

1 IN THE HOUSE

BY RULES COMMITTEE
BY REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 415

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act to diminish the causes of labor
7 disputes burdening commerce, to equalize
8 legal responsibilities of labor organi-
9 zations and employers, to create an
10 Alaska Labor Relations Board, and for
11 other purposes."

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

13 ALASKA STATE LABOR RELATIONS ACT

14 TABLE OF CONTENTS

15 Section:

- 16 0. Findings and Policy
17 1. Definitions
18 2. Labor Relations Board
19 3. Rights of Employees
20 4. Unfair Labor Practices
21 4.5 Other Violations
22 5. Representatives and Elections
23 6. Prevention of Unfair Labor Practices
24 6.5 Injunctions where Board not Involved
25 7. Judicial Review
26 8. Investigatory Powers
27 9. Punitive Provision
28 10. Public Records and Proceedings
29 11. Repeal of Inconsistent Provisions

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 18
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29

12. Limitations
13. Separability
14. Short Title

HB #415

(2)

Section 0. Findings and Policy. The economic necessity for employees to possess full freedom of association, actual liberty of contract and bargaining power equal to that of their employers, who are frequently organized in corporate or other forms of association, has long been sanctioned by public opinion, and recognized and affirmed by legislatures and the highest courts. As the modern industrial system has progressed, there has developed between and among employees and employers an ever greater economic interdependence and community of interest which have become matters of vital public concern. Employers and employees have recognized that the peaceable practice and wholesome development of that relationship and interest are materially aided by the general adoption and advancement of the procedure and practice of bargaining collectively as between equals. It is in the public interest that equality of bargaining power be established and maintained. It is likewise recognized that the denial by some employers of the right of employees freely to organize and the resultant refusal to accept the procedure of collective bargaining, substantially and adversely affect the interest of employees, other employers, and the public in general. Such denial creates variations and instability in competitive wage rates and working conditions within and between industries and between employees and employers engaged in such industries, and by depressing the purchasing power of wage earners and the profits of business, and tends

(a) to produce and aggravate recurrent business depressions,

1 (b) to increase the disparity between production and
2 consumption,

3 (c) to create unemployment with its attendant dangers
4 to the health, peace, and morale of the people, and

5 (d) to increase public and private expenditures
6 for relief of the needy and the unemployed.

7 When some employers deny the right of employees to
8 full freedom of association and organization, and refuse to
9 recognize the practice and procedure of collective bargaining,
10 their actions lead to strikes, lockouts and other forms
11 of industrial strife and unrest which are inimical to the
12 public safety and welfare, and frequently endanger the
13 public health.

14 Experience has proved that protection by law of the
15 right of employees to organize and bargain collectively, removes
16 certain recognized sources of industrial strife and unrest,
17 encourages practices fundamental to the friendly adjustment
18 of industrial disputes arising out of differences as to
19 wages, hours or other working conditions, and tends to
20 restore equality of bargaining power between and among
21 employers and employees, thereby advancing the interests
22 of employers as well as employees.

23 Experience has also proved that domination, interference
24 in the internal affairs and financial contributions to unions
25 by individuals not motivated by the advancement of the
26 trade union movement has caused inter-union controversy,
27 led to disruption of the collective bargaining process,
28 and has been inimical to the best interests of the people
29 of this State.

1 In the interpretation and application of this Act,
2 and otherwise, it is hereby declared to be the public
3 policy of the State to encourage the practice and procedure
4 of collective bargaining, and to protect employees in the
5 exercise of full freedom of association, self-organization
6 and designation of representatives of their own choosing
7 for the purposes of collective bargaining, or other mutual
8 aid and protection, free from the interference, restraint
9 or coercion of their employers.

10 All the provisions of this Act shall be liberally
11 construed for the accomplishment of this purpose.

12 This Act shall be deemed an exercise of the
13 police power of the State for the protection of the
14 public welfare, prosperity, health and peace of the people
15 of this State.

16 Section 1. Definitions. When used in this Act:

17 (1) The term "person" includes one or more individuals,
18 partnerships, associations, corporations, legal repre-
19 sentatives, trustees, trustees in bankruptcy, or receivers.

20 (2) The term "employer" includes any person acting
21 on behalf of or in the interest of an employer, directly
22 or indirectly, with or without his knowledge, but a labor
23 organization or any officer or agent thereof shall only
24 be considered an employer with respect to individuals
25 employed by such organization.

26 (3) The term "employees" includes but is not restricted
27 to any individual employed by a labor organization; any
28 individual whose employment has ceased as a consequence of,
29 or in connection with, any current labor dispute or because

1 of any unfair labor practice, and who has not obtained
2 any other regular and substantially equivalent employment; and
3 shall not be limited to the employees of a particular
4 employer, unless the Act explicitly states otherwise, but
5 shall not include any individual employed by his parent or
6 spouse or in the domestic service of any person in his home,
7 or any individuals employed only for the duration of a labor
8 dispute, or any individuals employed as farm laborers.

9 (4) The term "representatives" includes a labor organ-
10 ization or any individual whether or not employed by the em-
11 ployer of those whom he represents.

12 (5) The term "labor organization" means any organization
13 which exists and is constituted for the purpose, in whole
14 or in part, of collective bargaining, or of dealing with
15 employers concerning grievances, terms or conditions of
16 employment, or of other mutual aid or protection and which
17 is not a company union as defined herein.

18 (6) The term "company union" means any committee,
19 employee representation plan or association of employees
20 which exists for the purpose, in whole or in part, of
21 dealing with employers concerning grievances or terms and
22 conditions of employment, which the employer has initiated
23 or created or whose initiation or creation he has suggested,
24 participated in or in the formulation of whose governing
25 rules or policies or the conduction of whose management,
26 operations or elections the employer participates in or
27 supervises or which the employer maintains, finances, con-
28 trols, dominates, or assists in maintaining or financing,
29 whether by compensating anyone for services performed in its

1 behalf or by donating free services, equipment, materials,
2 office or meeting space or anything else of value, or by any
3 other means.

4 (7) The term "unfair labor practice" means only those
5 unfair labor practices listed in Section 4.

6 (8) The term "labor dispute" includes, but is not
7 restricted to, any controversy between employers and employees
8 or their representatives as defined in this Section concerning
9 terms, tenure or conditions of employment or concerning the
10 association or representation of persons in negotiating,
11 fixing, maintaining, changing, or seeking to negotiate, fix
12 maintain or change terms or conditions of employment, or con-
13 cerning the violation of any of the rights granted or affirmed
14 by this Act, regardless of whether the disputants stand
15 in the proximate relation of employer and employee.

16 (9) The term "Board" means the Alaska Labor Relations
17 Board created by Section 2.

18 (10) The term "policies of this Act" means the policies
19 set forth in Section 0.

20 (11) The singular shall include the plural, and the
21 masculine shall include the feminine and neuter.

22 Section 2. Labor Relations Board. A Board is hereby
23 created within the Department of Labor which shall be known
24 as the "Alaska Labor Relations Board", to be composed
25 of the following three members: The Commissioner of Labor and
26 one representative each of industry and labor, the latter
27 two members to be appointed by the Governor and to serve
28 at his pleasure.

29 (1) The Commissioner of Labor shall be Chairman of the

1 Board, and shall be the executive officer of the Board, and
2 shall be empowered to perform all acts necessary to carry
3 into effect all provisions of this Act. This Board shall
4 have exclusive and original jurisdiction in all cases
5 arising out of labor disputes as herein defined.

6 (2) The Commissioner of Labor may appoint a deputy
7 to act for him and such deputy shall thereby exercise the
8 authority of the Commissioner for the purposes of this Act.

9 (3) Three members shall constitute a quorum.

10 (4) The Board shall have authority from time to time
11 to make, amend and rescind such rules and regulations as
12 may be necessary to carry out the provisions of this Act.
13 Such rules and regulations shall be effective upon publication
14 in the manner which the Board shall prescribe.

15 (5) The Board may utilize such voluntary and uncom-
16 pensated service or facilities as may from time to time be
17 needed.

18 (6) A Board member, not otherwise in State service,
19 shall receive a per diem of \$20.00 for each day spent on
20 Board business plus necessary transportation.

21 (7) The Attorney General of Alaska is hereby designated
22 as the attorney for the Board.

23 (8) The Board shall at the end of every year make
24 a report in writing to the Governor, stating in detail
25 the work it has done in hearing and deciding cases and
26 otherwise, and it shall sign and report in full an opinion
27 in every case decided by it.

28 (9) The principal office of the Board shall be in the
29 city of Juneau, but it may meet and exercise any or all

1 of its powers at any other place within the State. The
2 Board may, by one or more of its members or by such agents
3 or agencies as it may designate, conduct in any part of this
4 State any proceeding, hearing, investigation, inquiry,
5 or election necessary to the performance of its functions.
6 A member who participates in any such proceeding shall
7 not be disqualified from subsequently participating in
8 a decision of the Board in the same case.

9 (10) Neither the Board nor any of its agents or em-
10 ployees acting in the Board's name or in its behalf shall
11 engage in any effort to mediate, conciliate or arbitrate
12 any labor dispute, but nothing contained in this subdivision
13 shall be construed to prevent the Board, its agents or
14 employees, from engaging in any effort to obtain voluntary
15 adjustments and compliance with the terms and provisions
16 of this Act and in accordance with its purposes and policy.

17 Section 3. Rights of Employees. Employees shall have
18 the right of self-organization, to form, join, or assist
19 labor organizations, to bargain collectively through repre-
20 sentatives of their own choosing, and to engage in concerted
21 activities, for the purpose of collective bargaining or
22 other mutual aid or protection, free from interference,
23 restraint, or coercion of employers, but nothing contained
24 in this Act shall be interpreted to prohibit employees from
25 exercising the right to confer with their employer at any
26 time, provided that during such conference there is no
27 attempt by the employer, directly or indirectly, to inter-
28 fere with, restrain or coerce employees in the exercise of
29 the rights guaranteed by this Section.

1 Section 4. Unfair Labor Practices.

2 (a) It shall be an unfair labor practice for an
3 employer:

4 1. To spy upon or keep under surveillance,
5 whether directly or through agents or any other person,
6 any activities of employees or their representatives in
7 the exercise of the right guaranteed by Section 3.

8 2. To prepare, maintain, distribute or
9 circulate any blacklist of individuals for the purpose
10 of preventing any of such individuals from obtaining or
11 retaining employment because of the exercise of such indivi-
12 duals of any of the rights guaranteed by Section 3.

13 3. To dominate or interfere with the formation,
14 existence, or administration of any employee organization
15 of association, agency or plan which exists in whole or
16 in part for the purpose of dealing with employers concerning
17 terms or conditions of employment, labor disputes or
18 grievance, or to contribute financial or other support to
19 any such organization, by any means, including but not limited
20 to the following:

21 (a) By participating or assisting in,
22 supervising, controlling, or dominating;

23 (1) the initiation or creation of any
24 such employee organization or association, agency, or plan, or

25 (2) the meetings, management, operation,
26 elections, formulation or amendment of constitution, rules
27 or policies, of any such employee organization or association,
28 agency or plan

29 (b) By urging the employees to join any such

1 employee organization or association, agency or plan for
2 the purpose of encouraging membership in the same;

3 (c) By compensating any employee or indi-
4 vidual for services performed in behalf of any such employee
5 organization or association, agency or plan, or by donating
6 free services, equipment, materials, office or meeting space
7 or anything else of value for the use of any such employee
8 organization or association, agency or plan; provided that an
9 employer shall not be prohibited from permitting employees
10 to confer with him during working hours without loss of time
11 or pay.

12 4. To require an employee or one seeking employment,
13 as a condition of employment, to join a company union or to
14 refrain from forming, or joining or assisting a labor organ-
15 ization of his own choosing.

16 5. To encourage membership in any company union or
17 discourage membership in any labor organization, by discrim-
18 ination in regard to hire or tenure or in any term or condition
19 of employment; provided that nothing in this Act shall pre-
20 clude an employer from making an agreement with a labor
21 organization requiring as a condition of employment employees
22 membership therein, if such labor organization is the repre-
23 sentative of employees as provided in Section 5.

24 6. To refuse to bargain collectively with the repre-
25 sentatives of employees, subject to the provisions of Section 5.

26 7. To refuse to discuss grievances with representa-
27 tives of employees, subject to the provisions of Section 5.

28 8. To discharge or otherwise discriminate against an
29 employee because he has signed or filed any affidavit,

1 petition or complaint or given any information or testimony
2 under this Act.

3 9. To distribute or circulate any blacklist of
4 individuals exercising any right created or confirmed by this
5 Act or of members of a labor organization, or to inform any
6 person of the exercise by an individual of such right, or
7 of the membership of any individual in a labor organization
8 for the purpose of preventing individuals so blacklisted
9 or so named from obtaining or retaining employment.

10 10. To do any acts, other than those already enu-
11 merated in this Section, which interfere with, restrain or
12 coerce employees in the exercise of the rights by Section 3.

13 (b) It shall be an unfair labor practice for a labor
14 organization or for an officer or officers of a labor organ-
15 ization or any agent or agents of a labor organization or
16 any one acting in the interest of a labor organization or
17 for an employee or for employees acting in concert:

18 1. By physical force or the threat thereof
19 to intimidate, restrain or coerce any employee for the pur-
20 pose and with the intent of compelling such employee to
21 join or to refrain from joining any labor organization or
22 for the purpose or with the intent of influencing or affecting
23 his selection of representatives for the purposes of collective
24 bargaining.

25 2. During a labor dispute to join or become
26 a part of a sit-down strike or without the employer's
27 authorization to seize or hold or to damage or destroy the
28 plant, equipment, machinery or other property of the em-
29 ployer with the intent of compelling the employer to accede

1 to demands, conditions, and terms of employment, including
2 the demand for collective bargaining.

3 3. To intimidate, restrain or coerce any
4 employer by threats of force or violence or harm to the person
5 of said employer or the members of his family with the intent
6 of compelling the employer to accede to demands, conditions,
7 and terms of employment, including the demand for collective
8 bargaining.

9 4. To call, institute, maintain, or conduct
10 a strike or boycott against any employer or industry or to
11 picket any place of business of the employer or the industry
12 on account of any jurisdictional controversy where a rival
13 union has been certified as the collective bargaining
14 representative of the employees of the employer pursuant to
15 Section 5 of this Act.

16 Section 4.5 Public Disclosure Required: It is hereby
17 declared to be the policy of the State to require full and
18 complete public disclosure of the participants in contro-
19 versies pertaining to unions. No person shall write or
20 cause to be written, printed or circulated, or published by
21 radio, television or other means, or contribute money,
22 services or other valuable consideration aiding or assisting
23 the same, any communication which:

24 (1) tends to disrupt the internal affairs of a labor
25 organization or to lead to inter-union controversy, or;

26 (2) slanders or libels, or reflects on the character,
27 morality, honesty, integrity or competence of an employer,
28 union official or union member, or:

29 (3) disrupts or tends to disrupt the collective bar-

1 gaining processes in any manner, or contributes to the
2 deterioration of employer-employee relations; unless:

3 (a) if written or printed matter, it bears on
4 its face the name and address of the author, the printer and
5 publisher thereof, and all persons who have directly or
6 indirectly contributed funds or services or other valuable
7 consideration utilized in the preparation, publication
8 or distribution of said information; or

9 (b) if communicated by the media of radio or
10 television the name of the author, and all persons who have
11 directly or indirectly contributed funds or services or other
12 valuable consideration is prominently announced each time
13 said matter is communicated.

14 Violation of this Section shall be punishable as pro-
15 vided by Section 9 of this Act. The provisions and penalties
16 provided for herein shall be in addition to and not to the
17 exclusion of penalties and remedies available under any other
18 law of Alaska.

19 Section 5. Representatives and Elections.

20 1. Representatives designated or selected for the
21 purposes of collective bargaining by the majority of the
22 employees in a unit appropriate for such purposes or by
23 the majority of the employees voting in an election conducted
24 pursuant to this Section shall be the exclusive representatives
25 of all the employees in the appropriate unit for the pur-
26 poses of collective bargaining in respect to rates of pay,
27 wages, hours of employment, or other conditions of employment;
28 provided that employees, directly or through representatives,
29 shall have the right at any time to present grievances to

1 their employer.

2 2. The Board shall decide in each case whether, in order
3 to insure to employees the full benefit of their right to
4 self-organization, to collective bargaining and otherwise
5 to effectuate the policies of this Act, the unit appropriate
6 for the purposes of collective bargaining shall be the
7 employer unit, multiple employer unit, craft unit, plant
8 unit, or any other unit; provided, however, that in any case
9 where the majority of employees of a particular craft shall
10 so decide the Board shall designate such craft as a unit
11 appropriate for the purpose of collective bargaining.

12 3. Whenever it is alleged by an employee or his repre-
13 sentative that there is a question or controversy concerning
14 the representation of employees, the Board shall investigate
15 such question or controversy and certify in writing to all
16 persons concerned the name or names of the representatives
17 who have been designated or selected. In any such investigation
18 the Board shall provide for an appropriate hearing upon
19 due notice, either in conjunction with a proceeding under
20 Section 6 or otherwise, and may conduct an election by secret
21 ballot of employees, or use any other suitable method to
22 ascertain such representatives (either before or after the afore-
23 said hearing), provided, however, that the Board shall not
24 have authority to investigate or determine any question
25 or controversy between individuals or groups within the same
26 labor organization nor between labor organizations affiliated
27 with the same parent labor organization concerning the
28 internal affairs of any labor organization, but nothing
29 contained in this proviso shall be deemed to preclude the

1 Board from investigating and determining which, if any,
2 of affiliated groups or labor organizations have been
3 designated or selected by employees as their representatives
4 for the purpose of collective bargaining with the meaning
5 of this Act.

6 4. The Board shall have power to determine who may
7 participate in the election and to establish the rules govern-
8 ing any such election: provided, that no election need be
9 directed by the Board solely because of the request of an
10 employer or of employees prompted thereto by their employer,
11 nor shall any individuals employed during a strike or lockout
12 be eligible to vote in such election; and provided rather,
13 that no such election shall be conducted under the employer's
14 supervision, or, except as may be required by the Board,
15 on the employer's property, during working hours, or with
16 his participation or assistance.

17 5. If at an election conducted pursuant to this Section,
18 three or more nominees for exclusive collective bargaining
19 representatives appear on the ballot and no one of them
20 receives a majority of the votes cast at the election, the
21 two nominees who received the highest number of votes shall
22 appear on the ballot of a second election to be conducted
23 hereunder, and the one receiving a majority of the votes
24 cast at the second election shall be certified as the
25 exclusive representative of all the employees in such unit
26 for the purpose of collective bargaining in respect to
27 rates of pay, wages, hours of employment, or other conditions
28 of employment.

29 6. A labor organization nominated as the represent-

1 ative of employees shall be listed by name on the ballots
2 authorized by subdivision three of this Section. In any
3 investigation conducted by the Board pursuant to this Section
4 the Board may make a finding as to whether any committee,
5 employee representation plan, or association of employees
6 involved is a company union, and if any such committee,
7 employee representation plan, or association of employees
8 be found to be a company union, it shall not be listed on
9 the ballots, certified or otherwise recognized as eligible
10 to be the representative of employees under this Article.

11 Section 6. Prevention of Unfair Labor Practices.

12 1. The Board is exclusively empowered and directed, as
13 hereinafter provided, to prevent any employer or union from
14 engaging in any unfair labor practice. This power shall
15 not be affected or impaired by any means of adjustment,
16 mediation or conciliation in labor disputes that have been
17 or may hereafter be established by law.

18 2. Whenever a written charge has been filed with the
19 Board that an employer or union has engaged in or is engaging
20 in any unfair labor practice, the Board shall have power
21 to issue and cause to be served upon such person a complaint
22 stating the charges in that respect and containing a notice
23 of hearing before the Board at a place therein fixed to
24 be held not less than seven days after the serving of said
25 complaint: Provided, that no complaint shall issue based
26 upon any unfair labor practice occurring more than three
27 months prior to the filing of the charge with the Board
28 and the service of a copy thereof upon the person against
29 whom such charge is made. Any such complaint may be amended

1 by the Board or its agent conducting the hearing at any time
2 prior to the issuance of an order based thereon. The person
3 so complained of shall have the right to file an answer to
4 the original or amended complaint not less than five days
5 after the service of such original or amended complaint and
6 to appear in person or otherwise to give testimony at the
7 place and time set in the complaint. In the discretion of
8 a member or agent conducting the hearing, or of the Board,
9 any other person may be allowed to intervene in the said
10 proceeding and to present testimony. In any such proceeding
11 the Board or its agent shall follow rules of evidence pre-
12 vailing in the courts of law or equity insofar as is practi-
13 cable.

14 3. The testimony taken at the hearing shall be reduced
15 to writing and filed with the Board. Thereafter, in its
16 discretion, the Board upon notice may take further testimony
17 or hear argument. If upon all the testimony taken the
18 Board shall determine that the respondent has engaged in
19 or is engaging in any unfair labor practice, the Board shall
20 state its findings of fact and shall issue and cause to be
21 served on such respondent an order requiring such respondent
22 to cease and desist from such unfair labor practice, and to
23 take such further affirmative or other action as will
24 effectuate the policies of this Article, including, but not
25 limited to

26 (a) withdrawal of recognition from and refraining
27 from bargaining collectively with any employee organization
28 or association, agency or plan defined in this Article as a
29 company union or established, maintained or assisted by any

1 action defined in this Article as an unfair labor practice;

2 (c) reinstatement with or without back pay of any
3 employee discriminated against in violation of Section 4, or
4 maintenance of a preferential list from which such employee
5 shall be returned to work;

6 (d) reinstatement with or without back pay of all
7 employees whose work has ceased or whose return to work has
8 been delayed or prevented as the result of the aforementioned
9 or any other unfair labor practice in respect to any employee
10 or employees or maintenance of a preferential list from which
11 such employees shall be returned to work. Such order may
12 further require such person to make reports from time to time
13 showing the extent to which the order has been complied with.
14 If upon all the testimony the Board shall be of the opinion
15 that the person or persons named in the complaint have not
16 engaged in or not engaging in any such unfair labor practice,
17 then the Board shall make its findings of fact and shall issue
18 an order dismissing the complaint.

19 4. Until a transcript of the record in a case shall have
20 been filed in a court, as hereinafter provided, the Board
21 may at any time, upon reasonable notice and in such manner
22 as it shall deem proper, modify or set aside, in whole or
23 in part, any finding or order made or issued by it.

24 5. The Board shall not require as a condition of taking
25 action or issuing any order under this Article, that employees
26 on strike or engaged in any other lawful, concerted activity
27 shall discontinue such strike or such activity.

28 6. The Board shall consider all complaints or petitions
29 filed with it and conduct all proceedings under this Article

1 with all possible expedition.

2 Section 6.5. Injunction where Board not Involved.

3 1. In all cases involving a labor dispute, wherein
4 the Board has not yet held a hearing, no court nor any
5 judge or judges thereof shall have jurisdiction to issue
6 any restraining order or any temporary or permanent injunction
7 in any case except after a hearing with notice to the persons
8 against whom such relief is sought, and except after findings
9 of all the following facts by the court or judge or judges
10 thereof to be filed in the record of the case.

11 (a) That unlawful acts have or a breach of
12 any contract not contrary to public policy has been threatened
13 or committed and that such acts or breach will be executed
14 or continued unless restrained.

15 (b) That substantial and irreparable injury
16 to complainant's property will follow unless the relief
17 requested is granted;

18 (c) That as to each item of relief granted
19 greater injury will be inflicted upon complainant by the
20 denial thereof than will be inflicted upon defendants by
21 the granting thereof;

22 (d) That complainant has no adequate remedy
23 at law;

24 (e) That the public officers charged with the
25 duty to protect complainant's property have failed or are
26 unable to furnish adequate protection and

27 (f) That no item of relief granted prohibits
28 directly or indirectly any person or persons from doing,
29 whether singly or in concert, any of the following acts:

- 1 (1) Ceasing or refusing to perform any
2 work or to remain in any relation of employment;
- 3 (2) Becoming or remaining a member of any
4 labor organization or of any employer organization, regardless
5 of any agreement, undertaking or promise;
- 6 (3) Paying or giving to, or withholding from,
7 any person any strike or unemployment benefits or insurance
8 or other moneys or things of value;
- 9 (5) By all lawful means aiding any person
10 who is being proceeded against in, or is prosecuting any
11 action or suit in any court of the United States or of any
12 state;
- 13 (6) Giving publicity to and obtaining or
14 communicating information regarding the existence of, or the
15 facts involved in, any dispute, whether by advertising, speak-
16 ing, picketing, patrolling any public street or any place
17 where any person or persons may lawfully be, or by any
18 other method not involving fraud, violence or breach of the
19 peace;
- 20 (7) Ceasing to patronize or to employ any
21 person or persons;
- 22 (8) Assembling peaceably to do or to organize
23 to do any of the acts heretofore specified or to promote
24 lawful interests;
- 25 (9) Advising or notifying any person or
26 persons of any intention to do any of the acts heretofore
27 specified;
- 28 (10) Agreeing with other persons to do or
29 not to do any of the acts heretofore specified;

1 (11) Advising, urging or inducing without
2 fraud, violence or threat thereof, others to do the acts
3 heretofore specified;

4 (12) Doing in concert of any or all of the
5 acts heretofore specified on the ground that the persons
6 engaged therein constitute an unlawful combination or con-
7 spiracy, or on any other grounds whatsoever.

8 2. Such hearings shall be held only after a verified
9 complaint and a verified bill of particulars specifying
10 in detail the time, place and the nature of the acts com-
11 plained of and the names of the persons alleged to have
12 committed the same or participated therein have been served
13 and after due and personal notice, in such manner as the
14 court shall direct, has been given to all known persons against
15 whom relief is sought and also the public officers charged
16 with the duty to protect the complainant's property.
17 The hearing shall consist of the taking of testimony in
18 open court with opportunity for cross-examination and testi-
19 mony in opposition thereto, if offered, and no affidavits
20 shall be received in support of any of the allegations of the
21 complaint.

22 3. No temporary injunction or restraining order shall
23 be issued except on condition that plaintiff shall first
24 file a minimum undertaking of Two Thousand Five Hundred Dollars.
25 Where an injunction or restraining order is sought against
26 more than a single individual, the court on the hearing shall
27 make a finding of the number of individuals sought to be
28 enjoined and the undertaking shall be increased by the
29 sum of Five Hundred Dollars for each additional member of

1 a local or national body sought to be enjoined. The maximum
2 undertaking which may be required shall not exceed Ten
3 Thousand Dollars. The undertaking shall be sufficient to
4 recompense those enjoined for any loss, expense or damage
5 caused by the improvident or improper issuance of such
6 injunction, including all reasonable costs (together with
7 reasonable attorney's fees), and expense against the granting
8 of any injunctive relief sought in the same proceeding and
9 subsequently denied by the court. The undertaking herein
10 mentioned shall constitute an agreement on the part of the
11 plaintiff and the surety upon which a judgment may be entered
12 in the same action or proceeding against said plaintiff and
13 surety. The filing of the undertaking shall be deemed an
14 appearance by the surety for that purpose. But nothing herein
15 contained shall deprive any party having a claim or cause of
16 action under or upon such undertaking from electing to pursue
17 his ordinary remedy by suit at law or in equity.

18 4. Duration of Temporary Injunction,--Every temporary
19 injunction and restraining order shall by its terms expire
20 within such time after entry as the court or judge may fix,
21 not to exceed ten days, unless the plaintiff is ready by
22 the expiration of that period to proceed to trial and shall
23 pay the necessary calendar and trial fees.

24 5. No injunctive relief shall be granted to any plain-
25 tiff who has failed to plead and prove compliance with all
26 obligations imposed by law which are involved in the labor
27 dispute in question, or who has failed to allege and prove
28 that he has made every reasonable effort to settle such dis-
29 pute either by negotiation or with the aid of any machinery

1 of mediation or voluntary arbitration, provided for by law
2 or contract between the parties.

3 6. No injunctive relief shall be granted except to
4 prohibit such specific act or acts as may be expressly
5 included in the findings of fact made and filed by the court.
6 Such injunctive relief shall be binding only upon the parties
7 to the suit, their agents, servants, employees, or those
8 in active concert or participation with them and who shall
9 by personal service or otherwise have received actual
10 notice of the same.

11 Section 7. Judicial Review.

12 1. The Board shall have power to petition the superior
13 court of the State within the district wherein the unfair
14 labor practice in question occurred or wherein any person
15 charged with the unfair labor practice resides or transacts
16 business, or if such court be on vacation or in recess,
17 then to the superior court of any district adjoining the
18 district wherein the unfair labor practice in question
19 occurred or wherein any person charged with the unfair
20 labor practice resides or transacts business, for the en-
21 forcement of such order and for appropriate temporary relief
22 or restraining order, and shall certify and file in the
23 court a transcript of the entire record in the proceeding,
24 including the pleadings and testimony upon which such order
25 was made and the findings of the Board. Upon such filing,
26 the court shall cause notice thereof to be served upon such
27 person and thereupon shall have jurisdiction of the proceeding
28 and of the question determined therein, and shall have power
29 to grant such temporary relief or restraining order as it deems

1 just and proper, and to make and enter upon the pleadings,
2 testimony, and proceedings set forth in such transcript a
3 decree enforcing, modifying, and enforcing as so modified, or
4 setting aside in whole or in part the order of the Board.

5 2. No objection that has not been urged before the Board,
6 its member, agent or agency, shall be considered by the court,
7 unless the failure or neglect to urge such objection shall
8 be excused because of extraordinary circumstance. The findings
9 of the Board as to the facts, if supported by evidence, shall
10 be conclusive. If either party shall apply to the court
11 for leave to adduce additional evidence and shall show to the
12 satisfaction of the court that such additional evidence is
13 material and that there were reasonable grounds for the
14 failure to adduce such evidence in the hearing before the
15 Board, its member, agent, or agency, the court may order
16 such additional evidence to be taken before the Board,
17 its member, agent, or agency, and to be made a part of the
18 transcript. The Board may modify its findings as to the
19 facts, or make new findings, by reason of additional evi-
20 dence so taken and filed, and it shall file such modified
21 or new findings, which, if supported by evidence, shall be
22 conclusive, and shall file its recommendations, if any, for
23 the modification or setting aside of its original order.

24 3. The jurisdiction of the superior court shall be
25 exclusive and its judgment and decree shall be final, ex-
26 cept that appeals shall lie to the supreme court, in the
27 manner and subject to the limitations provided for in other
28 civil matters.

29 4. Any person aggrieved by a final order of the Board

1 granting or denying in whole or in part the relief sought
2 may obtain a review of such order in the superior court
3 of the district where the unfair labor practice in question
4 was alleged to have been engaged in or wherein such person
5 resides or transacts business, by filing in such court a
6 written petition praying that the order of the Board be
7 modified or set aside, or if such court be on vacation or
8 in recess, then to the superior court of any district ad-
9 joining the district wherein the unfair labor practice in
10 question occurred or wherein any such person resides or
11 transacts business. A copy of such petition shall be forth-
12 with served upon the Board, and thereupon the aggrieved party
13 shall file in the court a transcript of the entire record
14 in the proceeding, certified by the Board, including the
15 pleading and testimony and order of the Board. Upon such
16 filing, the court shall proceed in the same manner as in
17 the case of an application by the Board under Section 6,
18 and shall have the same exclusive jurisdiction to grant
19 to the Board such temporary relief or restraining order as
20 it deems just and proper, and in like manner to make and
21 enter a decree enforcing, modifying and enforcing as so
22 modified, or setting aside in whole or in part the order
23 of the Board; and the findings of the Board as to the facts
24 shall in like manner be conclusive.

25 5. The commencement of proceedings under subdivisions
26 one and four of this Section shall not, unless specifically
27 ordered by the court, operate as a stay of the Board's order.

28 6. When granting appropriate temporary relief or a
29 restraining order, or making and entering a decree enforcing,

1 modifying and enforcing as so modified or setting aside in
2 whole or in part an order of the Board, as provided in this
3 Section, the jurisdiction or courts sitting in equity shall not
4 be limited by Section 6.5 of this Act.

5 7. Petitions filed under this Article shall be heard
6 expeditiously and shall be considered and determined upon the
7 transcript filed, without requirement of printing. Upon
8 the filing of a record in the superior court, the case shall
9 be heard with the greatest possible expedition, and shall
10 take precedence over all other matters except matter of the
11 same character.

12 Section 8. Investigatory Powers. For the purpose of
13 all hearings and investigations, which, in the opinion of the
14 Board, are necessary and proper for the exercise of the
15 powers vested in it by Sections 5 and 6.

16 1. The Board, or its duly authorized agents or agencies,
17 shall at all reasonable times have access to, for the pur-
18 poses of examination, and the right to examine, copy or
19 photograph any evidence, including payrolls or lists of
20 employees, of any person being investigated or proceeded
21 against that relates to any matter under investigation or
22 in question. Any member of the Board shall have power to
23 issue subpoenas requiring the attendance and testimony of
24 witnesses and the production of any evidence that relates
25 to any matter under investigation or in question before the
26 Board, its member, agent, or agency, conducting the hearing
27 or investigation. Any member of the Board, or any agent or
28 agency designated by the Board for such purposes, may
29 administer oaths and affirmations, examine witnesses, and

1 receive evidence.

2 2. If any witness resides outside of the State, or
3 through illness or other cause is unable to testify before
4 the Board or its member, agent, or agency conducting the
5 hearing or investigation, his or her testimony or deposition
6 may be taken within or without this State, in such manner and
7 in such form as the Board or its member, agent or agency
8 conducting the hearing may by special order or general rule,
9 prescribe.

10 3. In case of contumacy or refusal to obey a subpoena
11 issued to any person the superior court of any district
12 within the jurisdiction of which the inquiry is carried
13 on or within the jurisdiction of which said person guilty
14 of contumacy or refusal to obey is found or resides or
15 transacts business, upon application by the Board shall
16 have jurisdiction to issue to such person an order re-
17 quiring such person to appear before the Board, its member,
18 agent, or agency, there to produce evidence if so ordered,
19 or there to give testimony touching the matter under in-
20 vestigation or in question; and any failure to obey such
21 order of the court may be punished by said court as a
22 contempt thereof.

23 4. No person shall be excused from attending and
24 testifying or from producing books, records, correspondence,
25 documents or other evidence in obedience to the subpoena
26 of the Board, on the ground that the testimony or evidence
27 required of him may tend to incriminate him or subject him
28 to a penalty or forfeiture; but no individual shall be
29 prosecuted or subjected to any penalty or forfeiture for

1 or on account of any transaction, matter, or thing concerning
2 which he is compelled, after having claimed his privilege
3 against self-incrimination, to testify or produce evidence,
4 except that such individual so testifying shall not be exempt
5 from prosecution and punishment for perjury committed in
6 so testifying.

7 5. Complaints, orders, and other process and papers
8 of the Board, its member, agent, or agency, may be served
9 either personally or by certified or registered mail or by
10 telegraph or by leaving a copy thereof at the principal
11 office or place of business of the person required to be
12 served. The verified return by the individual so serving
13 the same setting forth the manner of such service shall
14 be proof of the same, and the return post office or tele-
15 graph receipt therefor when served by certified or registered
16 mail or telegraph as aforesaid shall be proof of service
17 of the same. Witnesses summoned before the Board, its member,
18 agent, or agency shall be paid the same fees and mileage
19 that are paid witnesses in the courts of this State, and
20 witnesses whose depositions are taken and the person taking
21 the same shall severally be entitled to the same fees as
22 are paid for like services in the courts of this State.

23 6. All process of any court to which application may
24 be made under this Article may be served in the district
25 wherein the person or persons required to be served reside
26 or may be found.

27 7. The several department, commissions, divisions,
28 authorities, boards, bureaus, agencies and officers of the
29 state or any political subdivision or agency thereof, shall

1 furnish the Board, upon its request, all records, papers,
2 and information in their possession relating to any matter
3 before the Board.

4 Section 9. Punitive Provision. Any person who shall
5 willfully resist, prevent, impede, or interfere with any
6 member of the Board or any of its agents or agencies in the
7 performance of duties pursuant to this article, or who
8 shall in any manner interfere with the free exercise by
9 employees of their right to select representatives in an
10 election directed by the Board pursuant to Section five,
11 shall be punished by a fine of not more than Five Thousand
12 Dollars or by imprisonment for not more than one year, or
13 both.

14 Section 10. Public Records and Proceedings. Subject
15 to rules and regulations to be made by the Board, the com-
16 plaints, orders and testimony relating to a proceeding
17 instituted by the Board under Section 6 may be made public
18 records and be made available for inspection or copying. All
19 proceedings pursuant to Section 6 shall be open to the public.

20 Section 11. Repeal of Inconsistent Provisions.
21 Insofar as provisions of this article are inconsistent with
22 the provisions of any other general, special or local law, the
23 provisions of this article shall be controlling.

24 Section 12. Limitations. Nothing in this Act shall be con-
25 strued so as to interfere with, impede or diminish in any way
26 the right of employees to picket, strike, or engage in other
27 lawful, concerted activities.

28 Section 13. Separability. If any clause, sentence,
29 paragraph, or part of this Act or the application thereof

1 to any person or circumstances, shall, for any reason, be
2 adjudged by a court of competent jurisdiction to be invalid,
3 such judgment shall not affect, impair, or invalidate the
4 remainder of this Act, and the application thereof to other
5 person or circumstances, but shall be confined in its operation
6 to the clause, sentence, paragraph, or part thereof directly
7 involved in the controversy in which such judgment shall have
8 been rendered and to the person or circumstances involved. It
9 is hereby declared to be the legislative intent that this Act
10 would have been adopted had such invalid provisions not been
11 included.

12 Section 14. Short Title. This Act shall be known and
13 referred to as the "Alaska Labor Relations Act" and may be
14 cited in all formal documents and briefs as ALRA; the Board
15 herein created may be cited as the ALRB.

16 EFFECTIVE DATE. This Act shall become effective upon its
17 passage and approval or upon its becoming law without such
18 approval.

19
20
21
22
23
24
25
26
27
28
29