

Original sponsor: Ray

Offered: 4/12/82

1 IN THE SENATE

BY THE RULES COMMITTEE

2 CS FOR SENATE BILL NO. 64 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND 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. In an initial election for repre-
22 sentation held under this section, one of the choices on the ballot
23 shall be "no representation". In an election in which none of the
24 choices on the ballot receives a majority of the votes cast, a runoff
25 election shall be conducted, the ballot providing for selection between
26 the two choices receiving the largest and the second largest number of
27 valid votes cast in the election. If an organization receives the
28 majority of the votes cast in the election it shall be certified by the
29 labor relations agency as exclusive representative of all the employees

1 in the bargaining unit.

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

3 (c) The class in (a)(2) of this section is composed of public
4 utility, snow removal, sanitation and [PUBLIC SCHOOL AND OTHER] edu-
5 cational institution employees, except noncertificated employees of
6 school boards. Employees in this class may engage in a strike after
7 mediation, subject to the voting requirement of (d) of this section,
8 for a limited time. The limit is determined by the interests of the
9 health, safety or welfare of the public. The public employer or the
10 labor relations agency may apply to the superior court in the judicial
11 district in which the strike is occurring for an order enjoining the
12 strike. A strike may not be enjoined unless it can be shown that it
13 has begun to threaten the health, safety or welfare of the public. A
14 court, in deciding whether or not to enjoin the strike, shall consider
15 the total equities in the particular class. "Total equities" includes
16 not only the impact of a strike on the public but also the extent to
17 which employee organizations and public employers have met their sta-
18 tutory obligations. If an impasse or deadlock still exists after the
19 issuance of an injunction, the parties shall submit to arbitration to
20 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 NON-
25 CERTIFICATED] 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 subdivi-
28 sion 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
3 interest 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. (a) A school board, including a regional educational atten-
8 dance area school board, may not reject having the provisions of the Public
9 Employment Relations Act apply to its relations with its noncertificated
10 employees.

11 (b) The provisions of sec. 4, ch. 113, SLA 1972 do not apply to allow
12 a municipality to reject having the provisions of the Public Employment
13 Relations Act apply to its relation with its noncertificated school employees.

14 * Sec. 7. Nothing in this Act terminates or modifies a collective bar-
15 gaining unit, recognition of exclusive bargaining representative, or col-
16 lective bargaining agreement if the unit, recognition, or agreement is in
17 effect on the effective date of this Act.