

Introduced: 2/4/77  
Referred: Labor & Management

1 IN THE HOUSE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 175

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH 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 23.40.230 is amended to read:

10 Sec. 23.40.230. ASSISTANCE BY DEPARTMENT OF LABOR. The [WHEN  
11 STATE EMPLOYEES ARE INVOLVED, THE] Department of Labor shall, if  
12 requested by the labor relations agency [PERSONNEL BOARD], and if  
13 there is no objection by the public employer or the organization in-  
14 involved, assist the labor relations agency [PERSONNEL BOARD] on matters  
15 such as, but not limited to, conducting elections and in vestigating  
16 unfair labor practices.

17 \* Sec. 2. AS 23.40 is amended by adding a new section to read:

18 Sec. 23.40.245. NUMBER OF SUPERVISORY EMPLOYEES. For the pur-  
19 pose of secs. 70 - 260 of this chapter, the total number of super-  
20 visory employees may not exceed at any time 10 per cent of the em-  
21 ployer's work force.

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 AS 23.40.250 is repealed and re-enacted to read:

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

25 (1) "collective bargaining" means the performance of the  
26 mutual obligation of the public employer or his designated representa-  
27 tives and the representative of the employees to meet at reasonable  
28 times, including meetings in advance of the budget-making process, and  
29 negotiate in good faith with respect to wages, hours and other terms

1 and conditions of employment, or the negotiation of an agreement, or  
2 negotiation of a question arising under an agreement, and the execution  
3 of a written contract incorporating an agreement reached if requested  
4 by either party, but these obligations do not compel either party to  
5 agree to a proposal or to make a concession;

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

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

14 (4) "labor relations agency" means the state personnel  
15 board;

16 (5) "managerial employee" means an employee who exercises  
17 significant responsibilities for the public employer in the area of  
18 policy formulation and who is not a confidential employee;

19 (6) "organization" means a labor or employee organization  
20 of any kind in which employees participate and which exists for the  
21 primary purpose of dealing with employers concerning grievances, labor  
22 disputes, wages, rates of pay, hours of employment, and conditions of  
23 employment;

24 (7) "public employee" means a crew member aboard a vessel  
25 of the Marine Transportation System and any other employee of a  
26 public employer except partially exempt, exempt, confidential, mana-  
27 gerial, and supervisory employees, and teachers and noncertificated  
28 employees of school districts;

29 (8) "public employer" means the state or a political sub-

1 division of the state, including without limitation, a village, city,  
2 borough, district, board of regents, public or quasi-public corpora-  
3 tion, housing authority or other authority established by law, and a  
4 person designated by the public employer to act in its interest in  
5 dealing with public employees;

6 (9) "supervisory employee" means a classified employee, or  
7 a crew member aboard a vessel of the Marine Transportation System,  
8 having substantial responsibility on behalf of the public employer  
9 regularly to participate in the performance of all or most of the  
10 following functions: appoint, promote, transfer, suspend, discharge,  
11 evaluate or adjudicate grievances of subordinate employees;

12 (10) "terms and conditions of employment" means the hours  
13 of employment, the compensation and fringe benefits, and the employer's  
14 personnel policies affecting the working conditions of the employees;  
15 but it does not mean the general policies describing the functions and  
16 purposes of the employer.

17 \* Sec. 4. This Act takes effect July 1, 1977, except with respect to  
18 those public employees covered by a collective bargaining agreement in  
19 effect on that date, between a public employer and an organization, which  
20 does not permit supersession of its terms and conditions of employment by  
21 amendments to the laws of the State of Alaska; for those employees, this  
22 Act takes effect upon expiration of the applicable agreement.  
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