

**HOUSE BILL NO. 128**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVES GATTO, Chenault**

**Introduced: 2/26/03**

**Referred: House Special Committee on Education, Labor and Commerce**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to strikes by employees of a municipal school district, a regional**  
2 **educational attendance area, or a state boarding school, and requiring notice of at least**  
3 **72 hours of a strike by those employees."**

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

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

6 (d) The class in (a)(3) of this section includes all other public employees who  
7 are not included in the classes in (a)(1) or (2) of this section. **Subject to (g) of this**  
8 **section, employees** [EMPLOYEES] in this class may engage in a strike if a majority  
9 of the employees in a collective bargaining unit vote by secret ballot to do so.  
10 [HOWEVER, IF AN IMPASSE OR DEADLOCK IS REACHED IN COLLECTIVE  
11 BARGAINING NEGOTIATIONS BETWEEN A MUNICIPAL SCHOOL  
12 DISTRICT, A REGIONAL EDUCATIONAL ATTENDANCE AREA, OR A STATE  
13 BOARDING SCHOOL AND ITS EMPLOYEES, THE PARTIES SHALL SUBMIT  
14 TO ADVISORY ARBITRATION BEFORE THE EMPLOYEES MAY ENGAGE IN

1 A STRIKE. THE ARBITRATOR SELECTED TO CONDUCT THE ADVISORY  
 2 ARBITRATION MUST BE A MEMBER OF THE AMERICAN ARBITRATION  
 3 ASSOCIATION PANEL OF LABOR ARBITRATORS OR THE FEDERAL  
 4 MEDIATION AND CONCILIATION SERVICE. IN SELECTING THE  
 5 ARBITRATOR, THE PARTIES SHALL REQUEST A LIST OF ARBITRATORS  
 6 WHO HAVE KNOWLEDGE OF AND RECENT EXPERIENCE IN THE LOCAL  
 7 CONDITIONS IN THE SCHOOL DISTRICT, REGIONAL EDUCATIONAL  
 8 ATTENDANCE AREA, OR STATE BOARDING SCHOOL. A LIST  
 9 CONTAINING AT LEAST FIVE NOMINEES WHO MEET THE  
 10 QUALIFICATIONS OF THIS SUBSECTION IS A COMPLETE LIST FOR THE  
 11 PURPOSE OF STRIKING NAMES AND SELECTING THE ARBITRATOR.]

12 \* **Sec. 2.** AS 23.40.200 is amended by adding a new subsection to read:

13 (g) Under the provisions of (d) of this section, if an impasse or deadlock is  
 14 reached in collective bargaining negotiations between a municipal school district, a  
 15 regional educational attendance area, or a state boarding school and its employees,

16 (1) the parties shall submit to advisory arbitration before the  
 17 employees may vote to engage in a strike; the arbitrator shall

18 (A) be a member of the American Arbitration Association,  
 19 Panel of Labor Arbitrators, or the Federal Mediation and Conciliation Service;

20 (B) have knowledge of and recent experience in the local  
 21 conditions in the school district, regional educational attendance area, or state  
 22 boarding school; and

23 (C) be determined from a list containing at least five nominees  
 24 who meet the qualifications of this subsection; this list shall be considered a  
 25 complete list for the purpose of striking names and selecting the arbitrator;

26 (2) if, under (1) of this subsection, advisory arbitration fails, a strike  
 27 may not begin until at least 72 hours after notice of the strike is given to the other  
 28 party; in any event, a strike may not begin on or after the first day of the school term,  
 29 as that term is described in AS 14.03.030, unless at least one day in session with  
 30 students in attendance has passed after notice of the strike is given by the employees to  
 31 the other party.