

Amended: 5/7/89
Offered: 5/6/89
Referred: Rules

6-0140Q

Original sponsors: Duncan, Zharoff,
Kerttula, et al.

1 IN THE SENATE

BY THE FINANCE COMMITTEE

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CS FOR SENATE BILL NO. 15 (Finance) am

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

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For an Act entitled: "An Act including public school employees in the

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Public Employment Relations Act as class (a)(3) em-

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ployees entitled to a right to strike; and providing

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for an effective date."

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

11 * Section 1. AS 14.16.050(a) is amended to read:

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(a) The following provisions apply with respect to the operation

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and management of the state boarding school as if it were a school

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district:

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(1) requirements relating to school district operations:

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(A) AS 14.03.030 - 14.03.050 (defining the school

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term, day in session, and school holidays);

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(B) AS 14.03.083 - 14.03.140 (miscellaneous provisions

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applicable to school district operations);

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(C) regulations adopted by the board under authority

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of AS 14.07.020(a) that are applicable to school districts and

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their schools, unless the board specifically exempts the state

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boarding school from compliance with a regulation;

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(D) AS 14.12.150 (authorizing school districts to

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establish and participate in the services of a regional resource

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center);

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(E) AS 14.14.050 (imposing the requirement of an

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annual audit);

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(F) AS 14.14.110 (authorizing cooperation with other

1 school districts);
2 (G) AS 14.14.130 (directing the employment of a chief
3 school administrator);
4 (H) AS 14.14.140(b) (establishing a prohibition on
5 employment of a relative of the chief school administrator);
6 (I) AS 14.18 (prohibiting discrimination based on sex
7 in public education);
8 (2) requirements relating to state financial assistance for
9 education and the receipt and expenditure of that assistance:
10 (A) AS 14.17.080 (relating to student count esti-
11 mates);
12 (B) AS 14.17.082 (relating to school operating fund
13 balances);
14 (C) AS 14.17.160 - 14.17.220 (setting out the proce-
15 dure for payment of financial assistance, and imposing general
16 requirements and limits on money paid);
17 (3) requirements relating to teacher employment and retire-
18 ment:
19 (A) AS 14.14.105 and 14.14.107 (relating to sick
20 leave);
21 (B) AS 14.20.095 - 14.20.215 (relating to the employ-
22 ment and tenure of teachers);
23 (C) AS 14.20.220 (relating to the salaries of teachers
24 employed);
25 (D) AS 14.20.280 - 14.20.350 (relating to sabbatical
26 leave provisions for teachers);
27 (E) AS 23.40.070 - 23.40.260 [AS 14.20.550 - 14.20.-
28 610] (authorizing collective bargaining, negotiation, and the
29 right to strike [MEDIATION] by certificated employees), except

1 with regard to teachers who are administrators and except that
2 the board may delegate some or all of its responsibilities under
3 those statutes;

4 (F) AS 14.25 (provisions regarding the teachers' re-
5 tirement system);

6 (4) requirements relating to students and educational pro-
7 grams:

8 (A) AS 14.30.180 - 14.30.350 (relating to educational
9 services for exceptional children);

10 (B) AS 14.30.360 - 14.30.370 (establishing health
11 education program standards);

12 (C) AS 14.30.400 - 14.30.410 (relating to bilingual
13 and bicultural education).

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

15 Sec. 14.16.070. APPLICABILITY OF OTHER LAW. AS 23.40.070 -
16 23.40.260 (Public Employment Relations Act) apply to the employees of
17 the state boarding school [WHO ARE NOT SUBJECT TO AS 14.20].

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

19 (c) The class in (a)(2) of this section is composed of public
20 utility, snow removal, and sanitation [AND PUBLIC SCHOOL AND OTHER
21 EDUCATIONAL INSTITUTION] employees. Employees in this class may
22 engage in a strike after mediation, subject to the voting requirement
23 of (d) of this section, for a limited time. The limit is determined
24 by the interests of the health, safety or welfare of the public. The
25 public employer or the labor relations agency may apply to the su-
26 perior court in the judicial district in which the strike is occurring
27 for an order enjoining the strike. A strike may not be enjoined
28 unless it can be shown that it has begun to threaten the health,
29 safety or welfare of the public. A court, in deciding whether or not

1 to enjoin the strike, shall consider the total equities in the partic-
2 ular class. "Total equities" includes not only the impact of a strike
3 on the public but also the extent to which employee organizations and
4 public employers have met their statutory obligations. If an impasse
5 or deadlock still exists after the issuance of an injunction, the
6 parties shall submit to arbitration to be carried out under AS 09.-
7 43.030.

8 * Sec. 4. AS 23.40.215 is amended by adding a new subsection to read:

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

13 * Sec. 5. AS 23.40.250(6) is amended to read:

14 (6) "public employee" means any employee of a public em-
15 ployer, whether or not in the classified service of the public em-
16 ployer, except elected or appointed officials [OR TEACHERS OR
17 NONCERTIFICATED EMPLOYEES OF SCHOOL DISTRICTS];

18 * Sec. 6. AS 23.40.250(7) is amended to read:

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

26 * Sec. 7. AS 23.40.250 is amended by adding a new paragraph to read:

27 (9) "regional educational attendance area" means an educa-
28 tional service area in the unorganized borough that may or may not
29 include a military reservation, and that contains one or more public

1 schools of grade levels K - 12 or any portion of those grade levels
2 that are to be operated under the management and control of a single
3 regional school board.

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

8 * Sec. 9. AS 14.20.550, 14.20.555, 14.20.560, 14.20.570, 14.20.580,
9 14.20.590, 14.20.600, and 14.20.610 are repealed.

10 * Sec. 10. This Act takes effect immediately under AS 01.10.070(c).