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1 IN THE SENATE

2

SENATE BILL NO. 15

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to public school employees' collec-
7 tive bargaining agreements; and providing for an
8 effective 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
20 bargaining organizations will promote public education in the state.
21 Accordingly, the legislature declares that it is in the best interests
22 of the state to guarantee public school employees the opportunity to
23 form employee bargaining organizations and to negotiate with respect
24 to the terms and conditions of their employment.

25 * Sec. 2. AS 14.20.550 is repealed and reenacted to read:

26 Sec. 14.20.550. NEGOTIATION WITH EMPLOYEES. A school board
27 shall negotiate with its employees in good faith on terms and condi-
28 tions of employment and the fulfillment of professional duties.

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

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

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 AS 14.20.560 is repealed and reenacted to read:

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

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

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

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

17 (d) The parties may agree to recognize an employee bargaining
18 organization as the exclusive representative of a negotiating unit.

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

27 (f) Noncertificated employees or certificated administrative
28 employees may choose by secret ballot to negotiate independently of
29 other employees. If noncertificated or certificated administrative

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

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

7 Sec. 14.20.565. NEGOTIATION MEETINGS. (a) At the written
8 request of an employee bargaining organization, a school board shall
9 meet with the representative of the organization within 20 days after
10 the request, at a time and place to be agreed upon. In the same
11 manner, representatives of an employee bargaining organization shall
12 meet with a school board or its representatives within 20 days after
13 receiving a written request.

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

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

18 (a) Upon [THE] written request for mediation by an employee
19 bargaining organization [AGENCY] or a school board, and upon certi-
20 fication by the requesting party that the parties cannot agree on an
21 independent private mediator and that good faith negotiations have
22 terminated in an impasse, the following procedure must be followed
23 [OCCURS]:

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

28 (2) the [THE] mediator shall chair all mediation meetings
29 between the disputing parties and attempt to resolve the differences

1 between the disputing parties and reach common acceptance of terms and
2 conditions or other items in dispute wherever possible; [.]

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

8 (4) EACH] party to the dispute may select a team [OF NOT
9 MORE THAN FIVE PERSONS] to present the evidence, thinking and position
10 of the group it represents [THEY REPRESENT,] to the mediator.

11 * Sec. 7. AS 14.20.580 is repealed and reenacted to read:

12 Sec. 14.20.580. CONTINUED IMPASSE. (a) The mediator shall
13 determine when further mediation would not promote resolution of the
14 dispute. Following mediation, the parties shall observe a 10-day
15 cooling-off period.

16 (b) Notwithstanding (a) of this section and AS 14.25.570, if the
17 parties have not entered into a collective bargaining agreement by
18 August 1, they shall submit to arbitration under AS 14.25.585.

19 * Sec. 8. AS 14.20 is amended by adding a new section to read:

20 Sec. 14.20.585. ARBITRATION. (a) A collective bargaining
21 agreement between a school board and an employee bargaining organiza-
22 tion must include a procedure to promptly select an arbitrator to
23 conduct last-best-offer mediated arbitration. If the parties are
24 unable to agree on a procedure for the selection of an arbitrator, the
25 parties shall use the services of and comply with the procedures of
26 the American Arbitration Association in the selection of an arbitra-
27 tor.

28 (b) In last-best-offer mediated arbitration under this section,
29 each party shall submit a final offer on each issue in dispute. Each

1 party may submit to the arbitrator oral and written evidence in sup-
2 port of its position, and must be given an opportunity to respond to
3 the presentation of evidence by the other party. The arbitrator may
4 propose compromises to points in dispute. At the request of either
5 party, or on the motion of the arbitrator, the arbitrator may conduct
6 a public meeting to allow the parties to present and explain their
7 positions and final offers. The arbitrator shall allow each party to
8 revise its last best offer before final submission to the arbitrator
9 for decision.

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

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

15 * Sec. 9. AS 14.20.590 is amended to read:

16 Sec. 14.20.590. GRIEVANCE PROCEDURES. Collective bargaining
17 [NEGOTIATIONS] agreements must

18 (1) define "grievances" and provide for grievance proce-
19 dures for the certificated staff or noncertificated employees; the
20 grievance procedures must [SHALL] provide that the final step in the
21 procedure is [SHALL BE] binding arbitration; [AND]

22 (2) provide a method for the selection of an arbitrator to
23 resolve grievances; the arbitrator shall determine all questions of
24 arbitrability of a grievance; and

25 (3) provide an expedited arbitration procedure for ariev-
26 ances concerning unfair labor practices.

27 * Sec. 10. AS 14.20.590 is amended by adding a new subsection to read:

28 (b) The prohibition of unfair labor practices, as described in
29 AS 23.40.110, applies to a school board and an employee bargaining

1 organization. An unfair labor practice shall be adjudicated under the
2 expedited arbitration grievance procedure of the collective bargaining
3 agreement. It is an unfair labor practice for a school board to
4 refuse to continue the terms of an expired agreement until a new
5 agreement is reached.

6 * Sec. 11. AS 14.20 is amended by adding a new section to read:

7 Sec. 14.20.595. RELEASE FROM DUTIES. If a mediation or arbi-
8 tration meeting is held during working hours, teachers and noncertif-
9 icated employees representing an employee bargaining organization
10 shall be released from assigned duties without penalty or loss of pay.

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

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

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

19 Sec. 14.20.615. DEFINITIONS. (a) In AS 14.20.540 - 14.20.615,
20 "employee" includes certificated and noncertificated employees of
21 school districts.

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

25 * Sec. 14. AS 14.20.555(d) and 14.20.570(b) are repealed.

26 * Sec. 15. This Act does not modify or terminate a negotiating unit or
27 agreement in existence on the effective date of this Act.

28 * Sec. 16. This Act takes effect immediately under AS 01.10.070(c).