

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 318

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 23.40.200(b) is amended to read:

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

23 * Sec. 2. AS 23.40.215 is amended to read:

24 Sec. 23.40.215. FUNDING. The monetary terms of any agreement
25 entered into under the Public Employment Relations Act are subject to
26 funding through legislative appropriation. No payment of salary in-
27 creases or fringe benefits called for in any such agreement may be
28 made until the effective date of an appropriation which is enacted for
29 the specific purpose of providing the funding for that agreement.

1 * Sec. 3. AS 23.40.250 is repealed and re-enacted to read:

2 Sec. 23.40.250. DEFINITIONS. In secs. 70 - 260 of this chapter,
3 unless the context otherwise requires,

4 (1) "collective bargaining" means the performance of the
5 mutual obligation of the public employer or his designated representa-
6 tives and the representative of the employees to meet at reasonable
7 times, including meetings in advance of the budget-making process, and
8 negotiate in good faith with respect to wages, hours and other terms
9 and conditions of employment, or the negotiation of an agreement, or
10 negotiation of a question arising under an agreement, and the execution
11 of a written contract incorporating an agreement reached if requested
12 by either party, but these obligations do not compel either party to
13 agree to a proposal or to make a concession;

14 (2) "confidential employee" means an employee who assists
15 and acts in a confidential capacity to a person who formulates, deter-
16 mines or effectuates management policies in the area of collective
17 bargaining;

18 (3) "election" means a proceeding conducted by the labor
19 relations agency in which the employees in a collective bargaining
20 unit cast a secret ballot for collective bargaining representatives,
21 or for any other purpose specified in secs. 70 - 260 of this chapter;

22 (4) "labor relations agency" means the state personnel
23 board with regard to the state and employees of the state, and means
24 the Department of Labor with regard to all other public employees and
25 all other public employers;

26 (5) "managerial employee" means a person who exercises
27 significant responsibilities for the public employer in the area of
28 policy formulation and who is not a confidential employee;

29 (6) "organization" means a labor or employee organization

1 of any kind in which employees participate and which exist for the
2 primary purpose of dealing with employers concerning grievances, labor
3 disputes, wages, rates of pay, hours of employment and conditions of
4 employment;

5 (7) "public employee" means any classified employee of a
6 public employer, except confidential employees, managerial employees,
7 supervisory employees, and teachers and noncertificated employees of
8 school districts;

9 (8) "public employer" means the state or a political
10 subdivision of the state, including without limitation, a village,
11 city, borough, district, board of regents, public or quasi-public
12 corporation, housing authority or other authority established by law,
13 and a person designated by the public employer to act in its interest
14 in dealing with public employees;

15 (9) "supervisory employee" means an individual having
16 substantial responsibility on behalf of the public employer regularly
17 to participate in the performance of all or most of the following
18 functions: appoint, promote, transfer, suspend, discharge, evaluate
19 or adjudicate grievances of subordinate employees, except supervisors
20 aboard vessels of the Marine Transportation System;

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

26 * Sec. 4. AS 39.25.070 is amended to read:

27 Sec. 39.25.070. POWERS AND DUTIES OF PERSONNEL BOARD. In addition
28 to the other duties imposed by this chapter, the personnel board shall

29 (1) [APPROVE OR DISAPPROVE OF THE ORIGINAL RULES OR A PART

1 OF THEM WITHIN 60 DAYS OF THEIR SUBMISSION TO THE BOARD AND] approve,
2 modify or disapprove amendment to the rules within 30 days of sub-
3 mission to the board, and in carrying out this duty, the board, if
4 requested, may hold the public hearings it considers necessary;

5 (2) consider and act upon recommendations for the extension
6 of the partially exempt service and the classified service as provided
7 in sec. 130 of this chapter;

8 (3) hear and determine appeals by employees in the classified
9 service as provided in sec. 170 of this chapter who are not covered by
10 a collective bargaining agreement;

11 (4) establish its own rules of procedure (two members
12 constitute a quorum for the transaction of business and two affirmative
13 votes are required for final action on matters acted upon by the
14 board);

15 (5) elect a chairman from its membership;

16 (6) have the power to administer oaths, subpoena witnesses,
17 and compel the production of books and papers pertinent to a hearing
18 authorized by this chapter;

19 (7) establish or modify in the rules a salary schedule for
20 partially exempt employees and for classified employees of the state
21 who are not covered by a collective bargaining agreement; adjustments
22 to the salary schedules are not limited to changes in the United
23 States Department of Labor, Bureau of Labor Statistics, Consumer Price
24 Index for Anchorage, Alaska, but, as a minimum, shall meet those
25 changes;

26 (8) establish or modify in the rules a leave accumulation
27 and usage system for partially exempt employees and for classified
28 employees of the state who are not covered by a collective bargaining
29 agreement, notwithstanding chapter 20 of this title.

1 * Sec. 5. AS 39.25 is amended by adding a new section to read:

2 Sec. 39.25.075. FUNDING. The monetary terms of any personnel
3 rule are subject to funding through legislative appropriation. No
4 payment of salary increases or fringe benefits called for in a per-
5 sonnel rule may be made until the effective date of an appropriation
6 which is enacted for the specific purpose of providing the funding for
7 that rule.

8 * Sec. 6. AS 22.05.140(a) is amended to read:

9 (a) The annual salary for the chief justice and each associate
10 justice is 20 per cent above Step E, Range 28 of the salary schedule
11 established for Anchorage, Alaska by the State Personnel Board under
12 AS 39.25.070(7) [SHALL RECEIVE \$44,000 ANNUALLY AS COMPENSATION]. The
13 compensation is payable monthly in 12 equal installments. Compensation
14 of the chief justice or of an associate justice shall not be diminished
15 during his term of office, except in line with a reduction in the
16 salary schedule established under AS 39.25.070(7) [UNLESS BY GENERAL
17 LAW APPLYING TO ALL SALARIED OFFICERS OF THE STATE].

18 * Sec. 7. AS 22.10.190(a) is amended to read:

19 (a) The annual salary for each [EACH] superior court judge is
20 equal to that established for the head of each principal executive
21 department [SHALL RECEIVE \$40,000 ANNUALLY, AS COMPENSATION], payable
22 monthly in 12 equal installments. The compensation of a judge shall
23 not be diminished during his term of office, except in line with a
24 reduction in the salary schedule established under AS 39.25.070(7) and
25 the corresponding reduction in the salary of the head of each principal
26 executive department [UNLESS BY GENERAL LAW APPLYING TO ALL SALARIED
27 OFFICERS OF THE STATE].

28 * Sec. 8. AS 22.15.220(a) is amended to read:

29 (a) The annual salary for each [EACH] district judge is that

1 set out in Step C, Range 28, of the salary schedule established for
2 Anchorage, Alaska by the State Personnel Board under AS 39.25.070(7)
3 SHALL RECEIVE \$33,500 ANNUALLY AS COMPENSATION], payable monthly in 12
4 equal installments.

5 * Sec. 9. AS 39.20.080 is amended to read:

6 Sec. 39.20.080. SALARY OF EXECUTIVE DEPARTMENT HEAD AND DEPUTY.

7 (a) The annual salary of the head of each principal executive depart-
8 ment of the state upon appointment and confirmation is 10 per cent
9 above Step E, Range 28, of the salary schedule established for Anchorage,
10 Alaska by the State Personnel Board under AS 39.25.070(7) [\$40,000].

11 This salary shall be paid in equal monthly installments.

12 (b) The monthly salary of the deputy head of each principal
13 executive department of the state, upon his appointment is not less
14 than Step A, Range 28, nor, except for increments earned under AS
15 39.27.022, shall it exceed Step E, Range 28, of the salary schedule
16 established under AS 39.25.070(7) [SET OUT IN AS 39.27.010], during
17 the term of his appointment.

18 * Sec. 10. AS 39.27.020(a) is amended to read:

19 (a) The following pay step differentials are approved as an
20 amendment to the basic salary schedule established by the State Per-
21 sonnel Board under AS 39.25.070(7) [PROVIDED IN SEC. 10 OF THIS
22 CHAPTER]:

House Election District	Pay Steps Above Basic Salary Schedule
1	0
2	1
3	1
4	0
5	2

1
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House Election District

Pay Steps Above Basic

Salary Schedule

6	4
7	1
8	0
9	2
10	2
11	2
12	7
13	7
14	8
15	9
16a (South of Arctic Circle)	3
16b (North of Arctic Circle)	9
17	9
18	7
19	8
Outside the State	minus 6

* Sec. 11. AS 39.27.010, 39.27.015, 39.27.030, 39.27.035, 39.27.040, and 39.27.045 are repealed.

* Sec. 12. This Act takes effect January 1, 1976.