

Introduced: 4/8/69
Referred: Local Government
and State Affairs

1 IN THE HOUSE

BY THE LOCAL GOVERNMENT COMMITTEE

2 HOUSE BILL NO. 368

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act providing for the right of public employees to
7 organize for collective bargaining."

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

9 * Section 1. AS 23 is amended by adding a new chapter to read:

10 CHAPTER 42. COLLECTIVE BARGAINING FOR

11 PUBLIC EMPLOYEES.

12 Sec. 23.42.010. PURPOSE. It is the purpose of this chapter to
13 promote the improvement of the relationship between public employers
14 and their employees by providing for the right of public employees
15 freely to organize or join labor organizations of their own choosing
16 and to be represented by such organizations in collective bargaining
17 for terms and conditions of employment.

18 Sec. 23.42.020. RIGHT TO ORGANIZE FOR COLLECTIVE BARGAINING. (a)
19 Public employees shall have the right to join, or form and participate
20 in the activities of, organizations of their own choosing for the
21 purpose of representation and collective bargaining with their public
22 employer on matters concerning employment relations.

23 (b) No public employer, or other person, may directly or in-
24 directly interfere with, intimidate, restrain, coerce or discriminate
25 against public employees in the free exercise of their right to
26 organize and designate agents of their own choosing for the purpose of
27 collective bargaining, or in the free exercise of any other right under
28 this chapter.

29 Sec. 23.42.030. PROHIBITED ACTS OF EMPLOYERS AND EMPLOYEES. (a)

1 Public employers or their representatives or agents are prohibited
2 from

3 (1) interfering, restraining or coercing employees in the
4 exercise of the rights guaranteed in sec. 20 of this chapter;

5 (2) dominating or interfering with the formation, existence
6 or administration of an employee organization intended to serve as
7 bargaining agent for a bargaining unit;

8 (3) discriminating with respect to hiring or tenure of
9 employment or any term of condition of employment to encourage or dis-
10 courage membership in a labor organization;

11 (4) discharging or otherwise discriminating against an
12 employee because he has signed or filed an affidavit petition or
13 complaint or given information or testimony under this chapter;

14 (5) refusing to bargain collectively in good faith with an
15 employee organization which has been designated in accordance with this
16 chapter as the exclusive bargaining agent of employees in a bargaining
17 unit;

18 (6) refusing to discuss grievances with the representatives
19 of an employee organization designated as the exclusive bargaining
20 agent of employees in a bargaining unit.

21 (b) Employee organizations or their agents are prohibited from

22 (1) restraining or coercing employees in the exercise of the
23 rights guaranteed in sec. 20 of this chapter and a public employer in
24 the selection of his representative for purposes of collective bar-
25 gaining or the adjustment of grievances;

26 (2) refusing to bargain collectively in good faith with a
27 public employer;

28 (3) engaging in a work stoppage, slowdown or strike.

29 Sec. 23.42.040. DETERMINATION AS TO COLLECTIVE BARGAINING AND

1 DESIGNATION OF BARGAINING AGENT. (a) The commissioner, upon receipt
2 of a petition to designate a bargaining agent signed by at least 30
3 per cent of the number of public employees within a bargaining unit,
4 shall hold an election by secret ballot to determine whether the
5 majority of employees within the unit desire such representation.

6 (b) The ballot shall contain the name of the bargaining agent
7 and that of any other prospective bargaining agent showing written
8 proof of endorsement as bargaining agent by at least 10 per cent of the
9 public employees within the bargaining unit, together with a choice
10 for any employee to designate that he does not desire to be represented
11 by any bargaining agent. If more than one agent is on the ballot and
12 neither of three or more choices receives a majority vote of the
13 employees within the bargaining unit, a run-off election shall be held.
14 The run-off ballot shall contain the two choices which receive the
15 largest and second-largest number of votes.

16 (c) If an agent receives the votes of a majority of the employees
17 within the unit, the commissioner shall certify the organization as
18 bargaining agent. The bargaining agent certified as representing a
19 bargaining unit shall be recognized by the authorities as the sole
20 and exclusive bargaining agent for all of the employees in the bar-
21 gaining unit unless and until a decertification election by secret
22 ballot is held and the bargaining agent declared by the commissioner as
23 not representing a majority of the employees of the unit.

24 (d) When 30 per cent of the employees in a certified bargaining
25 unit petition for a bargaining agent to be decertified, the procedures
26 for conducting an election on the question shall be the same as for
27 representation as bargaining agent.

28 (e) No question concerning representation may be raised within
29 one year of a certification or attempted certification. If there is

1 a valid collective bargaining agreement in effect, no question of
2 representation may be raised except during the period not more
3 than 90 nor less than 60 days before the expiration date of the
4 agreement.

5 (f) All bargaining units officially recognized by public em-
6 ployers before the effective date of this chapter shall be recognized
7 as certified units. All contracts with the bargaining units shall
8 be effective for the duration of the contract.

9 Sec. 23.42.050. COLLECTIVE BARGAINING REQUIRED. When a majority
10 of the public employees in a bargaining unit have designated a bar-
11 gaining agent, it is the obligation of the administrators or the
12 designated agent of the public employer to meet and confer in good
13 faith with the representative of the bargaining agent within 10 days
14 after receipt of written notice from the bargaining agent of the
15 request for a meeting for collective bargaining purposes. This obli-
16 gation includes the duty to bargain in good faith and to cause any
17 agreement resulting from negotiations to be reduced to a written
18 contract. The length of the contract shall be subject to negotiation
19 but may not exceed three years.

20 Sec. 23.42.060. MEDIATION AND FACT FINDING. (a) Mediation and
21 fact finding procedures shall be followed whenever the parties agree
22 to use the procedures. Mediators or fact finders shall be selected and
23 serve in a manner agreed upon by the parties.

24 (b) An employee who serves under this section shall be released
25 from employment duties to serve, without penalty or loss of pay.

26 Sec. 23.42.070. ARBITRATION. (a) If the bargaining agent and
27 the public employer are unable, within 60 days, unless extended by
28 mutual agreement, from and including the date of their first meeting,
29 to reach an agreement on a contract, any matter in dispute shall be

1 submitted to arbitration in accordance with the applicable provisions
2 of the Uniform Arbitration Act (AS 09.43.010 - 09.43.180).

3 (b) The parties to a collective bargaining agreement under this
4 chapter may provide in the agreement for arbitration under the Uniform
5 Arbitration Act (AS 09.43.010 - 09.43.180) and in that case shall
6 incorporate the Act by reference into the agreement.

7 Sec. 23.42.080. DEFINITIONS. In this chapter, unless the context
8 otherwise requires,

9 (1) "bargaining agent" means a lawful organization which
10 has as a primary purpose the representation of public employees in
11 their employment relations with the public employer;

12 (2) "bargaining unit" means all employees of the public
13 employer, or all employees within a line department or staff agency of
14 the public employer;

15 (3) "collective bargaining" means the performance of the
16 mutual obligation of the public employer and the bargaining agent to
17 meet at reasonable times, to confer and negotiate in good faith, and to
18 execute a written agreement with respect to employment relations, pro-
19 vided that by the obligation neither party may be compelled to agree to
20 a proposal or be required to make a concession unless otherwise pro-
21 vided in this chapter;

22 (4) "employment relations" means matters concerning wages,
23 salaries, hours, vacations, sick leave, grievance procedures and other
24 terms and conditions of employment;

25 (5) "public employee" or "employee" means an employee of
26 a public employer, except

27 (A) a person elected by popular vote,

28 (B) a person whose duties as deputy, administrative
29 assistant or secretary necessarily imply a confidential

1 relationship to the executive head of the public employer;

2 (C) a member of a board or commission of the public
3 employer;

4 (D) a supervisor having authority, in the interest of
5 the public employer, to hire, transfer, suspend, lay off, recall,
6 promote, discharge, assign, reward or discipline other employees,
7 or to adjust their grievances, or effectively to recommend such
8 action, if in connection with the exercise of the foregoing the
9 exercise of the authority is not of a merely routine or clerical
10 nature but requires the use of independent judgment;

11 (6) "public employer" means the State of Alaska, a city or
12 organized borough of any class, whether home rule or otherwise, and
13 includes but is not limited to the state-operated school district, city
14 and borough school districts and agencies of the state, city or borough;

15 (7) "commissioner" means the commissioner of labor.

16 Sec. 23.42.110. SHORT TITLE. This chapter may be cited as the
17 Public Employment Collective Bargaining Act.

18 * Sec. 2. AS 23.40.010 - 23.40.030 are repealed.
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