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Sectional Analysis

HB 327 Evidence Rules: Union/Employee

Section 1. This section amends Alaska Statute 09.25 by adding a new subsection 09.25.405, which provides that confidential communications between employee and employee representative of an organization are privileged conversations, when conducted in an advocacy setting in a disciplinary matter and provides for the definition of “organization.”

Section 2. This section amends Alaska Statute 23.40 by adding a new subsection 23.40.065, which provides that (a) an individual cannot be compelled to disclose information in any proceeding, acquired from an employee represented by the individual, if such information was obtained in confidence and was in connection with individual providing advocacy services in regards to disciplinary proceedings of the employee.

In Subsection (b), it provides exceptions to the privilege, such as being ordered by the court to disclose, if there is information concerning the commission of a crime, or if the employee consents to disclosure.

In Subsection (c) it provides that if there is a conflict between this statute and federal or state law, then this statute is preempted and does not apply; and

In Subsection (d), it provides for the definition of “organization” to include any labor or employee organization existing in the State, and a definition of “proceeding,” which includes any legislative, judicial, administrative, or any other proceeding requiring testimony under oath, and any arbitration, hearing or meeting under the grievance procedures of a collective bargaining agreement.

Section 3. This section provides for amendment of Alaska Rules of Evidence 402 and 501.

Section 4. This section provides that Sections 1 and 2 can only take effect if Section 3 is approved by 2/3 votes of both houses.