

Original sponsor: Ray

Offered: 4/12/82

1 IN THE SENATE

BY THE RULES COMMITTEE

2 CS FOR SENATE BILL NO. 64 (Rules) am

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 subdi-  
28 vision 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 allow a munici-  
12 pality to reject having the provisions of the Public Employment Relations Act  
13 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.