

Original sponsors: Miller, Buchholdt,
Brown, et al

Offered: 5/7/81
Referred: Judiciary

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 163 (HESS)

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 AS 14.20.570 is repealed and reenacted to read: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 an employee
12 bargaining agency and a school board

13 (1) shall begin if the parties do not enter into a collec-
14 tive bargaining agreement before February 1;

15 (2) may begin before February 1

16 (A) if the employee bargaining agency and the school
17 board agree to mediation; or

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

22 (b) If mediation is agreed to or required under (a) of this
23 section, the employee bargaining agency and the school board shall
24 choose a mediator. If the employee bargaining agency and the school
25 board are unable to agree upon a mediator within seven days of the date
26 mediation is agreed to or required under (a) of this section, they
27 shall jointly request the United States Federal Mediation and Concilia-
28 tion Service to provide a mediator. If the United States Federal
29 Mediation and Conciliation Service is unable to provide a mediator,

1 the employee bargaining agency and the school board shall jointly
2 request the American Arbitration Association or another recognized
3 arbitration association to name a mediator.

4 (c) A mediator chosen or named under (b) of this section shall

5 (1) chair all meetings between the employee bargaining
6 agency and the school board; and

7 (2) attempt to resolve the differences between the parties
8 and attempt to gain acceptance of terms and conditions or other items
9 in dispute.

10 (d) A mediator has 30 days from the first meeting with the
11 parties to secure agreement between the parties. The employee bargain-
12 ing agency and the school board may agree to extend the period for an
13 additional period not to exceed 30 days.

14 (e) If, at the end of the time allowed in (d) of this section,
15 the mediator has not secured agreement between the parties, and the
16 mediator is not to be the arbitrator under AS 14.20.575, the mediator
17 shall prepare a list of items remaining at impasse.

18 (f) If mediation is held during a school day, teachers who repre-
19 sent the employee bargaining agency shall be released from classroom or
20 other assigned duties without penalty or loss of pay.

21 (g) The expenses of mediation shall be shared equally by the
22 employee bargaining agency and the school board.

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

24 Sec. 14.20.575. ARBITRATION. (a) If an employee bargaining
25 agency and a school board are unable to reach agreement by the 31st day
26 following the first meeting between the employee bargaining agency and
27 the school board with a mediator appointed under AS 14.20.570(b), the
28 items at impasse shall be submitted to an arbitrator, except that, if
29 the parties agree to extend the period during which the mediator may

1 secure agreement as provided by AS 14.20.570(d), the last day of the
2 extended period is the date on which items at impasse shall be sub-
3 mitted to an arbitrator.

4 (b) The mediator appointed under AS 14.20.570 shall serve as
5 arbitrator. However, if the mediator is unable to serve as arbitrator
6 or if one of the parties objects to the mediator serving as arbitrator,
7 the employee bargaining agency and the school board shall, within two
8 days of the expiration of the time allowed for mediation in AS 14.20.-
9 570(d), exclusive of Saturdays, Sundays and holidays, agree on a person
10 to serve as arbitrator or ask the American Arbitration Association or
11 other mutually acceptable arbitration association to name an arbitrator.

12 (c) After receiving items submitted at impasse by an employee
13 bargaining agency and a school board, the arbitrator shall make at
14 least one good faith effort to secure a negotiated agreement between
15 the parties and shall hold at least one joint meeting with the employee
16 bargaining agency and the school board. Submission of items to the
17 arbitrator shall be by each party separately. Each submission shall
18 state the final offer on each of the items at impasse, and only on
19 those items, and shall be certified by the authorized representative of
20 the employee bargaining agency or of the school board.

21 (d) The arbitrator's award may include the "total package" sub-
22 mitted to the arbitrator by the employee bargaining agency, the "total
23 package" submitted to the arbitrator by the school board, or an award
24 determined "item-by-item" from items submitted by each of the parties.
25 After the parties submit their final offers and before announcing his
26 award, the arbitrator shall advise the parties as to the method he will
27 use to determine the award, and shall adopt an offer or an item without
28 modification.

29 (e) As to items at impasse, the arbitrator shall select the more

1 reasonable and equitable offer, after considering

- 2 (1) applicable state and federal laws;
3 (2) stipulations of the parties;
4 (3) the interest and welfare of the parties and public;
5 (4) the school board's financial ability; and
6 (5) the submissions of the parties.

7 (f) The arbitrator shall issue an award incorporating the offers
8 which he selects, shall prepare a written statement of the reasons for
9 the award, and shall submit a copy to the employee bargaining agency
10 and the school board. The award of the arbitrator is final and binding
11 on both parties.

12 (g) The expenses of arbitration shall be shared equally by both
13 parties.

14 Sec. 14.20.578. REVIEW OF ARBITRATOR'S AWARD. (a) The award of
15 an arbitrator under AS 14.20.575 may be vacated by a court only on
16 grounds specified in AS 09.43.120(a)(1) - (3).

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

19 Sec. 14.20.581. STRIKES. (a) A teacher may not engage in a
20 strike. Upon a showing by a school board that teachers are engaging or
21 about to engage in a strike, an injunction, restraining order, or other
22 order which may be appropriate shall be granted by the superior court
23 in the judicial district in which the strike is occurring or is about
24 to occur.

25 (b) Notwithstanding (a) of this section, the certificated employ-
26 ees of a school district in which the school board has rejected the
27 applicability of AS 14.20.570 - 14.20.584 under AS 14.20.587 may engage
28 in a strike. A strike is authorized under this subsection only if a
29 majority of the members of the employee bargaining agency vote to

1 strike by secret ballot.

2 Sec. 14.20.584. LOCKOUTS. A school board may not engage in a
3 lockout of its teachers. Upon a showing by an employee bargaining
4 agency that a school board is engaging or about to engage in a lockout,
5 an injunction, restraining order, or other order which may be appropri-
6 ate shall be granted by the superior court in the judicial district in
7 which the lockout is occurring or is about to occur.

8 Sec. 14.20.587. APPLICABILITY OF ACT. The provisions of AS 14.-
9 20.570 - 14.20.584 apply to each school district of the state unless
10 the school board of the school district, by resolution, rejects the
11 applicability of the provisions of AS 14.20.570 - 14.20.584 by
12 October 31, 1981.

13 * Sec. 3. AS 14.20.580 is repealed.

14 * Sec. 4. APPLICABILITY OF ACT. (a) The provisions of AS 14.20.570 -
15 14.20.587 as enacted by this Act apply to the provisions or clauses of an
16 agreement in effect on July 1, 1981, which, by terms of the agreement, are
17 subject to renegotiation at specified intervals.

18 (b) The provisions of AS 14.20.570 - 14.20.587 as enacted by this Act
19 do not apply for the duration of an agreement entered into between a school
20 district and an employee bargaining agency of the certificated employees of
21 the school district to replace an agreement which expires by June 30, 1981.

22 * Sec. 5. REVIEW. The provisions of this Act shall be reviewed by the
23 First Session of the Fourteenth Legislature to determine whether the pro-
24 visions of the Act shall be retained, amended, or repealed.

25 * Sec. 6. This Act takes effect July 1, 1981.
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