

Introduced: 2/19/73  
Referred: Labor & Management  
and Judiciary

1 IN THE HOUSE

BY HARTIG BY REQUEST

2 HOUSE BILL NO. 243

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to wages, hours and working arrange-  
7 ments; and providing for an effective date."

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

9 \* Section 1. AS 23.40.080 is amended to read:

10 Sec. 23.40.080. RIGHTS OF PUBLIC EMPLOYEES. (a) Public employees  
11 may self-organize and form, join or assist an organization to bargain  
12 collectively through representatives of their own choosing, and engage  
13 in concerted activities for the purpose of collective bargaining or  
14 other mutual aid or protection. Individual employees also have the  
15 right to refrain from any or all of these activities.

16 (b) Nothing in this chapter precludes an employee, regardless of  
17 employee organization membership, from bringing matters of personal  
18 concern to the attention of appropriate officials in accordance with  
19 applicable law, rule, regulation, or established agency policy, or  
20 from choosing his own representative in a grievance or appellate action.

21 \* Sec. 2. AS 23.40.090 is amended to read:

22 Sec. 23.40.090. COLLECTIVE BARGAINING UNIT. The labor relations  
23 agency shall decide in each case, in order to assure to employees the  
24 fullest freedom in exercising the rights guaranteed by secs. 70 - 260 of  
25 this chapter, the unit appropriate for the purposes of collective bar-  
26 gaining, based on such factors as community of interest, wages, hours  
27 and other working conditions of the employees involved, the history of  
28 collective bargaining, and the desires of the employees. Bargaining  
29 units shall be as large as is reasonable, and unnecessary fragmenting

1 shall be avoided; however, no unit shall include both professional and  
2 nonprofessional employees unless a majority of these professional  
3 employees vote for inclusion in that unit.

4 \* Sec. 3. AS 23.40.220 is amended by adding a new subsection to read:

5 (b) An employee who is eligible to join an employee organization  
6 and elects not to do so may not be compelled to contribute to the  
7 support of that employee organization.

8 \* Sec. 4. AS 23.40.250 is amended by adding a new paragraph to read:

9 (8) "professional employee" means

10 (A) an employee engaged in work

11 (i) predominantly intellectual and varied in  
12 character as opposed to routine mental, manual, mechanical or  
13 physical work;

14 (ii) involving the consistent exercise of discretion  
15 and judgment in its performance;

16 (iii) of such a character that the output produced  
17 or the result accomplished cannot be standardized in relation  
18 to a given time period;

19 (iv) requiring knowledge of an advanced type in a  
20 field of science or learning customarily acquired by a pro-  
21 longed course of specialized intellectual instruction and  
22 study in an institution of higher learning or a hospital,  
23 as distinguished from a general academic education or from an  
24 apprenticeship or from training in the performance of routine  
25 mental, manual or physical processes; or

26 (B) an employee who

27 (i) has completed the courses of specialized  
28 intellectual instruction and study described in (A)(iv) of  
29 this paragraph; and

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(ii) is performing related work under the supervision  
of a professional person to qualify himself to become a  
professional employee as defined in (A) of this paragraph.

\* Sec. 5. AS 23.40.110(b) is repealed.

\* Sec. 6. This Act takes effect on the day after its passage and approval  
or on the day it becomes law without approval.