

Introduced: 4/15/81
Referred: State Affairs

1 IN THE HOUSE

BY MEEKINS

2 HOUSE BILL NO. 504

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 the effect of a successor clause
7 in a collective bargaining agreement."

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

9 * Section 1. AS 23.40 is amended by adding a new section to read:

10 AS 23.40.035. EFFECT OF SUCCESSOR CLAUSES IN COLLECTIVE BARGAINING
11 AGREEMENTS. (a) A successor clause in a collective bargaining agree-
12 ment between an employer and a labor organization is binding on a
13 successor employer; however, a successor clause is not binding on a
14 successor employer more than three years after the effective date of
15 the collective bargaining agreement containing the clause.

16 (b) This section does not apply to

17 (1) a receiver or trustee in bankruptcy of an employer who
18 has gone into receivership or bankruptcy; or

19 (2) an employer who

20 (A) acquires a business from a receiver or trustee in
21 bankruptcy; or

22 (B) is subject to the

23 (i) National Labor Relations Act;

24 (ii) Agricultural Labor Relations Act of 1975;

25 (iii) Railway Labor Act; or

26 (iv) Public Employment Relations Act (AS 23.40.070 -
27 23.40.260).

28 (c) In this section

29 (1) "successor clause" means a clause in a collective bar-

1 gaining agreement stating that the agreement remains in effect in the
2 event of transfer of the business to a successor employer;

3 (2) "successor employer" means a purchaser, assignee, or
4 transferee of a business which is operated subject to a collective
5 bargaining agreement between a labor organization and a prior employer,
6 if the purchaser, assignee, or transferee conducts substantially the
7 same business, or offers the same service, and uses the same facilities
8 as the employer who entered into the collective bargaining agreement.
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