

Original sponsor: Finance Committee

1 IN THE HOUSE

BY THE LABOR AND MANAGEMENT  
COMMITTEE

2 CS FOR 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 23.40.070 is amended by adding a new paragraph to read:

10 (4) establishing an independent labor relations agency.

11 \* Sec. 2. AS 23.40.200(b) is amended to read:

12 (b) The class in (a)(1) of this section is composed of police and  
13 fire protection employees, employees of the Alaska Disaster Office,  
14 jail, prison and other correctional institution employees and hospital  
15 employees. Employees in this class may not engage in strikes. Upon a  
16 showing by a public employer or the labor relations agency that em-  
17 ployees in this class are engaging or about to engage in a strike, an  
18 injunction, restraining order, or other order which may be appropriate  
19 shall be granted by the superior court in the judicial district in which  
20 the strike is occurring or is about to occur. If an impasse or deadlock  
21 is reached in collective bargaining between the public employer and  
22 employees in this class, and mediation has been utilized without resolv-  
23 ing the deadlock, the parties shall submit to arbitration to be carried  
24 out under AS 09.43.030.

25 \* Sec. 3. AS 23.40.210 is amended to read:

26 Sec. 23.40.210. AGREEMENT. (a) Upon [THE] completion of negotia-  
27 tions between an organization and a public employer, if a settlement is  
28 reached [,] the employer shall reduce the entire agreement to writing,  
29 to be signed by one or more authorized representatives of each party

1 [IT TO WRITING IN THE FORM OF AN AGREEMENT]. The agreement shall [MAY]  
2 include the [A] term for which it will remain in effect; the term may  
3 not be less than one year nor more than three years in duration. The  
4 agreement may not contain provisions for reopening the agreement for  
5 further negotiations regarding gross compensation before the termination  
6 of the agreement; however, the agreement may provide for periodic cost-  
7 of-living adjustments [, NOT TO EXCEED THREE YEARS].

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

12 \* Sec. 4. AS 23.40.210 is amended by adding new subsections to read:

13 (c) An agreement may not contain provisions which are retroactive  
14 beyond the termination date of the previous contract or, if no previous  
15 contract has been entered into between the parties, beyond the date upon  
16 which one of the parties first initiated and delivered to the other  
17 party a request for negotiation.

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

21 (e) An agreement may not contain provisions which have the effect  
22 of amending or overriding statutory provisions.

23 \* Sec. 5. AS 23.40 is amended by adding a new section to read:

24 Sec. 23.40.212. SCOPE OF AGREEMENT. In a contract under this  
25 chapter to which the state is a party, the negotiations shall encompass  
26 and the agreement shall contain all matters in issue between the par-  
27 ties, including but not limited to pay, benefits, working conditions,  
28 holidays, sick leave, maternity leave, and reclassification; however,  
29 the negotiations and agreements may not include matters dealing with

1 retirement benefits.

2 \* Sec. 6. AS 23.40.215 is amended by adding a new subsection to read:

3 (b) If the state is a party to a contract negotiation under this  
4 chapter, both parties shall make every reasonable effort to conclude all  
5 negotiations at a time which coincides as nearly as possible to the  
6 period when the legislature may fund the agreement by the operating  
7 budget of the state.

8 \* Sec. 7. AS 23.40 is amended by adding a new section to read:

9 Sec. 23.40.245. STATE LABOR RELATIONS BOARD. (a) There is within  
10 the department the State Labor Relations Board. The board exercises the  
11 powers, functions and duties of the labor relations agency under secs.  
12 70 - 260 of this chapter. It is independent of supervision and control  
13 by the department or other board or agency of the department.

14 (b) The board is composed of three members appointed by the gover-  
15 nor and confirmed by the legislature meeting in joint session.

16 (c) Members serve overlapping five-year terms. The first members  
17 appointed serve one-, three-, and five-year terms as determined by the  
18 governor.

19 (d) A vacancy in an unexpired term on the board shall be filled by  
20 appointment of the governor for the remainder of the term. The appoint-  
21 ment is subject to confirmation in the same manner as the original  
22 appointment.

23 (e) The board selects one of its members to serve as chairman.  
24 The chairman serves for his term as a member of the board.

25 (f) A majority of the members constitutes a quorum for the trans-  
26 action of business. The board may establish rules of procedure.

27 (g) Members receive no salary but are entitled to per diem and  
28 travel expenses authorized by law for other boards and commissions.

29 (h) The board may employ personnel necessary for carrying out its

1 duties.

2 \* Sec. 8. AS 23.40.250(3) is repealed and re-enacted to read:

3 (3) "labor relations agency" means the State Labor Relations  
4 Board established under sec. 245 of this chapter;

5 \* Sec. 9. AS 23.40.250(5) is repealed and re-enacted to read:

6 (5) "public employee" means any classified employee of a  
7 public employer, except managerial employees, emergency employees, con-  
8 fidential employees, petroleum engineers and petroleum geologists  
9 employed by the Alaska Department of Natural Resources, marine employees  
10 covered under sec. 40 of this chapter, and teachers employed by a school  
11 district;

12 \* Sec. 10. AS 23.40.250 is amended by adding new paragraphs to read:

13 (8) "confidential employee" means an employee who acts in a  
14 confidential capacity to a managerial employee in the area of collective  
15 bargaining; confidential employees shall be designated in the following  
16 manner:

17 (A) when the public employer is the state, no more than  
18 four employees in a division may be considered confidential employ-  
19 ees, except for the division of personnel and the labor relations  
20 agency;

21 (B) when the public employer is other than the state the  
22 chief administrative officer of the public employer may designate  
23 as confidential employees a number of employees not to exceed the  
24 number of managerial employees of the public employer;

25 (9) "managerial employee" means a person who exercises signi-  
26 ficant and continuing responsibilities for the public employer in the  
27 area of policy formulation; the positions coming under this definition  
28 shall be determined by the labor relations board;

29 (10) "emergency employee" means any person hired on a short-

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term basis under specific authority to meet an emergency such as a fire or flood;

(11) "gross compensation" means all negotiable items relating to employee wages.

\* Sec. 11. This Act takes effect July 1, 1976.

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