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Commerce and Finance

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2 CS FOR SENATE BILL NO. 668 (HESS)

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 public employee collective bargain-  
7 ing."

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

9 \* Section 1. AS 14.20.550 is amended to read:

10 Sec. 14.20.550. NEGOTIATION WITH CERTIFICATED ADMINISTRATIVE EM-  
11 PLOYEES. Each city, borough and regional school board, shall negotiate  
12 with its certificated administrative employees in good faith on matters  
13 pertaining to their employment and the fulfillment of their professional  
14 duties.

15 \* Sec. 2. AS 14.20.555(a) is amended to read:

16 (a) Negotiations between the certificated administrative employees  
17 of the regional educational attendance areas and the respective regional  
18 school boards shall be conducted by one team representing all the cer-  
19 tificated administrative employees [, ONE TEAM REPRESENTING ALL THE CER-  
20 TIFICATED ADMINISTRATIVE PERSONNEL IF THEY HAVE JOINED TOGETHER TO  
21 NEGOTIATE INDEPENDENTLY AS PROVIDED IN SEC. 560(f) OF THIS CHAPTER,] and  
22 one team representing all the participating regional school boards.

23 \* Sec. 3. AS 14.20.560 is amended to read:

24 Sec. 14.20.560. ADMINISTRATIVE EMPLOYEE [TEACHERS'] BARGAINING  
25 GROUPS. (a) When a majority of the certificated administrative em-  
26 ployees in a school district have designated an educational organization  
27 of their own choosing to bargain for them, the organization shall be  
28 recognized by the school board as the bargaining agent for all the cer-  
29 tificated administrative staff, except superintendents of schools. [THE

1 MEMBERSHIP OF ANY SUCH RECOGNIZED EDUCATIONAL ORGANIZATION SHALL BE  
2 COMPOSED PRINCIPALLY OF THOSE EMPLOYED IN THE TEACHING PROFESSION IN  
3 ALASKA.]

4 (b) The organization representing a majority of the certificated  
5 administrative employees of a school district shall, upon the request of  
6 the school board, submit an affidavit verifying that it does represent  
7 a majority of the certificated administrative employees. Recognition of  
8 the employee bargaining agency by a school board is valid for one year  
9 or a term agreed upon by the two parties to an agreement, unless a major-  
10 ity of the certificated administrative employees [CERTIFIED STAFF] votes  
11 to request the termination of recognition of the employee bargaining  
12 agency. The school board is entitled to an affidavit of membership from  
13 the employee bargaining agency once each year.

14 (c) Upon the request of 25 percent of the certificated adminis-  
15 trative employees in a district, the school board shall hold, within 20  
16 days, an election by secret ballot of all the certificated administrative  
17 employees in order to determine their choice of a bargaining agency. The  
18 results of this election are binding for one year.

19 (d) A school board shall, upon the written request of the employee  
20 bargaining organization, meet with the representative of the organiza-  
21 tion within 20 days of the request at a time and place to be mutually  
22 agreed upon. In the same manner, representatives of an employee bargain-  
23 ing organization are required to meet with a school board or its repre-  
24 sentatives within 20 days after receiving a written request. The school  
25 board and the employee organization may not select more than five repre-  
26 sentatives each to negotiate for them.

27 (e) The negotiating meeting may be held in executive session upon  
28 mutual agreement of both parties, but all final agreements shall be made  
29 at a public meeting of the school board.

1 [(f) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PREVENT CERTI-  
2 FICATED ADMINISTRATIVE PERSONNEL GROUPS, INCLUDING PRINCIPALS AND  
3 ASSISTANT PRINCIPALS, FROM HAVING THE RIGHT TO NEGOTIATE INDEPENDENTLY  
4 OF THE OTHER CERTIFICATED PERSONNEL IF THEY CHOOSE TO DO SO AS THE  
5 RESULT OF A SECRET BALLOT.]

6 \* Sec. 4. AS 14.20.570(b) is amended to read:

7 (b) If the mediation meetings are held during the school day, cer-  
8 tificated administrative employees [TEACHERS] representing an employee  
9 bargaining agency shall be released from their [CLASSROOM OR OTHER]  
10 assigned duties without penalty or loss of pay.

11 \* Sec. 5. AS 14.20.590 is amended to read:

12 Sec. 14.20.590. GRIEVANCE PROCEDURES. Negotiations agreements  
13 executed under AS 14.20.550 - 14.20.590 [AFTER THE EFFECTIVE DATE OF  
14 THIS ACT] shall define "grievances" and provide for grievance procedures  
15 for the certificated staff subject to AS 14.20.550 - 14.20.590. The  
16 grievance procedures shall provide that the final step in the procedure  
17 shall be binding arbitration. The negotiations agreement shall provide  
18 a method for the selection of an arbitrator.

19 \* Sec. 6. AS 14.20.600 is amended to read:

20 Sec. 14.20.600. INDIVIDUAL CASES. Nothing in AS 14.20.550 -  
21 14.20.590 prohibits a certificated administrative [AN] employee from  
22 addressing a school board, as an individual, through the regular proce-  
23 dures of the school board for hearing individual cases.

24 \* Sec 7. AS 23.40.200(b) is amended to read:

25 (b) The class in (a)(1) of this section is composed of police and  
26 fire protection employees, jail, prison and other correctional institu-  
27 tion employees, [AND] hospital employees, and certificated teachers.  
28 Employees in this class may not engage in strikes. Upon a showing by a  
29 public employer or the labor relations agency that employees in this

1 class are engaging or about to engage in a strike, an injunction, re-  
2 straining order, or other order which may be appropriate shall be  
3 granted by the superior court in the judicial district in which the  
4 strike is occurring or is about to occur. If an impasse or deadlock is  
5 reached in collective bargaining between the public employer and em-  
6 ployees in this class, and mediation has been utilized without resolving  
7 the deadlock, the parties shall submit to arbitration to be carried out  
8 under AS 23.40.202 [AS 09.43.030].

9 \* Sec. 8. AS 23.40.200(c) is amended to read:

10 (c) The class in (a)(2) of this section is composed of public  
11 utility, snow removal, sanitation and public school and other educational  
12 institution employees. Employees in this class may engage in a strike  
13 after mediation, subject to the voting requirement of (d) of this  
14 section, for a limited time. The limit is determined by the interests  
15 of the health, safety or welfare of the public. The public employer or  
16 the labor relations agency may apply to the superior court in the  
17 judicial district in which the strike is occurring for an order enjoin-  
18 ing the strike. A strike may not be enjoined unless it can be shown  
19 that it has begun to threaten the health, safety or welfare of the  
20 public. A court, in deciding whether or not to enjoin the strike, shall  
21 consider the total equities in the particular class. "Total equities"  
22 includes not only the impact of a strike on the public but also the  
23 extent to which employee organizations and public employers have met  
24 their statutory obligations. If an impasse or deadlock still exists  
25 after the issuance of an injunction, the parties shall submit to arbitra-  
26 tion to be carried out under AS 23.40.202 [AS 09.43.030].

27 \* Sec. 9. AS 23.40.200(e) is amended to read:

28 (e) Notwithstanding the provisions of (b), (c) and (d) of this  
29 section, the employees with the concurrence of the employer may agree in

1 writing to submit a dispute arising from interpretation or application  
2 of a collective bargaining agreement to arbitration under AS 23.40.202.

3 \* Sec. 10. AS 23.40 is amended by adding a new section to read:

4 Sec. 23.40.202. ARBITRATION. (a) When an organization and a  
5 public employer are unable to reach an agreement through negotiations  
6 and an impasse exists, arbitration shall be conducted before an arbitra-  
7 tion board of five persons, appointed by the labor relations agency.  
8 The arbitration board shall consist of one professional arbitrator with  
9 substantial experience in the field of labor relations, who shall serve  
10 as chairperson, and four public members from the panel described in (c)  
11 of this section. For a controversy involving state employees, the  
12 arbitration board shall include residents of at least three of the four  
13 state judicial districts.

14 (b) Each party shall submit to the arbitration board its final  
15 offer on the impasse. The board shall select either the final offer of  
16 the organization or the final offer of the public employer. The selec-  
17 tion of the board shall be considered to be the collective bargaining  
18 agreement between the parties. The determination of the board on the  
19 final offer shall be final and binding on the parties as if the arbitra-  
20 tion had been conducted under the Uniform Arbitration Act (AS 09.43).

21 (c) The labor relations agency shall select a standing panel to  
22 provide public members for an arbitration board from among persons who  
23 (1) have broad and varied experience in the conduct of human affairs,  
24 (2) have resided in the state for a substantial period of time, and (3)  
25 are not at the time of selection employed in a position that requires  
26 direct participation in labor-management relations. The number of  
27 members of the standing panel shall be a number that the labor relations  
28 agency determines to be adequate to ensure the availability of four  
29 persons when needed. The standing panel shall include at least one

1 resident of each state judicial district. A person who resides for a  
2 period of more than three months at a place outside the state, or who  
3 becomes employed in a position that requires direct participation in  
4 labor-management relations shall be removed from the panel.

5 (d) An arbitration board is entitled to compensation by the  
6 parties for its services as follows:

7 (1) public members shall receive per diem and travel allow-  
8 ances as provided by law for members of state boards and commissions;

9 (2) the professional arbitrator serving as chairperson shall  
10 be compensated on terms that the parties determine to represent fair  
11 value for such professional services.

12 \* Sec. 11. AS 23.40.250(5) is amended to read:

13 (5) "public employee" means any employee of a public employer,  
14 whether or not in the classified service of the public employer, except  
15 elected or appointed officials or administrative employees of school  
16 boards [TEACHERS OR NONCERTIFICATED EMPLOYEES OF SCHOOL DISTRICTS];

17 \* Sec. 12. AS 23.40.250(6) is amended to read:

18 (6) "public employer" means the state or a political sub-  
19 division of the state, including without limitation, a town, city,  
20 borough, district, board of regents, city, borough, or regional school  
21 board, public and quasi-public corporation, housing authority or other  
22 authority established by law, and a person designated by the public  
23 employer to act in its interest in dealing with public employees;

24 \* Sec. 13. AS 23.40.040 is repealed.

25 \* Sec. 14. (a) A school board, including a regional educational atten-  
26 dance area school board, may not reject having the provisions of the Public  
27 Employment Relations Act apply to its relations with its employees.

28 (b) The provisions of sec. 4, ch. 113, SLA 1972, do not apply to allow  
29 a municipality to reject having the provisions of the Public Employment Rela-

1 tions Act apply to its relation with those school employees of the municipal-  
2 ity included under the provisions of that Act.

3 \* Sec. 15. Nothing in this Act terminates or modifies a collective bar-  
4 gaining unit, recognition of exclusive bargaining representative, or col-  
5 lective bargaining agreement if the unit, recognition, or agreement is in  
6 effect on the effective date of this Act.

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