



1 director to be known as the director of the Personnel and Public  
2 Employees Relations Board, set his salary, establish terms and qualifi-  
3 cations of employment and delegate to him those administrative  
4 duties and responsibilities it finds advisable to carry out the  
5 purpose and intent of this chapter. Other staff may be employed as  
6 needed and shall be in the classified service.

7 Sec. 39.26.040. DUTIES OF BOARD. (a) In addition to other  
8 duties imposed on the board by this title it shall administer the policy  
9 established by this chapter which shall include but is not limited to

- 10 (1) certification or decertification of employee organiza-  
11 tions as exclusive representatives;  
12 (2) conduct of representation elections;  
13 (3) resolution of disputes, including mediation and binding  
14 arbitration activities;  
15 (4) determination of appropriate collective negotiation  
16 units and employees covered by these units; and  
17 (5) prevention of unfair practices.

18 (b) It is a primary responsibility of the board to determine  
19 whether or not a dispute is one that must be resolved by the legisla-  
20 ture. If the determination is made that the cause of the dispute is  
21 one that requires legislative action the parties may meet and confer  
22 and agree to recommend proper legislative action but they may not  
23 include the disputed matter in a contract until proper legislative  
24 action has been taken.

25 (c) The board may conduct hearings and inquiries at which it may  
26 administer oaths and affirmations, examine witnesses and documents,  
27 take testimony and receive evidence, compel attendance of witnesses  
28 and the production of documents by the issuance of subpoenas,  
29 and delegate any or all of these hearing and inquiry powers.

1 The board has general regulatory powers within the scope of this chap-  
2 ter. The board may issue cease and desist orders, conduct elections,  
3 and take affirmative action to effectuate the policies of this chapter.  
4 The board also has the power to petition the courts for enforcement  
5 of its orders and for appropriate relief or restraining orders.

6 (d) If state employees are involved, the Department of Labor  
7 shall, if requested by the board, and if there is no objection by the  
8 employee organization involved, assist the board on matters such as,  
9 but not limited to, conducting elections and investigating unfair labor  
10 practices.

11 Sec. 39.26.050. EMPLOYEE RIGHTS. (a) An employee has the right  
12 to organize, join and participate in, or refrain from joining, organi-  
13 zing, or participating in an employee organization of his own choosing.

14 (b) Nothing in this chapter precludes an employee, regardless of  
15 membership or nonmembership in an employee organization, from bringing  
16 matters of personal concern to the attention of appropriate officials  
17 in accordance with applicable law, regulations or established policy,  
18 or from acting on his own behalf or choosing his own attorney or agent  
19 in a grievance or appellate action; or precludes an employee who is  
20 not a member of an employee organization from having and enjoying,  
21 without discrimination, all employment rights and benefits granted by  
22 the public employer.

23 Sec. 39.26.055. EMPLOYER RIGHTS. Nothing in this chapter may be  
24 construed to circumscribe or modify the existing right of a public  
25 employer to

- 26 (1) direct the work of his employees;  
27 (2) hire, promote, assign, transfer, and retain employees  
28 in positions within the employer's organization;  
29 (3) demote, suspend, or discharge employees for proper cause;

- 1 (4) maintain the efficiency of governmental operations;  
2 (5) relieve employees from duties because of lack of work  
3 or for other legitimate reasons;  
4 (6) take actions as may be necessary to carry out the  
5 mission of the employer's organization during emergencies; and  
6 (7) determine the methods, means, and personnel by which  
7 operations are to be carried on.

8 Sec. 39.26.060. EXCLUSIVE REPRESENTATIVE. (a) An employee  
9 organization designated or selected by a majority of the employees  
10 voting in a representation election provided for in sec. 40(a)(2) of  
11 this chapter in an appropriate representation unit shall be the  
12 exclusive representative of all the employees in the unit for the  
13 purpose of this chapter, and as such, is entitled to recognition by  
14 all departments, divisions, institutions, agencies, and appointing  
15 authorities as the exclusive representative, and is entitled to confer  
16 upon and present employee grievances, and to act for and to negotiate  
17 agreements covering all employees in the unit. It is responsible for  
18 representing the interest of all employees in the unit. Representation  
19 shall be impartial as to all employees in a negotiation unit but  
20 nothing in this chapter precludes the exclusive representative from  
21 negotiating for an agency shop.

22 (b) If an employee organization claims the right to act as  
23 exclusive representative for certain employees, it may file a petition  
24 with the board, setting out its claims and describing the unit for  
25 which it claims the right of exclusive representation. A petition may  
26 not be considered by the board unless the organization has at least  
27 30 per cent of the employees as members in the claimed unit. The  
28 board shall notify the employees sought to be represented, investigate  
29 the petition, and may, if necessary, conduct a hearing on the

1           appropriateness of the unit. If the board finds that the unit claimed  
2           or some other unit is appropriate and if authenticated dues payment  
3           records support the claim, it shall certify the results of the investi-  
4           gation to the chief executive officer of the unit, and the employee  
5           organization.

6           (c) Employees in a unit may, by filing with the board a petition  
7           signed by 30 per cent or more of the employees in the unit, seek to re-  
8           voke a prior selection of an employee organization as their exclusive  
9           representative. The board, upon receipt of such a petition, shall direct  
10          an election by secret ballot and certify the results of the election.

11          Sec. 39.26.070. COLLECTIVE NEGOTIATIONS. (a) The intent of  
12          all negotiations shall be to develop a creative process of joint con-  
13          sultation and decision making, through open discussion, fact finding  
14          and research to resolve issues in the absence of crisis.

15          (b) The chief executive officer of a unit is empowered to negoti-  
16          ate and enter into a written agreement, for a term not to exceed three  
17          years, with a certified exclusive employee organization, covering the  
18          conditions of employment of employees in the unit.

19          (c) An exclusive representative organization selected in accor-  
20          dance with the provisions in this chapter which desires to negotiate  
21          collectively over conditions of employment shall file a written request  
22          with the board and the chief executive of the appropriate unit.

23          (d) The chief executive or his authorized representative, upon  
24          receipt of a request to negotiate from a properly designated exclusive  
25          representative, shall begin to negotiate in a timely fashion with the  
26          representatives of the organization. Unless there is mutual consent  
27          negotiations shall begin no later than 10 days after receipt of the  
28          request to negotiate.

29          (e) The procedures for negotiations may be established by the

1 parties concerned to provide for the resolution of their disagreements.

2 (f) If an impasse in the negotiations occurs, the parties may  
3 invite the board or another mutually agreeable party to mediate the  
4 dispute.

5 (g) If mediation fails to bring agreement, either party may,  
6 60 days or more from the date of the first negotiating meeting, request  
7 any or all unresolved issues be submitted to a fact finder by notifying  
8 the other party of its intention and setting out in writing the issues  
9 to be submitted.

10 (h) Within five calendar days after receipt of the written  
11 request, the parties shall select a person to serve as a fact finder  
12 and obtain a commitment from this person to serve. If the parties  
13 are unable to agree or to obtain a fact finder, the board shall design-  
14 nate a fact finder to serve.

15 (i) The fact finder shall hold informal hearings as necessary,  
16 and provide adequate opportunity to all parties to testify fully on  
17 and present evidence regarding their respective positions. The fact  
18 finder has the power to administer oaths, take testimony or depositions  
19 of persons under oath, hold hearings, subpoena witnesses, and require  
20 the production and examination of books or papers from any source  
21 relating to the matters before the fact finder.

22 (j) The fact finder shall make a written report recommending a  
23 reasonable basis for settlement of the disagreement within 15 days  
24 after his appointment.

25 (k) When prepared the written report shall be first furnished  
26 to the respective parties to the impasse, and the board shall, five  
27 days after delivery of the report, make it available to the public  
28 and issue its final decision on the dispute within 20 days of receipt  
29 of the fact finder's report if the impasse remains unresolved.

1 (l) One-half of a fee, expense, or other charge made by the fact  
2 finder shall be paid by the employee organization and one-half paid by  
3 the unit of government involved.

4 (m) Nothing in this section may be construed to prohibit the  
5 parties from voluntarily agreeing to submit any or all of the issues  
6 in dispute to final and binding arbitration at any stage in the negoti-  
7 ation procedures.

8 (n) Meetings between employee representatives and employers under  
9 this chapter are exempted from the provisions of AS 44.62.310.

10 Sec. 39.26.080. GOOD FAITH NEGOTIATIONS. The chief executive  
11 officer of a unit or his legally authorized representative is required  
12 to meet with the legally authorized representative of a certified  
13 exclusive employee organization, upon request, and to negotiate in  
14 good faith for the purpose of reaching agreement, as provided for in  
15 sec. 60 of this chapter. A violation of this section is an unfair  
16 practice, and the officer is subject to appropriate discipline by the  
17 board.

18 Sec. 39.26.090. STRIKES PROHIBITED. An employee who is found by  
19 the board to have engaged, participated, or assisted in a strike  
20 against a public employer may be suspended or terminated from his  
21 public employment on the board's recommendation.

22 Sec. 39.26.100. PAYROLL DEDUCTIONS. (a) An employee organization  
23 legally selected as the exclusive representative is entitled to payroll  
24 deductions of membership dues and other employee benefits upon presenta-  
25 tion of deduction authorization cards signed by individual employees  
26 or upon the signing of a contract between the public employer and the  
27 exclusive representative which provides for an agency shop.

28 (b) Nothing in this section prevents an employee organization  
29 from representing member employees in units not covered by an exclusive

1 representative agreement and from receiving payroll deductions in these  
2 units.

3 Sec. 39.26.105. INTERNAL CONDUCT OF EMPLOYEE ORGANIZATIONS. (a)

4 An employee organization which has or seeks recognition as a representa-  
5 tive of public employees shall file with the board a registration  
6 report, signed by its president or other appropriate officer, within  
7 90 days after the effective date of this chapter. The report shall be  
8 in a form prescribed by the board and shall be accompanied by two  
9 copies of the employee organization's constitution and bylaws. A filing  
10 by a national or international employee organization of its constitution  
11 and bylaws shall be accepted in lieu of a filing of these documents  
12 by each subordinate organization. All changes or amendments to the  
13 constitutions and bylaws shall be promptly reported to the board.

14 (b) Every employee organization shall file with the board an  
15 annual report and an amended report whenever changes are made. These  
16 reports shall be in a form prescribed by the board, and shall provide  
17 information on the following:

18 (1) the names and addresses of the organization, any parent  
19 organization or organization with which it is affiliated, the principal  
20 officers, and all representatives;

21 (2) the name and address of its local agent for service of  
22 process;

23 (3) a general description of the public employees or groups  
24 of employees the organization represents or seeks to represent;

25 (4) the amounts of the initiation fee and monthly dues  
26 members must pay;

27 (5) a pledge, in a form prescribed by the board, that the  
28 organization will conform to the laws of the state and that it will  
29 accept members without regard to age, race, sex, religion, or national

1 origin; and

2 (6) a financial report and audit.

3 (c) The constitution or bylaws of every employee organization  
4 shall provide that:

5 (1) accurate accounts of all income and expenses shall be  
6 kept, and annual financial report and audit shall be prepared; the  
7 accounts shall be open for inspection by any member of the organization;  
8 and loans to officers and agents shall be made only on terms and  
9 conditions available to all members;

10 (2) business or financial interests of its officers and  
11 agents, their spouses, minor children, parents, or otherwise, that con-  
12 flict with their fiduciary obligation to the organization shall be  
13 prohibited;

14 (3) every official or employee of an employee organization  
15 who handles funds or other property of the organization, or trust in  
16 which an organization is interested, or a subsidiary organization, shall  
17 be bonded; the amount, scope and form of the bond shall be determined  
18 by the board.

19 (d) The governing rules of every employee organization shall  
20 provide for: periodic elections by secret ballot subject to recognized  
21 safeguards concerning the equal right of all members to nominate, seek  
22 office, and vote in the elections; the right of individual members to  
23 participate in the affairs of the organization; and fair and equitable  
24 procedures in disciplinary actions.

25 (e) The board shall prescribe regulations as may be necessary to  
26 govern the establishment and reporting of trusteeships over employee  
27 organizations. Establishment of trusteeships shall be permitted only  
28 if the constitution or bylaws of the organization set out reasonable  
29 procedures.

1 (f) An employee organization that has not registered or filed an  
2 annual report, or that has failed to comply with other provisions of  
3 this chapter, may not be recognized for the purpose of negotiating with  
4 a public employer regarding the terms and conditions of work of its  
5 members. Recognized employee organizations failing to comply with this  
6 chapter may have their recognition revoked by the board. All proceed-  
7 ings under this subsection are subject to the Administrative Procedure  
8 Act (AS 44.62).

9 Sec. 39.26.110. DEFINITIONS. In this chapter unless the context  
10 requires otherwise

11 (1) "agency shop" means a contractual agreement between the  
12 public employer and the exclusive representative providing as a condi-  
13 tion of employment for the payment of compensable service fees to the  
14 representative for services rendered to all employees in a representa-  
15 tion unit whether or not they are members of the employee organization  
16 having the right of exclusive representation;

17 (2) "board" means the Personnel and Public Employees  
18 Relations Board;

19 (3) "chief executive officer of a unit" means the governor  
20 or his designated representative if the unit includes employees in  
21 two or more state departments or institutions, the department head  
22 if the unit is a single department or institution, the division head  
23 if the unit is smaller than a department, the university or college  
24 president or his designated representative if the unit includes  
25 nonacademic employees of an institution of higher education, the  
26 school board or its designated representative if the unit includes  
27 nonacademic employees of a locally operated primary or secondary  
28 school, the governing body or their designated representative if the  
29 unit is an organized borough or political subdivision of the state,

1 or the chairman of the board or his designated representative if the  
2 unit is a public corporation;

3 (4) "conditions of employment" means wages, salaries,  
4 working conditions, hours or benefits, including health, welfare and  
5 retirement benefits;

6 (5) "employee" means all public employees of the state,  
7 organized boroughs, public corporations and political subdivisions of  
8 the state whether home rule or otherwise, but excludes all academic  
9 employees of institutions of higher education and nonacademic department  
10 heads and executive officers and all academic employees of state and  
11 locally operated schools and nonacademic department heads and executive  
12 officers and all persons elected by popular vote, or appointed to office  
13 under statute, ordinance or resolution for a specified term of office  
14 by the executive head or body of the public employer, personnel em-  
15 ployed by the division of marine transportation as masters and members  
16 of the crews of vessels who operate the state ferry system and who are  
17 covered by collective bargaining agreements provided in AS 23.40.040,  
18 and state commissioners, deputy commissioners, directors and deputy  
19 directors who are not in the classified service;

20 (6) "employee organization" means a lawful association,  
21 federation or other organization of employees, which has as its primary  
22 purpose the improvement of working conditions and benefits among  
23 employees as defined in this chapter but does not include an organiza-  
24 tion which advocates the unlawful overthrow of the constitutional form  
25 of government of the United States or this state or which discriminates  
26 with regard to terms or conditions of membership because of race,  
27 creed, color or sex and does not include an organization which purports  
28 to, or endeavors to discipline a public employee member or any other  
29 public employee by fining, punishing, or penalizing other than through

1 cancellation of membership in the employee organization;

2 (7) "exclusive representative" means an employee organization  
3 lawfully certified by the board, to be the employee representative of  
4 a unit or lawfully selected by a representation election to be the  
5 employee representative of a unit and the exclusive representative shall  
6 be recognized as the representative for all employees in the unit;

7 (8) "collective negotiations" or "negotiations" means a  
8 mutual obligation of the public employer and the exclusive employees'  
9 representative to meet at reasonable times and negotiate in good faith  
10 with respect to wages, salaries, employee benefits, hours and all other  
11 conditions of employment to the extent that they can be negotiated  
12 without legislative action;

13 (9) "public employer" means the State of Alaska, all organ-  
14 ized boroughs, all public corporations and all political subdivisions  
15 of the state whether home rule or otherwise;

16 (10) "representation unit", "collective negotiation unit"  
17 or "unit" means a department, division, institution or subdivision of  
18 government, as the board determines upon petition to be appropriate,  
19 in order to assure employees their fullest freedom in exercising their  
20 rights under this title and to provide for efficient and harmonious  
21 administration of management-employee relations; it is the intent of  
22 this chapter to avoid excessive fragmentation and the board acting  
23 under this chapter may recognize a unit which is as broad in scope as  
24 an individual public employer as defined in (9) of this section;

25 (11) "unfair practice" means

26 (A) action by a public official or anyone acting for  
27 a public official as an employer to interfere with, discriminate,  
28 restrain or coerce employees in the exercise of their rights  
29 provided for in this chapter, or interference with the formation,

1 existence or administration of an employee organization or pro-  
2 viding preferential treatment for an employee based on his  
3 membership or nonmembership in an employee organization;

4 (B) use by a public employer of lockouts, contracting  
5 out of services or other similar practices, when the job can be  
6 performed adequately by public employees;

7 (C) failure of a public employer or an exclusive  
8 representative to comply with the provisions and terms of an  
9 agreement;

10 (D) action of an employee individually or collectively  
11 or in concert with others to coerce or intimidate an employee in  
12 the enjoyment of his legal rights or to encourage or engage in a  
13 strike or concerted refusal to perform their duties as public  
14 employees.

15 Sec. 39.26.120. SHORT TITLE. This chapter may be cited as the  
16 Public Employees Negotiations Act.

17 \* Sec. 2. AS 39.25.060(b) is amended to read:

18 (b) Members of the board shall be qualified electors of the state  
19 who are not employees or officers of the state. Members shall have a  
20 workable knowledge of and be favorably disposed to the merit principle  
21 of public employment. Not more than two members of the board may be  
22 members of the same political party.

23 \* Sec. 3. AS 39.25.060(c) is amended to read:

24 (c) A board member may be removed by the governor for cause  
25 during his term of office [HOLDS OFFICE AT THE PLEASURE OF THE GOVERNOR  
26 NOTWITHSTANDING THE MEMBER'S TERM].

27 \* Sec. 4. AS 39.25.060(d) is amended to read:

28 (d) A member of the board shall [MAY] receive \$100 a day compen-  
29 sation while performing his official duties [ A PER DIEM ALLOWANCE] and

1 transportation expenses incurred in carrying out his duties.

2 \* Sec. 5. AS 39.25 is amended by adding a new section to read:

3 Sec. 39.25.065. DEFINITIONS. In this chapter unless the context  
4 requires otherwise

5 (1) "board" means the Personnel and Public Employees  
6 Relations Board;

7 (2) "cause" means

8 (A) action of a member which shows that he is consis-  
9 tently predisposed to make decisions on matters before the board  
10 indicating he does not approach each matter before the board in  
11 the impartial manner which his position demands;

12 (B) incompetency, which is the inability or the unin-  
13 tentional or intentional failure to perform the duties of the  
14 board;

15 (C) immorality, which is the commission of an act  
16 which, under the laws of the state, constitutes a crime involving  
17 moral turpitude; or

18 (D) malfeasance or misfeasance in office, which  
19 includes but is not limited to failure of the member to comply  
20 with the intent of this title and regulations lawfully promulgated  
21 under this title.

22 \* Sec. 6. Contracts negotiated under AS 23.40.010 between employees and  
23 public employers coming under the provisions of this Act remain in full  
24 force and effect until their initial terms expire.

25 \* Sec. 7. This Act is applicable to organized boroughs and political  
26 subdivisions of the state, home rule or otherwise, unless the legislative  
27 body, by ordinance or resolution, rejects having its provisions apply.

28 \* Sec. 8. This Act takes effect on January 1, 1973.  
29