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Referred: Health, Education &
Social Services and Judiciary

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1 IN THE HOUSE

2 HOUSE BILL NO. 163

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to labor relations involving teachers
7 and school districts; and providing for an effective
8 date."

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

10 * Section 1. AS 14.20.570 is repealed and reenacted to read:

11 Sec. 14.20.570. MEDIATION. (a) Mediation between the employee
12 bargaining agency and the school board in accordance with the provisions
13 of this section

14 (1) shall begin if the parties have failed to negotiate a
15 collective bargaining agreement before March 1;

16 (2) may begin at any time before March 1

17 (A) if the employee bargaining agency and the school
18 board mutually agree; or

19 (B) if the employee bargaining agency or the school
20 board certifies to the other party that, in its opinion, good
21 faith negotiations between the parties are at an impasse and the
22 services of a mediator are necessary to resolve the dispute.

23 (b) When mediation is required or requested under (a) of this
24 section, the employee bargaining agency and the school board shall
25 request the United States Federal Mediation and Conciliation Service to
26 serve as the mediator to resolve the dispute.

27 (c) The mediator designated by the United States Federal Mediation
28 and Conciliation Service under (b) of this section shall chair all
29 meetings between the employee bargaining agency and the school board.

1 He shall attempt to resolve the differences between the disputing
2 parties and reach common acceptance of terms and conditions or other
3 items in dispute whenever possible.

4 (d) The mediator shall have 30 days from his first meeting with
5 the disputing parties to secure agreement between the parties and to
6 reduce the agreed terms, conditions, and other items to a written con-
7 tract. The employee bargaining agency and the school board may agree
8 to extend the period during which the mediator may secure agreement and
9 reduce the agreed terms, conditions, and other items to a written
10 contract.

11 (e) If mediation meetings are held during a school day, teachers
12 who represent the employee bargaining agency shall be released from
13 classroom or other assigned duties without penalty or loss of pay.

14 (f) The expenses of mediation under this section shall be shared
15 equally by the employee bargaining agency and the school board.

16 * Sec. 2. AS 14.20 is amended by adding new sections to read:

17 Sec. 14.20.574. ARBITRATION. Items at impasse shall be submitted
18 to an arbitrator under this section if the employee bargaining agency
19 and the school board are unable to reach agreement by the 30th day
20 following the first meeting between the employee bargaining agency and
21 the school board with a mediator appointed under AS 14.20.570(c),
22 except that, if the parties mutually agree to extend the period during
23 which the mediator may secure agreement as provided by AS 14.20.570(d),
24 the extension date agreed to by the parties shall be the date applicable
25 under this section to determine whether arbitration is required.

26 Sec. 14.20.578. APPOINTMENT OF ARBITRATOR. The mediator appointed
27 under AS 14.20.570 shall serve as arbitrator. However, if the mediator
28 is unable to serve as arbitrator, the employee bargaining agency and
29 the school board shall, within 24 hours of the expiration of the period

1 specified in AS 14.20.574, ask the American Arbitration Association or
2 other recognized arbitration association to name an arbitrator.

3 Sec. 14.20.582. ARBITRATION AWARD. (a) The arbitrator shall
4 have at least one meeting jointly with the employee bargaining agency
5 and the school board. Before accepting items submitted by each party
6 to determine an arbitration award, the arbitrator shall make at least
7 one good faith effort to secure a negotiated agreement between the
8 parties.

9 (b) Submission of items to the arbitrator shall be by each party
10 separately. Each submission shall state the final offer on each of the
11 items at impasse, and only on those items, and shall be certified by
12 the authorized representative of the employee bargaining agency or of
13 the school board. The arbitrator shall select on an "item by item"
14 basis the offer which he judges to be the most reasonable and equitable,
15 and shall issue an award incorporating the selected offers without
16 modification. The award of the arbitrator is final and binding on both
17 parties.

18 (c) The arbitrator may not make an award which will require a
19 municipality to increase its local tax rate to meet the cost of an
20 award.

21 (d) The expenses of arbitration shall be shared equally by both
22 parties.

23 Sec. 14.20.586. REVIEW OF ARBITRATOR'S AWARD. (a) The award of
24 an arbitrator under AS 14.20.574 - 14.20.582 may be vacated by a court

25 (1) if the award fails to meet the standards of AS 14.20.-
26 582(c); or

27 (2) on grounds specified in AS 09.43.120.

28 (b) The award of the arbitrator may be corrected or modified by a
29 court only on grounds specified in AS 09.43.130.

1 * Sec. 3. AS 14.20.580 is repealed.

2 * Sec. 4. A right or liability of an employee bargaining agency or a
3 school district arising out of an agreement entered into under AS 14.20.570 -
4 14.20.580 as these provisions read before their amendment and repeal by this
5 Act is not affected by the enactment of this Act.

6 * Sec. 5. This Act takes effect immediately in accordance with AS 01.10.-
7 070(c).

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