

**CS FOR HOUSE BILL NO. 224(HES)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 2/21/00

Referred: Labor and Commerce

Sponsor(s): REPRESENTATIVES KOHRING BY REQUEST, Ogan, Dyson

**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 24 hours before the  
29 strike may begin.