

Original sponsors: Parr, Brown,  
Buchholdt, et al

Offered: 2/13/80  
Referred: Rules

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 453

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

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

18 \* Sec. 2. AS 14.20. is amended by adding a new section to read:

19 Sec. 14.20.565. SAFEGUARDING OF CERTAIN RIGHTS OF EMPLOYEES. (a)  
20 A collective bargaining agreement entered into under AS 14.20.550 -  
21 14.20.610 which incorporates a union security provision, including but  
22 not limited to a union shop or agency shop provision, shall grant the  
23 right not to join the bargaining organization to an employee who has a  
24 religious conviction against associating in a bargaining organization  
25 based on the tenets or teachings of a church or religious group of which  
26 he is a member.

27 (b) If an employee who claims exemption from membership in the  
28 bargaining organization submits satisfactory evidence of his religious  
29 conviction to the labor relations agency, the agency shall declare the

1 employee exempt from membership in the bargaining organization.

2 (c) If exempted under this section, an employee shall pay an  
3 amount equal to the regular dues, initiation fees, and assessments of  
4 the bargaining organization to the bargaining organization. Failure of  
5 an exempted employee to pay dues, fees, or assessments subjects him to  
6 the penalty for nonpayment of dues by a member of the bargaining organi-  
7 zation.

8 (d) A bargaining organization receiving a payment from a person  
9 under (c) of this section shall contribute an amount equal to the payment  
10 to a charity. The charity to which the contribution is made may not be  
11 affiliated with a religious, labor or employee association. The bargain-  
12 ing organization shall submit proof of the contribution to the labor  
13 relations agency.

14 (e) In this section, "labor relations agency" means

- 15 (1) the council of a city which is a school district;  
16 (2) the assembly of a borough or unified municipality; or  
17 (3) the Department of Labor, with respect to regional educa-  
18 tional attendance areas.

19 \* Sec. 3. AS 23.40.100(b) is amended to read:

20 (b) If the labor relations agency has reasonable cause to believe  
21 that a question of representation exists, it shall provide for an appro-  
22 priate hearing upon due notice. If the labor relations agency finds  
23 that there is a question of representation, it shall direct an election  
24 by secret ballot to determine whether or by which organization the  
25 employees desire to be represented and shall certify the results of the  
26 election. Nothing in this section prohibits the waiving of hearings by  
27 stipulation for the purpose of a consent election in conformity with the  
28 regulations of the labor relations agency or an election in a bargaining  
29 unit agreed upon by the parties. The labor relations agency shall

1 determine who is eligible to vote in an election and shall establish  
2 rules governing the election. In an initial election for representation  
3 held under this section, one of the choices on the ballot shall be "no  
4 representation". In an election in which none of the choices on the  
5 ballot receives a majority of the votes cast, a runoff election shall be  
6 conducted, the ballot providing for selection between the two choices  
7 receiving the largest and the second largest number of valid votes cast  
8 in the election. If an organization receives the majority of the votes  
9 cast in the election it shall be certified by the labor relations agency  
10 as exclusive representative of all the employees in the bargaining unit.

11 \* Sec. 4. AS 23.40.200(c) is amended to read:

12 (c) The class in (a)(2) of this section is composed of public  
13 utility, snow removal, sanitation, and [PUBLIC SCHOOL AND OTHER] educa-  
14 tional institution employees, except noncertificated employees of school  
15 boards. Employees in this class may engage in a strike after mediation,  
16 subject to the voting requirement of (d) of this section, for a limited  
17 time. The limit is determined by the interests of the health, safety or  
18 welfare of the public. The public employer or the labor relations  
19 agency may apply to the superior court in the judicial district in which  
20 the strike is occurring for an order enjoining the strike. A strike may  
21 not be enjoined unless it can be shown that it has begun to threaten the  
22 health, safety or welfare of the public. A court, in deciding whether  
23 or not to enjoin the strike, shall consider the total equities in the  
24 particular class. "Total equities" includes not only the impact of a  
25 strike on the public but also the extent to which employee organizations  
26 and public employers have met their statutory obligations. If an im-  
27 passe or deadlock still exists after the issuance of an injunction, the  
28 parties shall submit to arbitration to be carried out under AS 09.43.-  
29 030.

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

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

6 (6) "public employer" means the state or a political sub-  
7 division of the state, including without limitation, a [TOWN,] city,  
8 borough, school board [DISTRICT], board of regents, public and quasi-  
9 public corporation, housing authority or other authority established by  
10 law, and a person designated by the public employer to act in its in-  
11 terest in dealing with public employees;

12 \* Sec. 6. AS 23.40.250 is amended by adding a new paragraph to read:

13 (8) "school board" includes a regional educational attendance  
14 area school board.

15 \* Sec. 7. Notwithstanding sec. 4, ch. 113, SLA 1972, a school board,  
16 including a regional educational attendance area school board, may not reject  
17 having the provisions of the Public Employment Relations Act (AS 23.40.070 -  
18 23.40.260) apply to its relations with its noncertificated employees.

19 \* Sec. 8. Nothing in this Act terminates or modifies a collective bar-  
20 gaining unit, recognition of exclusive bargaining representative, or collec-  
21 tive bargaining agreement if the unit, recognition, or agreement is in effect  
22 on the effective date of this Act.

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