

HOUSE BILL NO. 224

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE KOHRING BY REQUEST, Ogan, Dyson

Introduced: 5/5/99

Referred: Health, Education and Social Services, Labor and Commerce

A BILL

FOR AN ACT ENTITLED

1 "An Act requiring a public employee labor organization representing employees
2 of a school district, regional educational attendance area, or a state boarding
3 school to give notice before striking."

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

5 * **Section 1.** AS 23.40.200(c) is amended to read:

6 (c) The class in (a)(2) of this section is composed of public utility, snow
7 removal, sanitation, and educational institution employees other than employees of a
8 school district, a regional educational attendance area, or a state boarding school.
9 Employees in this class may engage in a strike after mediation, subject to the voting
10 requirement of (d) of this section **and to the notice requirement in (g) of this**
11 **section**, for a limited time. The limit is determined by the interests of the health,
12 safety, or welfare of the public. The public employer or the labor relations agency
13 may apply to the superior court in the judicial district in which the strike is occurring
14 for an order enjoining the strike. A strike may not be enjoined unless it can be shown

1 that it has begun to threaten the health, safety, or welfare of the public. A court, in
 2 deciding whether or not to enjoin the strike, shall consider the total equities in the
 3 particular class. **In this subsection, "total** ["TOTAL] equities" includes not only the
 4 impact of a strike on the public but also the extent to which employee organizations
 5 and public employers have met their statutory obligations. If an impasse or deadlock
 6 still exists after the issuance of an injunction, the parties shall submit to arbitration to
 7 be carried out under AS 09.43.030.

8 * **Sec. 2.** AS 23.40.200(d) is amended to read:

9 (d) The class in (a)(3) of this section includes all other public employees who
 10 are not included in the classes in (a)(1) or (2) of this section. Employees in this class
 11 may engage in a strike **after giving the notice required by (g) of this section** if a
 12 majority of the employees in a collective bargaining unit vote by secret ballot to do
 13 so. However, if an impasse or deadlock is reached in collective bargaining
 14 negotiations between a municipal school district, a regional educational attendance
 15 area, or a state boarding school and its employees, the parties shall submit to advisory
 16 arbitration before the employees may engage in a strike. The arbitrator selected to
 17 conduct the advisory arbitration must be a member of the American Arbitration
 18 Association Panel of Labor Arbitrators or the Federal Mediation and Conciliation
 19 Service. In selecting the arbitrator, the parties shall request a list of arbitrators who
 20 have knowledge of and recent experience in the local conditions in the school district,
 21 regional educational attendance area, or state boarding school. A list containing at
 22 least five nominees who meet the qualifications of this subsection is a complete list
 23 for the purpose of striking names and selecting the arbitrator.

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

25 (g) Before employees of a school district, a regional educational attendance
 26 area, or a state boarding school may engage in a strike under this section, the labor
 27 organization representing the employees shall give the employer written notice that the
 28 employees intend to strike. The notice must be given at least three days before the
 29 strike may begin.