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Referred: Rules

Original sponsor: Chance, Croft,
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1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

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CS FOR SENATE BILL NO. 135

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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."

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

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 AS 14.20.570 is repealed and re-enacted to read:

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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 Mediation and Conciliation
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 the dispute and arrange for the first meeting between the
22 disputing parties. If impasse continues, the service shall also conduct
23 the procedure for the selection of an arbitrator.

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

1 from all parties to the dispute the commissioner of labor shall designate
2 the person who will be the mediator and arbitrator and arrange the first
3 meeting between the disputing parties.

4 (3) The mediator shall chair all mediation meetings between
5 the disputing parties and attempt to resolve the differences between the
6 disputing parties and reach common acceptance of terms and conditions or
7 other items in dispute wherever possible.

8 (4) Within 30 days of the initial meeting of the parties to
9 the dispute the mediator shall have reduced all the agreed terms, con-
10 ditions and other items to a written contract. If mutually agreed the
11 period for reporting the contract to both parties may be extended.

12 (5) If the mediator is unable to obtain agreement on all the
13 items at impasse within the 30 day period, he shall refer the unresolved
14 items to an arbitrator.

15 (6) Each party to the dispute may select a team of not more
16 than five persons to present the evidence, thinking and position of the
17 group they represent, to both the mediator and the arbitrator.

18 (7) In selecting the arbitrator the U. S. Federal Mediation
19 and Conciliation Service will be requested to submit a list of three
20 names to each of the parties to the dispute. Each party may reject one
21 of the names on the list and shall return that list to the regional
22 director of the U. S. Federal Mediation and Conciliation Service.
23 Within 10 days after the returned lists have been received the regional
24 director of the service shall designate the person who will be the
25 arbitrator and arrange for the first hearing on the impasse situation.

26 (b) If the mediation or arbitration meetings are held during the
27 school day, teachers representing an employee bargaining agency shall be
28 released from classroom or other assigned duties without penalty or loss
29 of pay.

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

2 Sec. 14.20.580. DUTIES OF THE ARBITRATOR. (a) The arbitrator
3 shall hold a hearing or hearings on any of the arbitrable items which
4 are still at impasse and request information or evidence from either of
5 the disputants in order to understand the issues. Within 15 days of the
6 first hearing the arbitrator shall select the last best offer from one
7 side or the other, item by item. His decision shall be final and
8 binding.

9 (b) From among the negotiable items, the following specific cate-
10 gories are subject to binding arbitration if they are impasse items:
11 salaries, teachers' contracts, working conditions, hiring and dismissal
12 procedures, reduction-in-force policies, fringe benefits, class size,
13 payroll deductions, grievance procedures, extra-curricular duties,
14 teacher aides, leave policies, in-service training, evaluation of staff,
15 association rights.

16 (c) Within 15 days of the final arbitration hearing the arbitrator
17 shall have reduced the items of his award to a written contract. If
18 mutually agreed by the parties, the period for reporting the contract
19 to both parties may be extended.

20 (d) On any date after the adjournment of a regular legislative
21 session and not later than July 30 of the calendar year, and if the local
22 taxing body has reduced the school district's budget request for funds,
23 the governing board of a school district may request a hearing with the
24 borough assembly chairman or mayor, or the city council mayor if the
25 school district is not in a borough, to review the financial aspects of
26 the arbitration award.

27 (e) The hearing shall be open and both sides shall have an oppor-
28 tunity to be heard.

29 (f) If the elected city or borough mayor decides to reduce the

1 arbitration award due to a reduction in available local funds, he shall,
2 in computing the amount of reduction which may be made in the arbitra-
3 tion award, limit the maximum amount of the reduction by applying the
4 same percentage to the dollars reduction as the percentage of the budget
5 increase which was attributable to the arbitration award. The provisions
6 of this section do not prevent the mayor from applying all or part of the
7 reduction to the general budget outside the arbitration award.

8 (g) The arbitrator shall review and re-adjust the arbitration award
9 within the funds that will be available to the school district. Both
10 parties shall have an opportunity to be heard by the arbitrator. He is
11 to complete this re-adjustment within 20 days after being notified of
12 the amount of the reduction. His decision will be final.

13 (h) When the arbitrator is paid, both parties to the dispute shall
14 share equally in the payment of the amount due.

15 (i) School boards and school employees of regional educational
16 attendance areas are exempt from this section until July 1, 1978.

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

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

22 (b) A strike by employees subject to sec. 580 of this chapter is
23 prohibited.

24 (c) No borough assembly or city council may be required to levy
25 a tax as a result of an arbitration award under this Act.

26 (d) Nothing in sec. 585 of this chapter may be construed to require
27 a legislative appropriation to satisfy an arbitration award.

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