

Introduced: 2/5/75
Referred: Health, Education
and Social Services

1 IN THE SENATE

BY CHANCE, CROFT, HOHMAN,
KEETOLA, MILLER, RODEY AND SACKETT

CS SENATE BILL NO. 135 (Rules)

2
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 negotiations with certified
7 employees of school districts and the mediation and
8 arbitration of disputes; and providing for an effective
9 date."

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

11 * Section 1. AS 14.20.570 is repealed and re-enacted to read:

12 Sec. 14.20.570. MEDIATION AND ARBITRATION. (a) Upon the written
13 request for mediation and arbitration by an employee bargaining agency
14 or a school board, and upon certification by the requesting party that
15 good faith negotiations have terminated in an impasse, the following
16 occurs:

17 (1) Within seven days of the certification the requesting
18 party shall ask the United States Federal Conciliation and Mediation
19 Service to serve as the agency to resolve the dispute. Within 10 days
20 after receiving the request, the service may designate the person who
21 will mediate and arbitrate the dispute and arrange for the first meeting
22 between the disputing parties.

23 (2) If the United States Federal Conciliation and Mediation
24 Service indicates it cannot function in the mediation-artibration process,
25 the commissioner of labor shall submit a list of three names to each of
26 the parties to the dispute. Each party may reject one of the names on
27 the list and shall return that list to the commissioner of labor within
28 five days of its receipt. Within 10 days after the lists have been
29 received from all parties to the dispute the commissioner of labor shall

CS SB 135 (Rules)

1 designate the person who will be the mediator and arbitrator and arrange
2 the first meeting between the disputing parties.

3 (3) The mediator-arbitrator shall chair all mediation and
4 arbitration meetings between the disputing parties.

5 (4) Each party to the dispute may select a team of not more
6 than five persons to present the evidence, thinking and position of the
7 group they represent.

8 (b) If the mediation and arbitration meetings are held during the
9 school day, teachers representing an employee bargaining agency shall be
10 released from classroom or other assigned duties without penalty or loss
11 of pay.

12 * Sec. 2. AS 14.20.580 is repealed and re-enacted to read:

13 Sec. 14.20.580. DUTIES OF THE MEDIATOR-ARBITRATOR. (a) The media-
14 tor-arbitrator shall attempt to resolve the differences between the
15 disputing parties and reach common acceptance of terms and conditions or
16 other items in dispute wherever possible.

17 (b) In case of dispute as to whether an item is negotiable, the
18 decision of the mediator-arbitrator is final and binding. An item
19 declared negotiable shall be returned to both teams for further nego-
20 tiation and mediation. After four days the mediator-arbitrator shall
21 treat this item like all other items in dispute.

22 (c) If an impasse remains as to an item that the mediator-
23 arbitrator has determined negotiable, he shall select the last best offer
24 from one side or the other, item by item. His decision on all items
25 shall be final and binding on all parties.

26 (d) Within 30 days of the initial meeting of the parties to the
27 dispute the mediator-arbitrator shall have reduced all of the negotiated
28 terms, conditions and other items to a written contract. The contract
29 shall be presented at a public meeting of the school board. If mutually

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

agreed by the parties, the period for reporting the contract to the school board may be extended.

(e) When the mediator-arbitrator is paid, both parties to the dispute shall share equally in the payment of the amount due him.

* Sec. 3. AS 14.20 is amended by adding a new section to read:

Sec. 14.20.585. BINDING AGREEMENT. (a) The negotiated contract developed from the mediation and arbitration process set out in sec. 580 of this chapter is binding upon the school board and the employees represented by the employee bargaining agency.

(b) The procedures for negotiation with certified employees set out in secs. 550 - 600 of this chapter are subject to judicial review.

* Sec. 4. AS 14.20.610 is repealed.

* Sec. 5. This Act takes effect July 1, 1975.