

Introduced: 4/8/89  
Referred: Labor and Commerce  
and Finance

go01159s

1 IN THE SENATE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 270

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 dispute resolution for certain  
7 public employees and providing for binding interest  
8 arbitration for certain public employees."

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

10 \* Section 1. AS 23.40.200(b) is amended to read:

11 (b) The class in (a)(1) of this section is composed of police  
12 and fire protection employees, jail, prison and other correctional  
13 institution employees, and hospital employees. Employees in this  
14 class may not engage in strikes. Upon a showing by a public employer  
15 or the labor relations agency that employees in this class are  
16 engaging or about to engage in a strike, an injunction, restraining  
17 order, or other order which may be appropriate shall be granted by the  
18 superior court [IN THE JUDICIAL DISTRICT IN WHICH THE STRIKE IS  
19 OCCURRING OR IS ABOUT TO OCCUR]. If an impasse [OR DEADLOCK] is  
20 reached in collective bargaining between the public employer and  
21 employees in this class, and mediation has been utilized without  
22 resolving the impasse [DEADLOCK], each party [THE PARTIES] shall  
23 submit the total package of its last best offer to binding arbitration  
24 by an arbitrator selected by the parties, or, if mutually agreed upon,  
25 appointed by the Federal Mediation and Conciliation Service. If the  
26 parties are unable to agree to the selection or appointment of an  
27 arbitrator, either party may apply to the court for selection of an  
28 arbitrator [TO ARBITRATION TO BE CARRIED OUT] under AS 09.43.030. The  
29 arbitrator shall issue an award on all issues within 30 days after

1 receipt of a request for arbitration. A party may not revise its last  
2 best offer after the selection of the arbitrator under this section.  
3 In making an award, the arbitrator is restricted to choosing one or  
4 the other of the total packages of last best offers of the parties.

5 \* Sec. 2. AS 23.40.200(c) is amended to read:

6 (c) The class in (a)(2) of this section is composed of public  
7 utility, snow removal, sanitation, and public school and other educa-  
8 tional institution employees. Employees in this class may engage in a  
9 strike after mediation, subject to the voting requirement of (d) of  
10 this section, for a limited time. The limit is determined by the  
11 interests of the health, safety, or welfare of the public. The public  
12 employer or the labor relations agency may apply to the superior court  
13 [IN THE JUDICIAL DISTRICT IN WHICH THE STRIKE IS OCCURRING] for an  
14 order enjoining the strike. A strike may not be enjoined unless it  
15 can be shown that it has begun to threaten the health, safety, or  
16 welfare of the public. A court, in deciding whether or not to enjoin  
17 the strike, shall consider the total equities in the particular class.  
18 "Total equities" includes not only the impact of a strike on the  
19 public but also the extent to which employee organizations and public  
20 employers have met their statutory obligations. If an impasse [OR  
21 DEADLOCK] still exists after the issuance of an injunction, the  
22 parties shall submit to the interest arbitration procedures set out in  
23 (b) of this section [ARBITRATION TO BE CARRIED OUT UNDER  
24 AS 09.43.030].

25 \* Sec. 3. AS 23.40.200 is amended by adding new subsections to read:

26 (g) The monetary terms of an arbitrator's award under this  
27 section are subject to legislative funding and approval under AS 23.-  
28 40.215.

29 (h) Unless prohibited from doing so by a valid collective

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bargaining agreement, when impasse is reached, whether by agreement of the parties or at the direction of the labor relations agency, and mediation has been used without resolving the impasse,

(1) employees in the class in (a)(2) or (a)(3) of this section may conduct a strike authorization vote; and

(2) the public employer may implement the terms and conditions of employment contained in the employer's proposal last offered before impasse to the employees in the class in (a)(2) or (a)(3) of this section.