

Introduced: 2/2/83
Referred: Labor and Commerce
and Finance

1 IN THE SENATE

BY RAY

2

SENATE BILL NO. 104

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST 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 employ-
8 ees."

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

10 * Section 1. AS 23.40.100(b) is amended to read:

11 (b) If the labor relations agency has reasonable cause to be-
12 lieve that a question of representation exists, it shall provide for
13 an appropriate hearing upon due notice. If the labor relations agency
14 finds that there is a question of representation, it shall direct an
15 election by secret ballot to determine whether or by which organiza-
16 tion the employees desire to be represented and shall certify the
17 results of the election. Nothing in this section prohibits the waiv-
18 ing of hearings by stipulation for the purpose of a consent election
19 in conformity with the regulations of the labor relations agency or an
20 election in a bargaining unit agreed upon by the parties. The labor
21 relations agency shall determine who is eligible to vote in an elec-
22 tion and shall establish rules governing the election. In an initial
23 election for representation held under this section, one of the
24 choices on the ballot shall be "no representation". In an election in
25 which none of the choices on the ballot receives a majority of the
26 votes cast, a runoff election shall be conducted, the ballot providing
27 for selection between the two choices receiving the largest and the
28 second largest number of valid votes cast in the election. If an
29 organization receives the majority of the votes cast in the election

1 it shall be certified by the labor relations agency as exclusive
2 representative of all the employees in the bargaining unit.

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

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

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

23 Sec. 23.40.235. APPLICATION OF PUBLIC EMPLOYMENT RELATIONS ACT
24 TO SCHOOL BOARDS AND MUNICIPALITIES. (a) A school board may not
25 reject having the provisions of AS 23.40.070 - 23.40.260 apply to its
26 relations with its noncertificated employees.

27 (b) The provisions of sec. 4, ch. 113, SLA 1972 do not apply to
28 allow a municipality to reject having the provisions of AS 23.40.070 -
29 23.40.260 apply to its relation with its noncertificated school

1 employees.

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

3 (5) "public employee" means any employee of a public em-
4 ployer, whether or not in the classified service of the public employ-
5 er, except elected or appointed officials or certificated [TEACHERS OR
6 NONCERTIFICATED] employees of school boards [DISTRICTS];

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

8 (6) "public employer" means the state or a political subdi-
9 vision of the state, including without limitation, a [TOWN,] city,
10 borough, school board [DISTRICT], board of regents, public and quasi-
11 public corporation, housing authority or other authority established
12 by law, and a person designated by the public employer to act in its
13 interest in dealing with public employees;

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

15 (8) "school board" includes a regional educational atten-
16 dance area school board.

17 * Sec. 7. Nothing in this Act terminates or modifies a collective bar-
18 gaining unit, recognition of exclusive bargaining representative, or col-
19 lective bargaining agreement if the unit, recognition, or agreement is in
20 effect on the effective date of this Act.