
EMPLOYMENT RELATIONS BOARD

January 21, 2010, 4:30 PM
Harrigan Hall – Maksoutoff Room
Minutes

I. CALL TO ORDER

Chair Leigh Kainulainen called the meeting to order at 4:30 p.m.

II. ROLL CALL

Chair Leigh Kainulainen, Doris Bailey and Mo McBride were present.

III. WELCOME TO GUESTS

Theresa Hillhouse, CBS Municipal Attorney

Mark Danielson, CBS Human Resources

Linda Johnson, ERB Attorney – participated telephonically

Kim Metcalfe, Reber Stein, Bev Brill, JoyAnn Dunnivant, Shawn McLeod, Robert Reid, Kristi Jones, Cathy Parker, Gerry Von Rekowski.

Hillhouse noted a number of CBS parties could not be present for the meeting.

Chair Kainulainen reiterated the sole purpose of the meeting was to discuss the process of dealing with mediations.

IV. APPROVAL OF MINUTES

MOTION by Bailey to approve the minutes of May 13, 2009.

Motion PASSED unanimously by voice vote.

V. ADDITIONS/DELETIONS TO THE AGENDA

None.

VI. UNFINISHED BUSINESS

None.

VII. NEW BUSINESS

1. Process for mediation between a union and the City and Borough of Sitka.

Chair stated a request for mediation from ASEA/AFSCME has been received.

Chair Kainulainen read a letter from ASEA/AFSCME requesting the Employment Relations Board appoint a mediator to help resolve the disputes on Articles 23 and 28. If mediation does not resolve in an agreement then the disputes would be submitted to an arbitrator.

Chair Kainulainen read an email from CBS Administrator Jim Dinley to Jim Duncan stating CBS agrees the parties are deadlocked regarding Articles 23 and 28. Dinley suggested that both parties agree to go ahead to interest arbitration.

McBride noted the primary request from ASEA/AFSCME fits into Sitka General Code (SGC) Section 2.08.125(H). McBride noted Administrator Dinley refers to SGC Section 2.08.125(I)(1)(2)(3)(4) in his email to Jim Duncan. Chair Kainulainen read SGC Section 2.08.125(H) titled Mediation and Fact-Finding.

McBride added SGC states mediation and/or fact-finding must be used prior to arbitration.

Linda Johnson, ERB Attorney, reiterated mediation needs to happen first. Johnson stated fact finders are a separate and distinct function from that of a mediator.

Bailey wondered of the process for choosing a mediator. McBride noted her experience with mediators was each party presented a list of names and then commonality between both parties was the goal. If parties couldn't agree on a mediator from the first list of names then they went on to another group. McBride suggested ERB consider having the names submitted to ERB and then made available to both parties so they could research. The next step would be to have a meeting with parties present who are able to select a mediator.

Johnson questioned who pays for mediation. She suggested having each party address the issue of paying a mediator if necessary.

MOTION by McBride for both interested parties, CBS and ASEA/AFSCME, to submit 5 names of acceptable individuals to be used as mediator. Their selection will be submitted to the ERB and shared with the other interested party.

Motion PASSED unanimously by voice vote.

MOTION by McBride for selection to be returned to ERB by the end of work day February 5.

Motion PASSED unanimously by voice vote.

MOTION by McBride to set next ERB meeting for Wednesday February 10, 2010 at 4:30pm.

Agenda items will be the selection of a mediator and addressing the issue of mediator payment.

Motion PASSED unanimously by voice vote.

MOTION by Bailey that the two parties, along with the five names submitted, each address the issue of paying the mediator if necessary.

Motion PASSED unanimously by voice vote.

VIII. PUBLIC PARTICIPATION

IX. NEXT MEETING
February 10, 2010 at 4:30 p.m.

X. ADJOURNMENT
Adjourned at 5:24 p.m.

Submitted by:
Sara Peterson
Secretary