

SENATE BILL NO. 95

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY SENATOR RODEY

Introduced: 2/1/91

Referred: Labor and Commerce

A BILL**FOR AN ACT ENTITLED**

1 "An Act relating to agreements between a labor organization and a public employer."

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**3 * **Section 1.** AS 23.40.110 is amended by adding new subsections to read:

4 (d) It is not an unfair labor practice under this section for a public employer to enter into
 5 an agreement covering employees who are substantially engaged or who, upon their employment,
 6 will be substantially engaged in the building and construction industry, with a labor organization
 7 representing those employees because

8 (1) the majority status of the labor organization has not been established under
 9 AS 23.40.100 before the making of the agreement;

10 (2) the agreement requires the employer to notify the labor organization of
 11 opportunities for employment with the employer or gives the labor organization an opportunity
 12 to refer qualified applications for the employment; or

13 (3) the agreement specifies minimum training or experience qualifications for
 14 employment or provides for priority in opportunities for employment based on length of service

1 with the employer, in the industry, or in the particular geographical area.

2 (e) It is not an unfair labor practice for a public employer and a labor organization to
3 enter into an agreement, related to the contracting or subcontracting of new construction or
4 maintenance work within the construction industry, in which the employer ceases or refrains, or
5 agrees to cease or refrain, from handling, using, selling, transporting, or otherwise dealing or
6 doing business with another employer, contractor, subcontractor, or person. However, the public
7 employer shall retain the right to control the means, manner, and standards of performance of all
8 employees engaged in work or employed on projects covered by the agreement. This subsection
9 does not apply to work within the fishing or maritime industry, agriculture, logging, the timber
10 industry, manufacturing, or the performance of part of an integrated process of production in the
11 apparel or clothing industry.

12 (f) An agreement entered into under (d) of this section does not constitute an election for
13 purposes of AS 23.40.100(c) or (e) if an election is requested by the employees of a public
14 employer under AS 23.40.100(a).

15 (g) An agreement entered into under (d) or (e) of this section is not prohibited under
16 AS 45.50.562 - 45.50.596.

17 (h) The provisions of AS 36.30 do not apply to agreements entered into under this
18 section.

19 * Sec. 2. AS 36.30.850(b) is amended by adding a new paragraph to read:

20 (23) agreements entered into under AS 23.40.110(d) or (e).

21 * Sec. 3. AS 45.50.572 is amended by adding a new subsection to read:

22 (i) AS 45.50.562 - 45.50.596 do not prohibit agreements entered into under
23 AS 23.40.110(d) or (e) between a public employer and an organization representing the
24 employer's employees.