

## **Alaska Statutes Pertaining to Senate Bill 182**

Sec. 23.40.075. Items not subject to bargaining.

The parties may not negotiate terms contrary to the

- (1) reemployment rights for injured state employees under AS 39.25.158;
- (2) reemployment rights of the organized militia under [AS 26.05.075](#);
- (3) authority of the Department of Health and Social Services under [AS 47.27.035](#) to assign Alaska temporary assistance program participants to a work activity considered appropriate by the Department of Health and Social Services;
- (4) authority for agencies to create temporary positions under AS 47.27.055(c); or
- (5) provisions contained in a contract under [AS 14.40.210](#) (a)(4).

Sec. 23.40.210. Agreement; cost-of-living differential.

(a) Upon the completion of negotiations between an organization and a public employer, if a settlement is reached, the employer shall reduce it to writing in the form of an agreement. The agreement may include a term for which it will remain in effect, not to exceed three years. The agreement shall include a pay plan designed to provide for a cost-of-living differential between the salaries paid employees residing in the state and employees residing outside the state. The plan shall provide that the salaries paid, as of August 26, 1977, to employees residing outside the state shall remain unchanged until the difference between those salaries and the salaries paid employees residing in the state reflects the difference between the cost of living in Alaska and living in Seattle, Washington. The agreement shall include a grievance procedure which shall have binding arbitration as its final step. Either party to the agreement has a right of action to enforce the agreement by petition to the labor relations agency.

(b) An employee is eligible for the cost-of-living differential under (a) of this section only if the individual is a state resident. The required presence of an employee at a work station where room and board are provided or reimbursed by the employer may not be considered to be physical presence in the state or physical absence from the state for purposes of determining eligibility for the cost-of-living differential.

(c) The commissioner of administration may adopt regulations under AS 44.62 (Administrative Procedure Act) to clarify and implement the criteria for establishing and maintaining eligibility for the cost-of-living differential.

(d) An agreement entered into under [AS 23.40.070](#) - 23.40.260 must require compliance with the eligibility criteria for receiving the cost-of-living differential contained in this section and the regulations adopted by the commissioner under (c) of this section.

(e) In this section, "state resident" means an individual who is physically present in the state with the intent to remain permanently in the state under the requirements of [AS 01.10.055](#) or, if the individual is not physically present in the state, intends to return to the state and remain permanently in the state under the requirements of [AS 01.10.055](#) and is absent only temporarily for reasons allowed under [AS 43.23.008](#) or a successor statute.