

Introduced: 2/18/81
Referred: Health, Education &
Social Services

1 IN THE HOUSE

BY SMITH

2 HOUSE BILL NO. 171

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 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
12 appropriate hearing upon due notice. If the labor relations agency
13 finds that there is a question of representation, it shall direct an
14 election by secret ballot to determine whether or by which organization
15 the employees desire to be represented and shall certify the results of
16 the election. Nothing in this section prohibits the waiving of hearings
17 by stipulation for the purpose of a consent election in conformity with
18 the regulations of the labor relations agency or an election in a
19 bargaining unit agreed upon by the parties. The labor relations agency
20 shall determine who is eligible to vote in an election and shall estab-
21 lish rules governing the election. Whenever the labor relations agency
22 finds that there is a question of representation and directs an elec-
23 tion by secret ballot under this section, one of the choices on the
24 ballot shall be "no representation." In an election in which none of
25 the choices on the ballot receives a majority of the votes cast, a
26 runoff election shall be conducted, the ballot providing for selection
27 between the two choices receiving the largest and the second largest
28 number of valid votes cast in the election. If an organization receives
29 the majority of the votes cast in the election it shall be certified by

1 the labor relations agency as exclusive representative of all the
2 employees in the bargaining unit.

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

4 (c) The class in (a)(2) of this section is composed of public
5 utility, snow removal, and sanitation [AND PUBLIC SCHOOL AND OTHER
6 EDUCATIONAL INSTITUTION] employees. Employees in this class may engage
7 in a strike after mediation, subject to the voting requirement of (d)
8 of this section, for a limited time. The limit is determined by the
9 interests of the health, safety or welfare of the public. The public
10 employer or the labor relations agency may apply to the superior court
11 in the judicial district in which the strike is occurring for an order
12 enjoining the strike. A strike may not be enjoined unless it can be
13 shown that it has begun to threaten the health, safety or welfare of
14 the public. A court, in deciding whether or not to enjoin the strike,
15 shall consider the total equities in the particular class. "Total
16 equities" includes not only the impact of a strike on the public but
17 also the extent to which employee organizations and public employers
18 have met their statutory obligations. If an impasse or deadlock still
19 exists after the issuance of an injunction, the parties shall submit to
20 arbitration to be carried out under AS 09.43.030.

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

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

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

27 (6) "public employer" means the state or a political sub-
28 division of the state, including without limitation, a [TOWN,] city,
29 borough, school board [DISTRICT], board of regents, public and quasi-

1 public corporation, housing authority or other authority established by
2 law, and a person designated by the public employer to act in its in-
3 terest in dealing with public employees;

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

5 (8) "school board" includes a regional educational atten-
6 dance area school board.

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

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

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