

Original sponsors: Duncan, Brown,  
Buchholdt, et al

Offered: 4/18/80  
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 487 (Judiciary)

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 involving teachers;  
7 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 new sections to read:

10 Sec. 14.20.582. 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 may  
22 be vacated by a court only on the grounds specified in AS 09.43.120.  
23 The award of the arbitrator may be corrected or modified by a court only  
24 on the 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 parties shall, within 24 hours of the expiration of the  
29 period, ask a recognized arbitration association to name an arbitrator.

1 Within 10 days of the receipt of the request, the arbitration associa-  
2 tion which has been asked by both parties may appoint an arbitrator. An  
3 arbitrator appointed by the arbitration association shall be a resident  
4 of Alaska. If the parties fail to request the same arbitration associa-  
5 tion to name an arbitrator or if the arbitration association fails to  
6 appoint an arbitrator who is a resident of Alaska within 10 days of  
7 receipt of a request from both parties, the governor shall appoint an  
8 arbitrator within 10 days of the last date on which the arbitration  
9 association could have made an appointment. The arbitrator appointed by  
10 the governor shall be a resident of Alaska. The expenses of arbitration  
11 shall be shared equally by both parties.

12 (c) The arbitrator may not make an award

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

16 (2) which incorporates union shop security provisions, in-  
17 cluding but not limited to union shop or agency shop provisions, unless  
18 the right not to join the bargaining organization is granted to an  
19 employee who has a religious conviction against associating in a bar-  
20 gaining organization based on the tenets or teachings of a church or  
21 religious group of which he is a member; if an employee who claims  
22 exemption from membership in the bargaining organization submits satis-  
23 factory evidence of his religious conviction to the labor relations  
24 agency, the agency shall declare the employee exempt from membership in  
25 the bargaining organization; if exempted from membership in the bar-  
26 gaining organization, an employee shall pay an amount equal to the  
27 regular dues, initiation fees, and assessments of the bargaining or-  
28 ganization to the bargaining organization; failure of an exempted em-  
29 ployee to pay dues, fees, or assessments subjects him to the penalty for

1 nonpayment of dues by a member of the bargaining organization; a bar-  
2 gaining organization receiving a payment from a person exempted from  
3 membership in the bargaining organization shall contribute an amount  
4 equal to the payment to a charity; the charity to which the contribution  
5 is made may not be affiliated with a religious, labor or employee asso-  
6 ciation; the bargaining organization shall submit proof of the contri-  
7 bution to the labor relations agency.

8 (d) In this section

9 (1) "labor relations agency" means

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

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

12 or

13 (C) the Department of Labor, with respect to a regional  
14 educational attendance area;

15 (2) "local tax rate" means

16 (A) the millage rate applicable to the levy and collec-  
17 tion of real and personal property taxes under AS 29.53.010 -  
18 29.53.410; and

19 (B) the rate, expressed as a percentage, of a sales and  
20 use tax levied and collected under AS 29.53.415 - 29.53.460.

21 Sec. 14.20.585. PROHIBITION ON STRIKES. The employees represented  
22 by an employee bargaining agency may not engage in a strike because of a  
23 grievance or reason which is related to an item submitted to and deter-  
24 mined by an arbitrator under AS 14.20.582.

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

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

27  
28  
29