

Introduced: 6/24/81  
Referred: Labor & Commerce and  
Finance

1 IN THE HOUSE

BY METCALFE

2 HOUSE BILL NO. 619

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."

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

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 AS 14.20.570 is repealed and reenacted to read:

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

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

14 (2) may begin before February 1

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

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

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

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, the mediator  
15 shall prepare a list of items remaining at impasse.

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

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

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

22 Sec. 14.20.585. STRIKES. Except as permitted under AS 14.20.602,  
23 a teacher may not engage in a strike. Upon a showing by a school board  
24 that teachers are engaging or about to engage in an illegal strike, an  
25 injunction, restraining order, or other order that may be appropriate  
26 shall be granted by the superior court in the judicial district in  
27 which the strike is occurring or is about to occur.

28 Sec. 14.20.588. LOCKOUTS. A school board may not engage in a  
29 lockout of its teachers. Upon a showing by an employee bargaining

1 agency that a school board is engaging or about to engage in a lockout,  
2 an injunction, restraining order, or other order that may be appropri-  
3 ate shall be granted by the superior court in the judicial district in  
4 which the lockout is occurring or is about to occur.

5 \* Sec. 3. AS 14.20 is amended by adding new sections to read:

6 Sec. 14.20.602. RIGHT TO STRIKE. (a) The voters of the school  
7 district may authorize its certificated employees to strike if

8 (1) 10 percent of the registered voters petition the school  
9 board of the school district to adopt a resolution directing submission  
10 of the question set out in (b) of this section to the voters at an  
11 election within the school district; or

12 (2) the school board adopts a resolution directing submission  
13 of the question set out in (b) of this section to the voters at an  
14 election within the school district.

15 (b) When requested to do so under (a) of this section, the  
16 governing body of the municipality or the director of elections on  
17 behalf of a school district that is a regional educational attendance  
18 area shall submit the following question to the voters of the school  
19 district at a regular election, general election, or special election:

20 Shall teachers and other certificated personnel in  
21 \_\_\_\_\_ (name of  
22 municipality or regional educational attendance  
23 area) be permitted to strike?

24 [ ] Yes

25 [ ] No

26 (c) If a majority of the voters voting on the proposition set out  
27 in (b) of this section favors the proposition, the teachers in the  
28 school district may strike 30 days after certification of the results  
29 of the election in which the proposition was presented unless the

1 matters at impasse are submitted to binding arbitration under AS 14.20.-  
2 604.

3 (d) The question of permitting teachers and other certificated  
4 personnel of a school district to strike may be presented to the voters  
5 of the school district only once within a five-year period.

6 Sec. 14.20.604. ARBITRATION. (a) In a school district in which  
7 a majority of the voters have approved the right of certificated em-  
8 ployees of the school district to engage in a strike under AS 14.20.-  
9 602, the school board may, by resolution, require that matters at  
10 impasse be submitted for binding arbitration in accordance with this  
11 section.

12 (b) If an employee bargaining agency and a school board are  
13 unable to reach agreement by the 31st day following the first meeting  
14 between the employee bargaining agency and the school board with a  
15 mediator appointed under AS 14.20.570(b), only items relating to wages  
16 and fringe benefits at impasse shall be submitted to an arbitrator,  
17 except that, if the parties agree to extend the period during which the  
18 mediator may secure agreement as provided by AS 14.20.570(d), the last  
19 day of the extended period is the date on which items at impasse shall  
20 be submitted to an arbitrator.

21 (c) The mediator appointed under AS 14.20.570 shall serve as  
22 arbitrator. However, if the mediator is unable to serve as arbitrator  
23 or if one of the parties objects to the mediator serving as arbitrator,  
24 the employee bargaining agency and the school board shall, within two  
25 days of the expiration of the time allowed for mediation in AS 14.20.-  
26 570(d), exclusive of Saturdays, Sundays and holidays, agree on a person  
27 to serve as arbitrator or ask the American Arbitration Association or  
28 other mutually acceptable arbitration association to name an arbitrator.

29 (d) After receiving items submitted at impasse by an employee

1 bargaining agency and a school board, the arbitrator shall make at  
2 least one good faith effort to secure a negotiated agreement between  
3 the parties and shall hold at least one joint meeting with the employee  
4 bargaining agency and the school board. Submission of items to the  
5 arbitrator shall be by each party separately. Each submission shall  
6 state the final offer on each of the items at impasse, and only on  
7 those items, and shall be certified by the authorized representative of  
8 the employee bargaining agency or of the school board.

9 (e) The arbitrator's award may include the "total package" sub-  
10 mitted to the arbitrator by the employee bargaining agency, or the  
11 "total package" submitted to the arbitrator by the school board.

12 (f) As to items at impasse, the arbitrator shall select the more  
13 reasonable and equitable offer, after considering

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

19 (g) The arbitrator shall issue an award incorporating the offers  
20 that he selects, shall prepare a written statement of the reasons for  
21 the award, and shall submit a copy to the employee bargaining agency  
22 and the school board. The award of the arbitrator is final and binding  
23 on both parties.

24 (h) The expenses of arbitration shall be shared equally by both  
25 parties.

26 Sec. 14.20.606. REVIEW OF ARBITRATOR'S AWARD. (a) The award of  
27 an arbitrator under AS 14.20.604 may be vacated by a court only on  
28 grounds specified in AS 09.43.120(a)(1) - (3).

29 (b) The award of the arbitrator may be corrected or modified by a

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court only on grounds specified in AS 09.43.130.

Sec. 14.20.608. STRIKES PROHIBITED WHERE BINDING ARBITRATION AUTHORIZED. In a school district in which the school board has adopted a resolution requiring the solution of items at impasse by binding arbitration in accordance with AS 14.20.604, a teacher may not engage in a strike.

\* Sec. 4. AS 14.20.610 is amended to read:

Sec. 14.20.610. LEGAL RESPONSIBILITIES OF BOARDS. Nothing in AS 14.20.550 - 14.20.608 [AS 14.20.550 - 14.20.600] may be construed as an abrogation or delegation of the legal responsibilities, powers, and duties of the school board including its right to make final decisions on policies.