

1 IN THE HOUSE

BY MR. STRATTON

2

HOUSE BILL NO. 456

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SECOND LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the creation of employment relations fact finding boards; requiring mediation and a cooling-off period; providing penalties; and providing for an effective date."

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

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Article I

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EMPLOYMENT RELATIONS BOARDS

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Section 1. PURPOSE. The purpose of this Act is to create employment relations fact finding boards and to provide mandatory mediation and a cooling-off period to assist employees represented by labor unions and employers in the orderly settlement of labor-management disputes. This assistance is a necessity to the continued progress of Alaska and the well-being of its residents. This Act applies equally to employees and employers and labor-management disputes initiated by either of them.

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Sec. 2. EMPLOYMENT RELATIONS FACT FINDING BOARDS. (a)

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Three employment relations fact finding boards, hereafter referred to as the board or boards, are created within the Alaska Department of Labor. The first board is located in and shall serve the southeastern senate district; the second board is located in and shall serve the southcentral senate district; and the third board is located in and shall serve the central and northwestern senate districts.

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1 (b) A board consists of five members. Two members shall be
2 employees of private enterprise, two members shall be employers
3 in private enterprise, and one member shall be an employee of the
4 State of Alaska. The governor of Alaska shall appoint members to
5 the boards without reference to political parties. An appointed
6 member of a board shall be a resident of the area served by the
7 board. The appointment of a member to a board shall be confirmed
8 by the legislature meeting in joint session. An appointed member
9 is qualified to act and to receive compensation between the time
10 of his appointment and the time of confirmation or rejection by
11 the legislature.

12 (c) The term of service for a board member is five years.
13 The term of a board member on each board expires on February 1 of
14 each year. At the time of the initial appointments, the governor
15 shall designate which members have been appointed for a one-,
16 two-, three-, four-, or five-year term. It is the intention of
17 this Act that the terms of board members be staggered to insure
18 continuity of experience. A member appointed by the governor to
19 fill a vacancy occurring other than by expiration of a term shall
20 serve for the unexpired term of the member he succeeds.

21 (d) Members of a board receive no salary, but shall receive
22 the per diem established by law for other boards and necessary
23 travel expenses.

24 Sec. 4. ORGANIZATION AND MEETINGS OF BOARDS. The governor
25 shall appoint the members of the boards before the effective date
26 of this Act. At the first regular meeting of each year a board
27 shall elect a chairman who presides at meetings. The meetings of
28 the boards may be private or public. Three members constitute a
29 quorum. The chairman of a board shall give due notice of meetings

1 to board members.

2 Article II

3 LABOR-MANAGEMENT DISPUTES

4 Sec. 10. APPLICATION OF ARTICLE II. The provisions of
5 Art. II of this Act apply to a labor-management dispute involving
6 a contractual agreement between a labor union representing an
7 employee and the employer of the employee. The intention of this
8 section is to exclude from this Act a person not ordinarily sub-
9 ject to a strike or lockout because of the nature of his business
10 or profession.

11 Sec. 11. MANDATORY MEDIATION. (a) A labor-management dis-
12 pute which might result in the temporary cessation of work for an
13 employee involved in the labor-management dispute shall be
14 referred to the Alaska commissioner of labor, hereafter referred
15 to as the commissioner, by the party to the labor-management dis-
16 pute threatening to cause the temporary cessation of work. The
17 intention of this section is to require an employer, before
18 initiating a lockout, and an employee, before beginning a strike,
19 to notify the commissioner of his intention to cause a temporary
20 cessation of work. Temporary cessation of work, as used in this
21 Act, means any action in a labor-management dispute which has
22 the intention or effect of a lockout or strike. This Act does
23 not apply to the normal hiring, firing, and layoff policies of an
24 employer or the right of an employee to leave or quit his employ-
25 ment.

26 (b) The commissioner shall notify within five days after
27 receiving notice of a pending cessation of work the chairman of
28 the board serving the area where the labor-management dispute has
29 occurred.

1 (c) A board shall mediate in a labor-management dispute
2 referred to it by the commissioner. The duration of mediation by
3 a board is 45 days and begins the day after the chairman of a
4 board receives notice from the commissioner of a labor-management
5 dispute. Mediation, as used in this Act, means fact finding, the
6 suggestion of compromises, and other techniques common in medi-
7 ating labor-management disputes. No obligation is placed on the
8 parties involved in a labor-management dispute to accept the
9 determinations or suggestions of the board.

10 Sec. 12. COOLING-OFF PERIOD. A cooling-off period of 30
11 days begins the day after the chairman of a board receives notice
12 from the commissioner of a labor-management dispute. No tempor-
13 ary cessation of work may be begun before or during the cooling-
14 off period. The intention of this section is to permit a board
15 to attempt to settle a labor-management dispute before a strike
16 or lockout results.

17 Sec. 13. ADDITIONAL MEDIATION. (a) Additional periods of
18 mediation may be requested by the parties involved in a labor-
19 management dispute. A request for additional mediation shall be
20 approved by both the employer and a majority of the employees
21 involved in a labor-management dispute. The commissioner may,
22 after receiving a request for additional mediation and at his
23 discretion, direct the chairman of the board serving the area
24 where the labor-management dispute has occurred to mediate for an
25 additional period.

26 (b) Other mediation in addition to the mandatory mediation
27 provided by Sec. 10 of this Act and instead of additional media-
28 tion provided by this section may be obtained under Sec. 43-1-5,
29 ACLA 1949, as amended.

1 Sec. 14. REPORTS. A board shall make a factual written
2 report concerning the issue involved in a labor-management dis-
3 pute, the progress achieved in resolving the issues, and other
4 information which it considers proper or the commissioner requires.
5 A report shall be given to the commissioner and the governor
6 within five days after the end of mandatory mediation and at any
7 other time required by the commissioner.

8 Sec. 15. PENALTY. An employer, employee, officer of a
9 labor union, or any combination of these persons violating this
10 Act are guilty of a misdemeanor and, upon conviction, shall be
11 punished by imprisonment for not more than one year, or by a fine
12 of not more than \$1,000, or by both.

13 Sec. 16. EFFECTIVE DATE. This Act takes effect 10 days
14 after enactment.
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