

ALASKA STATE LEGISLATURE  
HOUSE SPECIAL COMMITTEE ON EDUCATION

April 28, 2003

5:23 p.m.

**MEMBERS PRESENT**

Representative Carl Gatto, Chair  
Representative Paul Seaton, Vice Chair  
Representative Dan Ogg  
Representative Peggy Wilson  
Representative Kelly Wolf  
Representative Les Gara

**MEMBERS ABSENT**

Representative Mary Kapsner

**COMMITTEE CALENDAR**

SENATE BILL NO. 95

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

- MOVED SB 95 OUT OF COMMITTEE

**PREVIOUS ACTION**

BILL: SB 95

SHORT TITLE: 72-HOUR NOTICE OF TEACHER STRIKE

SPONSOR(S): SENATOR(S) GREEN

Jrn-Date	Jrn-Page		Action
03/03/03	0317	(S)	READ THE FIRST TIME - REFERRALS
03/03/03	0317	(S)	HES, L&C
03/17/03		(S)	HES AT 1:30 PM BUTROVICH 205
03/17/03		(S)	Heard & Held
03/17/03		(S)	MINUTE(HES)
03/24/03		(S)	HES AT 5:00 PM FAHRENKAMP 203
03/24/03		(S)	Moved Out of Committee -- Time and Location Change --
03/24/03		(S)	MINUTE(HES)
03/26/03	0590	(S)	HES RPT 3DP 2NR
03/26/03	0590	(S)	NR: DYSON, WILKEN;

03/26/03	0590	(S)	DP: GUESS, GREEN, DAVIS
03/26/03	0590	(S)	FN1: ZERO(LWF)
04/03/03		(S)	L&C AT 1:30 PM BELTZ 211
04/03/03		(S)	Heard & Held
04/03/03		(S)	MINUTE(L&C)
04/08/03		(S)	L&C AT 2:00 PM BELTZ 211
04/08/03		(S)	Moved Out of Committee -- Time Change -- MINUTE(L&C)
04/09/03	0762	(S)	L&C RPT 4DP 1NR
04/09/03	0762	(S)	DP: BUNDE, FRENCH, SEEKINS, STEVENS G;
04/09/03	0762	(S)	NR: DAVIS
04/09/03	0762	(S)	FN1: ZERO(LWF)
04/15/03	0860	(S)	RULES TO CALENDAR 4/15/2003
04/15/03	0860	(S)	READ THE SECOND TIME
04/15/03	0860	(S)	ADVANCED TO THIRD READING 4/16 CALENDAR
04/16/03	0877	(S)	READ THE THIRD TIME SB 95
04/16/03	0877	(S)	PASSED Y17 N2 E1
04/16/03	0877	(S)	ELLIS NOTICE OF RECONSIDERATION
04/17/03	0895	(S)	RECONSIDERATION NOT TAKEN UP
04/17/03	0895	(S)	TRANSMITTED TO (H)
04/17/03	0895	(S)	VERSION: SB 95
04/22/03	1045	(H)	READ THE FIRST TIME - REFERRALS
04/22/03	1045	(H)	EDU, L&C
04/22/03	1059	(H)	CROSS SPONSOR(S): GATTO
04/28/03		(H)	EDU AT 5:15 PM CAPITOL 124

**WITNESS REGISTER**

SENATOR LYDA GREEN

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: As sponsor of SB 95, testified on SB 95 and answered questions from the committee.

KIM FLOYD, Public Information Officer

Matanuska-Susitna School District

Palmer, Alaska

POSITION STATEMENT: Testified in support of SB 95.

PAULA HARRISON, Director

Human Resources and Labor Relations

Matanuska-Susitna School District

Palmer, Alaska

POSITION STATEMENT: Testified in support of SB 95.

JACQUELINE TUPOU, Staff  
to Senator Lyda Green  
Alaska State Legislature  
Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 95 and answered questions from the members.

**ACTION NARRATIVE**

**TAPE 03-21, SIDE A**

Number 0001

**CHAIR CARL GATTO** called the House Special Committee on Education meeting to order at 5:23 p.m. Representatives Gatto, Seaton, Wilson, Ogg, and Wolf were present at the call to order. Representative Gara arrived as the meeting was in progress.

SB 95-72-HOUR NOTICE OF TEACHER STRIKE

[Contains discussion pertaining to HB 128, the companion bill]

Number 0040

CHAIR GATTO announced that the only bill before the committee today would be SENATE BILL NO. 95, "An Act relating to strikes by employees of a municipal school district, a regional educational attendance area, or a state boarding school, and requiring notice of at least 72 hours of a strike by those employees."

CHAIR GATTO [who had sponsored HB 128, the companion bill in the House] told the committee that SB 95 is a bill concerning student safety and is sponsored by Senator Lyda Green. Chair Gatto said it is his goal to get the bill through the committee today. What the bill says is that the legislature is concerned that the possibility exists that students will be dropped off at school during contentious times of negotiations. It is possible for a teacher's union to call a strike immediately and go on strike at that time. He emphasized that this bill in no way restricts teachers' ability to go on strike. It simply says that in all fairness to students and working parents, the legislature would prefer to have a warning. The question has come up in the past during negotiations when the sides were definitely not close to an agreement. The schools have asked if they could have a 24-hour notice and there was no answer to

their question. There was an understanding that the union was not going to give that to them. That is the justification for SB 95, which simply says 72 hours is not asking too much, especially when the unions have said that they would do that anyway. Chair Gatto said that there is no objection to the bill and for the most part, from talking to union officials, they do not object to it. They asked for something in return he said, but "we" do not want to complicate this language. If there is another issue, the legislature will take it up with a separate bill. If the unions have something they are interested in, the committee will certainly hear it.

Number 0321

REPRESENTATIVE OGG asked if Chair Gatto would entertain a motion.

CHAIR GATTO responded that there are two people who would like to testify on the bill first.

Number 0333

SENATOR LYDA GREEN, Alaska State Legislature, sponsor of SB 95, told the committee that she believes Chair Gatto did a fine job in explaining the bill and that she would be available to answer questions from the members.

Number 0394

KIM FLOYD, Public Information Officer, Matanuska-Susitna School District, testified in support of SB 95. She said that she is a parent of two school-aged children and asked the committee not to allow anyone to confuse what is really the issue in this bill. She said Chair Gatto pointed out exactly what this is about. This bill is not about contracts or about adults, but is about student safety. Ms. Floyd said she strongly supports this bill not only as a parent because she cares about the children, but as a communicator because it would be very difficult in the case of a last-minute strike to get the word out to parents. She told the committee that 40 percent of the parents commute to Anchorage. They leave early in the morning, making it very difficult to get the word to them. One child left unattended would be one too many. Things happen when parents are not around to watch over them. She reiterated her support of this legislation and said that she believes the 72 hours' notice is necessary to cover the Friday to Monday weekend timeframe. Ms.

Floyd said she appreciates Senator Green's sponsorship of this bill and the committee's support.

Number 0553

PAULA HARRISON, Director, Human Resources and Labor Relations, Matanuska-Susitna School District, testified in support of SB 95. She told the committee the district appreciates both Chair Gatto's and Senator Green's support of this legislation. This bill is about student safety. As the committee may know, the district has had problems in the past on this issue.

Number 0598

REPRESENTATIVE SEATON moved to report SB 95 out of committee with individual recommendations and the accompanying fiscal notes.

Number 0657

REPRESENTATIVE GARA objected. He explained that he had missed part of the introduction of the bill and he had a few questions. Unions say that they would normally give 72 hours' notice in any case and that has some persuasive power to it, but he said he is wondering about the other side of the issue. Is there really a problem that would be solved by this legislation? Are there really instances when unions have not given 72 hours' notice?

REPRESENTATIVE SEATON referred Representative Gara to an Anchorage Daily News editorial dated January 16, 1999, after this occurred. He told the committee it was on a Thursday night that the strike vote was taken and the strike was called for Friday. It was after the evening news, so there was no way to get the notice out through the news. So students came to school and there was a student safety problem because the teachers were not there. He said [Chair Gatto] had introduced the [companion] bill as student safety legislation, which allows parents the assurance of student safety.

CHAIR GATTO commented that the strike did happen and it was strategically timed. He emphasized that it was not the teachers who went out on strike; it was the classified employees. It happened, and this bill would see that parents are not blindsided like that and that it is not an option available. This bill does not affect anyone's right to strike. It is very clear that the right to strike remains intact. He said he encourages

people to exercise that right if that is the decision they make, but with that goes the responsibility to the students.

Number 0833

REPRESENTATIVE GARA told the committee his other question is a bit complex. There is a lot of language under the current law that is deleted starting at page 1, line 10, and going through page 2, line 11. This has to do with the whole procedure for advisory arbitration. He asked, if the union gives a 72-hour notice, whether that entitles them to go out on strike even after 72 hours. For instance, could they go out on strike 120 hours or 200 hours later? He asked if the union has to wait for the advisory arbitration to be scheduled or to be resolved before the 72-hour rule kicks in.

Number 0910

SENATOR GREEN replied that on page 1, line 10, and through page 2, line 11, the language is deleted and immediately restored beginning with page 2, lines 12-25 [new subsection (g)]. She pointed to language beginning on page 2, line 26, which says in part:

(2) if, under (1) of this subsection, advisory arbitration fails, a strike may not begin until at least 72 hours after notice of the strike is given

SENATOR GREEN pointed out that the same procedure is in place in the future as it is now. So if advisory arbitration fails, notice will be given before a strike by school district employees can occur.

Number 1049

REPRESENTATIVE GARA asked for clarification that under existing law and under SB 95, no strike may occur before advisory arbitration fails.

SENATOR GREEN replied that she assumes that is true.

REPRESENTATIVE GARA asked if there is any limitation that would prevent a union from saying they believe they will be out on strike 72 hours from now, but it might be 120 hours or a week from now. Is there anything that holds the union to the 72-hour timeframe, as opposed to a longer period of time?

SENATOR GREEN responded that she could not answer that question. She said she assumes there would be a "date certain" advisory.

Number 1086

JACQUELINE TUPOU, Staff to Senator Lyda Green, Alaska State Legislature, responded to Representative Gara's question by saying that according to case law, it defines what notice is. Notice is enough information to let a reasonable person know that when notice of a strike is given, the strike will occur on this date and at this time. She summarized by saying the unions could place the strike more than 72 hours out, but the notice would have to say exactly when it would occur. That is part of the notice requirement.

REPRESENTATIVE GARA asked how the 72-hour notice will be interpreted. What happens if a union gives its 72-hour strike notice but it is off by a couple of days as to when it begins its strike? For instance, a union gives a 72-hour strike notice, but then they do not go out on strike because they are continuing to try to work things out. A week later, the union determines that it is not working. In this case, can the school district tell the union they cannot go out on strike because the 72-hour notice has passed?

Number 1181

MS. TUPOU responded that they could not do that. The definition of notice is very strict. It says if a union wants to go on strike, they must give at least 72 hours' notice prior to when the strike will occur. So if the union says they will start a strike on Wednesday and Wednesday passes, the union no longer has given strike notice. So if the union wanted to strike after that date, they would have to give 72 hours' notice. So whatever is noticed is binding.

REPRESENTATIVE GARA commented that this bill may actually have the opposite effect. If a union has given a 72-hour strike notice, it is making progress and does not want to go out on strike; however, on the other hand, if the union does not want to go through the 72-hour notice provision again, then the union could go out on strike just to avoid another three-day strike notice.

SENATOR GREEN reiterated that when the advisory arbitration fails, a strike may not begin until 72 hours. She told the committee that there is an assumption that a certain series of

events occurred that brought the participants to failed advisory arbitration. The second issue is the safety of students. This bill is not trying to get into one side or the other side; she said this is about parents' having a right to know that when they drop their children off at school there will be school that day. Or if parents drop their children off at the bus stop and go on their way to work in Anchorage, parents have a right to know they are not leaving their children at a phantom bus stop. That is all this is about. It is about proper notice for action among adults.

Number 1324

REPRESENTATIVE GARA said that he is surprised that no one from the unions came to testify. He said he does not see any other problem with the bill and believes it may be a good idea.

Number 1336

CHAIR GATTO commented that the thought of leaving little children at the bus stop [when no bus will be coming] is scary, but what is even scarier is high school students' being left all day long unsupervised. So this is important for all age levels. He told the committee he has talked to union officials about the bill, and they have assured him that they would never [fail to give notice] anyway; however, if the legislature believes legislation is necessary, they have no objection.

Number 1388

REPRESENTATIVE GARA withdrew his objection to reporting SB 95 from committee.

Number 1393

CHAIR GATTO asked if there were objections to the motion to report SB 95 from committee. There being no objection, SB 95 was reported from the House Special Committee on Education.

#### **ADJOURNMENT**

There being no further business before the committee, the House Special Committee on Education meeting was adjourned at 5:37 p.m.