

HOUSE BILL NO. 421

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES BRICE, Croft

Introduced: 2/16/98

Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the right of certain public employees to engage in a strike
2 if monetary terms of a collective bargaining agreement are not approved."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 23.40.200(b) is amended to read:

5 (b) The class in (a)(1) of this section is composed of police and fire protection
6 employees, jail, prison, and other correctional institution employees, and hospital
7 employees. **Except as provided in (g) of this section,**

8 **(1) employees** [EMPLOYEEES] in this class may not engage in strikes;

9 **(2) upon** [. UPON] a showing by a public employer or the labor
10 relations agency that employees in this class are engaging or about to engage in a
11 strike, an injunction, restraining order, or other order **that** [WHICH] may be
12 appropriate shall be granted by the superior court in the judicial district in which the
13 strike is occurring or is about to occur;

14 **(3) if** [. IF] an impasse or deadlock is reached in collective bargaining

1 between the public employer and employees in this class, and mediation has been **used**
 2 [UTILIZED] without resolving the deadlock, the parties shall submit to arbitration to
 3 be carried out under AS 09.43.030.

4 * **Sec. 2.** AS 23.40.200(c) is amended to read:

5 (c) The class in (a)(2) of this section is composed of public utility, snow
 6 removal, sanitation, and educational institution employees other than employees of a
 7 school district, a regional educational attendance area, or a state boarding school.
 8 **Except as provided in (g) of this section,**

9 (1) **employees** [EMPLOYEES] in this class may engage in a strike
 10 after mediation, subject to the voting requirement of (d) of this section, for a limited
 11 time; **the** [. THE] limit is determined by the interests of the health, safety, or welfare
 12 of the public;

13 (2) **the** [. THE] public employer or the labor relations agency may
 14 apply to the superior court in the judicial district in which the strike is occurring for
 15 an order enjoining the strike;

16 (3) **a** [. A] strike may not be enjoined unless it can be shown that it
 17 has begun to threaten the health, safety, or welfare of the public; **a** [. A] court, in
 18 deciding whether or not to enjoin the strike, shall consider the total equities in the
 19 particular class; **"total** [. "TOTAL] equities" includes not only the **effect** [IMPACT]
 20 of a strike on the public but also the extent to which employee organizations and
 21 public employers have met their statutory obligations;

22 (4) **if** [. IF] an impasse or deadlock still exists after the issuance of an
 23 injunction, the parties shall submit to arbitration to be carried out under AS 09.43.030.

24 * **Sec. 3.** AS 23.40.200 is amended by adding a new subsection to read:

25 (g) Public employees in a bargaining unit composed of members of the class
 26 in (a)(1) or (2) of this section may engage in a strike under this subsection if

27 (1) the collective bargaining agreement for the bargaining unit is a
 28 multi-year agreement;

29 (2) the monetary terms for at least one year of the agreement were
 30 funded in accordance with AS 23.40.215(a), and the monetary terms for the current
 31 year of the agreement were not funded as required by that subsection;

- 1 (3) a majority of the employees in the bargaining unit vote by secret
2 ballot to engage in the strike.