

Offered: 3/23/89
Referred: Health, Education and
Social Services and Finance

6-0140E

Original sponsors: Duncan, Zharoff,
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1 IN THE SENATE
2
3 CS FOR SENATE BILL NO. 15 (C&RA)
4 IN THE LEGISLATURE OF THE STATE OF ALASKA
5 SIXTEENTH LEGISLATURE - FIRST SESSION
6 A BILL
7 For an Act entitled: "An Act including public school employees in the
8 Public Employment Relations Act as class(a)(2) em-
9 ployees entitled to a limited right to strike; estab-
10 lishing unrevised, uncompromised last-best-offer
11 package arbitration for resolution of the collective
12 bargaining process for public school employees; and
13 providing for an effective date."
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
15 * Section 1. AS 14.16.050(a) is amended to read:
16 (a) The following provisions apply with respect to the operation
17 and management of the state boarding school as if it were a school
18 district:
19 (1) requirements relating to school district operations:
20 (A) AS 14.03.030 - 14.03.050 (defining the school
21 term, day in session, and school holidays);
22 (B) AS 14.03.083 - 14.03.140 (miscellaneous provisions
23 applicable to school district operations);
24 (C) regulations adopted by the board under authority
25 of AS 14.07.020(a) that are applicable to school districts and
26 their schools, unless the board specifically exempts the state
27 boarding school from compliance with a regulation;
28 (D) AS 14.12.150 (authorizing school districts to
29 establish and participate in the services of a regional resource
center);

1 (E) AS 14.14.050 (imposing the requirement of an
2 annual audit);

3 (F) AS 14.14.110 (authorizing cooperation with other
4 school districts);

5 (G) AS 14.14.130 (directing the employment of a chief
6 school administrator);

7 (H) AS 14.14.140(b) (establishing a prohibition on
8 employment of a relative of the chief school administrator);

9 (I) AS 14.18 (prohibiting discrimination based on sex
10 in public education);

11 (2) requirements relating to state financial assistance for
12 education and the receipt and expenditure of that assistance:

13 (A) AS 14.17.080 (relating to student count esti-
14 mates);

15 (B) AS 14.17.082 (relating to school operating fund
16 balances);

17 (C) AS 14.17.160 - 14.17.220 (setting out the proce-
18 dure for payment of financial assistance, and imposing general
19 requirements and limits on money paid);

20 (3) requirements relating to teacher employment and retire-
21 ment:

22 (A) AS 14.14.105 and 14.14.107 (relating to sick
23 leave);

24 (B) AS 14.20.095 - 14.20.215 (relating to the employ-
25 ment and tenure of teachers);

26 (C) AS 14.20.220 (relating to the salaries of teachers
27 employed);

28 (D) AS 14.20.280 - 14.20.350 (relating to sabbatical
29 leave provisions for teachers);

1 (E) AS 23.40.070 - 23.40.260 [AS 14.20.550 - 14.20.-
2 610] (authorizing collective bargaining, negotiation, and arbi-
3 tration [MEDIATION] by certificated employees), except with
4 regard to teachers who are administrators and except that the
5 board may delegate some or all of its responsibilities under
6 those statutes;

7 (F) AS 14.25 (provisions regarding the teachers' re-
8 tirement system);

9 (4) requirements relating to students and educational pro-
10 grams:

11 (A) AS 14.30.180 - 14.30.350 (relating to educational
12 services for exceptional children);

13 (B) AS 14.30.360 - 14.30.370 (establishing health
14 education program standards);

15 (C) AS 14.30.400 - 14.30.410 (relating to bilingual
16 and bicultural education).

17 * Sec. 2. AS 14.16.070 is amended to read:

18 Sec. 14.16.070. APPLICABILITY OF OTHER LAW. AS 23.40.070 -
19 23.40.260 (Public Employment Relations Act) apply to the employees of
20 the state boarding school [WHO ARE NOT SUBJECT TO AS 14.20].

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

22 (c) The class in (a)(2) of this section is composed of public
23 utility, snow removal, sanitation and public school and other educa-
24 tional institution employees. Employees in this class may engage in a
25 strike after mediation, subject to the voting requirement of (d) of
26 this section, for a limited time. The limit is determined by the
27 interests of the health, safety or welfare of the public. The public
28 employer or the labor relations agency may apply to the superior court
29 in the judicial district in which the strike is occurring for an order

1 enjoining the strike. A strike may not be enjoined unless it can be
2 shown that it has begun to threaten the health, safety or welfare of
3 the public. A court, in deciding whether or not to enjoin the strike,
4 shall consider the total equities in the particular class. "Total
5 equities" includes not only the impact of a strike on the public but
6 also the extent to which employee organizations and public employers
7 have met their statutory obligations. If an impasse or deadlock still
8 exists after the issuance of an injunction, the parties shall submit
9 to arbitration to be carried out under AS 23.40.205 for employees of a
10 school district or regional educational attendance area and under
11 AS 09.43.030 for other class (a)(2) employees.

12 * Sec. 4. AS 23.40 is amended by adding a new section to read:

13 Sec. 23.40.205. ARBITRATION FOR SCHOOL EMPLOYEES. (a) A col-
14 lective bargaining agreement between a school board and an employee
15 bargaining organization must include a procedure to promptly select an
16 arbitrator. If the parties are unable to agree on a procedure for the
17 selection of an arbitrator, the parties shall use the services of and
18 comply with the procedures of the American Arbitration Association in
19 the selection of an arbitrator.

20 (b) If an impasse or deadlock has occurred between a school
21 board and an employee bargaining organization after a strike has been
22 enjoined, the parties shall submit to last-best-offer package arbitra-
23 tion. In last-best-offer arbitration under this section, each party
24 shall submit a final offer on each issue in dispute. Each party may
25 submit to the arbitrator oral and written evidence in support of its
26 position, and must be given an opportunity to respond to the presenta-
27 tion of evidence by the other party. The arbitrator may not propose
28 compromises to points in dispute. At the request of either party, or
29 on the motion of the arbitrator, the arbitrator may conduct a public

1 meeting to allow the parties to present and explain their positions
2 and final offers. A party may not revise its last best offer after
3 submission to the arbitrator.

4 (c) The arbitrator shall, without modification, adopt the total
5 package of final offers of one of the parties, and shall issue a final
6 and binding decision not more than 10 days after the parties have
7 presented their last best offers.

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

9 (e) In this section, "school board" means the school board of a
10 borough or city school district or a regional educational attendance
11 area and the Board of Education for the state boarding school.

12 * Sec. 5. AS 23.40.215 is amended by adding a new subsection to read:

13 (c) Notwithstanding (b) of this section, the monetary terms of
14 an agreement entered into between a school district or regional educa-
15 tional attendance area and its employees are not subject to approval
16 by the legislature.

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

18 (6) "public employee" means any employee of a public em-
19 ployer, whether or not in the classified service of the public em-
20 ployer, except elected or appointed officials [OR TEACHERS OR NONCER-
21 TIFICATED EMPLOYEES OF SCHOOL DISTRICTS];

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

23 (7) "public employer" means the state or a political subdi-
24 vision of the state, including without limitation, a municipality
25 [TOWN, CITY, BOROUGH], district, school district, regional educational
26 attendance area, board of regents, public and quasi-public corpo-
27 ration, housing authority or other authority established by law, and a
28 person designated by the public employer to act in its interest in
29 dealing with public employees;

1 * Sec. 8. AS 23.40.250 is amended by adding a new paragraph to read:

2 (9) "regional educational attendance area" means an educa-
3 tional service area in the unorganized borough that may or may not
4 include a military reservation, and that contains one or more public
5 schools of grade levels K - 12 or any portion of those grade levels
6 that are to be operated under the management and control of a single
7 regional school board.

8 * Sec. 9. Nothing in this Act terminates or modifies a collective
9 bargaining unit, recognition of exclusive bargaining representative, or
10 collective bargaining agreement if the unit, recognition, or agreement is
11 in effect on the effective date of this Act.

12 * Sec. 10. AS 14.20.550, 14.20.555, 14.20.560, 14.20.570, 14.20.580,
13 14.20.590, 14.20.600, and 14.20.610 are repealed.

14 * Sec. 11. This Act takes effect immediately under AS 01.10.070(c).