

Introduced: 2/13/79
Referred: Health, Education &
Social Services and Finance

1 IN THE SENATE

BY BENNETT BY REQUEST

2 SENATE BILL NO. 213

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 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 23.40.100(b) is amended to read:

10 (b) If the labor relations agency has reasonable cause to believe
11 that a question of representation exists, it shall provide for an appro-
12 priate hearing upon due notice. If the labor relations agency finds
13 that there is a question of representation, it shall direct an election
14 by secret ballot to determine whether or by which organization the
15 employees desire to be represented and shall certify the results of the
16 election. Nothing in this section prohibits the waiving of hearings by
17 stipulation for the purpose of a consent election in conformity with the
18 regulations of the labor relations agency or an election in a bargaining
19 unit agreed upon by the parties. The labor relations agency shall
20 determine who is eligible to vote in an election and shall establish
21 rules governing the election. In an initial election for representation
22 held under this section, one of the choices on the ballot shall be "no
23 representation". In an election in which none of the choices on the
24 ballot receives a majority of the votes cast, a runoff election shall be
25 conducted, the ballot providing for selection between the two choices
26 receiving the largest and the second largest number of valid votes cast
27 in the election. If an organization receives the majority of the votes
28 cast in the election it shall be certified by the labor relations agency
29 as exclusive representative of all the employees in the bargaining unit.

1 * Sec. 2. AS 23.40.200(c) is amended to read:

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

20 * Sec. 3. AS 23.40.250(5) is amended to read:

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

25 * Sec. 4. AS 23.40.250(6) is amended to read:

26 (6) "public employer" means the state or a political sub-
27 division of the state, including without limitation, a town, city,
28 borough, district, school board, board of regents, public and quasi-pub-
29 lic corporation, housing authority or other authority established by

1 law, and a person designated by the public employer to act in its in-
2 terest in dealing with public employees;

3 * Sec. 5. AS 23.40.250 is amended by adding a new paragraph to read:

4 (8) "school board" includes a regional educational attendance
5 area school board.

6 * Sec. 6. Notwithstanding sec. 4, ch. 113, SLA 1972, a school board,
7 including a regional educational attendance area school board, may not reject
8 having the provisions of the Public Employment Relations Act apply to its
9 relations with its noncertificated employees.

10 * Sec. 7. Nothing in this Act terminates or modifies a collective bar-
11 gaining unit, recognition of exclusive bargaining representative, or collec-
12 tive bargaining agreement if the unit, recognition, or agreement is in effect
13 on the effective date of this Act.

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29