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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Nicole Thibodeau, Department of Labor and Workforce Development

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: August 29, 2024

RE: Filed Permanent Regulations: Alaska Labor Relations Agency

Department of Labor and Workforce Development - Alaska Labor Relations Agency
regulations re: Electronic filing, voting; virtual hearings (8 AAC 97.010 - .990)

Attorney General File:	2024200093
Regulation Filed:	8/29/2024
Effective Date:	9/28/2024
Print:	251, October 2024

cc with enclosures: Colleen Bailey, Department of Law
Judy Herndon, LexisNexis



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

P.O. Box 110300
Juneau, Alaska 99811
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August 27, 2024

The Honorable Nancy Dahlstrom
Lieutenant Governor
State of Alaska
P.O. Box 110015
Juneau, AK 99811-0015

Re: *8 AAC 97.010-.990: DLWD - AK Labor Relations Agency: Electronic
filing, voting; virtual hearings*
Our file: 2024200093

Dear Lieutenant Governor Dahlstrom:

The Department of Law has reviewed the attached regulations of the Alaska Labor Relations Agency against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This letter constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Alaska Labor Relations Agency after the close of the public comment period.

The regulations concern the use of electronic communication methods for the filing of documents and the conduct of hearings before the Alaska Labor Relations Agency, along with authorizing the use of electronic voting methods for elections held by the Agency.

The May 28, 2024, public notice and the August 22, 2024 certification of adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.060 is not required.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.060. The corrections are incorporated into the attached copy of the regulations.

Sincerely,

TREG TAYLOR
ATTORNEY GENERAL

By: **Rebecca C. Polizzotto**
Rebecca C. Polizzotto
Chief Assistant Attorney General
Legislation, Regulations, and
Legislative Research Section

Digitally signed by
Rebecca C. Polizzotto
Date: 2024.08.27
11:48:05 -08'00'

RCP/kmd

CC w/enclosure: Nicole Thibodeau, ALRA Administrator/Hearing Examiner
Department of Labor and Workforce Development
Alaska Labor Relations Agency

Claire C. Keneally, Assistant Attorney General
Department of Law

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF ALASKA LABOR RELATIONS AGENCY

The attached 11 pages of regulations, dealing with filing, hearing attendance, and voting, are certified to be a correct copy of the regulation changes that the Alaska Labor Relations Agency adopted at its August 13, 2024, meeting, under the authority of AS 23.05.380 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Alaska Labor Relations Agency paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: 8/22/2024

Signed by: 
22E3E1C50DA8472

Tammy Schultz, Chair

FILING CERTIFICATION

for April Simpson for

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on

August 29, 2024 at 2:03 p, I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

for 

Lieutenant Governor *Nancy Dahlstrom*

Effective: September 28, 2024.

Register: 251, October 2024.

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, NANCY DAHLSTROM, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employees to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:

April Simpson, Regulations and Initiatives Specialist

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on May 15th, 2023.



Nancy Dahlstrom

**NANCY DAHLSTROM
LIEUTENANT GOVERNOR**

8 AAC 97.010 is amended to read:

8 AAC 97.010. Filing requirements. To file **a document** [DOCUMENTS] with the labor relations agency, a party **shall** [MUST] mail or deliver **one copy of the document** [DOCUMENTS] to the agency [OFFICE] **in person, by mail, by facsimile transmission, or by electronic mail. If the party files a document by facsimile transmission or electronic mail under 8 AAC 97.020, the party shall also deliver a hard copy of the document to the agency in person or by mail.** The date of filing is the date of receipt by the agency, **except that if filed after business hours, the filing is recorded as received the next business day.** [ALL

DOCUMENTS MUST BE FILED IN SETS OF TWO, EXCEPT THAT

(1) ONLY ONE SET OF CARDS OR FORMS SHOWING INTEREST IN SUPPORT OF A PETITION AS REQUIRED BY 8 AAC 97.025(c), 8 AAC 97.030(b) AND (d), 8 AAC 97.080(a) AND (b), AND 8 AAC 97.085;

(2) AFTER THE AGENCY SCHEDULES A PREHEARING CONFERENCE, FIVE SETS OF ALL DOCUMENTS MUST BE FILED;

(3) FOR APPEALS UNDER 8 AAC 97.250 AND 8 AAC 97.470, FIVE SETS OF ALL DOCUMENTS MUST BE FILED; AND

(4) DOCUMENTS FILED BY FACSIMILE MACHINE UNDER 8 AAC 97.020 DO NOT COUNT TOWARDS THE TOTAL FIVE SETS OF DOCUMENTS REQUIRED UNDER (2) AND (3) OF THIS SECTION]. (Eff. 7/22/93, Register 127; am 4/14/95, Register 134; am 5/18/2002, Register 162; am 5/20/2007, Register 182; am 9 / 28 / 2024, Register 251)

Authority: AS 23.05.380 AS 23.40.170 AS 42.40.820

Editor's note: Documents may be filed in person or by mail at [THE MAILING

ADDRESS OF] the Alaska Labor Relations Agency at 3301 Eagle Street, Suite 206, Anchorage, AK 99503. Documents may be filed via fax at (907) 269-4898 or by e-mail to labor.relations@alaska.gov [IS THE ALASKA LABOR RELATIONS AGENCY, 1016 WEST 6th AVENUE, SUITE 403, ANCHORAGE, ALASKA 99501. DOCUMENTS MAY BE DELIVERED TO THE ALASKA LABOR RELATIONS AGENCY, 1016 WEST 6th AVENUE, SUITE 403, ANCHORAGE, ALASKA].

8 AAC 97.015(a) is amended to read:

(a) **When** [AT THE SAME TIME] a party files a document with the labor relations agency, that party **shall** [must] serve a copy of that document **on all parties involved or, if applicable, on a party's representative. The filing party may serve the document** [,] by mail, **facsimile transmission,** [OR] hand delivery, **or electronic mail if the other parties have consented to electronic mail service** [ON ALL OTHER PARTIES INVOLVED OR ON THE REPRESENTATIVES OF THE PARTIES INVOLVED].

(Eff. 7/22/93, Register 127; am 9 / 28 / 2024 , Register 251)

Authority: AS 23.05.380 AS 23.40.170 AS 42.40.820

8 AAC 97.020 is amended to read:

8 AAC 97.020. Filing and service by electronic transmission [FACSIMILE MACHINE]. Documents may be filed with the labor relations agency [OR SERVED ON A PARTY] **electronically** [TELEPHONICALLY] by [MEANS OF A] facsimile **transmission** [MACHINE] **or by electronic mail. Documents may be served on a party by facsimile transmission of by electronic mail, if that party has consented to electronic mail service.**

The filing party shall mail or deliver a copy of the electronically filed document

[HOWEVER, THE ORIGINAL AND MULTIPLE COPIES OF THE DOCUMENTS FILED TELEPHONICALLY WITH THE AGENCY MUST BE MAILED OR DELIVERED] to the agency as required under 8 AAC 97.010. The date of filing is the date that the agency received the facsimile transmission or electronic mail, **except that if the filing is received after business hours, the filing is recorded as received the next business day** [THE DATE OF FILING IS THE DATE THAT THE AGENCY RECEIVED THE FACSIMILE]. (Eff. 7/22/93, Register 127; am 9 / 28 / 2024, Register 251.)

Authority: AS 23.05.380 AS 23.40.170 AS 42.40.820

8 AAC 97.025(a)(1) is amended to read:

(1) the name, title, address, **electronic mail address**, [AND] telephone and facsimile machine numbers of the public employer's contact person;

8 AAC 97.025(a)(4) is amended to read:

(4) the name, address, **electronic mail address**, [AND] telephone and facsimile machine numbers, and affiliation, if any, of the petitioner;

8 AAC 97.025(a)(8) is amended to read:

(8) the signature, title, **electronic mail address**, [AND] telephone and facsimile machine numbers of the petitioner's representative.

8 AAC 97.025(b)(5) is amended to read:

(5) why the grant of the petition will not result in **unnecessary** [EXCESSIVE] fragmentation of the existing bargaining unit based on the factors contained in AS 23.40.090.

(Eff. 7/22/93, Register 127; am 5/18/2002, Register 162; am 9 / 28 / 2024, Register 251)

Authority: AS 23.05.380 AS 23.40.170 AS 42.40.750
AS 23.40.090 AS 42.40.740 AS 42.40.820
AS 23.40.100

8 AAC 97.040(a)(4) is amended to read:

(4) the names, addresses, **electronic mail address**, telephone and facsimile machine numbers, and affiliations, if any, of the organizations or their contact persons making claims for recognition;

8 AAC 97.040(a)(7) is amended to read:

(7) the signature, title, **electronic mail address**, [AND] telephone and facsimile machine numbers of the petitioner's representative.

(Eff. 7/22/93, Register 127; am 9 / 28 / 2024, Register 251)

Authority: AS 23.05.380 AS 23.40.170 AS 42.40.750
AS 23.40.090 AS 42.40.740 AS 42.40.820
AS 23.40.100

8 AAC 97.050(b)(4) is amended to read:

(4) the name, address, **electronic mail address**, telephone and facsimile machine numbers, and affiliation, if any, of the petitioner;

8 AAC 97.050(b)(5) is amended to read:

(5) the name, address, **electronic mail address**, telephone and facsimile machine numbers, and title, if known, of the public employer's contact person;

8 AAC 97.050(b)(7) is amended to read:

(7) the signature, title, **electronic email address**, address, and telephone and facsimile machine numbers of the petitioner's representative.

(Eff. 7/22/93, Register 127; am 5/18/2002, Register 162; am 5/20/2007, Register 182; am 7/12/2007, Register 183; am 9 / 28 / 2024, Register 251)

Authority: AS 23.05.380 AS 23.40.170 AS 42.40.750
AS 23.40.090 AS 42.40.740 AS 42.40.820
AS 23.40.100

8 AAC 97.060(b) is amended to read:

(b) **A public employer shall file with the labor relations agency an electronic, searchable, and alphabetical list of all employees in the proposed unit as of the last payroll period before the date the petition was filed, including job titles, classifications, and personal mailing addresses, no later than 10 days after notice by the agency of a petition related to a question of representation** [NO LATER THAN 10 DAYS AFTER NOTICE BY THE LABOR RELATIONS AGENCY OF A PETITION RELATED TO A QUESTION OF

Register 251, October 2024 LABOR

REPRESENTATION, THE PUBLIC EMPLOYER SHALL FILE WITH THE AGENCY AN ALPHABETICAL LIST OF ALL EMPLOYEES, INCLUDING JOB TITLES, CLASSIFICATIONS, AND PERSONAL MAILING ADDRESSES, IN THE PROPOSED UNIT AS OF THE LAST PAYROLL PERIOD BEFORE THE DATE THE PETITION WAS FILED].

(Eff. 7/22/93, Register 127; am 4/14/95, Register 134; am 5/18/2002, Register 162; am

9 / 28 / 2024, Register 251)

Authority: AS 23.05.380 AS 23.40.170 AS 42.40.750
AS 23.40.090 AS 42.40.740 AS 42.40.820
AS 23.40.100

8 AAC 97.130(a) is amended to read:

(a) **A public employer shall submit an electronic, searchable, and alphabetical roster of employees eligible to vote to the labor relations agency and to the candidates for representation at least 14 calendar days before the date set for the election, or at least 14 calendar days before the delivery of ballots to voters in a mail ballot or electronic ballot election. The roster must contain the names of eligible employees in alphabetical order and their job titles, classifications, electronic mail address, and personal mailing addresses** [AT LEAST 14 CALENDAR DAYS BEFORE THE DATE SET FOR THE ELECTION, OR IN THE CASE OF A MAIL BALLOT ELECTION, AT LEAST 14 CALENDAR DAYS BEFORE THE DATE SET FOR MAILING BALLOTS TO VOTERS, THE PUBLIC EMPLOYER SHALL SUBMIT A ROSTER OF EMPLOYEES ELIGIBLE TO VOTE TO THE LABOR RELATIONS AGENCY AND TO THE CANDIDATES FOR REPRESENTATION. THE ROSTER MUST

Register 251, October 2024 LABOR

CONTAIN THE NAMES OF ELIGIBLE EMPLOYEES IN ALPHABETICAL ORDER AND THEIR JOB TITLES, CLASSIFICATIONS, AND PERSONAL MAILING ADDRESSES].

(Eff. 7/22/93, Register 127; am 4/14/95, Register 134; am 9 / 28 / 2024, Register 251)

Authority: AS 23.05.380 AS 23.40.170 AS 42.40.820
AS 23.40.100 AS 42.40.750

8 AAC 97.140(a) is amended to read:

(a) The labor relations agency **may** [WILL, IN ITS DISCRETION,] conduct a secret ballot election manually, by [THE USE OF A] mail ballot, **by electronic ballot**, or by a combination of manual and mail ballot.

(Eff. 7/22/93, Register 127; am 9 / 28 / 2024, Register 251)

Authority: AS 23.05.380 AS 23.40.170 AS 42.40.820
AS 23.40.100 AS 42.40.750

8 AAC 97.190(b) is amended to read:

(b) Employees who are eligible to vote in the original election and who are **still** employed in the bargaining unit as of the date of the runoff election are eligible to vote in the runoff election. For mail ballot **or electronic ballot** runoff elections, employees are eligible to vote if they were eligible to vote in the original election and they are **still** employed **in the bargaining unit** on the date the mail ballots **or electronic ballots** are counted in the runoff election.

(Eff. 10/22/93, Register 127; am 5/20/2007, Register 182; am 9 / 28 / 2024, Register 251)

Authority: AS 23.05.380 AS 23.40.170 AS 42.40.820

AS 23.40.100 AS 42.40.750

8 AAC 97.220(b)(1) is amended to read:

(1) the name, address, **electronic mail address**, [AND] telephone and facsimile machine numbers of the respondent against whom the complaint or accusation is made;

8 AAC 97.220(b)(2) is amended to read:

(2) a plain and concise description of the alleged violation including the date or dates of the alleged violation and, if possible, the name, address, **electronic mail address**, [AND] telephone and facsimile machine numbers of each person who is alleged to have committed the violation;

8 AAC 97.220(b)(3) is amended to read:

(3) the name, affiliation, address, **electronic mail address**, [AND] telephone and facsimile machine numbers of the party filing the complaint or accusation, and a statement of the capacity in which that party is acting;

(Eff. 7/22/93, Register 127; am 5/20/2007, Register 182; am 9 / 28 / 2024, Register 251)

Authority: AS 23.05.380 AS 23.40.170 AS 42.40.780
AS 23.40.120 AS 42.40.770 AS 42.40.820
AS 23.40.130

Register 251, October 2024 LABOR

8 AAC 97.260(b)(5) is amended to read:

(5) name, address, **electronic mail address**, telephone and facsimile machine numbers, and affiliation, if any, of the petitioner;

8 AAC 97.260(b)(7) is amended to read:

(7) the signature, title, **electronic mail address**, and telephone and facsimile machine numbers of the petitioner's representative.

(Eff. 7/22/93, Register 127; am 9 / 28 / 2024, Register 251)

Authority: AS 23.05.380 AS 23.40.170 AS 23.40.200

8 AAC 97.310(a)(1) is amended to read:

(1) the name, address, **electronic mail address**, telephone number, and position control number of the employee;

8 AAC 97.310(a)(3) is amended to read:

(3) the name, address, **electronic mail address**, telephone number, and facsimile machine number of the collective bargaining representative;

8 AAC 97.310(a)(4) is amended to read:

(4) the name, address, **electronic mail address**, telephone number, and facsimile machine number of the public employer; and

(Eff. 4/14/95, Register 134; am 9 / 28 / 2024, Register 251)

Authority: AS 23.05.380 AS 23.40.225 AS 42.40.880

8 AAC 97.400 is amended to read:

8 AAC 97.400. Electronic [TELEPHONIC] participation. (a) The labor relations agency **may** [WILL, IN ITS DISCRETION,] allow the hearing officer, **a party, a witness, a representative, or an agency member** [AND ONE OR MORE PARTIES, WITNESSES, REPRESENTATIVES, OR AGENCY MEMBERS] to participate **in a hearing electronically [TELEPHONICALLY] or through other digital or electronic telecommunication method if the electronic participation does not result in substantial** [IN A HEARING IN THE ABSENCE OF SUBSTANTIAL] prejudice to opposing parties. **A** [REGARDLESS WHETHER TELEPHONIC PARTICIPATION IS USED, A] party or representative may be physically present at the same site as the witness **whether or not electronic participation is used.**

(b) A **hearing participant shall file a** request to participate **electronically** by telephone **or through other digital or electronic telecommunication method** [MUST BE FILED WITH THE AGENCY] no later than [THE DATE] the **hearing** witness list **due date** [FOR THE HEARING IS DUE]. **The requesting party shall serve a** [A] copy of the request [MUST BE SERVED] in accordance with 8 AAC 97.015. The **requesting** party [MAKING THE REQUEST] shall contact the labor relations agency to arrange the **electronic participation by telephone or through other digital or electronic telecommunication method** [TELEPHONE CALL].

(c) Upon convening a **hearing by telephone or through other digital or electronic telecommunication method** [TELEPHONIC HEARING], the hearing officer shall

(1) recite the date, time, case name, case number, names and locations of parties and representatives, and the type of hearing to be held;

(2) make sure that statements made by participants are audible to all participants;

(3) instruct the participants on how the hearing will be conducted, including the requirement that, in order to preserve the record, speakers must identify themselves each time they speak. (Eff. 7/22/93, Register 127; am 9 / 28 / 2024, Register 251)

Authority: AS 23.05.380 AS 23.40.170 AS 42.40.820

8 AAC 97.510(a)(1) is amended to read:

(1) the name, affiliation if any, address, **electronic mail address**, [AND] telephone and facsimile machine numbers of the petitioner and the respondent;

(Eff. 7/22/93, Register 127; am 9 / 28 / 2024, Register 251)

Authority: AS 23.05.380 AS 23.40.210 AS 42.40.860
AS 23.40.170 AS 42.40.820

8 AAC 97.990 is amended by adding a new subsection to read:

(c) In this chapter, unless otherwise specified, deadlines **are** [SHOULD BE] calculated **by** using calendar days. (Eff. 7/22/93, Register 127; am 4/14/95, Register 134; am 5/18/2002, Register 162; am 9 / 28 / 2024, Register 251)

Authority: AS 23.05.380 AS 23.40.170 AS 42.40.820