

Employment Relations Board
Administrative Review of Processes and Procedures

(Reported out of Subcommittee on 03/12/2013)

The General Government Subcommittee recommends that the Joint Committee on Ways and Means acknowledge receipt of a report from the Employment Relations Board on the agency's administrative review of its processes and procedures as directed by a budget note from the 2012 legislative session.

The Board has undertaken a number of actions including: establishing timelines for issuing orders; identifying specific types of contested cases for expedited processing; involving stakeholders in a review of the agency's processes and procedures; establishing a Rules Advisory Committee; completing an independent review of some recent Board orders; and involving stakeholders in a discussion of complaint or other actions that lack legal merit.

The performance of the agency will need to be monitored into the future to see if Board's actions have improved the timely disposition of its cases and the quality of its orders.

The General Government Subcommittee recommends acknowledging receipt of the report.

Agency Report

Employment Relations Board

Analyst: John Borden

Request: Acknowledge receipt of the report.

Recommendation: Acknowledge receipt of the report.

Analysis: The Employment Relations Board (ERB) was directed by budget note during the 2012 legislative session (SB 5701) to complete the following items and then report to the appropriate policy committee and the Joint Committee on Ways and Means during the 2013 legislative session:

1. Review its administrative processes and procedures and make any necessary changes to improve the timely disposition of hearing and mediation cases;
2. Propose to the 2013 Legislature an expedited hearings process as well as any statutory changes that will improve the timely disposition of its hearing and mediation cases;
3. Conduct a review of recent opinions issued by the Board and its administrative law judges to evaluate the quality of opinions issued and how they can be improved upon; and
4. Report on the number of frivolous claims received and recommendations for reducing the number of any such claims.

ERB has met the direction of the budget note and has taken the following actions:

- Established timelines for issuing recommended and final orders;
- Identified specific types of contested case-types for expedited processing;
- Involved stakeholders in a review of the agency's processes and procedures;
- Established a Rules Advisory Committee to review rules and procedures related to contested cases;
- Completed an independent review of some recent recommended and final Board orders; and
- Involved stakeholders in a discussion of complaint or other actions by parties that lack legal merit.

The Board has acted on some of the recommendations made by stakeholders and resulting from the independent review of recommended and final Board orders, which it believes will improve the timely disposition of its cases. The Board continues to evaluate its current rules and practices.

The Board is unable to report on the number of complainant or respondent actions that may lack merit due to the subjective nature of such actions. However, the Board's processing of cases in a more timely manner and its review of its standards for dismissal of complaints may limit such filings in the future.

The Board states that it is able to address improvements in the timely disposition of cases administratively without the need for statutory change.

The performance of the agency will need to be monitored in the future to see if Board's actions have

improved the timely disposition of its cases.

The Legislative Fiscal Office recommends acknowledging receipt of the report.