

Introduced: 5/19/75  
Referred: Labor & Management  
and Finance

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 *CS SS* HOUSE BILL NO. 513

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to public employment; and providing  
7 for an effective date."

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

9 \* Section 1. AS 23.40.210 is amended to read:

10 Sec. 23.40.210. AGREEMENT. (a) To be considered for a legislative  
11 appropriation in the budget for the next fiscal year, all negotiations  
12 between an organization and a public employer shall be complete before  
13 February 1 of the year the negotiated agreement takes effect. Upon the  
14 completion of negotiations between an organization and a public em-  
15 ployer, if a settlement is reached, the employer shall reduce it to  
16 writing in the form of an agreement. The agreement shall [MAY] include  
17 a term for which it will remain in effect; the term may not be less than  
18 two years or more than three years in duration [, NOT TO EXCEED THREE  
19 YEARS].

20 (b) The agreement shall include a grievance procedure which shall  
21 have binding arbitration as its final step. [EITHER PARTY TO THE AGREE-  
22 MENT HAS A RIGHT OF ACTION TO ENFORCE THE AGREEMENT BY PETITION TO THE  
23 LABOR RELATIONS AGENCY.]

24 \* Sec. 2. AS 23.40.210 is amended by adding new subsections to read:

25 (c) An agreement may not contain provisions having a retroactive  
26 effect.

27 (d) An agreement may not contain provisions which have the effect  
28 of amending or overruling statutory provisions.

29 (e) Either party to an agreement under this section has a right

1 of action to enforce the agreement by petition to the labor relations  
2 agency.

3 \* Sec. 3. AS 23.40.215 is amended to read:

4 Sec. 23.40.215. FUNDING. The monetary terms of any agreement  
5 entered into under the Public Employment Relations Act are subject to  
6 funding through legislative appropriation. A provision for an increase  
7 in salaries or fringe benefits in an agreement is effective the first  
8 pay period after the beginning of the new fiscal year of the year the  
9 agreement takes effect if negotiations for the agreement meet the  
10 requirements of sec. 210(a) of this chapter. If negotiations do not  
11 meet the requirements of sec. 210(a) of this chapter, a provision for an  
12 increase in salaries or fringe benefits is effective the first pay  
13 period after the beginning of the new fiscal year following the effec-  
14 tive date of the agreement.

15 \* Sec. 4. AS 23.40.250(5) is repealed and re-enacted to read:

16 (5) "public employee" means any classified employee of a  
17 public employer, except managerial employees, supervisory employees,  
18 professional employees, confidential employees, teachers and noncer-  
19 tified employees of school districts;

20 \* Sec. 5. AS 23.40.250(7) is repealed and re-enacted to read:

21 (7) "terms and conditions of employment" means the hours of  
22 employment, the compensation and fringe benefits; but does not mean  
23 the employer's personnel policies affecting the working conditions of  
24 the employees or the general policies describing the function and  
25 purposes of a public employer;

26 \* Sec. 6. AS 23.40.250 is amended by adding new paragraphs to read:

27 (8) "confidential employee" means an employee who assists  
28 and acts in a confidential capacity to a person who formulates, deter-  
29 mines or effectuates management policies in the area of collective

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

bargaining;

(9) "managerial employee" means a person who exercises significant responsibilities for the public employer in the area of policy formulation;

(10) "professional employee" includes attorneys, physicians, geologists, psychologists, and civil, chemical, mechanical and petroleum engineers;

(11) "supervisory employee" means an individual having substantial responsibility on behalf of the public employer regularly to participate in the performance of all or most of the following functions: appoint, promote, transfer, suspend, discharge, evaluate or adjudicate grievances of subordinate employees, except supervisors aboard vessels of the marine transportation system.

\* Sec. 7. This Act takes effect July 1, 1976.

#