

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) am(failed H)

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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TWELFTH LEGISLATURE - FIRST SESSION

5

A BILL

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For an Act entitled: "An Act relating to labor relations involving teachers  
and school districts."

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

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 AS 14.20.570 is repealed and reenacted to read:

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Sec. 14.20.570. MEDIATION. (a) Mediation between an employee  
bargaining agency and a school board

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

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(2) may begin before February 1

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

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

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

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1 the American Arbitration Association or another recognized arbitration  
2 association to name a mediator.

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

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

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

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

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

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

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

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

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

1 AS 14.20.570(d), the last day of the extended period is the date on  
2 which items at impasse shall be submitted to an arbitrator.

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

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

20 (d) The arbitrator's award may include the "total package" sub-  
21 mitted to the arbitrator by the employee bargaining agency, or the  
22 "total package" submitted to the arbitrator by the school board.

23 (e) As to items at impasse, the arbitrator shall select the more  
24 reasonable and equitable offer, after considering

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

1 (f) The arbitrator shall issue an award incorporating the offers  
2 which he selects, shall prepare a written statement of the reasons for  
3 the award, and shall submit a copy to the employee bargaining agency  
4 and the school board. The award of the arbitrator is final and binding  
5 on both parties.

6 (g) The expenses of arbitration shall be shared equally by both  
7 parties.

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

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

13 Sec. 14.20.581. STRIKES. (a) A teacher may not engage in a  
14 strike. Upon a showing by a school board that teachers are engaging or  
15 about to engage in a strike, an injunction, restraining order, or other  
16 order which may be appropriate shall be granted by the superior court  
17 in the judicial district in which the strike is occurring or is about  
18 to occur.

19 (b) Notwithstanding (a) of this section, the certificated employ-  
20 ees of a school district in which the school board has rejected the  
21 applicability of AS 14.20.570 - 14.20.584 under AS 14.20.587 may engage  
22 in a strike. A strike is authorized under this subsection only if a  
23 majority of the members of the employee bargaining agency vote to  
24 strike by secret ballot.

25 Sec. 14.20.584. LOCKOUTS. A school board may not engage in a  
26 lockout of its teachers. Upon a showing by an employee bargaining  
27 agency that a school board is engaging or about to engage in a lockout,  
28 an injunction, restraining order, or other order which may be appropri-  
29 ate shall be granted by the superior court in the judicial district in

1 which the lockout is occurring or is about to occur.

2 Sec. 14.20.587. APPLICABILITY OF ACT. The provisions of AS 14.-  
3 20.570 - 14.20.584 apply to each school district of the state for any  
4 contract period unless the school board of the school district, by  
5 resolution, rejects the applicability of the provisions of AS 14.20.570 -  
6 14.20.584 by December 31, of the previous calendar year.

7 \* Sec. 3. AS 14.20.580 is repealed.

8 \* Sec. 4. APPLICABILITY OF ACT. (a) The provisions of AS 14.20.570 -  
9 14.20.587 as enacted by this Act apply to the provisions or clauses of an  
10 agreement in effect on July 1, 1981, which, by terms of the agreement, are  
11 subject to renegotiation at specified intervals.

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

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

19 \* Sec. 6. This Act is repealed July 1, 1985.  
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