

CS FOR SENATE BILL NO. 16 (L&C)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 1/29/92
Referred: Health, Education and Social Services
Sponsor(s): SENATORS DUNCAN, Zharoff

A BILL

FOR AN ACT ENTITLED

1 "An Act including public school employees in the Public Employment Relations Act as
2 class (a)(3) employees entitled to a right to strike after advisory arbitration; and providing
3 for an effective date."

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

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

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

8 (1) requirements relating to school district operations:

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

11 (B) AS 14.03.083 - 14.03.140 (miscellaneous provisions applicable to
12 school district operations);

13 (C) regulations adopted by the board under authority of AS 14.07.020(a)
14 that are applicable to school districts and their schools, unless the board specifically

1 exempts the state boarding school from compliance with a regulation;

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

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

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

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

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

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

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

13 (A) AS 14.17.080 (relating to student count estimates);

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

15 (C) AS 14.17.160 - 14.17.220 (setting out the procedure for payment of
16 financial assistance, and imposing general requirements and limits on money paid);

17 (3) requirements relating to teacher employment and retirement:

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

19 (B) AS 14.20.095 - 14.20.215 (relating to the employment and tenure of
20 teachers);

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

22 (D) AS 14.20.280 - 14.20.350 (relating to sabbatical leave provisions for
23 teachers);

24 (E) AS 23.40.070 - 23.40.260 [AS 14.20.550 - 14.20.610] (authorizing
25 collective bargaining [, NEGOTIATION, AND MEDIATION] by certificated employees),
26 except with regard to teachers who are administrators and except that the board may
27 delegate some or all of its responsibilities under those statutes;

28 (F) AS 14.25 (provisions regarding the teachers' retirement system);

29 (4) requirements relating to students and educational programs:

30 (A) AS 14.30.180 - 14.30.350 (relating to educational services for
31 exceptional children);

1 (B) AS 14.30.360 - 14.30.370 (establishing health education program
2 standards);

3 (C) AS 14.30.400 - 14.30.410 (relating to bilingual and bicultural
4 education).

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

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

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

10 (c) The class in (a)(2) of this section is composed of public utility, snow removal,
11 sanitation, and [PUBLIC SCHOOL AND OTHER] educational institution employees **other than**
12 **employees of a school district, a regional educational attendance area, or the state boarding**
13 **school**. Employees in this class may engage in a strike after mediation, subject to the voting
14 requirement of (d) of this section, for a limited time. The limit is determined by the interests of
15 the health, safety, or welfare of the public. The public employer or the labor relations agency
16 may apply to the superior court in the judicial district in which the strike is occurring for an
17 order enjoining the strike. A strike may not be enjoined unless it can be shown that it has begun
18 to threaten the health, safety, or welfare of the public. A court, in deciding whether or not to
19 enjoin the strike, shall consider the total equities in the particular class. "Total equities" includes
20 not only the impact of a strike on the public but also the extent to which employee organizations
21 and public employers have met their statutory obligations. If an impasse or deadlock still exists
22 after the issuance of an injunction, the parties shall submit to arbitration to be carried out under
23 AS 09.43.030.

24 * Sec. 4. AS 23.40.200(d) is amended to read:

25 (d) The class in (a)(3) of this section includes all other public employees who are not
26 included in the classes in (a)(1) or (a)(2) of this section. Employees in this class may engage
27 in a strike if a majority of the employees in a collective bargaining unit vote by secret ballot to
28 do so. **However, if an impasse or deadlock is reached in collective bargaining negotiations**
29 **between a municipal school district, a regional educational attendance area, or the state**
30 **boarding school and its employees, the parties shall submit to advisory arbitration before**
31 **the employees may engage in a strike. The arbitrator selected to conduct the advisory**

1 arbitration must be a member of the American Arbitration Association Panel of Labor
2 Arbitrators or the Federal Mediation and Conciliation Service. In selecting the arbitrator,
3 the parties shall request a list of arbitrators who have knowledge of and recent experience
4 in the local conditions in the school district, regional educational attendance area, or state
5 boarding school. A list containing at least five nominees who meet the qualifications of this
6 subsection is a complete list for the purpose of striking names and selecting the arbitrator.

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

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

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

12 (6) "public employee" means any employee of a public employer, whether or not
13 in the classified service of the public employer, except elected or appointed officials or
14 superintendents of schools [TEACHERS OR NONCERTIFICATED EMPLOYEES OF
15 SCHOOL DISTRICTS];

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

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

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

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

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

30 * Sec. 10. AS 14.20.550, 14.20.555, 14.20.560, 14.20.570, 14.20.580, 14.20.590, 14.20.600,
31 14.20.610, and ch. 180, SLA 1990, are repealed.

1 * Sec. 11. Notwithstanding sec. 4, ch. 113, SLA 1972, a municipal school district or regional
2 educational attendance area may not reject application of AS 23.40.070 - 23.40.260 to employment
3 relations with public school employees.

4 * Sec. 12. This Act takes effect immediately under AS 01.10.070(c).