Introduced: 2/5/85
Referred: Labor and Commerce and Health, Education and Social Services

IN THE SENATE BY RAY

SENATE BILL NO. 129

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to labor relations between school boards and other public employers and their employees."

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

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

(b) If the labor relations agency has reasonable cause to believe that a question of representation exists, it shall provide for an appropriate hearing upon due notice. If the labor relations agency finds that there is a question of representation, it shall direct an election by secret ballot to determine whether or by which organization the employees desire to be represented and shall certify the results of the election. Nothing in this section prohibits the waiving of hearings by stipulation for the purpose of a consent election in conformity with the regulations of the labor relations agency or an election in a bargaining unit agreed upon by the parties. The labor relations agency shall determine who is eligible to vote in an election and shall establish rules governing the election. <u>In an initial election for representation held under this section, one of the choices on the ballot shall be "no representation".</u> In an election in which none of the choices on the ballot receives a majority of the votes cast, a runoff election shall be conducted, the ballot providing for selection between the two choices receiving the largest and the second largest number of valid votes cast in the election. If an organization receives the majority of the votes cast in the election

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

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

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

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

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

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

employees.

* Sec. 4. AS 23.40.250(6) is amended to read:

(6) "public employee" means any employee of a public employer, whether or not in the classified service of the public employer, except elected or appointed officials or certificated [TEACHERS OR NONCERTIFICATED] employees of school boards [DISTRICTS];

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

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

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

(9) "school board" includes a regional educational attendance area school board.

* Sec. 7. Nothing in this Act terminates or modifies a collective bargaining unit, recognition of exclusive bargaining representative, or collective bargaining agreement if the unit, recognition, or agreement is in effect on the effective date of this Act.