

Introduced: 2/26/79
Referred: State Affairs and
Judiciary

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 295

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to public employee labor relations."

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

8 * Section 1. AS 23.40.080 is amended to read:

9 Sec. 23.40.080. RIGHTS OF PUBLIC EMPLOYEES. Public employees
10 may self-organize and form, join or assist an organization to bargain
11 collectively through representatives of their own choosing, [AND EN-
12 GAGE IN CONCERTED ACTIVITIES] for the purpose of collective bargaining
13 or other mutual aid or protection. Public employees may not engage in
14 strikes, slow downs, mass illnesses, or other concerted activities
15 which impede or interrupt the progress of work.

16 * Sec. 2. AS 23.40.190 is repealed.

17 * Sec. 3. AS 23.40 is amended by adding a new section to read:

18 Sec. 23.40.195. PUBLICATION OF BARGAINING PROPOSALS. When a
19 public employer and a public employee organization enter into bargain-
20 ing concerning wages, benefits, hours of work or other conditions of
21 employment, the parties shall exchange their initial offers or pro-
22 posals and the public employer shall make these initial offers or pro-
23 posals public. If an impasse is reached, the public employer shall
24 make public the positions of the respective parties on all unresolved
25 issues immediately before the impasse.

26 * Sec. 4. AS 23.40.200 is repealed and re-enacted to read:

27 Sec. 23.40.200. RESOLUTION OF IMPASSES. (a) In order to provide
28 for the orderly resolution of bargaining impasses, a public employer
29 and public employee organization shall, at the start of bargaining,

1 attempt to reach agreement concerning impasse procedures to be used in
2 the event of a bargaining impasse.

3 (b) If the parties mutually agree to use interest arbitration, the
4 arbitrator shall conduct hearings and render his findings and award.

5 The arbitrator shall consider and give weight to the following factors:

6 (1) the lawful authority of the employer;

7 (2) the stipulations of the parties;

8 (3) the interests and welfare of the public and the financial
9 ability of the employer to bear the present or recurrent costs involved;

10 (4) a comparison of the wages, hours, benefits, and other
11 terms or conditions of employment of the employees involved, with those
12 of other employees performing similar services in public and private
13 employment in comparable communities;

14 (5) the cost of living as measured by the United States
15 Department of Labor, Bureau of Labor Statistics;

16 (6) the overall compensation presently received by the
17 employees including direct wage compensation, vacation, holidays, and
18 other excused time, insurance and pensions, medical and hospitalization
19 benefits, the continuity and stability of employment, and all other
20 benefits received;

21 (7) other similar standards recognized in the resolution of
22 interest disputes.

23 (c) If the two parties fail to reach mutual agreement on impasse
24 resolution procedures, they may defer consideration of this matter until
25 an actual impasse is declared by either party. If an impasse occurs
26 and the public employer and the employee organization are unable to
27 agree on impasse resolution methods, the labor relations agency shall
28 require factfinding in accordance with the deadlines imposed by AS
29 23.40.211.

1 (d) Factfinding shall be conducted by a neutral third party
2 mutually agreed upon by the parties. If the parties fail to mutually
3 agree on a factfinder, the parties shall choose a factfinder within
4 five calendar days of declaration of an impasse from a list of five
5 names furnished by the federal Mediation and Conciliation Service.
6 The parties shall choose the factfinder by alternately striking names
7 from that list. The party who has the first strike is to be determined
8 by a coin toss.

9 (e) Within 15 calendar days of selection of a factfinder, the
10 factfinder shall conduct hearings, receive evidence including testimony,
11 and conduct an independent investigation into the facts. The factfinder
12 shall consider and give weight to the factors set out in (b) of this
13 section. The factfinder shall, within 15 calendar days following the
14 date on which the hearings are completed, forward written recommenda-
15 tions concerning all unresolved issues to the public employer and the
16 public employee organization.

17 (f) The public employer and the public employee organization
18 shall meet and, using the factfinder's recommendations, attempt to
19 reach agreement. Five calendar days from the date on which the fact-
20 finder's report is received, the employer shall make public the recom-
21 mendations of the factfinder on those issues still unresolved.

22 * Sec. 5. AS 23.40 is amended by adding a new section to read:

23 Sec. 23.40.205. SUBMISSION TO VOTERS. (a) If impasse resolution
24 procedures chosen by mutual agreement of the parties or factfinding
25 mandated by the labor relations agency do not produce a settlement,
26 either of the parties may require submission of the impasse to the
27 voters under the following conditions:

28 (1) the public employee organization may require submission
29 of final best package offers concerning unresolved economic and other

1 issues to the voters if the employer's wage, benefits, or other offers,
2 in the organization's judgment, fail to meet standards afforded other
3 public and private employees in the immediate job market area;

4 (2) the public employer may require submission of final
5 best package offers concerning unresolved economic and other issues to
6 the voters provided settlement proposals of the public employee orga-
7 nization, if implemented, would, in the judgment of the employer, ex-
8 ceed standards afforded other public and private employees in the
9 immediate job market area.

10 (b) If both parties fail to request submission to the voters,
11 and an impasse still exists, the lieutenant governor or chief admini-
12 strative officer of a public employer other than the state shall place
13 the final best package offers of both of the parties on the ballot for
14 the next general election of the state or the next regularly scheduled
15 election of a public employer other than the state. The lieutenant
16 governor or chief administrative officer shall ascertain whether
17 either the public employer or the public employee organization find it
18 possible to accept the factfinder's recommendations. If either party
19 accepts the factfinder's recommendations, the lieutenant governor or
20 chief administrative officer shall place those recommendations on the
21 ballot as the final best offer of that party.

22 (c) The lieutenant governor or chief administrative officer of
23 a public employer other than the state shall prepare a ballot issue
24 stating the respective positions of the parties to the dispute and
25 submit the statement to the parties for review. The issue and argu-
26 ments for or against the issue must be submitted to the lieutenant
27 governor or chief administrative officer by the deadline imposed by AS
28 23.40.211. The two parties shall exchange their final written package
29 offers on all unresolved issues by the deadline imposed by AS 23.40.-

1 211. These package offers may be changed before consideration by the
2 voters only by mutual agreement of the employer and the employee orga-
3 nization. Nothing in this section precludes a final settlement by the
4 parties, or acceptance of an offer made which narrows the existing
5 differences, before the deadline imposed by AS 23.40.211. After con-
6 sultation with the representatives of both the public employer and the
7 public employee organization, the lieutenant governor or chief admini-
8 strative officer shall make the final decision on the design of the
9 ballot.

10 (d) The issues must be presented clearly and in a manner designed
11 to assure understanding by the voters. No argumentation in favor of
12 or opposed to either settlement proposal may be entered on the ballot.

13 (e) Those citizens voting shall, by simple majority, select one
14 of the two package offers. The public employer and the public employ-
15 ee organization shall accept this decision of the voters as final and
16 binding.

17 (f) Nothing contained in this section prevents either or both of
18 the parties from disseminating factual information to the public re-
19 garding the unresolved issues to be submitted to the voters, including
20 but not limited to factors usually considered by interest arbitrators
21 in AS 23.40.200(b), nor does that action constitute an unfair labor
22 practice under AS 23.40.110.

23 (g) The state or other public employer shall bear the costs re-
24 lated to the preparation of and submission of issues under this section
25 to the voters. Costs incurred by a party in advocating to the citizens
26 the merits of its respective best offer shall be borne by that party.

27 * Sec. 6. AS 23.40.210 is repealed and re-enacted to read:

28 Sec. 23.40.210. AGREEMENT. Upon the completion of negotiations
29 between an organization and a public employer, if a settlement is

1 reached, the employer shall reduce it to writing in the form of an
2 agreement. The agreement must include a grievance procedure which has
3 binding arbitration as its final step. Either party to the agreement
4 has a right of action to enforce the agreement by petition to the
5 labor relations agency. An agreement between the state and an organi-
6 zation must be for a period of either two years or four years and must
7 expire on December 31st of a year in which a general election is held.
8 An agreement between a public employer other than the state and an
9 organization may be for a term mutually agreed upon by the parties but
10 must expire within 90 days after a regular election of the public em-
11 ployer. Agreements in effect at the time of implementation of this
12 section which are not in compliance with the term requirements of this
13 section are unaffected by these term requirements, but must be renegot-
14 tiated to comply with this section upon their expiration date.

15 * Sec. 7. AS 23.40 is amended by adding a new section to read:

16 Sec. 23.40.211. DEADLINES FOR BARGAINING AND IMPASSE RESOLUTION.

17 (a) If a public employer and a public employee organization want to
18 negotiate a successor agreement to replace an existing agreement which
19 complies with the requirements of AS 23.40.210, the parties may mutu-
20 ally agree with respect to the date on which the bargaining will begin.
21 If the state is a party to the agreement, this date may not be later
22 than June 1 of the year in which the existing agreement expires. If
23 a public employer other than the state is a party to the agreement,
24 this date may not be later than 165 days before the next regular elec-
25 tion of the public employer. Both parties to the negotiations must
26 obtain authority to negotiate in good faith and reach agreements,
27 which when signed by both parties constitute binding agreement on the
28 issue, or on the contract if agreement on all issues is reached.

29 (b) If an agreement has not been reached by July 15 in the case

1 of the state or in the case of another public employer within 120 days
2 before the next regular election, the labor relations agency shall
3 order factfinding under AS 23.40.200(c).

4 (c) If an agreement has not been reached by August 15 in the
5 case of the state or within 90 days before the next regular election
6 in the case of another public employer, the requirements of AS 23.40.-
7 205 must be complied with by the parties to the bargaining and by the
8 lieutenant governor or chief administrative officer.

9 (d) If an agreement has not been reached by September 1 in the
10 case of the state or within 70 days before the next regular election
11 in the case of a public employer other than the state, the final best
12 package offers of the parties as they stand on that date must be sub-
13 mitted to the voters at the next general or regular election.

14 * Sec. 8. AS 23.40.040 is repealed.

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