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Referred: Health, Education and
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Finance

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1 IN THE SENATE

2 SENATE BILL NO. 78

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making the Public Employment Relations Act
7 applicable to employees of school districts; and
8 providing for an effective date."

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

10 * Section 1. AS 23.40.200(b) is amended to read:

11 (b) The class in (a)(1) of this section is composed of police
12 and fire protection employees, jail, prison and other correctional
13 institution employees, certificated employees of school districts, and
14 hospital employees. Employees in this class may not engage in
15 strikes. Upon a showing by a public employer or the labor relations
16 agency that employees in this class are engaging or about to engage in
17 a strike, an injunction, restraining order, or other order that
18 [WHICH] may be appropriate shall be granted by the superior court in
19 the judicial district in which the strike is occurring or is about to
20 occur. If an impasse or deadlock is reached in collective bargaining
21 between the public employer and employees in this class, and mediation
22 has been utilized without resolving the deadlock, the parties shall
23 submit to arbitration to be carried out under AS 09.43.030.

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

25 (c) The class in (a)(2) of this section is composed of public
26 utility, snow removal, sanitation and [PUBLIC SCHOOL AND OTHER] educa-
27 tional institution employees except certificated employees of school
28 districts. Employees in this class may engage in a strike after
29 mediation, subject to the voting requirement of (d) of this section,

1 for a limited time. The limit is determined by the interests of the
2 health, safety or welfare of the public. The public employer or the
3 labor relations agency may apply to the superior court in the judicial
4 district in which the strike is occurring for an order enjoining the
5 strike. A strike may not be enjoined unless it can be shown that it
6 has begun to threaten the health, safety or welfare of the public. A
7 court, in deciding whether or not to enjoin the strike, shall consider
8 the total equities in the particular class. "Total equities" includes
9 not only the impact of a strike on the public but also the extent to
10 which employee organizations and public employers have met their
11 statutory obligations. If an impasse or deadlock still exists after
12 the issuance of an injunction, the parties shall submit to arbitration
13 to be carried out under AS 09.43.030.

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

15 Sec. 23.40.235. APPLICATION OF PUBLIC EMPLOYMENT RELATIONS ACT
16 TO SCHOOL BOARDS AND MUNICIPALITIES. (a) A school board may not
17 reject having the provisions of AS 23.40.070 - 23.40.260 apply to its
18 relations with its certificated employees.

19 (b) The provisions of sec. 4, ch. 113, SLA 1972, do not apply to
20 allow a municipality to reject having the provisions of AS 23.40.070 -
21 23.40.260 apply to its relation with its certificated school em-
22 ployees.

23 * Sec. 4. AS 23.40.250(5) is amended to read:

24 (5) "public employee" means any employee of a public em-
25 ployer, whether or not in the classified service of the public employ-
26 er, except elected or appointed officials [OR TEACHERS OR NONCERTIFI-
27 CATED EMPLOYEES OF SCHOOL DISTRICTS];

28 * Sec. 5. AS 23.40.250(6) is amended to read:

29 (6) "public employer" means the state or a political

1 subdivision of the state, including without limitation, a [TOWN,]
2 city, borough, school district, board of regents, public and quasi-
3 public corporation, housing authority or other authority established
4 by law, and a person designated by the public employer to act in its
5 interest in dealing with public employees;

6 * Sec. 6. AS 23.40.250 is amended by adding a new paragraph to read:

7 (8) "school district" includes a regional educational
8 attendance area.

9 * Sec. 7. AS 14.20.550 - 14.20.610 are repealed.

10 * Sec. 8. Nothing in this Act terminates or modifies a collective
11 bargaining unit, recognition of exclusive bargaining representative, or
12 collective bargaining agreement if the unit, recognition, or agreement is
13 in effect on the effective date of this Act.

14 * Sec. 9. This Act takes effect immediately in accordance with AS 01.-
15 10.070(c).