

BY THE LABOR & COMMERCE COMMITTEE BY REQUEST

1 IN THE SENATE

2

SENATE BILL NO. 529

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to exemptions to the prohibition
7 against unfair labor practices."

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

9 * Section 1. AS 23.40.110 is amended by adding new subsections to read:

10 (d) Except as provided in (e) of this section, it is not an
11 unfair labor practice under this section for a public employer to
12 enter into an agreement covering employees who are engaged or who,
13 upon their employment, will be engaged in the building and construc-
14 tion industry with a labor organization of which building and con-
15 struction employees are members because

16 (1) the majority status of the labor organization has not
17 been established under AS 23.40.100 before the making of the agree-
18 ment;

19 (2) the agreement requires, as a condition of employment,
20 membership in the labor organization after the seventh day following
21 the beginning of the employment or the effective date of the agree-
22 ment, whichever is later;

23 (3) the agreement requires the employer to notify the labor
24 organization of opportunities for employment with the employer or
25 gives the labor organization an opportunity to refer qualified appli-
26 cations for the employment; or

27 (4) the agreement specifies minimum training or experience
28 qualifications for employment or provides for priority in opportuni-
29 ties for employment based on length of service with the employer, in

1 the industry, or in the particular geographical area.

2 (e) An agreement entered into under (d) of this section does not
3 constitute an election for the purpose of AS 23.40.100(c) or (e). An
4 agreement entered into under (d) of this section is not valid if the
5 labor organization was established, maintained, or assisted by an
6 action that constitutes an unfair labor practice under (a) of this
7 section. Notwithstanding (d) of this section, an employer may not
8 justify discrimination against an employee on the basis of nonmember-
9 ship in a labor organization if the employer has reasonable grounds
10 for believing that membership was

11 (1) not available to the employee on the same terms and
12 conditions generally applicable to other members; or

13 (2) denied or terminated for reasons other than the failure
14 of the employee to tender the periodic dues and the initiation fees
15 uniformly required as a condition of acquiring or retaining member-
16 ship.