

Introduced: 4/18/86
Referred: State Affairs
and Finance

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2

SENATE BILL NO. 484

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to public employee collective bar-
7 gaining; and providing for an effective date."

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

9 * Section 1. (a) The legislature declares that it is state policy to
10 promote the quality of the public education instruction program and that to
11 do so requires adequate staffing in public schools.

12 (b) A school district that must reduce staff or lay employees off
13 because of declining revenue shall give preference to retaining full-time
14 tenured certificated teachers. To the extent consistent with educational
15 policy and good management, layoffs shall happen in the following order:

16 (1) nonessential noncertificated employees;

17 (2) short-term and long-term substitutes, part-time certificated
18 employees, and part-time certificated administrators;

19 (3) certificated administrators;

20 (4) essential noncertificated employees;

21 (5) full-time nontenured certificated employees;

22 (6) full-time tenured certificated employees.

23 (c) In (b) of this section, a certificated employee is not considered
24 to include an administrator.

25 (d) In determining layoffs, a school district shall comply with
26 collective bargaining agreements that address the issue. If the agreement
27 does not address the issue, then the district shall comply with this sec-
28 tion. If the collective bargaining agreement addresses the issue but
29 conflicts with this section, the district shall negotiate to amend the

1 agreement to comply with this section.

2 (e) Notwithstanding AS 44.62.310, a discussion or presentation of
3 information or options by a school board on the question of employee lay-
4 offs or furloughs under this section, including preliminary discussions and
5 presentations, shall take place in a public meeting of the school board.

6 * Sec. 2. AS 14.20.175(b) is amended to read:

7 (b) A teacher who has acquired tenure rights is subject to
8 nonretention for the following school year only for the following
9 causes:

10 (1) incompetency, which is defined as the inability or the
11 unintentional or intentional failure to perform the teacher's custo-
12 mary teaching duties in a satisfactory manner;

13 (2) immorality, which is defined as the commission of an
14 act which, under the laws of the state, constitutes a crime involving
15 moral turpitude;

16 (3) substantial noncompliance with the school laws of the
17 state, the regulations or bylaws of the department, the bylaws of the
18 district, or the written rules of the superintendent; or

19 (4) a necessary reduction of staff occasioned by a decrease
20 in school attendance or by a reduction in funding from the state for
21 schools.

22 * Sec. 3. AS 14.20.175(b) is repealed and reenacted to read:

23 (b) A teacher who has acquired tenure rights is subject to
24 nonretention for the following school year only for the following
25 causes:

26 (1) incompetency, which is defined as the inability or the
27 unintentional or intentional failure to perform the teacher's custo-
28 mary teaching duties in a satisfactory manner;

29 (2) immorality, which is defined as the commission of an

1 act which, under the laws of the state, constitutes a crime involving
2 moral turpitude;

3 (3) substantial noncompliance with the school laws of the
4 state, the regulations or bylaws of the department, the bylaws of the
5 district, or the written rules of the superintendent; or

6 (4) a necessary reduction of staff occasioned by a decrease
7 in school attendance.

8 * Sec. 4. AS 23.40.200(b) is amended to read:

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

22 * Sec. 5. AS 23.40.200(b) is repealed and reenacted to read:

23 (b) The class in (a)(1) of this section is composed of police
24 and fire protection employees, jail, prison and other correctional
25 institution employees, and hospital employees. Employees in this
26 class may not engage in strikes. Upon a showing by a public employer
27 or the labor relations agency that employees in this class are engag-
28 ing or about to engage in a strike, an injunction, restraining order,
29 or other order which may be appropriate shall be granted by the

1 superior court in the judicial district in which the strike is occur-
2 ring or is about to occur. If an impasse or deadlock is reached in
3 collective bargaining between the public employer and employees in
4 this class, and mediation has been utilized without resolving the
5 deadlock, the parties shall submit to arbitration to be carried out
6 under AS 09.43.030.

7 * Sec. 6. Section 3 of this Act takes effect on the repeal of sec. 1 of
8 this Act.

9 * Sec. 7. Section 5 of this Act takes effect July 1, 1988.

10 * Sec. 8. Sections 1, 2, and 4 of this Act take effect immediately in
11 accordance with AS 01.10.070(c).