

Original sponsors: Parr, Fischer, Rodey  
and Stimson

Offered: 4/29/81  
Referred: Rules

1 IN THE SENATE

BY THE COMMUNITY AND REGIONAL  
AFFAIRS COMMITTEE

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CS FOR SENATE BILL NO. 126 (C&RA)

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IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TWELFTH LEGISLATURE - FIRST SESSION

5

A BILL

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For an Act entitled: "An Act relating to labor relations involving teachers  
and school districts; and providing for an effective  
date."

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

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\* Section 1. MEDIATION. (a) Mediation between an employee bargaining  
agency and a school board in accordance with the provisions of this section  
(1) shall begin if the parties have failed to negotiate a collec-  
tive bargaining agreement before February 1;

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(2) may begin at any time before February 1

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

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

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(b) When mediation is required or requested under (a) of this section,  
the employee bargaining agency and the school board shall choose a mediator.  
If the employee bargaining agency and the school board are unable to agree  
upon a mediator within seven days of the date mediation is required or  
requested under (a) of this section, they shall jointly request the United  
States Federal Mediation and Conciliation Service to provide mediation  
services. If the United States Federal Mediation and Conciliation Service  
is unable to provide mediation services, the employee bargaining agency and  
the school board shall jointly request the American Arbitration Association

1 or another recognized arbitration association to name a mediator.

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

3 (1) chair all meetings between the employee bargaining agency and  
4 the school board; and

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

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

13 (e) If, at the end of the period set out in (d) of this section, the  
14 mediator has not secured agreement between the parties, and the mediator  
15 does not serve as the arbitrator as provided by sec. 3 of this Act, the  
16 mediator shall prepare a list of items remaining at impasse.

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

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

22 \* Sec. 2. ARBITRATION. Items at impasse shall be submitted to an arbi-  
23 trator under this section if an employee bargaining agency and a school  
24 board are unable to reach agreement by the 30th day following the first  
25 meeting between the employee bargaining agency and the school board with a  
26 mediator appointed under sec. 1(b) of this Act, except that, if the parties  
27 mutually agree to extend the period during which the mediator may secure  
28 agreement as provided by sec. 1(d) of this Act, the extension date agreed to  
29 by the parties shall be the date applicable under this section to determine

1 whether arbitration is required.

2 \* Sec. 3. APPOINTMENT OF ARBITRATOR. The mediator appointed under  
3 sec. 1 of this Act shall serve as arbitrator. However, if the mediator is  
4 unable to serve as arbitrator or if one of the parties objects to the medi-  
5 ator serving as arbitrator, the employee bargaining agency and the school  
6 board shall, within two days of the expiration of the period specified in  
7 sec. 2 of this Act, exclusive of Saturdays, Sundays and holidays, agree on a  
8 person to serve as arbitrator or ask the American Arbitration Association or  
9 other mutually acceptable arbitration association to name an arbitrator.

10 \* Sec. 4. ARBITRATION AWARD. (a) After accepting items submitted at  
11 impasse by an employee bargaining agency and a school board to determine an  
12 arbitration award, an arbitrator shall make at least one good faith effort  
13 to secure a negotiated agreement between the parties. The arbitrator shall  
14 have at least one meeting jointly with the employee bargaining agency and  
15 the school board. Submission of items to the arbitrator shall be by each  
16 party separately. Each submission shall state the final offer on each of  
17 the items at impasse, and only on those items, and shall be certified by the  
18 authorized representative of the employee bargaining agency or of the school  
19 board.

20 (b) The arbitrator's award may include only the entire offer submitted  
21 to the arbitrator by the employee bargaining agency, the entire offer sub-  
22 mitted to the arbitrator by the school board, or items submitted by each of  
23 the parties. The arbitrator shall advise each of the parties as to the  
24 method he will use to determine the award after the parties submit their  
25 final offers and before announcing his award, and shall adopt an offer or an  
26 item without modification.

27 (c) As to items at impasse, the arbitrator shall select the more  
28 reasonable and equitable offer, after considering

29 (1) applicable state and federal laws;

- 1 (2) stipulations of the parties;  
2 (3) the interest and welfare of the parties and public;  
3 (4) the school board's financial ability; and  
4 (5) the submissions of the parties.

5 (d) The arbitrator shall issue an award incorporating the offers which  
6 he selects, shall prepare a written statement of the reasons for the award,  
7 and shall submit a copy to the employee bargaining agency and the school  
8 board. The award of the arbitrator is final and binding on both parties.

9 (e) The expenses of arbitration shall be shared equally by both  
10 parties.

11 \* Sec. 5. REVIEW OF ARBITRATOR'S AWARD. (a) The award of an arbitrator  
12 under secs. 2 - 4 of this Act may be vacated by a court only on grounds  
13 specified in AS 09.43.120(a)(1) - (3).

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

16 \* Sec. 6. STRIKES. (a) Except as permitted in (b) of this section, a  
17 teacher may not engage in a strike. Upon a showing by a school board that  
18 teachers are engaging or about to engage in an illegal strike, an injunc-  
19 tion, restraining order, or other order which may be appropriate shall be  
20 granted by the superior court in the judicial district in which the strike  
21 is occurring or is about to occur.

22 (b) The certificated employees of a school district in which the  
23 school board has rejected the applicability of the provisions of this Act  
24 may engage in a strike. A strike is authorized under this subsection only  
25 if a majority of the members vote to strike by secret ballot.

26 \* Sec. 7. LOCKOUTS. A school board may not engage in a lockout of its  
27 teachers. Upon a showing by an employee bargaining agency that a school  
28 board is engaging or about to engage in a lockout, an injunction, restrain-  
29 ing order, or other order which may be appropriate shall be granted by the

1 superior court in the judicial district in which the lockout is occurring or  
2 is about to occur.

3 \* Sec. 8. AS 14.20.570 and 14.20.580 are repealed.

4 \* Sec. 9. APPLICABILITY OF ACT. (a) The provisions of this Act apply  
5 to each school district of the state unless the school board of the school  
6 district, by resolution, rejects the applicability of the provisions of this  
7 Act by October 31, 1981.

8 (b) The provisions of this Act apply to the provisions or clauses of  
9 an agreement in effect on the effective date of this Act which, by the terms  
10 of the agreement, are subject to renegotiation at specified intervals.

11 (c) The provisions of this Act do not apply to negotiations in progress  
12 on July 1, 1981, between a school district and an employee bargaining agency  
13 of the certificated employees of the school district to replace an agreement  
14 which expired by June 30, 1981.

15 \* Sec. 10. This Act terminates July 1, 1985.

16 \* Sec. 11. This Act takes effect July 1, 1981.

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