which a
24 membership mailing address update request was sent to all members during the month of July 2007.

25 The ballot packet will contain the Official Ballot, Official Ballot Envelope, Business Reply Mail
26 Envelope, Instructions for Official Ballots, CNC Statement of Support, and the Summary of Gains and
27 Losses.

28 The CNC Web Forum is up and operational and a broadcast email was sent to all members to
29 notify them of the forum. The purpose of the forum is to provide for ratification debate and questions and
30 answers. There was a delay in getting the forum active due to the State of Alaska email change.

31 The Business Manager reports to the Board about his contact with the Commissioner of
32 Administration Annette Kreitzer in regards to Administrative Order 237. The Commissioner agreed with
33 the Business Manager in regards to the inappropriate timing of this order and that a letter will be sent to
34 Jim Duncan in response to Union concerns. The letter was received during the Board meeting, September
35 5, and distributed to the Board. The Commissioner’s response satisfied Union concerns and the letter will
36 be posted to the website for member information.

37
38 Note of Record: Chris Lyou gives recognition to the timely and expeditious response the Business
39 Manager as the role of the Chief Spokesperson and lead negotiator of the CNC gave in regards to the
40 Administrative Order 237 and the efforts that were made.

41
42 Main Motion 07-103 (Union Assets)

43 Moved by Michael Williams, seconded by Chris Lyou

1 For purposes of giving clarity to members and chapters, the State Executive Board defines Union Assets
 2 to mean 1) Membership lists; 2) Stewards and steward system; 3) BAT (Building Action Team) system;
 3 4) Bulletin Boards; 5) Websites and Mass E-mail capabilities; and any other resources paid for or
 4 provided by membership dues unless excepted to by the State Executive Board.

5
 6 Amendment 07-103A

7 Moved by Stephen Wright, seconded by Vicki Spear-Shipley

8 To amend following 4) Bulletin Boards, add “except bulletin boards purchased with chapter
 9 resources.”

10
 11 Amendment 07-103A failed 4:5 by the following roll call vote: Jerry Farrington, yes; Vicki
 12 Spear-Shipley, yes; Karen Zubillaga, yes; Stephen Wright, yes; Chris Lyou, no; Chris Pace, no;
 13 Michael Williams, no; Pat Moss, no; and Fred Brown voting no to break the tie.

14
 15 Main Motion 07-103, the Chair ruled that the motion passed on a voice vote, with objection, and there
 16 was no request for a roll call vote.

17 Wachovia Presentation (Times Certain – 2:00 p.m.) - presented by Wayne Pichon

18 Wayne Pichon of Wachovia reported to the Board the performance review of the reserve accounts for the
 19 period ending August 31, 2007. An Executive Summary of Mr. Pichon’s report was incorporated into the
 20 minutes at Exhibit B, a copy of which is available upon filing of an Information Request to the Business
 21 Manager.

22
 23 Main Motion 07-104 (Executive Session)

24 Moved by Chris Pace, seconded by Chris Lyou

25 To enter into executive session to protect the privacy of individuals, and to protect the confidentiality of
 26 negotiations and/or litigation.

27
 28 Main Motion 07-104 passed, without objection.

29
 30 The State Executive Board entered into executive session at 2:12 p.m., resuming the record in general
 31 session at T2-3256 at 2:29 p.m.

32 Lobbyist Report (Times Certain – 2:30 p.m.)

33 No report was presented at this time.

34
 35 Main Motion 07-105 (Bulletin Board Reimbursement)

36 Moved by Chris Pace, seconded by Chris Lyou

37 Chapters may request reimbursement from the Union for the cost of procuring union bulletin boards
 38 described under Article 2.04 of the Collective Bargaining Agreement for the period beginning after July
 39 1, 2004. The Business Manager may request appropriate documentation of such purchases.

40
 41 Main Motion 07-105 passed, with Karen Zubillaga objecting

Contract Negotiating Committee (Continued)

Ratification materials that are consistent with the goals and objectives of the Union can be distributed to chapter members utilizing chapter funds. Pro-ratification and neutral materials are acceptable, non-ratification materials cannot be distributed through the Union.

The Business Manager distributes proposed ratification materials from the Anchorage Chapter to the Board for their review and comments.

(The State Executive Board took a break at 2:46 p.m., resuming the record at T3-395 at 3:00 p.m.)

The Chair gives Bryan Evans, Anchorage Chapter member, the opportunity to comment in regards to the proposed ratification materials distributed to the Board and to respond to any questions from the Board. The Business Manager and Bryan Evans will work together to draft materials that would meet the criteria and will obtain verification on any stated facts such as the Health Trust data. Additionally, there would be a disclaimer placed on the materials stating that it is a publication of the Anchorage Chapter and that it is not endorsed by the Union.

The record stood at ease at 3:39 p.m. resuming the record at 3:43 at T3-1740

Main Motion 07-106 (Executive Board Ratification Position)

Moved by Stephen Wright, seconded by Jerry Farrington

The ASEA/AFSCME Local 52 State Executive Board supports the recommendation of the CNC to approve ratification of the tentative contract agreement.

Main Motion 07-106 passed 6:0 by the following roll call vote: Chris Lyou, yes; Chris Pace, yes; Jerry Farrington, yes; Vicki Spear-Shipley, yes; Michael Williams, yes; Pat Moss, yes; Karen Zubillaga, abstains; and Stephen Wright, abstains.

Chapter Correspondence

The Business Manager presents to the Board the June 15th memo addressed to the Anchorage Chapter and the response to the memo in regards to policy and constitutional violations. The Business Manager provided a status update in regards to an Anchorage Chapter website domain name.

(The State Executive Board took a break at 4:02 p.m., resuming the record at T3-2671 at 4:12 p.m.)

In response to the concerns, the Anchorage Chapter representatives have agreed that they will provide the Business Manager a list of proposed domain names no later than Monday, September 10, 2007, and that the Union would assist in having the new domain name redirect to the Anchorage Chapter website.

Steward Training

The Business Manager presents the Steward Training report to the Board. The Union is preparing for statewide steward training which will occur in late October/early November. Rural chapters will be flown into the urban areas in which they are represented. George Zuke, Sam Rhodes and AFSCME Trainer Raul Sanchez will lead the trainings. This Fall, the Advanced Training will be a full-day's training versus the usual half-day training.

1 Ivan Moore Poll

2 The Business Manager presents the most recent Ivan Moore Poll updates which included information for
3 the time period of 2005 to current. The overall ratings reflect that ASEA is looked at in a fairly positive
4 light among the voting public of Alaska.

5
6 Due to the time constraints the Business Manager referred the Board to the documents in their books
7 relating to the balance of the Business Manager's Report.

8
9 //end of Business Manager's Report

10
11 **REPORT – PRESIDENT (CONTINUED)**

12 Calendar of Events

13 The next Quarterly Business Session of the State Executive Board will be December 13-14, 2007 in
14 Anchorage. Michael Williams and MaryAnn Ganacias will work together to be sure that the Board and
15 all Chapters are notified regarding the ASEA 12th Biennial Convention timelines.

16
17 **REPORT – TREASURER**

18 No report was presented at this time.

19
20 **UNFINISHED BUSINESS**

21 No unfinished business was addressed before the Board.

22
23 **NEW BUSINESS**

24 President's Committee (P&P Recognition)

25 President's Committee Chair Jerry Farrington distributes proposed policy language to the Board for
26 consideration of having the President's Committee be recognized as the President's Council in the ASEA
27 Policies and Procedures. The language has been referred to the Subcommittee for Policies and
28 Procedures.

29 Health Trust Election

30 The trustee nomination notice incorrectly identified the qualification for Northern Region as those
31 working in the city of Fairbanks. The trust elections committee issued a corrected nomination notice that
32 any participant working in the North Star Borough qualifies for the Northern Region trustee position. The
33 trust elections committee also extended the nominations deadline.

34 Health Trust Eligibility

35 A question arose concerning a trustee continuing to serve after retiring from State service. Current trust
36 language (Article III) stipulates that a trustee must be a member participant at the time of election, but is
37 silent about continued eligibility after leaving State service. The eligibility provision in Article III can
38 only be changed by a vote of the entire membership.

1 State Executive Board vacancy – Central Region Seat

2 The Chair instructs the Business Manager to solicit nominations for a fifteen (15) day time period and to
3 have interested members forward a statement of interest and statement of qualifications to the Business
4 Manager.

5
6 //end of New Business

7
8 Main Motion 07-107 (Executive Session)

9 Moved by Chris Lyou, seconded by Chris Pace

10 To enter into executive session to protect the privacy of individuals, and to protect the confidentiality of
11 negotiations and/or litigation.

12
13 The State Executive Board entered into Executive session at 4:53 p.m., resuming in general session at T4-
14 814 at 5:00 p.m.

15
16 **ADJOURNMENT**

17 Main Motion 07-108 (To Adjourn)

18 Moved by Stephen Wright, seconded by Vicki Spear-Shipley

19 To adjourn.

20 Motion 07-108 passed with a voiced majority.

21
22 (Whereupon, the quarterly business session of the ASEA/AFSCME Local 52 State Executive Board
23 adjourned at 5:02 p.m.)

24
25 Respectfully submitted by
26 Michael R. Williams, Secretary
27 State Executive Board
28 ASEA/AFSCME Local 52, AFL-CIO