

Introduced: 2/4/76  
Referred: Labor & Management

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 513

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND 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) Upon [THE] completion of nego-  
11 tiations between an organization and a public employer, if a settlement  
12 is reached [,] the employer shall reduce the entire agreement to writ-  
13 ing, to be signed by one or more authorized representatives of each  
14 party [IT TO WRITING IN THE FORM OF AN AGREEMENT]. The agreement shall  
15 [MAY] include the [A] term for which it will remain in effect; the term  
16 may not be less than two years nor more than three years in duration  
17 except that the first contract negotiated between an organization and  
18 the state may be from one to three years in duration. Any contract to  
19 which the state is a party shall terminate on June 30th of the year of  
20 termination. The agreement may not contain provisions for reopening  
21 negotiations before the termination of the agreement; however, the  
22 agreement may provide for periodic cost of living adjustments [, NOT TO  
23 EXCEED THREE YEARS].

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

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

29 (c) An agreement may not contain provisions which are retroactive

1 beyond the termination date of the previous contract or, if no previous  
2 contract has been entered into between the parties beyond the date upon  
3 which one of the parties first initiated and delivered to the other  
4 party a request for negotiation.

5 (d) Either party to an agreement under this section has a right  
6 of action to enforce the agreement by petition to the labor relations  
7 agency.

8 \* Sec. 3. AS 23.40 is amended by adding a new section to read:

9 Sec. 23.40.212. SCOPE OF AGREEMENT. In a contract under this  
10 chapter to which the state is a party, the negotiations shall encom-  
11 pass and the agreement shall contain all matters in issue between the  
12 parties, including but not limited to pay, benefits, working conditions,  
13 holidays, sick leave, maternity leave, and reclassification, but may  
14 not include agreements dealing with retirement benefits. Notwithstand-  
15 ing language in this chapter to the contrary, the state and the organi-  
16 zation may negotiate and specify in the contract the employees who are  
17 to be included in the categories of "supervisory employee" and "con-  
18 fidential employee" as defined in this chapter.

19 \* Sec. 4. AS 23.40.215 is repealed and reenacted to read:

20 Sec. 23.40.215. APPROVAL OF CONTRACT. (a) Within 10 days after  
21 the execution and signing of a contract made under this chapter to which  
22 the state is a party, the governor shall, if the legislature is in  
23 session, introduce in either house a concurrent resolution approving  
24 the contract in its entirety. If the legislature is not in session,  
25 the governor shall introduce the resolution within 10 days after the  
26 convening of the next regular session. If the resolution passes both  
27 houses by a majority vote, the contract shall be considered valid and  
28 binding as of the date of execution. If the resolution fails to pass  
29 both houses by a majority vote, the contract shall be considered void

1 from the date of its execution, and the parties shall immediately com-  
2 mence new negotiations in accordance with this chapter.

3 (b) Upon the execution and signing of a contract made under this  
4 chapter to which the State is not a party, the employer shall submit the  
5 agreement to its assembly, council, or other governing body for approval  
6 in accordance with law.

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

8 (5) "public employee" means any classified employee of a  
9 public employer, except managerial employees, supervisory employees,  
10 professional employees, confidential employees, teachers and noncerti-  
11 fied employees of school districts;

12 \* Sec. 6. AS 23.40.250(7) is repealed and re-enacted to read:

13 (7) "terms and conditions of employment" means the hours of  
14 employment, the compensation and fringe benefits; but does not mean the  
15 employer's personnel policies affecting the working conditions of the  
16 employees or the general policies describing the function and purposes  
17 of a public employer;

18 \* Sec. 7. AS 23.40.250 is amended by adding new paragraphs to read:

19 (8) "confidential employee" means an employee who assists  
20 and acts in a confidential capacity to a person who formulates, deter-  
21 mines or effectuates management policies in the area of collective  
22 bargaining;

23 (9) "managerial employee" means a person who exercises sig-  
24 nificant responsibilities for the public employer in the area of policy  
25 formulation;

26 (10) "professional employee" includes attorneys, physicians,  
27 geologists, psychologists, and civil, chemical, mechanical and petro-  
28 leum engineers; except when the person is employed as a teacher at the  
29 University of Alaska;

1 (11) "supervisory employee" means an individual having substan-  
2 tial responsibility on behalf of the public employer regularly to parti-  
3 cipate in the performance of all or most of the following functions:  
4 appoint, promote, transfer, suspend, discharge, evaluate or adjudicate  
5 grievances of subordinate employees, except supervisors aboard vessels  
6 of the marine transportation system.

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