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Original sponsor: Health, Education and
Social Services Committee

1 IN THE HOUSE BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 130 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to educational employees' collective
7 bargaining agreements; and providing for an effective
8 date."

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

10 * Section 1. AS 14.20 is amended by adding a new section to article 6
11 to read:

12 Sec. 14.20.540. DECLARATION OF POLICY. The legislature finds
13 that public school employees are entitled to participate in formulat-
14 ing decisions that pertain to their employment and to the fulfillment
15 of their professional duties. Effective and responsive administration
16 of public schools is most readily obtained through the negotiation of
17 labor agreements that incorporate both managerial and employee per-
18 spectives. The legislature further finds that providing for harmoni-
19 ous and cooperative relations between school boards and employee orga-
20 nizations will promote public education in the state. Accordingly,
21 the legislature declares that it is in the best interests of the state
22 to guarantee educational employees the opportunity to form employee
23 organizations and to negotiate with respect to the terms of their
24 employment.

25 * Sec. 2. AS 14.20.550 is amended to read:

26 Sec. 14.20.550. NEGOTIATION WITH [CERTIFICATED] EMPLOYEES. A
27 [EACH CITY, BOROUGH AND REGIONAL] school board [,] shall negotiate
28 with its [CERTIFICATED] employees in good faith on matters pertaining
29 to [THEIR] employment and the fulfillment of [THEIR] professional

1 duties.

2 * Sec. 3. AS 14.20.555(a) is amended to read:

3 (a) Negotiations between the [CERTIFICATED] employees of the
4 regional educational attendance areas and the respective regional
5 school boards may [SHALL] be conducted by one team representing all
6 the [CERTIFICATED] employees [, ONE TEAM REPRESENTING ALL THE CERTIF-
7 ICATED ADMINISTRATIVE PERSONNEL IF THEY HAVE JOINTED TOGETHER TO
8 NEGOTIATE INDEPENDENTLY AS PROVIDED IN AS 14.20.560(f),] and one team
9 representing all the participating regional school boards. If admin-
10 istrative personnel or noncertificated employees have joined together
11 to negotiate independently as provided in AS 14.20.560(f), a team
12 representing the independent employee organizations shall participate
13 in the negotiations.

14 * Sec. 4. AS 14.20.560 is repealed and reenacted to read:

15 Sec. 14.20.560. NEGOTIATING UNIT. (a) In order to assure to
16 employees the fullest freedom in exercising the rights provided under
17 AS 14.20.540 - 14.20.615, the labor relations agency shall decide in
18 each case the appropriate negotiating unit, based on such factors as
19 community of interest, wages, hours, and other working conditions of
20 the employees involved, the history of negotiating, and the desires of
21 the employees. Negotiating units must be as large as is reasonable.
22 The agency shall avoid unnecessary fragmenting of the units.

23 (b) Upon petition for certification by 30 percent of the employ-
24 ees in a proposed negotiating unit, and if the labor relations agency
25 has reasonable cause to believe that a question of representation
26 exists, the agency shall provide for an appropriate hearing after
27 reasonable notice. If the labor relations agency finds that there is
28 a question of representation, the agency shall direct an election by
29 secret ballot to determine whether, or by which organization, the

1 employees desire to be represented, and shall certify the results of
2 the election. The parties may agree to waive a hearing in order to
3 hold a consent election or for voluntary certification in accordance
4 with regulations of the labor relations agency, or for an election in
5 a negotiating unit agreed upon by the parties. The labor relations
6 agency shall determine the persons eligible to vote in an election and
7 shall adopt regulations governing the election. In an election in
8 which none of the choices on the ballot receives a majority of the
9 votes cast, the agency shall conduct a runoff election. The ballot in
10 the runoff election must provide for selection between the two choices
11 receiving the largest and the second largest number of valid votes
12 cast in the election. The agency shall certify an organization that
13 receives the majority of the votes cast in the election as the exclu-
14 sive representative of all the employees in the negotiating unit.

15 (c) An election may not be held in a negotiating unit or in a
16 subdivision of a negotiating unit if a valid election has been held
17 within the preceding 12 months.

18 (d) The parties may agree to recognize an employee bargaining
19 organization as the exclusive representative.

20 (e) The labor relations agency may direct an election in a
21 negotiating unit in which there is in force a valid collective bar-
22 gaining agreement only during the 90-day period preceding the expira-
23 tion date of the agreement. However, an agreement may not bar an
24 election upon petition of persons in the negotiating unit but not
25 parties to the agreement if more than three years have elapsed since
26 the execution of the agreement or the last timely renewal, whichever
27 was later.

28 (f) Noncertificated employees or certificated administrative
29 personnel may choose by secret ballot to negotiate independently of

1 other personnel. If noncertificated or certificated administrative
2 personnel seek to negotiate independently of other certificated em-
3 ployees, the labor relations agency shall review the submitted rep-
4 resentation petition and, if 30 percent of the employees in a proper
5 negotiating unit sign the petition, the agency shall conduct a rep-
6 resentation election.

7 * Sec. 5. AS 14.20 is amended by adding a new section to read:

8 Sec. 14.20.565. NEGOTIATION MEETINGS. (a) At the written
9 request of an employee bargaining organization, a school board shall
10 meet with the representative of the organization within 20 days after
11 the request, at a time and place to be agreed upon. In the same
12 manner, representatives of an employee bargaining organization shall
13 meet with a school board or its representatives within 20 days after
14 receiving a written request. A written notice by either party must be
15 presented no later than December 1. Negotiations shall commence no
16 later than January 15.

17 (b) Notwithstanding AS 44.62.310, the parties may agree to hold
18 a negotiation meeting in executive session, but the parties shall make
19 all final agreements at a public meeting of the school board.

20 (c) Negotiations must be concluded with both parties reaching
21 agreement by March 15, unless by mutual agreement, both parties agree
22 to extend the process to March 31. Failing to reach agreement by
23 March 31, the parties shall immediately institute the mediation pro-
24 cess under AS 14.20.570.

25 * Sec. 6. AS 14.20.570(a) is amended to read:

26 (a) Upon [THE] written request for mediation by an employee
27 bargaining organization [AGENCY] or a school board, and upon certi-
28 fication by the requesting party that the parties cannot agree on an
29 independent private mediator and that good faith negotiations have

1 terminated in an impasse, the following procedure must be followed
2 [OCCURS]:

3 (1) within [WITHIN] seven days after [OF] the certifica-
4 tion, the requesting party shall ask the United States Federal Media-
5 tion and Conciliation Service to serve as the agency to resolve the
6 dispute; [.]

7 (2) the [THE] mediator shall chair all mediation meetings
8 between the disputing parties and attempt to resolve the differences
9 between the disputing parties and reach common acceptance of terms and
10 conditions or other items in dispute wherever possible; [.]

11 (3) each [WITHIN 30 DAYS OF THE INITIAL MEETING OF THE
12 PARTIES TO THE DISPUTE THE MEDIATOR SHALL HAVE REDUCED ALL THE AGREED
13 TERMS, CONDITIONS AND OTHER ITEMS TO A WRITTEN CONTRACT. IF MUTUALLY
14 AGREED THE PERIOD FOR REPORTING THE CONTRACT TO BOTH PARTIES MAY BE
15 EXTENDED.

16 (4) EACH] party to the dispute may select a team [OF NOT
17 MORE THAN FIVE PERSONS] to present the evidence, thinking and position
18 of the group they represent [,] to the mediator.

19 * Sec. 7. AS 14.20.570 is amended by adding a new subsection to read:

20 (c) When a mediation or arbitration meeting is held during
21 normal working hours, the school district shall release the members of
22 the employee team from work to attend the meeting without loss of pay
23 or benefits.

24 * Sec. 8. AS 14.20.580 is repealed and reenacted to read:

25 Sec. 14.20.580. CONTINUED IMPASSE. The mediator shall determine
26 when further mediation would not promote resolution of the dispute.
27 Following mediation, the parties shall observe a 10-day cooling-off
28 period. Following mediation agreement must be reached no later than
29 April 15 or the dispute will go to arbitration under AS 14.20.585.

1 The parties shall conclude arbitration by May 15.

2 * Sec. 9. AS 14.20 is amended by adding a new section to read:

3 Sec. 14.20.585. ARBITRATION. (a) A collective bargaining
4 agreement between a school board and an employee bargaining organiza-
5 tion must include a procedure to promptly select an arbitrator to
6 conduct last-best-offer mediated arbitration. If the parties are
7 unable to agree on a procedure for the selection of an arbitrator, the
8 parties shall use the services of and comply with the procedures of
9 the American Arbitration Association in the selection of an arbitra-
10 tor. An arbitrator selected under this subsection must be a resident
11 of this state unless no state resident arbitrator is readily avail-
12 able.

13 (b) In last-best-offer mediated arbitration under this section,
14 each party shall submit a final offer on each issue in dispute. Each
15 party shall submit to the arbitrator oral or written evidence in sup-
16 port of its position, and must be given an opportunity to respond to
17 the presentation of evidence by the other party. The arbitrator may
18 propose compromises to points in dispute. At the request of either
19 party, or on the motion of the arbitrator, the arbitrator may conduct
20 a public meeting to allow the parties to present and explain their
21 positions and final offers. The arbitrator shall allow each party to
22 revise its last best offer before final submission to the arbitrator
23 for decision.

24 (c) The arbitrator shall, without modification, adopt the last
25 best offer of one of the parties on each issue, and shall issue a
26 final and binding decision not more than 10 days after the parties
27 have presented their last best offers.

28 (d) The parties shall share the cost of the arbitrator equally.

29 * Sec. 10. AS 14.20.590 is amended to read:

1 Sec. 14.20.590. GRIEVANCE PROCEDURES. Negotiations agreements
2 must [EXECUTED AFTER JULY 1, 1975 SHALL] define "grievances" and
3 provide for grievance procedures [FOR THE CERTIFICATED STAFF]. The
4 grievance procedures must [SHALL] provide that the final step in the
5 procedure is [SHALL BE] binding arbitration. The negotiations agree-
6 ment must [SHALL] provide a method for the selection of an arbitrator
7 to resolve grievances. The arbitrator shall determine all questions
8 of arbitrability of a grievance.

9 * Sec. 11. AS 14.20.590 is amended by adding a new subsection to read:

10 (b) The prohibition of unfair labor practices, as described in
11 AS 23.40.110, applies to a school board and an employee organization.
12 An unfair labor practice shall be adjudicated under the grievance
13 procedure of the collective bargaining agreement. It is an unfair
14 labor practice for a school board to refuse to continue the terms of
15 an expired agreement until a new agreement is reached.

16 * Sec. 12. AS 14.20.610 is amended to read:

17 Sec. 14.20.610. LEGAL RESPONSIBILITIES OF BOARDS. Nothing in
18 AS 14.20.540 - 14.20.615 [AS 14.20.550 - 14.20.600] may be construed
19 as an abrogation or delegation of the legal responsibilities, powers,
20 and duties of the school board, including its right to make final
21 decisions on educational policies.

22 * Sec. 13. AS 14.20 is amended by adding a new section to article 6 to
23 read:

24 Sec. 14.20.615. DEFINITIONS. (a) In AS 14.20.540 - 14.20.615,
25 "employee" includes certificated and noncertificated employees of
26 school districts.

27 (b) In AS 14.20.540 - 14.20.615, "collective bargaining," "elec-
28 tion," "labor relations agency," and "organization" have the meanings
29 given in AS 23.40.250.

1 * Sec. 14. This Act does not modify or terminate a negotiating unit or
2 agreement in existence on the effective date of this Act.

3 * Sec. 15. This Act takes effect immediately under AS 01.10.070(c).