

Original sponsor: Malone by request

Offered: 2/28/78
Referred: Finance

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 489

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to labor relations between school
7 boards and other public employers and their employees."

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

9 * Section 1. AS 14.20.550 is amended to read:

10 Sec. 14.20.550. NEGOTIATION WITH CERTIFICATED EMPLOYEES. (a)

11 Each city, borough, and regional school board [,] shall negotiate with
12 its certificated employees in good faith on matters pertaining to their
13 employment, including working conditions, wages and hours, fringe bene-
14 fits, leave provisions, association or union rights and benefits, and by
15 mutual agreement upon other matters of common concern. When completed,
16 the negotiations shall be reduced to a written agreement [AND THE FUL-
17 FILLMENT OF THEIR PROFESSIONAL DUTIES].

18 (b) For purposes of this section, "working conditions" means those
19 matters relating to actual performance of work. If the school board and
20 its certificated employees disagree over the matters that are working
21 conditions, the Department of Labor shall decide which items are manda-
22 tory subjects for bargaining and which items are nonmandatory.

23 * Sec. 2. AS 23.40.100(b) is amended to read:

24 (b) If the labor relations agency has reasonable cause to believe
25 that a question of representation exists, it shall provide for an appro-
26 priate hearing upon due notice. If the labor relations agency finds
27 that there is a question of representation, it shall direct an election
28 by secret ballot to determine whether or by which organization the
29 employees desire to be represented and shall certify the results of the

1 election. Nothing in this section prohibits the waiving of hearings by
2 stipulation for the purpose of a consent election in conformity with the
3 regulations of the labor relations agency or an election in a bargaining
4 unit agreed upon by the parties. The labor relations agency shall
5 determine who is eligible to vote in an election and shall establish
6 rules governing the election. In an initial election for representation
7 held under this section, one of the choices on the ballot shall be "no
8 representation". In an election in which none of the choices on the
9 ballot receives a majority of the votes cast, a runoff election shall be
10 conducted, the ballot providing for selection between the two choices
11 receiving the largest and the second largest number of valid votes cast
12 in the election. If an organization receives the majority of the votes
13 cast in the election it shall be certified by the labor relations agency
14 as exclusive representative of all the employees in the bargaining unit.

15 * Sec. 3. AS 23.40.200(c) is amended to read:

16 (c) The class in (a)(2) of this section is composed of public
17 utility, snow removal, sanitation, and [PUBLIC SCHOOL AND OTHER] educa-
18 tional institution employees, except noncertificated employees of school
19 boards. Employees in this class may engage in a strike after mediation,
20 subject to the voting requirement of (d) of this section, for a limited
21 time. The limit is determined by the interests of the health, safety or
22 welfare of the public. The public employer or the labor relations
23 agency may apply to the superior court in the judicial district in which
24 the strike is occurring for an order enjoining the strike. A strike may
25 not be enjoined unless it can be shown that it has begun to threaten the
26 health, safety or welfare of the public. A court, in deciding whether
27 or not to enjoin the strike, shall consider the total equities in the
28 particular class. "Total equities" includes not only the impact of a
29 strike on the public but also the extent to which employee organizations

1 and public employers have met their statutory obligations. If an
2 impasse or deadlock still exists after the issuance of an injunction,
3 the parties shall submit to arbitration to be carried out under AS
4 09.43.030.

5 * Sec. 4. AS 23.40.250(5) and (6) are amended to read:

6 (5) "public employee" means any employee of a public em-
7 ployer, whether or not in the classified service of the public employer,
8 except elected or appointed officials or certificated [TEACHERS OR
9 NONCERTIFICATED] employees of school boards [DISTRICTS];

10 (6) "public employer" means the state or a political sub-
11 division of the state, including without limitation, a town, city,
12 borough, district, school board, board of regents, public and quasi-pub-
13 lic corporation, housing authority or other authority established by
14 law, and a person designated by the public employer to act in its in-
15 terest in dealing with public employees;

16 * Sec. 5. AS 23.40.250 is amended by adding a new paragraph to read:

17 (8) "school board" includes a regional educational attendance
18 area school board.

19 * Sec. 6. Notwithstanding sec. 4, ch. 113, SLA 1972, a school board,
20 including a regional educational attendance area school board, may not reject
21 having the provisions of the Public Employment Relations Act apply to its
22 relations with its noncertificated employees.

23 * Sec. 7. Nothing in this Act terminates or modifies a collective bar-
24 gaining unit, recognition of exclusive bargaining representative, or collec-
25 tive bargaining agreement if the unit, recognition, or agreement is in effect
26 on the effective date of this Act.