

Original sponsors: Parr, Fischer, Rodey  
and Stimson

Offered: 3/2/81  
Referred: Community &  
Regional Affairs

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2 CS FOR SENATE BILL NO. 126 (HESS)

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; and providing for an effective  
8 date."

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

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 AS 14.20.570 is repealed and reenacted to read:

11 Sec. 14.20.570. MEDIATION. (a) Mediation between the employee  
12 bargaining agency and the school board in accordance with the provisions  
13 of this section

14 (1) shall begin if the parties have failed to negotiate a  
15 collective bargaining agreement before March 1;

16 (2) may begin at any time before March 1

17 (A) if the employee bargaining agency and the school  
18 board mutually agree; or

19 (B) if the employee bargaining agency or the school  
20 board certifies to the other party that, in its opinion, good  
21 faith negotiations between the parties are at an impasse and the  
22 services of a mediator are necessary to resolve the dispute.

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

1 Federal Mediation and Conciliation Service is unable to provide media-  
2 tion services, the employee bargaining agency and the school board  
3 shall jointly request the American Arbitration Association or another  
4 recognized arbitration association to name a mediator.

5 (c) A mediator designated under (b) of this section shall

6 (1) chair all meetings between the employee bargaining  
7 agency and the school board; and

8 (2) attempt to resolve the differences between the disputing  
9 parties and reach common acceptance of terms and conditions or other  
10 items in dispute whenever possible.

11 (d) The mediator has 30 days from the first meeting with the  
12 disputing parties to secure agreement between the parties and to reduce  
13 the agreed terms, conditions, and other items to a written contract.  
14 The employee bargaining agency and the school board may agree to extend  
15 the period during which the mediator may secure agreement and reduce  
16 the agreed terms, conditions, and other items to a written contract.

17 (e) If mediation meetings are held during a school day, teachers  
18 who represent the employee bargaining agency shall be released from  
19 classroom or other assigned duties without penalty or loss of pay.

20 (f) The expenses of mediation, if any, under this section shall  
21 be shared equally by the employee bargaining agency and the school  
22 board.

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

24 Sec. 14.20.574. ARBITRATION. Items at impasse shall be submitted  
25 to an arbitrator under this section if the employee bargaining agency  
26 and the school board are unable to reach agreement by the 30th day  
27 following the first meeting between the employee bargaining agency and  
28 the school board with a mediator appointed under AS 14.20.570(c),  
29 except that, if the parties mutually agree to extend the period during

1 which the mediator may secure agreement as provided by AS 14.20.570(d),  
2 the extension date agreed to by the parties shall be the date applic-  
3 able under this section to determine whether arbitration is required.

4 Sec. 14.20.578. APPOINTMENT OF ARBITRATOR. The mediator ap-  
5 pointed under AS 14.20.570 shall serve as arbitrator. However, if the  
6 mediator is unable to serve as arbitrator, the employee bargaining  
7 agency and the school board shall, within 24 hours of the expiration of  
8 the period specified in AS 14.20.574, ask the American Arbitration  
9 Association or other recognized arbitration association to name an  
10 arbitrator.

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

12 Sec. 14.20.582. ARBITRATION AWARD. (a) The arbitrator shall  
13 have at least one meeting jointly with the employee bargaining agency  
14 and the school board. After accepting items submitted by each party to  
15 determine an arbitration award, the arbitrator shall make at least one  
16 good faith effort to secure a negotiated agreement between the parties.

17 (b) Submission of items to the arbitrator shall be by each party  
18 separately. Each submission shall state the final offer on each of the  
19 items at impasse, and only on those items, and shall be certified by  
20 the authorized representative of the employee bargaining agency or of  
21 the school board. The arbitrator shall select on an "item by item"  
22 basis the more reasonable and equitable offer, and shall issue an award  
23 incorporating the selected offers without modification. The award of  
24 the arbitrator is final and binding on both parties.

25 (c) The arbitrator may not make an award which will require a  
26 municipality to increase its local tax rate to meet the cost of an  
27 award.

28 (d) The expenses of arbitration shall be shared equally by both  
29 parties.

1       Sec. 14.20.586. REVIEW OF ARBITRATOR'S AWARD. (a) The award of  
2 an arbitrator under AS 14.20.574 - 14.20.582 may be vacated by a court

3           (1) if the award fails to meet the standards of AS 14.20.-  
4 582(c); or

5           (2) on grounds specified in AS 09.43.120.

6       (b) The award of the arbitrator may be corrected or modified by a  
7 court only on grounds specified in AS 09.43.130.

8 \* Sec. 4. AS 14.20 is amended by adding a new section to read:

9       Sec. 14.20.595. STRIKES. A teacher may not engage in a strike.  
10 Upon a showing by a school board or the Department of Education that  
11 teachers are engaging or about to engage in a strike, an injunction,  
12 restraining order, or other order which may be appropriate shall be  
13 granted by the superior court in the judicial district in which the  
14 strike is occurring or is about to occur.

15 \* Sec. 5. AS 14.20.610 is amended by adding a new subsection to read:

16       (b) A school board may not engage in a lockout of its teachers.  
17 Upon a showing by an employee bargaining agency that a school board is  
18 engaging or about to engage in a lockout, an injunction, restraining  
19 order, or other order which may be appropriate shall be granted by the  
20 superior court in the judicial district in which the lockout is occur-  
21 ring or is about to occur.

22 \* Sec. 6. AS 14.20.580 is repealed.

23 \* Sec. 7. A right or liability of an employee bargaining agency or a  
24 school district arising out of an agreement entered into under AS 14.20.570 -  
25 14.20.580 as these provisions read before their amendment and repeal by this  
26 Act is not affected by the enactment of this Act.

27 \* Sec. 8. This Act takes effect immediately in accordance with AS 01.10.-  
28 070(c).