

Offered: 2/6/90  
Referred: Rules

6-0140B

Original sponsor(s): SEN. DUNCAN, Zharoff, Kerttula, Fahrenkamp, Kelly,  
Sturgulewski, Pourchot, Rodey, Szymanski

1 IN THE SENATE BY THE FINANCE COMMITTEE  
2 HOUSE CS FOR CS FOR SENATE BILL NO. 15 (Finance)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act including public school employees in the  
7 Public Employment Relations Act as class (a)(3) em-  
8 ployees entitled to a right to strike; and providing  
9 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:

12 (a) The following provisions apply with respect to the operation  
13 and management of the state boarding school as if it were a school  
14 district:

15 (1) requirements relating to school district operations:

16 (A) AS 14.03.030 - 14.03.050 (defining the school  
17 term, day in session, and school holidays);

18 (B) AS 14.03.083 - 14.03.140 (miscellaneous provisions  
19 applicable to school district operations);

20 (C) regulations adopted by the board under authority  
21 of AS 14.07.020(a) that are applicable to school districts and  
22 their schools, unless the board specifically exempts the state  
23 boarding school from compliance with a regulation;

24 (D) AS 14.12.150 (authorizing school districts to  
25 establish and participate in the services of a regional resource  
26 center);

27 (E) AS 14.14.050 (imposing the requirement of an  
28 annual audit);

29 (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, sanitation, and [PUBLIC SCHOOL AND OTHER]  
21 educational institution employees other than employees of a school  
22 district, a regional educational attendance area, or the state board-  
23 ing school. Employees in this class may engage in a strike after  
24 mediation, subject to the voting requirement of (d) of this section,  
25 for a limited time. The limit is determined by the interests of the  
26 health, safety or welfare of the public. The public employer or the  
27 labor relations agency may apply to the superior court in the judicial  
28 district in which the strike is occurring for an order enjoining the  
29 strike. A strike may not be enjoined unless it can be shown that it

1 has begun to threaten the health, safety or welfare of the public. A  
2 court, in deciding whether or not to enjoin the strike, shall consider  
3 the total equities in the particular class. "Total equities" includes  
4 not only the impact of a strike on the public but also the extent to  
5 which employee organizations and public employers have met their  
6 statutory obligations. If an impasse or deadlock still exists after  
7 the issuance of an injunction, the parties shall submit to arbitration  
8 to be carried out under AS 09.43.030.

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

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

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

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

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

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

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

28 (9) "regional educational attendance area" means an educa-  
29 tional service area in the unorganized borough that may or may not

1 include a military reservation, and that contains one or more public  
2 schools of grade levels K - 12 or any portion of those grade levels  
3 that are to be operated under the management and control of a single  
4 regional school board.

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

9 \* Sec. 9. AS 14.20.550, 14.20.555, 14.20.560, 14.20.570, 14.20.580,  
10 14.20.590, 14.20.600, and 14.20.610 are repealed.

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