

Kelly Tshibaka
Commissioner

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Department of
Administration

Juneau, Alaska

STATE OF ALASKA

PRESS RELEASE

For Immediate Release

State, Federal Mediator and IBU Hold Weekend Contract Negotiations

Still no deal to end illegal strike and restart the Alaska Marine Highway System

Monday, July 29, 2019 (Anchorage) – After more than 20 hours of negotiations this weekend between a Federal Mediator, the State of Alaska and the Inlandboatmen’s Union (IBU), the Federal Mediator has recessed talks until a later date – further extending the IBU’s illegal strike that began on July 24, 2019. Alaska Marine Highway System operations remain suspended, following the IBU’s decision to walk off ships during peak summer travel – costing the State over \$200,000 a day in lost revenue.

“Unfortunately, the IBU’s out of state negotiators don’t understand Alaska law and are currently making the situation worse by misleading Alaskan employees,” **said Department of Administration Commissioner Kelly Tshibaka.**

“Repeatedly, they’ve sent wage offers that are not legally permissible. The law is the law, and it can’t be broken.”

Over the weekend, the State of Alaska offered four package proposals that agreed to many of the IBU’s demands, however IBU has insisted on maintaining legally impermissible provisions. The State also proposed IBU employees contribute to their health care plan, but IBU said only if the State provided a “bonus” that covered the cost of those premiums and paid members more than \$700,000 extra.

“While we were encouraged the IBU finally returned to the negotiating table with the Federal Mediator, this strike and the harm it’s inflicting remains a significant concern to the State, Marine Highway System employees, their families, and the entire coastal region,” **said Department of Transportation & Public Facilities Commissioner John MacKinnon.**

Commissioner Tshibaka also expressed disappointment with a letter the State received shortly before the first mediation meeting from an out-of-state law firm representing the IBU that misstated the facts and the law surrounding the strike. The letter was released to the media just as mediation was scheduled to begin.

“Let’s call it what it is: an intentionally misleading press release dressed up like a letter to misinform IBU members and the public about the truth,” **said Commissioner Tshibaka.**

“The strike is unlawful because it is based on demands that are illegal under Alaska law. The IBU was made aware that its demands were prohibited by law even before the strike began. Unfortunately, the IBU refused to change all of its unlawful demands before going on strike, ignoring both the law and the significant damage a strike would do to our coastal region’s economy,” **said Commissioner Tshibaka.**

The State wrote letters to the IBU after it declared the strike, notifying it of at least two laws violated by its demands, and that insisting upon such demands through a strike would make the strike unlawful. Among other reasons, the State notified IBU that its demands violated:

- The free speech protections afforded to all IBU-represented State employees by the First Amendment of the United States Constitution. *Janus v. AFSCME Council 31*, 138 S.Ct. 2448 (2018).
- A cost-of-living differential between the wages paid to employees residing in the State and employees residing outside of the State. AS 23.40.210.

“After receiving the State’s letters explaining why the declared strike was illegal, the IBU sought to fix the strike’s illegality by changing its unlawful demands after-the-fact,” **said Commissioner Tshibaka**. “But that did not erase the illegal basis for striking in the first place, as there was no lawful impasse, or taking a strike vote in support of unlawful contract proposals. The IBU is legally obligated to end the strike so our employees can return to work and we can negotiate a contract that treats all sides fairly and in accordance with both State and Federal law.”

On July 18, the State requested the IBU resolve their differences through mediation rather than a strike. While waiting for the IBU’s response on what day and time would work for mediation, on July 23, IBU presented the State with an ultimatum to accept all demands in its offer, including at least two illegal ones, or it would go on strike.

On July 24, the State of Alaska requested a Federal Mediator’s assistance to resolve the outstanding issues with the IBU and bring an end to the strike. On the afternoon of July 26, the IBU told the Federal Mediator it was finally ready to resume negotiations, and the State immediately scheduled a mediation for the following day.

For more information, please contact Special Assistant Kelly Hanke at 907-269-6293

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