

Original sponsors: Duncan, Brown,
Buchholdt, et al

Offered: 2/22/80
Referred: Judiciary

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 487

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 arbitration in teacher negotia-
7 tions; and providing for an effective date."

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

9 * Section 1. AS 14.20 is amended by adding a new section to read:

10 Sec. 14.20.585. ARBITRATION. (a) If the employee bargaining
11 agency and the school board are unable to reach agreement by March 31 of
12 the current school year or if the final mediation report is rejected by
13 either party, the items at impasse shall be submitted to an arbitrator.
14 Submission shall be by each party separately. Each submission shall
15 state the final offer on each of the items at impasse, and only on those
16 items, and shall be certified by the authorized representative of the
17 employee bargaining agency or of the school board. The arbitrator shall
18 select on an "item by item" basis the offer which he judges to be the
19 most reasonable and equitable, and shall issue an award incorporating
20 the selected offers without modification. The award of the arbitrator
21 is final and binding on both parties. The award of the arbitrator is
22 subject to judicial vacation only on the grounds specified in AS 09.43.-
23 120 and is subject to judicial modification or correction only on the
24 grounds specified in AS 09.43.130.

25 (b) The arbitrator shall be a person mutually acceptable to both
26 parties, but if no person is agreed upon within 10 days following
27 March 31 or the issuance of the final mediation report, whichever is
28 earlier, the American Arbitration Association shall be asked to name an
29 arbitrator. Within 10 days of the receipt of the request, the American

1 Arbitration Association shall appoint an Alaskan resident as arbitrator.
2 The expenses of arbitration shall be shared equally by both parties.

3 (c) The arbitrator may not make an award

4 (1) which will require a municipality to increase its local
5 tax rate to meet the cost of the award or will require an increase in
6 state funding for a regional educational attendance area; and

7 (2) which incorporates union shop security provisions,
8 including but not limited to union shop or agency shop provisions,
9 unless the right not to join the bargaining organization is granted to
10 an employee who has a religious conviction against associating in a
11 bargaining organization based on the tenets or teachings of a church or
12 religious group of which he is a member; if an employee who claims
13 exemption from membership in the bargaining organization submits
14 satisfactory evidence of his religious conviction to the labor relations
15 agency, the agency shall declare the employee exempt from membership in
16 the bargaining organization; if exempted from membership in the bargain-
17 ing organization, an employee shall pay an amount equal to the regular
18 dues, initiation fees, and assessments of the bargaining organization to
19 the bargaining organization; failure of an exempted employee to pay
20 dues, fees, or assessments subjects him to the penalty for nonpayment of
21 dues by a member of the bargaining organization; a bargaining organ-
22 ization receiving a payment from a person exempted from membership in
23 the bargaining organization shall contribute an amount equal to the
24 payment to a charity; the charity to which the contribution is made may
25 not be affiliated with a religious, labor or employee association; the
26 bargaining organization shall submit proof of the contribution to the
27 labor relations agency; in this paragraph "labor relations agency" means

28 (A) the council of a city which is a school district;

29 (B) the assembly of a borough or unified municipality;

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or

(C) the Department of Labor, with respect to regional educational attendance areas.

* Sec. 2. AS 14.20.580(c) is repealed.

* Sec. 3. This Act takes effect July 1, 1980.