

Introduced: 4/22/77  
Referred: Labor & Management  
and Commerce

1 IN THE HOUSE

BY ANDERSON BY REQUEST

2 HOUSE BILL NO. 497

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 labor organizations."

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

8 \* Section 1. AS 23.40 is amended by adding new sections to read:

9 ARTICLE 3. LIMITATIONS ON REPRESENTATION OF PUBLIC  
10 EMPLOYEES BY LABOR ORGANIZATIONS.

11 Sec. 23.40.270. REPORTS. A labor organization shall file with the  
12 commissioner of labor on or before June 30 of each year a report, in a  
13 format to be prescribed by the commissioner, showing the number of  
14 employees in the private sector who are members of the labor organiza-  
15 tion and who are employed in bargaining units represented by it and the  
16 number of public employees who are members of the labor organization and  
17 who are employed in bargaining units represented by it.

18 Sec. 23.40.280. DETERMINATION BY COMMISSIONER. No later than  
19 June 30 of each year, the commissioner shall determine, with respect to  
20 each labor organization in this state, the number of its members who are  
21 employed in bargaining units represented by it in the public sector and  
22 in the private sector in this state. The commissioner shall utilize the  
23 reports required in sec. 270 of this chapter and such other information  
24 as may be available to him in making his determinations. The commis-  
25 sioner shall, upon request, make available to any person the data upon  
26 which his determinations are based and shall cause those determinations  
27 to be publicized and made available to any interested persons. The  
28 commissioner, in his discretion, shall conduct hearings as provided in  
29 the Administrative Procedure Act (AS 44.62) necessary to obtain the

1 data for the determinations required by this section. Any aggrieved  
2 party may seek judicial review in the superior court of the correctness  
3 of the commissioner's determinations. Determinations of the commis-  
4 sioner shall be presumed to be correct, and the burden shall be upon any  
5 party challenging their correctness to prove that they materially mis-  
6 state the true facts.

7 Sec. 23.40.290. PROHIBITION ON REPRESENTATION OF PUBLIC EMPLOYEES  
8 BY CERTAIN LABOR ORGANIZATIONS. No agency, board, or other entity  
9 having authority to certify collective bargaining representatives of any  
10 bargaining unit of the state or political subdivision of the state may  
11 certify as the bargaining representative for a bargaining unit any labor  
12 organization which, based upon the most recent determinations of the  
13 commissioner of labor specified in sec. 280 of this chapter, represents,  
14 or is affiliated with an organization which represents, by itself or  
15 under joint agreements with one or more other labor organizations, more  
16 than 25 per cent of all persons in the private sector who are members of  
17 bargaining units and who are represented by collective bargaining  
18 agents. Neither the state nor any political subdivision of the state  
19 may bargain collectively with such an organization whether or not it is  
20 certified as the bargaining representative for the bargaining unit, and  
21 whether or not that certification is a prerequisite to the collective  
22 bargaining. Whenever the determination of the commissioner required in  
23 sec. 280 of this chapter renders a labor organization ineligible for  
24 collective bargaining in the public sector, its right to collectively  
25 bargain shall terminate, with respect to each bargaining unit as to  
26 which a collective bargaining agreement is in force, upon the termina-  
27 tion of that collective bargaining agreement or within 30 days after the  
28 publication of the commissioner's determination, whichever is later. In  
29 an action for judicial review of the determination of the commissioner,

1 the court may in its discretion grant temporary relief from the dis-  
2 qualification.

3 Sec. 23.40.300. CONTRACTS WITH LABOR ORGANIZATIONS. No labor  
4 organization which is prohibited from representing a bargaining unit of  
5 the state or a political subdivision of the state may enter into a  
6 contract with any other labor organization certified to represent, or  
7 otherwise representing, employees in the bargaining unit. Any such  
8 contract shall be null and void and shall be grounds for decertification  
9 and a refusal of the state or political subdivision of the state to deal  
10 with the otherwise eligible labor organization.

11 Sec. 23.40.310. DEFINITIONS. For the purposes of secs. 270 - 310  
12 of this chapter

13 (1) "commissioner" means the commissioner of labor;

14 (2) "labor organization" includes an organization constituted  
15 wholly or partly to bargain collectively or deal with employers, in-  
16 cluding the state and its political subdivisions, concerning grievances,  
17 terms, or conditions of employment or other mutual aid or protection in  
18 connection with employees;

19 (3) "private employee" and "private sector" include any  
20 employees in the state who are not employed by the state or by a politi-  
21 cal subdivision of the state;

22 (4) "public employee" and "public sector" include employees  
23 of the state and of any political subdivision of the state.