

The Public Employment Relations Board (PERB) respectfully requests additional funding to restore one of the two ALJ positions lost in the FY02 budget cuts.

BASE SALARY ALJ II (non-contract)	\$54,975
BENEFITS	20,000
TOTAL COST	<u>\$74,975</u>

Background and Justification

PERB was created in 1974 and for approximately the next decade was adequately staffed with 14 FTEs—3 Board members, an Executive Director, 6 ALJs, and 4 clericals. During the 1980s, the agency lost the executive director position and one-half clerical position, but assumed additional work due to the transfer of merit appeal jurisdiction to PERB from the merit commission, which was abolished with government reorganization. The responsibility for representing PERB in court on judicial review was also transferred from the Attorney General's office to the agency beginning in the 1980s.

In the 1990s, when budgets were very tight, the Board and professional staff permanently assumed additional responsibilities by transferring to themselves approximately 150-200 contract mediation cases annually which had previously been handled by subcontractors. The agency also lost another one-half clerical position. In the late 1990s, the Board and professional staff assumed additional responsibilities due to growing interest in new alternative dispute resolution techniques and rising demand from the parties for training and facilitation in such ADR processes as Interest-Based Bargaining (IBB or "Win/Win" bargaining), Labor-Management Cooperation committees (LMCs), and grievance mediation. Over the years, the agency's regular workload, including requests for impasse services, also continued to increase due to ever-growing numbers of certified bargaining units in the State. There were 765 certified units by 1980, 1,000 by 1990, and 1,155 by 2005.

By 2002, the understaffed agency was struggling to meet its statutory responsibilities and was poised to request much-needed additional professional staff positions when the severe budget crisis hit. Not only were new positions out of the question,

but staff had to be cut. In order to cope with budget cuts, the Board first left a Board position vacant for eight months, and then was forced to lay off two ALJ positions. The loss of the two ALJ positions was a crippling blow to PERB's effectiveness and has seriously hampered the agency's ability to perform necessary work. Unlike other state agencies, PERB had not increased its staff over the years and thus had no "cushion" when the budget crisis struck. Instead, PERB's staff had decreased over the years while the workload grew.

Since 2002, the Board has been struggling to deliver essential services with only 10 FTEs—3 Board members, 4 ALJs, and 3 clericals. This lack of staff has seriously impeded the Board's ability to perform basic required agency services, such as processing and adjudicating contested cases in a timely manner, initiating necessary rule-making, serving as mediators in contract disputes, administering impasse services for bargaining parties, and acting as trainers and facilitators for labor management cooperation efforts. The agency simply cannot meet these mandates with the current level of professional staffing.

In addition, most of the Board's current members and ALJs are nearing retirement age. PERB's constituents share the Board's concerns about the need to transfer knowledge and insure continuity in this specialized field which requires a lengthy learning curve. Restoration of one of the two ALJ positions would begin to address this concern.

The Board urgently needs to restore at least one of the agency ALJ positions in order to perform basic duties in a timely and effective manner, now and in the years to come. Your serious consideration of this request is greatly appreciated.