

SB

501



Official Business

# Alaska State Legislature

Senate  
Committee on  
Community & Regional Affairs

Pouch V  
State Capitol  
Juneau, Alaska 99811

## PRESS RELEASE

For Further Information:

Ben Harding, Administrative Assistant  
Senate C&RA Committee  
465-3758

## FOR IMMEDIATE RELEASE

SENATE COMMITTEE HEARINGS ON PUBLIC COLLECTIVE BARGAINING BILL TO  
BE VIDEO-BROADCAST TO ALASKAN COMMUNITIES

Video-broadcast hearings will be held by the Senate Community and Regional Affairs Committee on March 30 to explore new concepts in resolving deadlocked public employee contract negotiations, either by a direct vote of the people or through the election of a local arbitration panel.

These procedures are outlined in Senate Bill 501, introduced by Senator Joe Orsini (R-Anchorage). The bill was drawn up to allow local government or the appropriate administrative body the option of adopting either, or neither, of these procedures as a means of resolving local public collective bargaining impasses. It was not intended for the bill to mandate either of these forms of arbitration to local government bodies, but to permit the selection of the most responsive approach to the needs of the local situation.

-continued-

2-Senate Community & Regional Affairs Committee

The adoption by local communities of such procedures, Senator Orsini said, "would put more of the decision-making authority for the arbitration of collective bargaining disputes into the hands of the local public, whose tax-dollars, after all, fund the settlements."

Because of the increasing interest by the public in public sector collective bargaining, a wide range of groups and organizations have been invited to testify at the March 30 hearings. The video-conference will be broadcast from Juneau to the communities of Ketchikan, Anchorage, Fairbanks, Bethel and Nome at 12:30 p.m. (Juneau time). The recently installed two-way video-broadcast facilities will allow persons from these communities to present testimony to the Senate committee and to follow the course of the committee hearings without leaving their local communities.

News directors in the electronic media who may be interested in obtaining portions of the hearings on video-tape for later use in newscasts should contact Mr. Peter Fromuth, Legislative Affairs Agency in Juneau, at 465-4980, or conference moderators located in the other communities. (See attached list for names and telephone numbers)

The members of the Senate Community and Regional Affairs Committee are: Joe Orsini (R-Anchorage), Chairman; Ed Willis (D-Eagle River), Vice Chairman; Frank Ferguson (D-Kotzebue), Glenn Hackney (R-Fairbanks) and Bill Sumner (R-Anchorage).

#####

March 13, 1978

VIDEO-CONFERENCE MODERATORS

Anchorage - Charity Kadow	278-3668
Bethel - Peter Twitchill	543-3131
Fairbanks - April Moore	452-4449
Ketchikan - Sandy Wendte	225-9675
Nome - Myrtle Johnson	443-2770

May 2, 1960— 7:12 pm	May 8, 1966— 12:11 pm
3, 1947— 5:53 pm	8, 1959— 11:26 am
3, 1941— 1:50 am	8, 1933— 7:30 pm
3, 1919— 2:33 pm	8, 1930— 7:03 pm
4, 1973— 11:59 am	9, 1955— 2:13 pm
4, 1970— 10:37 pm	9, 1923— 2:00 pm
4, 1967— 11:55 am	10, 1975— 1:49 pm
4, 1944— 2:08 pm	10, 1972— 11:56 am
5, 1963— 6:25 pm	10, 1931— 9:23 am
5, 1961— 11:31 am	11, 1924— 3:10 pm
5, 1957— 9:30 am	11, 1921— 6:42 am
5, 1946— 4:40 pm	11, 1920— 10:45 am
5, 1929— 3:41 pm	11, 1918— 9:33 am
6, 1977— 12:46 pm	12, 1962— 11:23 pm
6, 1974— 3:44 pm	12, 1952— 5:04 pm
6, 1954— 6:01 pm	12, 1937— 8:04 pm
6, 1950— 4:14 pm	12, 1927— 5:00 am
6, 1938— 8:14 pm	12, 1922— 1:20 pm
6, 1928— 4:25 pm	13, 1948— 11:13 am
7, 1965— 7:01 pm	14, 1949— 12:39 pm
7, 1925— 6:32 pm	15, 1935— 1:32 pm
8, 1971— 9:31 pm	16, 1945— 9:41 am
8, 1968— 9:26 am	20, 1964— 11:41 am

## Newspapers and Periodicals

- ✓ *Alaska Advocate*, Suite 203, 203 West 15th Avenue, Anchorage 99510. Weekly. Yearly rate: \$25.
- Alaska Journal of Commerce and Pacific Rim Reporter*, 630 West Fourth Avenue, Suite 10, Anchorage 99501. Weekly. Yearly rate: \$45.
- Alaskan Spectrum*, Box 3-548, Anchorage 99501. Quarterly for the first year, then monthly. Newsstand sales only.
- ✓ *Anchorage Daily News*, 821 West Fifth Avenue, Anchorage 99501. Daily except Sunday. Monthly rates: Alaska, \$4.25; elsewhere, \$4.75.
- ✓ *Anchorage Times*, 820 Fourth Avenue, Anchorage 99501. Monthly rates: Alaska, \$5; Washington and Oregon, \$7.40; California, \$7.90; elsewhere, \$8.60. Sunday only: Alaska, \$4.50; Washington and Oregon, \$5.50; California, \$6; elsewhere, \$6.50.
- ✓ *Bering Straights*, Box 968, Nome 99762. Weekly. Yearly rates: \$15; first class, \$25.
- Bristol Bay By-Lines*, P.O. Box 234, Dillingham 99576. Weekly. Yearly rates: regular mail inside Alaska, \$8; Outside, \$10; first class, \$18.50.
- Caribou News*, Box 726, Kotzebue 99752. Rate: \$15 for 52 issues.
- Chcechako News*, Drawer 0, Kenai 99611. Weekly. Yearly rate: regular mail, \$15.
- Chilkat Valley News*, P.O. Box 118, Haines 99827. Weekly. Yearly rates: regular mail, \$8; first class, \$10.
- ✓ *Chugiak-Eagle River Star*, P.O. Box 1007, Eagle River 99577. Weekly. 6-month rates: surface mail, \$3.90; first class, \$8.50.

*Cordova Times*, Box 200, Cordova 99574. Weekly. Yearly rates: regular mail, \$14.04; first class, \$33.28.

*Daily Sitka Sentinel*, Box 799, Sitka 99835. Monthly rates: regular mail, \$3.50; first class, on request.

*Delta Paper*, Box 988, Delta Junction 99737. Weekly. Yearly rate: \$30 by mail.

- ✓ *Fairbanks Daily News-Miner*, 200 North Cushman, Fairbanks 99701. Monthly rates: Alaska, \$5; other USA and Canada, \$7; first class, \$18.

*Frontiersman*, Box D, Palmer 99645. Weekly. Yearly rates: Matanuska-Susitna Valleys, \$8.93; elsewhere, \$12.50.

*Great Lander Shopping News*, 3110 Spenard Road, Anchorage 99503. Weekly. Yearly rate: regular mail, \$15.

*Homer Weekly News*, Box 254, Homer 99603. Yearly rates: regular mail, \$13; first class, \$26.

*Kodiak Times*, P.O. Box 2368, Kodiak 99615. Weekly. Yearly rates: Alaska, \$12; elsewhere, \$15.

- ✓ *Ketchikan Daily News*, P.O. Box 79, Ketchikan 99901. Daily except Sunday. Yearly rate: \$42; 3 months, \$12.

*Kodiak Daily Mirror*, P.O. Box 1307, Kodiak 99615. Monday through Friday. Monthly rates: surface mail, \$3; first class, \$10.

*Kodiak Fish Wrapper and Litter Box Liner*, Box 2516, Kodiak 99615. Monthly. Yearly rate: \$5.

*Kotzebue News*, P.O. Box 335, Kotzebue 99752. Weekly. Yearly rate: \$10.40.

*Mukluk News*, Box 96, Tok 99780. Bimonthly. Yearly rates: \$10; first class, \$13.

*New Alaskan*, Route 1 - Box 677, Ketchikan 99901. Monthly, except January and February. Yearly rate: \$4.50.

- ✓ *Nome Nugget*, Box 610, Nome 99762. Twice weekly. Rates: monthly, \$2; yearly, \$18.

*North Wind*, Box 456, Skagway 99840. Monthly. Yearly rate: \$2.25.

*Northern Observer*, Box 1971, Anchorage 99510. Monthly. Yearly rate: \$5.

*Petersburg Pilot*, Box 744, Petersburg 99833. Weekly. Yearly rates: Petersburg, \$15; elsewhere in Alaska, \$17; first class, \$26.50.

- ✓ *Pioneer All-Alaska Weekly*, P.O. Box 970, Fairbanks 99707. Rates: monthly, \$2; yearly, \$20.

*River Times*, 102 Lacey Street, Fairbanks 99701. Bimonthly. Yearly rate: \$3.

*Seward Phoenix Log*, Box 97, Seward 99664. Monthly. Yearly rates: regular mail, \$9; first class, \$18.

*Sound of Prince William Sound*, Box 732, Whittier 99502. Monthly. Yearly rate: \$6.50.

*Southeast Alaska Empire*, 138 Main Street, Juneau 99801. Daily. Monthly rates: Alaska, \$4.90; outside Alaska, \$5.50.

*Southeastern Log*, Box 79, Ketchikan 99901. Monthly. Yearly rates: Alaska, \$4; elsewhere, \$5.

*Susitna Valley Chronicle*, Box 128, Talkeetna 99676. Weekly. Yearly rates: \$12; outside Alaska, \$15.

- ✓ *Tundra Drums*, P.O. Box 418, Bethel 99559. Semimonthly. Yearly rates: Alaska, \$10; first class, Alaska and elsewhere, \$50.

Also AP. Anchorage  
Juneau

- ✓ *Tundra Times*, Box 1287, Fairbanks 99707. Weekly. Yearly rates: regular mail, \$15; first class, \$35.  
*Valdez Vanguard*, Box 157, Valdez 99686. Weekly. Yearly rates: regular mail, \$14.04; first class, \$33.28.  
*Wrangell Sentinel*, Box 798, Wrangell 99929. Weekly. Yearly rates: Wrangell, \$15; outside Wrangell, \$17; first class, \$26.50.

#### Other Publications

- ALASKA GEOGRAPHIC*®, Box 4-EEE, Anchorage 99509. Quarterly. \$20 first year, \$16 thereafter; outside the United States add \$1.  
*ALASKA*® magazine, Box 4-EEE, Anchorage 99509. Monthly. Yearly rates: \$12; outside the United States, \$13.  
*The ALASKA JOURNAL*®, Box 4-EEE, Anchorage 99509. Quarterly. Yearly rates: \$8; outside the United States, \$9.  
*The MILEPOST*®, Box 4-EEE, Anchorage 99509. Annual, 500 pages. 1977 edition, \$5.95 plus 75 cents postage and handling; Washington state residents also add 5.4% sales tax.

Note: Rates were in effect in early 1977 and may change; they are provided as a guide.

## Permafrost

Permanently frozen subsoil, continuous in polar regions. It underlies the entire arctic region to depths reported to reach 2,000 feet. Permafrost limits construction in the Arctic because building on it causes thawing and therefore heaving of the melted ground.

Much of the interior and some of Southcentral are also underlain by permafrost. Trees growing over it can be spotted by their tilting at various angles, caused by freezing and thawing of the topsoil layer.

Permafrost prevents significant flow of ground water into streams and rivers in much of the Interior and all of the Arctic, resulting in a nearly complete freezing of the rivers in winter. It is also responsible for thousands of lakes dotting the arctic tundra because ground water is held on the surface.

RICK FURNISS



An ice lens pushes up tundra near Galbraith Lake in the Brooks Range.

## Populations and Zip Codes

Total Alaska population at the time of the 1970 census was 302,361. An Alaska Northwest Publishing Company estimate in late 1976 showed more than 400,000. The following list of communities show those places recorded in the 1970 census as having more than 25 people, plus additional Zip-coded localities. (A second list shows a sampling of 1976 estimates.) Because of seasonal variations in populations and census district variances, census figures are not exact. Figures are sometimes not available on the percentage of the population that is Native. In such circumstances the list shows NA. Under any circumstance readers must realize the population totals below are in many cases much greater today.

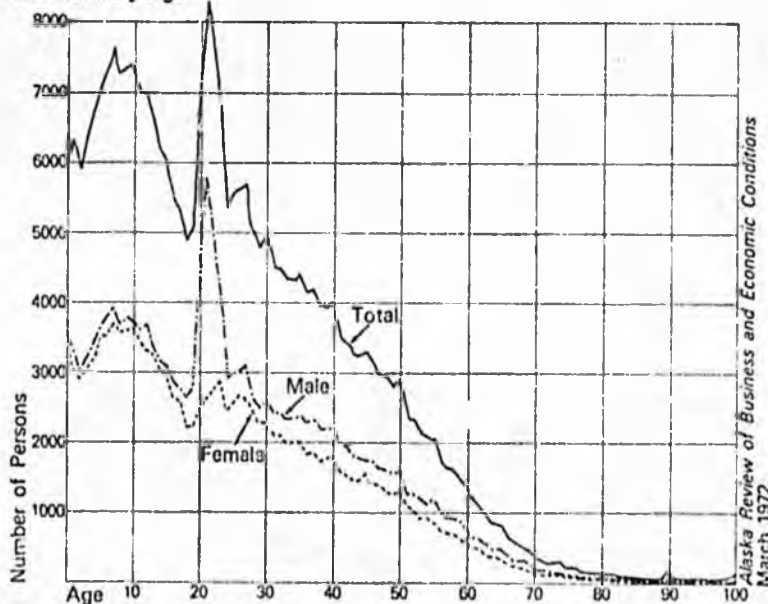
(See also *Natives*.)

Community	1970 Population		Zip Code
	Total	Native	
Adak	2,249	54	99695
Akhiok	115	114	99615
Akiachak	312	300	99551
Akiak	171	169	99552
Akolmiut	526	512	99695
Akutan	101	87	99553
Alakanuk	265	246	99554
Aleknaglk	128	95	99555
Alexander Creek	NA	NA	99695
Alitak	NA	NA	99697
Allakaket	174	168	99720
Ambler	169	159	99786
Amchitka	NA	NA	99501
Anaktuvuk Pass	99	97	99721
Anchor Point	102	NA	99556
Anchorage area	124,542	4,795	995--
Anderson	362	7	99790
Angoon	400	377	99820
Aniak	205	170	99557
Annette	195	19	99920
Anvik	83	75	99558
Arctic Village	85	82	99722
Atka	88	83	99502
Atmautluak	107*	107*	99559
Auke Bay	490	NA	99821
Aurora-Johnston	1,464	NA	99701
Baranof	NA	NA	99833
Barrow	2,104	1,906	99723
Beaver	101	86	99724
Belkofski	59	51	99695

\* Estimate

1976 Population		1976 Population	
Haines area	1,980	Seldovia area	612
Homer	1,538	Seward	1,823
Hoonah	1,000	Shemya Island	1,131
Juneau area	19,600	Sitka area	8,112
Kake	550	Skagway	750
Kenai	5,200	Soldotna	1,275
Ketchikan area	11,300	Tok	750
Kodiak	4,300	Unalakleet	470
Kotzebue	2,500	Valdez	8,250
Metlakatla area	1,410	Wildwood	400
Naknek	472	Wrangell	2,700
Nenana	475	Yakutat area	500
Nome	3,000		
Palmer	1,549		
Petersburg	2,400		

#### Alaskans by Age



#### Age and Gender of Alaskans

Median age about 22

Men: 54.35% of population

Women: 45.64% of population

Natives: 16.9% of population

Of people age 14 or over, Bureau of the Census showed:

Men: 113,657; 33.8% single; 60.7% married; 5.4% widowed or divorced.

Women: 89,907; 20.6% single; 71.5% married; 8.0% widowed or divorced.

#### Births and Deaths

The Alaska Department of Health and Social Services shows the following figures for 1975:

Births	Deaths
White 5,287	White 1,027
Native 1,745	Native 441
Total, including others 7,470	Total, including others 1,522

#### Marriage and Divorce

In 1975, there were 4,735 marriages and 2,865 divorces in Alaska. This was 32.7% more marriages and 16.8% more divorces than in 1974.

Marriage regulations: Without parental consent at age 18 or older, or if a member of the U.S. armed services on active duty. With parental consent at age 16, or at age 14 with permission of a superior court judge following a hearing. Blood test required; out-of-state blood test by a licensed physician within 30 days accepted. Three-day wait for a license; no wait after getting a license.

Divorce regulations: Grounds are cruelty, desertion, alcoholism, conviction of a felony, failure to consummate, drug addiction, incompatibility, 18 months of insanity, indignities. Presence in the state with intent to reside is required; no wait between interlocutory and final decrees. The shortest time in which a divorce can be obtained is 30 days from the date of filing. Alaska is not a community property state.

## Radio Stations

- ✓ KANC, 1080 kHz; 848 East Loop Road, Anchorage 99501.
- ✓ KBYR, 700 kHz; 1007 West 32nd Avenue, Anchorage 99503.
- ✓ KENI, 550 kHz; Box 1160, Anchorage 99510.
- ✓ KFQD, 750 kHz; 9200 Lako Otis Parkway, Anchorage 99507.
- ✓ KHAR, 590 kHz; KHAR-FM, 103.9 MHz; 3900 Seward Highway, Anchorage 99503.
- ✓ KJZZ-FM, 102.1 MHz; 338 Donali Street, Anchorage 99501.
- ✓ KNIK-FM, 105.5 MHz; 1007 West 32nd Avenue, Anchorage 99503.
- ✓ KYAK, 650 kHz; KYAK-FM, 101.3 MHz; 2800 East Dowling Road, Anchorage 99507.
- ✓ KYUK, 580 kHz; Box 468, Bethel 99559.
- ✓ KLAM, 1450 kHz; Box 278, Cordova 99574.
- ✓ KUAC-FM, 104.7 MHz; University of Alaska, Fairbanks 99701.
- ✓ KFAR, 660 kHz; Box 910, Fairbanks 99701.
- ✓ KFRB, 900 kHz; Box 950, Fairbanks 99701.
- ✓ KIAK, 970 kHz; Box 2828, Fairbanks 99707.
- ✓ KCAM, 790 kHz; Box 125, Glennallen 99588.
- ✓ KINY, 800 kHz; 231 South Franklin Street, Juneau 99801.
- ✓ KJNO, 630 kHz; Box 929, Juneau 99802.
- ✓ KTOO-FM, 104.3 MHz; Box 1487, Juneau 99801.
- ✓ KTKN, 930 kHz; Box 2347, Ketchikan 99901.
- ✓ KRBD, 105.9 MHz; 2415 Hemlock Street, Ketchikan 99901.
- ✓ KVOK, 560 kHz; Box 53, Kodiak 99615.
- ✓ KOTZ, 720 kHz; Box 78, Kotzebue 99752.
- ✓ KICY, 850 kHz; Box 820, Nome 99762.
- ✓ KNOM, 780 kHz; Box 988, Nome 99762.

✓ *KJNP*, 1170 kHz; Box 0, North Pole 99705.  
*KRXX*, 950kHz; Box 276, Seward 99664.  
*KIFW*, 1230 kHz; Box 299, Sitka 99835.  
*KSRM*, 920 kHz; Box 950, Soldotna 99669.  
(See also *Television Stations*.)

## Railroads

The Alaska Railroad, operated by the Federal Railroad Administration of the U.S. Department of Transportation, provides passenger and freight service between Anchorage and Fairbanks. Passenger service is daily from May 26 through September 8, less often in winter.

For information, contact the Alaska Railroad, Pouch 7-2111, Anchorage 99510; phone 265-2683 for the Anchorage Passenger Agent or 265-2494 for the Traffic Division. In Fairbanks call 456-4155.

The White Pass & Yukon Route, privately owned, is a narrow-gauge link between Skagway, Alaska, and Whitehorse, Yukon Territory. At the time it was built—1898 to 1900—it was the farthest north any railroad had operated in North America. It has one of the steepest railroad grades in North America, climbing to 2,885 feet at White Pass in only 20 miles of track.

For information, contact the White Pass depot in either Skagway or Whitehorse; or write White Pass & Yukon Route, Box 2147, Seattle, Washington 98111.

## Regions

Alaska's regions are quite varied in character. The following paragraphs and accompanying map provide a quick outline. Other information is available under such headings as *Climate*, *Highways*, *Economy* and *Wildlife*, for example.

### Southwestern

From the southern tip of Prince of Wales Island, Southwestern Alaska stretches 500 miles north to the far edge of the Malaspina Glacier on the western side of Yakutat Bay. This is a country of glacier-ridden mountains, 1,000 named islands and numerous unnamed islets and reefs. The region is heavily forested with spruce, hemlock and cedar.

Temperature ranges from an average of 50° to 60° in July to an average of 20° to 40° in January. Average annual precipitation varies from 80 to more than 200 inches. The area receives from 30 to 200 inches of snow in the primary populated sections and more than 400 inches in the high mountains.

Fishing, timber and tourism are the major industries. Except for the Haines Cutoff, which connects to the Alaska Highway, there are only local roads. Transportation is by air and by the Alaska Marine Highway System. Juneau is the state capital; Sitka is site of the historical capital of Russian America.

### Southcentral

About 55% of the state's people live in the arc between the Gulf of Alaska on the south and the Alaska Range on the north, in the region commonly called Southcentral Alaska. The Chugach and Kenai

Mountains follow the coast from Prince William Sound down the eastern Kenai Peninsula. The Matanuska and Susitna valleys are to the north of Anchorage.

The irregular plain of the Copper River lowland to the east has a colder climate than the other major valley areas, with January temperatures hitting -16° compared to average lows of 0° in the Susitna Valley. July temperatures average 50° to 60°.

Vegetation ranges from spruce-hemlock forests of Prince William Sound to spruce and birch forests of the Susitna drainage and the tundra-type highlands of the Copper River-Nelchina Basin.

Alaskan agriculture historically has been developed most thoroughly in the Matanuska and Susitna valleys. The state's dairy industry is



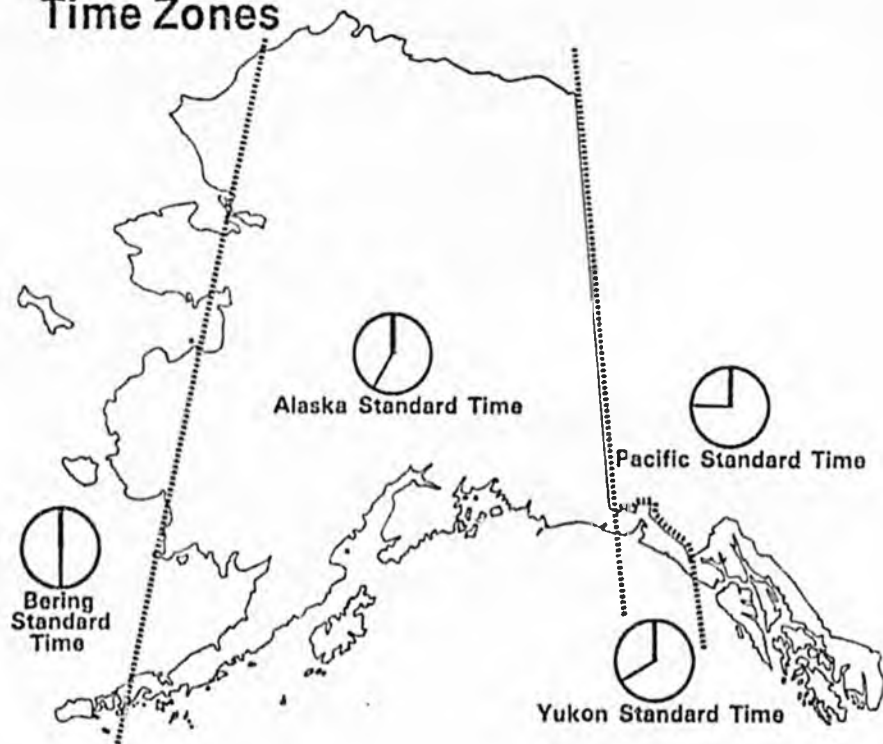
centered there. Vegetable truck farming also is prominent. The approximately 17 inches of annual precipitation often is barely adequate for cultivation, and supplemental irrigation is common. Some nonagricultural parts of Southcentral receive up to 80 inches of precipitation a year. From 40 to 100 inches of snow has been recorded for populated areas, and up to 800 inches a year for the coastal mountains. Winter winds disturb the snow cover, making winter survival of perennials extremely difficult.

Anchorage, the primary business center of the state, is the major port and head of the Alaska Railroad. Valdez is the terminus and port for oil

## Television Stations

- ✓ **KAKM**—Channel 7 (public television); 3211 Providence Drive, Anchorage 99504.
  - ✓ **KENI-TV**—Channel 2; Box 1160, Anchorage 99501.
  - ✓ **KIMO**—Channel 13; 3910 Seward Highway, Anchorage 99503.
  - ✓ **KTVA**—Channel 11; Box 2200, Anchorage 99501.
  - ✓ **KYUK-TV**—Channel 4; Box 468, Bethel 99559.
  - ✓ **KFAR-TV**—Channel 2; 516 Second Avenue, Fairbanks 99701.
  - ✓ **KTVF**—Channel 11; Box 950, Fairbanks 99707.
  - ✓ **KUAC-TV**—Channel 9; University of Alaska, Fairbanks 99701.
  - ✓ **KINY**—Channel 8; 231 South Franklin Street, Juneau 99801.
  - ✓ **KIFW-TV**—Channel 13, Box 299, Sitka 99835.
- (See also *Radio Stations*.)

## Time Zones

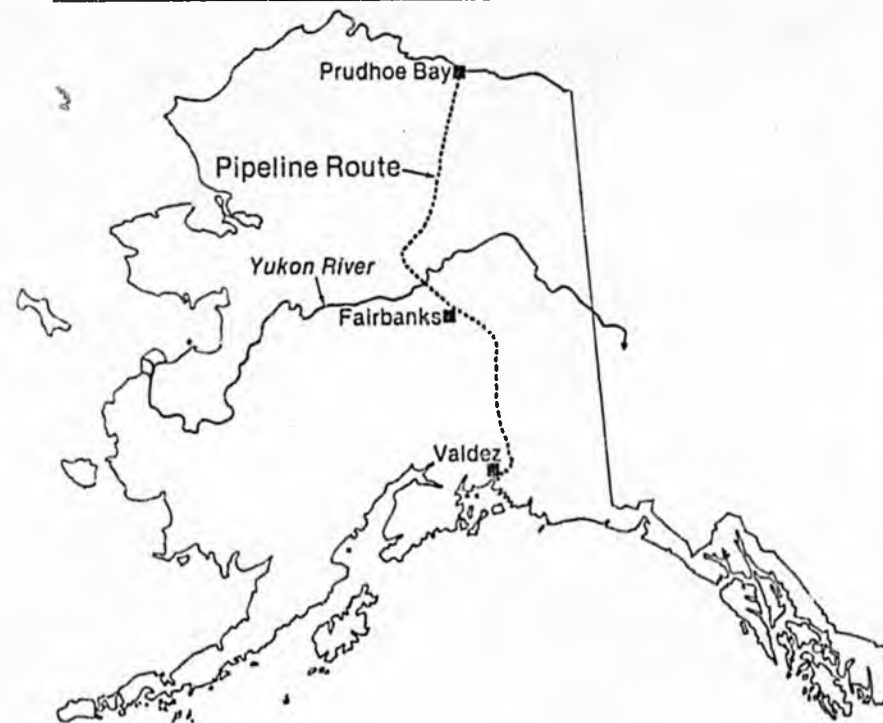


## Trans-Alaska Pipeline

The pipeline designer, builder and operator is the Alyeska Pipeline Service Company, a consortium of eight oil companies.

## Alyeska Pipeline Service Company Consortium

Sohio Pipe Line Company	33.34%
ARCO Pipe Line Company	21.00%
Exxon Pipeline Company	20.00%
BP Pipelines Inc.	15.84%
Mobil Alaska Pipeline Company	5.00%
Union Alaska Pipeline Company	1.66%
Phillips Petroleum Company	1.66%
Amerada Hess Pipeline Corporation	1.50%



**Pipeline length:** 800 miles, about half buried, the remainder on 78,000 above-ground supports.

**Pipe size:** 48 inches in diameter, in lengths of 40 feet and 60 feet and thickness of 0.462 inch and 0.562 inch.

**Right-of-way width for pipeline:** 54 feet.

**Pipeline capacity:** 1.2 million barrels a day initially; can be increased with additional pumping stations and terminal facilities to 2 million barrels a day.

**Estimated crude oil reserves recoverable on the North Slope:** 9.6 billion barrels.

## BACKGROUND ON THE ALASKA PUBLIC EMPLOYMENT RELATIONS ACT

AS 23.40.070-260, otherwise known as the Alaska Public Employment Act or PERA, provides for collective bargaining and binding arbitration for public employees at the state level.

It groups public employees into three categories: 1) employees whose services may not be interrupted for even a short period of time, 2) employees whose services may be interrupted for limited periods of time and 3) employees whose services may be interrupted for indefinite periods of time without the public suffering irreparable harm.

All political subdivisions of the state -- boroughs and cities -- were originally included under PERA. However, Section 4, chapter 133, SLA 1972, significantly modified PERA's application to local government by providing for political subdivisions to opt out of the regulations either by ordinance or by resolution.

Most of the major subdivisions of the state have in fact opted out of PERA with the exception of the Fairbanks North Star Borough and the Ketchikan Gateway Borough. (See attached list)

The reasons for this action by municipalities was that they could thereby fashion their own labor ordinances, tailored to local conditions and needs. In some cases, such as the City and Borough of Juneau and the Municipality of Anchorage, complete and parallel systems of collective bargaining agreements and arbitration have been adopted.

Under AS 23.40.150(5), public school employees were specifically exempted from PERA by excluding them from the definition of "public employees".

In this respect, the language of the Act is somewhat confusing and ambiguous, since in previous parts of the legislation direct reference is made to school teachers as public employees whose "services may be interrupted for a limited period but not for an indefinite period of time" (AS 23.40.200 paragraph "c"). However, despite the ambiguity of language, it has been understood as the legislative intent of the Act to exempt teachers and they have been excluded accordingly.

AS 23.40.190 provides for the appointment by the Labor Relations Agency of a mediator if a deadlock exists between a public employer and a labor organization.

AS 09.43.200, also known as the Uniform Arbitration Act, provides for the court to appoint an arbitrator or arbitrators if the parties agree to binding arbitration and if no written agreement exists for the appointment of arbitration. It also outlines specific procedures for implementing arbitration.

Senate Bill 501 would not modify or affect existing arbitration ordinances or procedures adopted locally by municipalities. The bill would, however, give greater flexibility to those municipalities which have elected to remain under the provisions of the State Public Employees Relations Act by providing them with additional options if they chose to use them.

PUBLIC EMPLOYMENT RELATIONS ACT- AS 23.40.070-260

(Section 4, ch. 133, SLA 1972, provides: "This Act is applicable to organized boroughs and political subdivisions of the state, home rule or otherwise, unless the legislative body of the political subdivision by ordinance or resolution, rejects having its provisions apply.")

The following municipalities have opted out of the Public Employment Relations Act\*:

City and Borough of Juneau	Resolution 150
Municipality of Anchorage	Resolution 49-R-72
Matanuska-Susitna Borough	Resolution 72-48
City of Wrangell	
City of Homer	
Kenai Peninsula Borough	Resolution 72-17R
City of Ketchikan	Resolution 954
City of Fairbanks	
City and Borough of Sitka	
City of Petersburg	
City of Soldotna	Resolution 72-17
City of Palmer	Resolution 255
City of Kodiak	Resolution 16-72

Ketchikan Gateway Borough opted out, but later rescinded its action

Fairbanks North Star Borough joined APEA

(\* data supplied by Alaska Municipal League)

OPEN NEGOTIATIONS AND PUBLIC PARTICIPATION FOR PUBLIC  
SECTOR COLLECTIVE BARGAINING

Englewood, Colorado (public referendum)

Aurora, Colorado (public referendum)

Pueblo, Colorado (public referendum)

San Francisco, California (public referendum)

Kansas City, Missouri (bargaining in public)

State of Tennessee (bargaining in public)

State of Florida (bargaining in public)

State of California (public disclosure of initial bargaining  
positions for school negotiations)

State of Wisconsin (public disclosure of initial bargaining  
positions)

State of Massachusetts (13-member fact-finding review panel)

Mediation Procedures AS 23.40.190. "If, after a reasonable period of negotiation over the terms of a collective bargaining agreement a deadlock exists between a public employer and an organization, the Labor Relations Agency may appoint a competent, impartial, disinterested person to act as mediator in any dispute either on its own initiative or on the request of one of the parties to the dispute. The parties may also select a mediator by agreement or mutual consent." However, neither the mediator nor the Labor Relations Agency has any power of compulsion in mediation proceedings.

Arbitration Procedures AS 43.020-220 (Uniform Arbitration Act)

Unless the arbitration agreement provides a method of appointing arbitration, the <sup>superior</sup> court may appoint one or more arbitrators. The arbitrator(s) shall proceed in the following manner:

1. Set a time and a place for the hearing and notify the parties at least five days in advance.
2. Allow the parties to present evidence in the hearing and to cross examine witnesses.
- 3). Render a final decision by a majority, if more than two arbitrators have been appointed.
- 4). May issue subpoenas and administer oaths.

Appeals to the actions of arbitrators in either

1. Denying or compelling arbitration
2. Confirming or denying an award for settlement
3. Modifying or correcting an award.
4. Voiding an award without a rehearing.
5. Any judgement or decree issued under the Uniform Arbitration Act.

All appeals are handled as civil actions.

F: 8B 501

11

George Fetch - Valdez  
Al Seggat - (813) 893-7251  
Florida

about bar. w/ unions that open  
to public? ■

Knows union bar +  
knows how to handle it.  
he will answer it.

union bargaining

TESTIMONY FROM VIDEO-CONFERENCE  
C&RA COMMITTEE MEETING ON SB 501 & 373

March 30, 1978

Present: Senators Orsini, Hackney, Ferguson and Sumner

Absent: Senator Willis

Chairman Orsini called the meeting to order and explained that the meeting was on a video-conferencing network tied into Nome, Bethel, Fairbanks, Anchorage and Ketchikan.

Senate Bill 501, relating to municipal labor relations and Senate Bill 373, relating to public information regarding collective bargaining by public employees were the bills before the committee.

Gary Akerman - Fairbanks - Public, Labor Union Member - Stated that negotiations were a matter between the employer and employee. Felt that these are the two people involved and they can best negotiate something out between themselves. Stated that he felt the same way about SB 373.

Walt Bonnet - Anchorage Chamber of Commerce - Public - Stated that he was opposed to any act which brings about binding arbitration in the form of impasse resolution and labor disputes with any public employees - consistent with this is opposition to the concept of submission of dispute directly to the voters. Stated that public employees salaries, benefits and terms of employment are a most significant aspect of municipal government. The function of management of public employees is historically and ideally vested in the elected offices of the Mayor, Assembly and School Board. Third party panel will never create substantial public awareness and what is worse will never resolve the question of whether one of the parties was being irresponsible in the role of negotiating. It reduces public awareness of negotiation proposals and settlements and reduces public scrutiny in the roles played by the principals charged with the negotiation functions. This dissolving of direct accountability to the elected official or representative of a bargaining unit is the single most negative facet of the binding arbitration.

Caroline Wohlforth - Anchorage - President of Anchorage School Board - Stated that SB 501 strikes at the core of elected officials. The policies and relations between employers and employees are most effectively dealt with by their own elected officials who have that responsibility to the public. She also stated that if government was run by referendum there would be no need for government. She stated that on the same basis they questioned the use of binding arbitration as a means of settling a dispute which arise in negotiations. She went on that under our system, management and labor have certain perogatives during negotiations, binding arbitration would deny both parties of this perogative and result in governmental policy making outside of government.

Sharon Walker - Ketchikan - Ketchikan Gateway Board of Education - It is the opinion of the Ketchikan Gateway Board of Education that

binding arbitration in any form in municipal labor relations deletes the authority and the responsibility of the duly elected local official. If a local municipality attempts to exempt itself by the election of an arbitration panel then that panel itself becomes another level of government and the election of those members become paramount on any issue of labor relations. If an election is held on the issue of impasse then the management unit of local government must spend local tax dollars in an effort to inform the voters as to the background and reasonings behind their offer. She stated that it was the Board's opinion that either method is unsatisfactory and cannot support either of the bills.

John Carlson - Fairbanks - Mayor, North Star Borough - Comments basically on SB 373. Opposed to any effort from the State Legislature to further direct local government in collective bargaining procedure. He stated that the procedures and policies implemented in collective bargaining can best be addressed at the local level. Strongly opposed to binding arbitration from an outside arbitrator. Felt that it was in the best interest of the local municipality to determine their own labor relations policy. He brought out in testimony on the 3 member arbitration panel that there should be some indication of how to replace a person that has been elected to the board.

Millett Keller - Anchorage - V.P, Anchorage School Board - Stated that he has strong feelings about the philosophical implications on our entire form of government that binding arbitration in the public sector brings to the front. He stated that collective bargaining has served the Alaska public employees quite well. Binding arbitration is where he has to draw the line. He stated that with binding arbitration we are taking the most powerful force we give our government: the ability to tax and giving it to someone who doesn't account to the voters. He stated that the voters want and demand that their elected officials face up to all the tough issues and represent the public by making these decisions. He stated that the Anchorage School Board does not support SB 501. He stated that he was in favor of revealing to the public what collective bargaining offers are, in favor of SB 373.

Bob Collins - Ketchikan - APEA of Ketchikan - Supports SB 374 and opposes SB 501. Stated that SB 501 is fatally flawed in several respects. Arbitration panel elected by the voters is a poor idea. Elected arbitrators in smaller communities would be inexperienced in collective bargaining and labor law and procedure, municipal finance, personnel management and other matters pertaining to collective bargaining. Stated that elected arbitration panel would achieve improperly arbitrated decisions on collective bargaining disputes; these in turn would lead to extensive litigation. Submitted disputes to the voters is also a poor idea. Voters are largely uninformed about collective bargaining issues. That being the case if the issue is submitted to them it becomes a media battle.

Rosemary Porter - Bethel - Public - She stated that on SB 501 the amendment may be necessary because it does give municipalities options and anything that gives municipalities options has got to be a good thing. She stated concern on the 3 member elected arbitration panel because it tends to put arbitration in a political form.

Robert Johnson - Anchorage - Teamsters, Local 959, opposed to SB 501, consider it both irresponsible and dangerous to free collective bargaining. He stated that it has the potential of destroying collective bargaining even though it pretends to follow the ultimate in democratic process. He also stated that it is for better or worse the duty of an elected official within local cities to carry out both the legislative and executive functions. He stated that collective bargaining was one of those executive functions. The delegation of this function is called forth within this bill. He went on to say that the people in the local union did not see any need for this legislation.

Bob Garza - Ketchikan - Ketchikan Central Labor Council & IBEW, Local 1547 - He stated that these two organizations were opposed to SB 501. He said that there are enough problems with the public employees relations now without adding further confusion and additional costly elections to elect people who are perhaps unqualified in labor disputes.

John Alexander - Anchorage - IBEW, Local 1547 - Oppose both pieces of legislation. He stated that it further complicates collective bargaining. Does not see any need for this legislation. Also stated opposition to personalities when it came to voting on a 3 member arbitration panel. He said that this would probably prolong the bargaining process. Stated that he had gone through impasse in past and has been able to work out their differences on their own with any outside arbitrator.

George Pearson - Anchorage - President of Alaska State Council of Carpenters - Is opposed to SB 501. He said the reason state confusion and poor labor relations exist because of continual adoption of new labor relations legislation or employee regulations. Continually adding options and revising these is not helpful stability within the state.

Diane Carpenter - Bethel - Public - Is opposed to SB 501. She stated that one concern was with the public being the deciding factor. She thought that it was very difficult for the general public to be well informed on the complex issues that are involved in negotiations to be able to make a good determination on those issues. She also stated concern about the 3 member arbitration panel. She felt that it would be the place of the two parties involved to select who should be on the panel. On SB 3737 she stated that initial proposals should be kept confidential and should be negotiated in private. If there was an impasse she felt that the public has a right to know what the issues are that are at impasse and at this point each parties should be willing to make their positions known to the public so that they can through the political process influence the final outcome.

Allen Winterstein - Chairman, Lower Kuskokwim Pace Committee - opposed to SB 501. He stated that this bill puts items of impasse between the public employees and employers before the voters to determine. He stated that this would be detrimental for several reasons. People generally vote no on that which they do not understand and on items that cost money. This bill would destroy the current negotiations procedure.

Ben Clayton - Anchorage - Fire Fighters, Local 1264 - He testified

on SB 373 and said that his remarks also apply to SB 501. He felt that if collective bargaining impasse was brought to the public for a decision, there would be emotionalism involved and it would also lose the compromising technique. If the public voted they would have to vote one way or the other - no compromise.

Sue Lindford - Anchorage - Public - Opposed to both bills basically for one reason -- they limit local control. Both pieces further narrow local government authority and ability to discover their own imperfect solution to the perfect problem - impasse resolution. She went on to say that the State would be better advised to spend the tax payers money on on-going training of employee groups and elected officials around the state and various techniques which will help to insure a fair collective bargaining.

Mason West - Anchorage - President of the Alaska Community Colleges Federation of Teachers - Stated they fully oppose SB 501. He stated that it improperly addresses the need of labor or management in the process of collective bargaining. He believed that both parties should be the deciding parties. He stated that with an elected panel of arbitrators you would be subjected to corruption, inability and influence which would make it to political.

Senator Hackney adjourned the meeting after completion of State-wide testimony on SB 501 and 373.

THE FOLLOWING PAGES WERE TREATED AS  
A UNIT IN THE ORIGINAL FILE.

4-5-78

Re- "Alternatives to the Strike in Public Labor Relations"

The article sent over by APE is a discussion by Merton Bernstein, a professor of law at Ohio State University, of unionization in the public sector, the prohibition of the right to strike among public employees, collective bargaining, and binding arbitration.

Bernstein believes that collective bargaining has worked well for both public employer and employee. He is dubious of the effects of binding arbitration on the collective bargaining process and flatly dislikes the idea of strikes in the public sector.

To work himself out of the bind resulting from his rejection of both binding arbitration and the right to strike, he has proposed two complementary alternatives: the "non-stoppage" strike and the graduated strike.

The non-stoppage strike is one where employees keep on working but give up a portion (Bernstein recommends initially 10 percent) of their income to a special fund. The employers matches this contribution to the fund. If the strike continues, the union can opt to increase the amount of money its employees pay into the fund. Bernstein acknowledges that he doesn't know what the fund would be used for, but he argues that the non-stoppage strike would be a reasonable alternative to an all out strike.

The graduated strike is one where employees strike only on agreed upon days (Tuesdays, for example; or Mondays, Wednesdays, and Fridays). Their pay would be correspondingly reduced.

Bernstein says that the non-stoppage strike was proposed several decades ago in the private sector but was never taken up. The graduated strike, he believes, is original with him.

My reaction is that the non-stoppage strike is discriminatory towards the employee and that the graduated strike might be so unnoticeable that the public would prefer to continue it on a permanent basis.

Ben Harding

F:58501

[Vol. 85:412

escalation in the s...  
judicial administra...  
important values that...  
of constitutional...  
issue has not yet...  
question already fully...  
seems to us to in...  
thing in the seventh...  
etation of it, or in...  
such a loss to be

## ALTERNATIVES TO THE STRIKE IN PUBLIC LABOR RELATIONS

Merton C. Bernstein \*

*Professor Bernstein analyzes the difficulties inherent in the regulation of collective bargaining in the public sector and examines the currently existing and proposed systems of regulation. He concludes that new arrangements are necessary and suggests use of the non-stoppage strike and the graduated strike.*

FOR four decades collective bargaining has been the central feature of public regulation of private labor-management relations,<sup>1</sup> and the right to strike, while occasionally curtailed,<sup>2</sup> has been thought essential to making it work.<sup>3</sup> And it has worked reasonably well. Manhours lost in strikes constitute an infinitesimal fraction of all hours worked.<sup>4</sup> In the public sector, however, strikes have been prohibited. Strikes by public employees may cause intense disruption in community life, as when transit systems cease operation or schools close. Yet, there has been developed no other effective mechanism for resolving the inherent conflicts between public employers and their employees. This essay proposes, in the context of public employment at the local level,<sup>5</sup> two new methods of accomplishing the desirable functions

\* Professor of Law, Ohio State University. B.A. Oberlin, 1943; LL.B. Columbia, 1948.

<sup>1</sup> Section 7 of the National Labor Relations Act [hereinafter cited as NLRA] declares:

Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining . . . .

<sup>2</sup> U.S.C. § 157 (1970). Several states have similar laws. See, e.g., State Labor Relations Law § 3, MASS. GEN. LAWS ANN. ch. 150A, § 3 (1971); N.Y. LABOR LAW § 703 (McKinney 1965).

<sup>3</sup> For example, secondary boycotts are illegal. NLRA § 8(b)(4), 29 U.S.C. § 158(b)(4) (1970).

<sup>4</sup> Section 13 of the NLRA supplements Section 7:

Nothing in this subchapter, except as specifically provided for herein, shall be construed so as either to interfere with or impede or diminish in any way the right to strike, or to affect the limitations or qualifications of that right.

<sup>5</sup> U.S.C. § 163 (1970).

<sup>6</sup> In 1968 the 5,045 work stoppages accounted for .28% of total working time. U.S. BUREAU OF LABOR STATISTICS, DEPT OF LABOR, BULL. NO. 1646, ANALYSIS OF WORK STOPPAGES, 1968, at 13 (1970).

<sup>7</sup> In all but two of the eleven years 1958-1968, strikes by local government employees accounted for more than 90% of all government stoppages. TWENTIETH CENTURY FUND TASK FORCE ON LABOR DISPUTES, PICKETS AT CITY HALL 31 (1970). Consequently, while much of the analysis and all of the proposals here presented could be applied to higher levels of government, my focus is on local units.

to view with alarm the  
new domains.

of strikes without the illegality and disruption that are their present hallmarks.<sup>9</sup>

## I. PATTERNS OF PUBLIC LABOR RELATIONS

### A. History

Until fairly recently unionization at all levels of government was slight. Public employees pursued their group interests through associations and leagues, and occasionally unions, whose typical operation was to lobby for favorable civil service laws, pay scales, fringe benefits, and administrative regulations. Before the surge of unionization in the private sector brought on by the New Deal and World War II, many public employees enjoyed job security, benefits, and status that few private employees could match. However, by the late 1940's unions represented a major segment of the privately employed and won protection and economic gains which appeared to outdistance the progress of nonunionized and public employees. Large numbers of semiskilled and skilled workers entered the ranks of the middle class, formerly the preserve of professionals and white collar workers. "Plumber" and "teamster" came to imply, not grubby and poorly paid work, but short hours and high pay, while "civil servant" came to be associated with drab routine and shabby gentility. For instance, to teach required a strong feeling of vocation and, some thought, a vow of poverty. In addition, in the 1960's the apparent success of the militant stands taken by civil rights groups emboldened government employees to use collective action and direct confrontation to obtain more security and better compensation. Consequently, in the last decade unionization grew more rapidly in the public sector than in the private.

Often in the early stage of union activity, public employees — especially the federal government — took the position that while employees' unions might be consulted about employee concerns, recognition of a union, let alone bargaining, could not be reconciled with the sovereignty of the state or the benign nature of the nonprofit employer. Whatever its merits, that official posture began to break down soon after the election of President Kennedy, who had received heavy support from organized labor. A committee he appointed to study the role of employee organization, dominated by Secretary of Labor Goldberg, Undersecretary Willard Wirtz, and Theodore Sorenson, all firm believers in

<sup>9</sup> The existing literature is massive, and no attempt will be made here to summarize it. For an excellent symposium on public employee labor relations, see *Symposium: Labor Relations in the Public Sector*, 67 MICH. L. REV. 501 (1959).

collective bargaining, could hardly have decided against recommending a representative role for public employee unions. The resulting executive order<sup>7</sup> provided for limited representative status to unions. President Nixon has continued this trend, making exclusive recognition even more central to the federal government's relations with its employees.<sup>8</sup>

Meanwhile, public employee unions at the state and local level grew, demanded to be recognized as bargaining agents, and agitated for significant pay raises, fringe benefits, and increased job security. Put to the test by illegal strikes and sometimes illegal "sanctions," and weakened by the example of the federal government, the "consultation without recognition" model was routed here, too, probably forever.<sup>9</sup> At the same time, public employees drew from their private counterparts' credo and habits. As a result, the pattern of at least the short term future will probably consist of union representation, where chosen by a majority of employees in appropriate units,<sup>10</sup> and negotiation of signed agreements covering at least some of the subjects traditionally bargained over in the private sector.

### *B. Recognition and Bargaining — Without Strikes*

Modern public labor relations statutes provide machinery for unit determination, elections, certification of the successful con-

<sup>7</sup> Exec. Order No. 10,988, 3 C.F.R. [1959-1963 Comp.] 521 (1964).

<sup>8</sup> Exec. Order No. 11,491, 3 C.F.R. 510 (1971).

<sup>9</sup> The philosophy that public employees do not even have the right to join unions has finally become outmoded. See Smith, *State and Local Advisory Reports on Public Employee Labor Legislation: A Comparative Analysis*, 67 MICH. L. REV. 891, 892 (1969). A fine summary of the transitional changes from ban to permission of union organization, bargaining, collective agreement execution, and arbitration is found in Smith & Clark, *Reappraisal of the Role of the States in Shaping Labor Relations Law*, 1965 WIS. L. REV. 411, 421-31.

<sup>10</sup> The regularization of procedures for the selection of employee representatives is indispensable to public employee labor relations. Continued resistance to unionization may be expected for some time because so much unionization takes place at the local government level, particularly among teachers. Small community school boards, inexperienced in labor relations, frequently influenced by persons with an anti-union bias, and already beset by intractable problems, often seem incapable of dealing reasonably with unions. Stoppages caused by the combination of such reluctance with the absence of legally prescribed procedures for ascertaining bargaining units and determining employee desires are wasteful indulgences of attitudes whose time has passed. See GOVERNOR'S COMM'N TO REVISE THE PUBLIC EMPLOYEE LAW OF PENNSYLVANIA, REPORT AND RECOMMENDATIONS 6, 9 (1968).

Professor Charles Rehmus sets forth a useful catalogue of other measures to remove unnecessary sources of friction in *Constraints on Local Governments in Public Employee Bargaining*, 67 MICH. L. REV. 919 (1969).

tender (if there is one), and bargaining. However, all but two ban strikes by public employees.

Various philosophical justifications have been offered for the ban: strikes against the sovereign state are intolerable; public employers are not motivated by profit;<sup>12</sup> public services are essential; and public employee unions with both political influence and coercive power through strikes would have an undue opportunity to distort the normal political process.<sup>13</sup> As a practical matter, the strike ban is the result of a different chain of reasoning. Because the state now provides protection for union activities, machinery for union representation, and procedures for the promotion of bargaining such as mediation and factfinding with recommendations, unions and their members should count themselves lucky to receive the new dispensation and work within the system.<sup>14</sup>

Perhaps they should, but they have not; unions have resisted these arguments from the outset. There are a number of reasons for their attitude. Many leaders of public employee unions come from the ranks of organized labor in the private sector, where the strike is a legally protected, central tactic of bargaining and a means of enhancing organizational spirit and loyalty. Perhaps more important, strikes have been the weapon for transforming public employer intransigence into union recognition, better bargains, and even legislation for protecting union activities. Thus, while statutes have banned strikes as a matter of law, even those with the most draconian sanctions have failed to prevent them as a matter of fact when bargaining deadlocks occur. Indeed, the imposition of sanctions may be counterproductive, for both union and government officials may benefit from such occasions for demonstrating personal intrepidity without dealing with the

<sup>11</sup> HAWAII REV. STAT. § 89-12 (Supp. 1970); PA. STAT. ANN. tit. 43, § 1101 (Supp. 1971). A Vermont statute prohibits strikes by local government employees if they "will endanger the health, safety or welfare of the public." VT. STAT. ANN. tit. 21, § 1704 (Supp. 1971). The range of permissible strikes is unclear.

<sup>12</sup> The logical consequence of this is hard to fathom. Presumably, nonprofit employers will act more fairly. However, employers motivated by profit may actively seek employee goodwill and bargain responsively because of the serious financial consequences of a stoppage; public employers, especially at the local level, have become motivated chiefly by a desire to make ends meet.

<sup>13</sup> See Taylor, *Public Employment: Strikes or Procedures?*, 30 IND. & LAB. REL. REV. 617, 616-27 (1967); Wellington & Winter, *The Limits of Collective Bargaining in Public Employment*, 78 YALE L.J. 1107, 1123-25 (1969). However, unions in the private sector have long enjoyed such dual methods of influence. See *International Ass'n of Machinists v. Street*, 367 U.S. 740, 800 (1961) (Frankfurter, J. dissenting) ("It would be pedantic heavily to document this familiar truth of industrial history and commonplace of trade-union life.")

<sup>14</sup> See Taylor, *supra* note 13, *passim*.

hard problems of settling the underlying dispute. Russell Smith observes that we perhaps accord

a kind of de facto recognition to conduct officially declared illegal . . . [a] state of affairs scarcely desirable in any society which purports to order its human relations according to the processes of law.<sup>15</sup>

His colleague, Professor St. Antoine, agrees:

It is folly . . . [to outlaw] absolutely a form of conduct that is sure to be engaged in, under certain conditions, by respectable persons in the thousands.<sup>16</sup>

These observations have the ring of wisdom.

## II. THE STRIKE WEAPON

Assessment of the strike weapon requires fresh recognition of its differing settings, tactics, and impacts.<sup>17</sup> So many arguments for and against allowing the strike in public labor relations derive from its role in private labor relations that the analysis properly begins with the private sector.

### A. In the Private Sector

While potentially very destructive weapons, strikes are seldom employed;<sup>18</sup> their salutary persuasive effect results from the mere existence of the possibility of a strike. What damages strikes cause are, arguably, the relatively small price paid to make collective bargaining work.

The classic model of the private strike is that of a group of employees which withholds its labor from an employer in order to gain recognition or bargaining concessions. The employees forego their wages and the employer loses the revenue derived from the sale of the goods or services they would otherwise produce. The beauty of the strike is that while a potent weapon, it also inflicts damage on the wielder, so that even the threat of its use induces in both sides the degree of reasonableness essential to realistic bargaining.<sup>19</sup> When the strike operates in this manner, it clearly merits legal protection.

<sup>15</sup> Smith, *State and Local Advisory Reports on Public Employment Labor Legislation: A Comparative Analysis*, 67 MICH. L. REV. 891, 917 (1969).

<sup>16</sup> St. Antoine, *The Consent of the Governed—Public Employee Unions and the Law*, MICH. L. QUADRANGLE NOTES, Fall, 1970, at 9, 11.

<sup>17</sup> John Dunlop discusses several, but not all, in *The Function of the Strike*, in *FRONTIERS OF COLLECTIVE BARGAINING* 103 (J. Dunlop & N. Chamberlain eds. 1967).

<sup>18</sup> See note 4 *supra*.

<sup>19</sup> See D. CULLEN, *NEGOTIATING LABOR-MANAGEMENT CONTRACTS* 2-5 (1965).

hard problems of settling the underlying dispute. Russell Smith observes that we perhaps accord

a kind of de facto recognition to conduct officially declared illegal . . . [a] state of affairs scarcely desirable in any society which purports to order its human relations according to the processes of law.<sup>15</sup>

His colleague, Professor St. Antoine, agrees:

It is folly . . . [to outlaw] absolutely a form of conduct that is sure to be engaged in, under certain conditions, by respectable persons in the thousands.<sup>16</sup>

These observations have the ring of wisdom.

## II. THE STRIKE WEAPON

Assessment of the strike weapon requires fresh recognition of its differing settings, tactics, and impacts.<sup>17</sup> So many arguments for and against allowing the strike in public labor relations derive from its role in private labor relations that the analysis properly begins with the private sector.

### A. In the Private Sector

While potentially very destructive weapons, strikes are seldom employed;<sup>18</sup> their salutary persuasive effect results from the mere existence of the possibility of a strike. What damages strikes cause are, arguably, the relatively small price paid to make collective bargaining work.

The classic model of the private strike is that of a group of employees which withholds its labor from an employer in order to gain recognition or bargaining concessions. The employees forego their wages and the employer loses the revenue derived from the sale of the goods or services they would otherwise produce. The beauty of the strike is that while a potent weapon, it also inflicts damage on the wielder, so that even the threat of its use induces in both sides the degree of reasonableness essential to realistic bargaining.<sup>19</sup> When the strike operates in this manner, it clearly merits legal protection.

<sup>15</sup> Smith, *State and Local Advisory Reports on Public Employment Labor Legislation: A Comparative Analysis*, 6; MICH. L. REV. 891, 917 (1969).

<sup>16</sup> St. Antoine, *The Consent of the Governed—Public Employee Unions and the Law*, MICH. L. QUADRANGLE NOTES, Fall, 1970, at 9, 12.

<sup>17</sup> John Dunlop discusses several, but not all, in *The Function of the Strike*, in *FRONTIERS OF COLLECTIVE BARGAINING* 103 (J. Dunlop & N. Chamberlain eds. 1967).

<sup>18</sup> See note 4 *supra*.

<sup>19</sup> See D. CULLEN, *NEGOTIATING LABOR-MANAGEMENT CONTRACTS* 3-5 (1965).

However, it must be recognized, especially by those who counsel legalization of strikes in the public sector, that even in the private sector strikes do not always perform their hoped-for function. In some private sector strikes, the contending parties suffer little or no loss while others bear the brunt of the stoppage. For example, in the extended New York City newspaper strike several years ago, the printers had full employment opportunities and the publishers actually saved money by not printing during low-advertising periods; it was the other newspaper employees, the retailers, and the retailers' employees who suffered serious loss. Moreover, economists have long been aware that some major strikes disrupt the economy so seriously as to put in doubt their classical justification.<sup>20</sup> In addition, employer mutual aid pacts and strike insurance<sup>21</sup> — and, probably to a lesser degree, union strike benefits<sup>22</sup> — operate to eliminate or reduce significantly the disciplining power of the strike weapon. In short, while often a salutary device, the private strike sometimes fails to operate as advertised.

### B. In the Public Sector

So far as public employees are concerned, strikes have the same fairly direct effect that they have in the private sector: current income stops. However, when we compare private and public employers, we find differences that preclude reliance on the classical model of the private strike.

As noted above, the private employer is motivated by loss of sales — an occurrence which is direct, measurable, and predictable. However, in most public employee strikes, the government's revenues continue; only its wage payments stop. What creates pressure on the governmental employer to bargain are expressions by its citizens of their need for the public services.<sup>23</sup> Such

<sup>20</sup> See, e.g., Marceau & Musgrave, *Strikes in Essential Industries: A Way Out*, 27 HARV. BUS. REV. 186 (1949).

Indeed, in 1947 Congress sought to curtail strikes capable of threatening the national health and safety by national emergency dispute provisions. See Labor-Management Relations Act (Taft-Hartley Act) §§ 205-08, 29 U.S.C. §§ 175-78 (1970).

<sup>21</sup> See, e.g., Comment, *Six Carrier Mutual Aid Pact: A New Concept of Management Strike Strategy in the Airline Industry*, 60 COLUM. L. REV. 205 (1960); Comment, *Strike Insurance: An Analysis of the Legality of Intercorporate Economic Aid under Present Federal Legislation*, 38 N.Y.U.L. REV. 126, 127-34 (1963).

<sup>22</sup> Strike benefits tend to be small. N. CHAMBERLAIN, *THE LABOR SECTOR* 6:0 (1965).

<sup>23</sup> For many years I have suggested that the consumer-taxpayer-citizen be regarded as the real public employer. This characterization was independently espoused by Professor Clyde Summers at the 1969 Midwest Labor Conference.

expressions are rarely composed of many groups with differing abilities to deliver political punch.<sup>24</sup> Moreover, the precise relation between such occasions in the last decade support schools have led to suggest that the votes might well have occurred before or during registering their preferences. citizen perception may not be strikes, because the effect of how much of a public sector have it at all.

A second crucial difference between employers is that the former is concerned, relatively clearly, often participates in collective the company negotiations. In addition, management has of President Nixon's policy make similar policy decisions. concentration of power makes resolution of disagreements.

Government employees' sense of responsibility in the negotiation process; and occasionally through referenda. This is exacerbated, for not only at the local level, but determined by the state by Congress and the

See 1969 LAB REL YEARBOOK report shows the impact of Public Employee Law on bargaining in the Public Sector. MERRILL 101, 102 (G. L. ...)

<sup>24</sup> The rash of referenda instructions from citizens by the big Collective Bargaining ... which, remarkably, have ... the case ...

<sup>25</sup> In 1969 local government ... let billion case from ... Statistical Abstract of the ... conducted by ...

those who  
that even in  
r hoped-for  
ding parties  
ne stoppage.  
paper strike  
opportunities  
ting during  
employees,  
red serious  
ome major  
doubt their  
aid pacts  
ree, union  
gnificantly  
hile often  
o operate

expressions are rarely clear, however, for the citizenry is composed of many groups with overlapping interests in getting services, differing abilities to pay taxes, and varying degrees of political punch.<sup>21</sup> Moreover, citizens are rarely aware of the precise relation between costs and services. On innumerable occasions in the last decade rejections in referenda of taxes to support schools have led to subsequent school shutdowns; I suggest that the votes might well have been different had the shutdowns occurred before or during the time that the voters were registering their preferences. Unfortunately, the precision of citizen perception may not be significantly increased even by strikes, because the choice for citizens then seems to be, not how much of a public service to have, but whether or not to have it at all.

A second crucial difference between private and public employers is that the former are, so far as labor relations are concerned, relatively closely knit organizations. Top management often participates in collective bargaining, and when it does not, the company negotiators generally report directly back to it. In addition, management has had, at least until Phases I and II of President Nixon's game plan, the ability to set prices and make similar policy decisions without interference. This concentration of power makes possible reasonably rapid and decisive resolution of disagreements with unions.

Government employers, however, are characterized by diffusion of responsibility. Typically, one set of officials is involved in the negotiation process and another in the appropriations process; and occasionally even the citizens may speak directly through referenda. For local governments this problem is exacerbated, for not only are there executive and legislative officials at the local level, but also significant portions of local budgets are determined by the state legislature and the governor, and, indeed, by Congress and the President.<sup>22</sup> Therefore, those officials who

See 1969 LAB. REL. YEARBOOK 305. An experienced nonacademic labor relations expert shares this analysis. Simons, *Discussion: The American City and Its Public Employee Unions*, in INDUSTRIAL RELATIONS RESEARCH ASS'N, COLLECTIVE BARGAINING IN THE PUBLIC SERVICE: PROCEEDINGS OF THE 1966 ANNUAL SPRING MEETING 104, 107 (G. Somers ed. 1966).

<sup>24</sup> The rash of rejections of school bonds and levies indicates that the dominant instructions from citizens are to economize. *But see* Wellington & Winter, *Structuring Collective Bargaining in Public Employment*, 79 YALE L.J. 805, 349 (1970), which, remarkably, posits public pressure "for settlements without much regard for the costs . . ."

<sup>25</sup> In 1969 local government expenditures totalled about \$30 billion, of which \$43 billion came from their own sources. U.S. BUREAU OF THE CENSUS, 1971 STATISTICAL ABSTRACT OF THE UNITED STATES 400 (1971). The state governments contributed \$22 billion. COUNCIL OF STATE GOVERNMENTS, THE BOOK OF THE

have the  
tor: cur-  
and pub-  
e on the  
y loss of  
predict-  
nment's  
creates  
expres-  
Such  
Way Out,  
ning the  
Labor-  
175-78  
of Man-  
(1960);  
er Eco-  
127-34  
OR 620  
zen be  
idently  
erence.



ons; at  
. And,  
ulty in  
thus in  
this is

aining,  
ted by  
e than  
months  
numer-  
This  
public  
uspect,  
arities  
le op-  
loyees  
e fore-

means  
d em-  
use of  
essful

ved \$19  
STATISTI-  
ocalities

YORK

Revise  
ibility,  
generally

of ex-  
regular  
unions.  
educa-  
chal-  
e state  
lliarize  
n and

bargaining requires that each side determine which issues it feels most strongly about, estimate the other side's priorities, determination, and strength, and then trade concessions with the other side in an effort to reach a mutually acceptable "deal." In arbitration, however, all arguments are supposedly based on logic — even though it has long been recognized that reasoned criteria, especially for setting wages, are illusory.<sup>31</sup> Consequently, compulsory arbitration undermines good faith bargaining, for the weaker party has little to gain from bargaining.<sup>32</sup> Furthermore, since arbitrators may treat the best disclosed offers as the permissible limits of the award, it pays for each side not to disclose how far it is really willing to go on each issue. As a result, the availability of arbitration saps the efficacy of factfinding; and, at the arbitration stage, the stated issues and arguments may so obscure the parties' true needs and desires that the resultant award may easily miss a satisfactory resolution of the dispute.

A further difficulty arises from use of compulsory arbitration of disputes in the public sector — the preemption of public officials from deciding policy issues. Viewed mechanically, the arbitration process does not seem to allocate public resources: arbitrators fix equitable salaries for employees, and officials determine, given these cost figures, how much public service should be purchased. As a practical matter, however, employers rarely contemplate and unions would rarely permit curtailment of services and employment. Thus, the wage decision and the resource allocation decision are inevitably linked. Also, professional employees often bargain over programs. For example, teachers' unions may demand certain kinds of educational offerings or limits on class size. Even if arbitrators were capable of dealing with the complexities of budgeting and choosing programs, elected officials should not delegate the duty they owe the electorate to settle these questions. Deciding policy issues is the vocation of officials, not of arbitrators. Furthermore, when decisions lack an adequate electoral base, they will be short-lived, as the drastic retrenchments of Medicaid demonstrate.

<sup>31</sup> See I. BERNSTEIN, *ARBITRATION OF WAGES* 51-105 (1954); Taylor, *Criteria in the Wage Bargain*, in *N.Y.U. 1ST ANN. CONF. ON LABOR* 65 (E. Stein ed. 1948).

<sup>32</sup> See H. NORTHROP, *COMPULSORY ARBITRATION AND GOVERNMENT INTERVENTION IN LABOR DISPUTES: AN ANALYSIS OF EXPERIENCE* 207 (1966); W. WIRTZ, *LABOR AND THE PUBLIC INTEREST* 52 (1964) ("Experience, particularly the War Labor Board experience during the forties, confirms that a statutory requirement . . . [for] arbitration has a narcotic effect on private bargainers . . ."); Kheel, *Strikes and Public Employment*, 67 *MICH. L. REV.* 931, 936-40 (1969). But see Finkelmann, *When Bargaining Fails*, in *COLLECTIVE BARGAINING IN THE PUBLIC SERVICE* 116, 125-26 (K. Warner ed. 1967).



even if under such a system it may be said that the parties deserve what they get, the ultimate award carries with it little promise of stability. Anyone with labor relations experience knows that whenever a winner and a loser may be identified, the leadership of the loser is likely, if only to regain face, to cause trouble.

In conclusion, since neither the union nor the local government may have agreed to the process of arbitration, to the selection of the arbitrators, or to the ultimate award, the resolution of disputes by this method is inherently unstable. Coercion is not only unattractive; it also works quite poorly.

#### IV. PROPOSED ALTERNATIVES: THE NONSTOPPAGE STRIKE AND THE GRADUATED STRIKE

It is reasonably clear that in public employment, the strike ban does not work; yet in most jurisdictions legalization of the strike is not a real possibility. And, I submit, the strike as it is known in the private sector would not function in the same way in the public sector and does not fit the peculiarities of public collective bargaining — diffuse responsibility and the consequent need for longer periods of time to reach settlements than in the private sector. Compulsory arbitration has serious drawbacks, not the least of which are its unacceptability to large segments of public management and unions and the likely instability of its results.

Therefore I suggest<sup>34</sup> that we explore the possibilities of two other arrangements which have never been considered in the public sector<sup>35</sup> but which, I suggest, fit the needs of *all* the parties

<sup>34</sup> I want to emphasize that the proposed procedures should be part of a comprehensive public labor relations scheme which provides protection of employees against reprisal for collective activity, procedures for ascertaining appropriate bargaining units, elections to determine employee preferences, recognition and mandatory bargaining, sanctions against improper union activity, mediation procedures for bargaining disputes, and factfinding with recommendations in the case of bargaining deadlock. Such procedures are necessary conditions to the proper functioning of the nonstoppage and graduated strikes. Happily, it is also the case that these procedures will work more effectively if the pressure devices I propose are available.

<sup>35</sup> Several proposals for "nonstoppage" or "statutory" (because imposed by statute) strikes were made for the private sector starting in the late 1940's. They were, in chronological order, Marceau & Musgrave, *Strikes in Essential Industries: A Way Out*, 27 HARV. BUS. REV. 287 (1949); Goble, *The Non-Stoppage Strike*, 3 LAB. L.J. 105 (1951); N. CHAMBERLAIN & J. SCHILLING, *SOCIAL RESPONSIBILITY AND STRIKES* 279-86 (1952); Gregory, *Injunctions, Seizure and Compulsory Arbitration*, 26 TEMP. L.Q. 397, 402 (1953). The major variations are summarized and assessed in McCalmont, *The Semi-Strike*, 15 IND. & LAB. REL. REV. 191 (1962); Marshall & Marshall, *Nonstoppage Strike Proposals — A Critique*, 7 LAB. L.J. 299 (1956).

All of these proposals envisioned that employees continue at work and that the

more adequately than either present practices or the currently proposed alternatives.

It will help to give a rough sketch of the functioning of these two arrangements before I go into them in detail. In a non-stoppage strike, operations would continue as usual, but both the employees and the employer would pay to a special fund an amount equal to a specified percentage of total cash wages. Thus, while both parties would be under pressure to settle, there would be no disruption of service. In a graduated strike, employees would stop working during portions of their usual workweek and would suffer comparable reductions of wages. Here, there would be pressure not only on employees and employer but also on the community; however, the decrease in public service would not be as sudden or complete as in the conventional strike. I believe that these two new types of strike substitutes would work best in tandem.

#### *A. The Nonstoppage Strike*

Under my proposal, a public employee union would be free to declare a nonstoppage strike after all other bargaining procedures failed to produce a settlement. Employees would be obliged to continue to work full time but would forego a portion of their take-home pay. I suggest that, initially, ten percent would suffice. This money would be paid by the public employer directly into a special fund (more fully discussed below). In addition to paying the equivalent of regular wages, the employer would also put into the fund an extra amount equal to what the employees have given up; this latter sum would constitute a loss to the employer. The union would have the option periodically to increase the amount of the foregone wages and employer payment, perhaps by increments of ten percent every two weeks. The public employer would have the option to require the union to switch to a graduated strike. If the employer did this, the employees would continue to lose the same rate of pay, but the employer would forego services rather than pay out additional funds.

I believe that exercise of the option to initiate the nonstoppage strike and increase the percentage can be limited to the union. The union has little other leverage, since the conventional strike would still be prohibited. Also, were the public employer able to initiate a procedure under which employees would work without

---

employer lose some income; and most involved a reduction of pay between declaration of the nonstoppage and settlement. All were limited to the private sector. The proposal I make here is the first to suggest application to the public sector and differs in several respects from each of the earlier versions.

The graduated strike is, to the best of my knowledge, original with me.

pay, questions of involuntary servitude might arise. In any event, the employer would still have the strategic bargaining advantage of instituting, after a deadlock in negotiations, certain changes in pay or other terms of employment which have been offered to the union and rejected.

The nonstoppage strike would accommodate the peculiarities of public labor relations. It would attract the attention of and put pressure on both the public officials who deal directly with the union involved and other members of the executive branch whose own budgets might be affected, the local legislature, and state officials. And while a nonstoppage strike would not precipitate a crisis, its pressure would be steady and increasable. Thus, it may provide the necessary incentive for the various bodies of government to act, while allowing them the time they need to do so effectively. Moreover, it does not disturb consideration of the merits of the dispute with the hysteria and histrionics now typical of illegal strikes.

While nonstoppage strikes would create additional expense for public employers—many of whom are hard pressed as it is—they should also put an end to the present practice of paying the employees at overtime rates when a strike ends to reduce the backlog of work accumulated during the strike. Also, hopefully, the expense should be only temporary, and, as will be explained below, the money will not go to waste. In any event, the price does not seem too high to pay for a substantially improved process of bargaining.

Nonstoppage strikes offer significant advantages to employees, perhaps even more than would legalization of conventional strikes. In the first place, their rate of loss of pay would be lower at any given time than if there were an all-out strike. For employees with mortgage and other installment obligations to meet, this continuity of income is highly desirable. And, to the extent that the nonstoppage strike encourages more responsive bargaining without any stoppages, the total loss of pay may be less. In addition, in a full-scale strike, especially one of long duration, the employer is not liable for fringe benefit payments. Thus, life insurance policies may lapse or require payments by employees at a time when their income is interrupted, and group medical care insurance may have to be kept in force at the higher-cost individual rates. In a nonstoppage strike these benefits should continue.

Second, in actual strikes employees run the risk of losing their jobs. A common sanction in illegal strikes is to fire strikers. In the private strike, too, replacement of economic strikers has long been permitted, and while I have seen no data on public

employer activity of this sort, I think it highly probable that permanent, nondiscriminatory replacement of strikers will become a feature of the legal public employee strike. In nonstoppage strikes, of course, jobs would be secure. Moreover, the absence of even temporary replacements would eliminate a traditionally potent source of violence, which everyone has a stake in averting.

Third, long-run employee and union interests are best served by a method that is legal and discomfits the community as little as possible. As union leadership knows from its post-World War II experience, unpopular strikes lead to distasteful legislation. And, by the same token, strikers, even if they feel their conduct justified, often must incur the disapproval of friends, neighbors, and others in the community. A peaceful method of pursuing demands seems clearly preferable.

The public employer would need some means of assuring union and employee compliance with the ground rules. Obviously, working full time for less than full pay might encourage some employees to slow down or "call in sick" — a favored device in strike-ban jurisdictions. Two procedures would minimize violations. First, the unions must see that it is to their advantage to persuade members that it is to *their* advantage to abide by the rules. That is, all must be made aware that the "struck" employer is indeed under strike-like pressure. Second, the statute should provide for an expedited (and I mean quick) unfair labor practice procedure to hear and determine charges of slowdown or improper absence. However, these areas are so sensitive and have such a potential for emotional overreaction that employer discipline of employees should be limited to those cases where impartial hearing officers make a finding that the improper action has taken place.

One serious problem with the nonstoppage strike is finding a suitable use for the special fund to which the public employer and employees have contributed. In order to insure that the loss will actually discipline the parties' conduct in bargaining, the fund would have to be placed effectively beyond their recapture.<sup>36</sup> I recommend that the fund be put at the disposal of a tripartite Public Purposes Committee in which respected community figures outnumber the total number of union and government members. This committee would be charged with the task of applying the money to publicly desirable, preferably short term projects

<sup>36</sup> It might, however, be worthwhile to experiment with partial recapture as an incentive to rapid settlement. Thus, the amounts lost by the parties in the week in which they reach a settlement might be returned to them. *Cf. Goble, supra* note 35, at 106.

that are...  
 Certainly...  
 discharge...  
 not count...  
 given...  
 cy, this...  
 public...  
 Finally...  
 ing...  
 program...  
 they have...  
 number...  
 the subject...  
 dining, they...  
 There has...  
 Second, for...  
 effective...  
 ployer to...  
 spared...  
 culating...  
 tion which...  
 formidable...  
 ences...  
 would, when...  
 pating...  
 of property...  
 of involuntary...  
 Clearly...  
 for strikes...  
 carry...  
 a formula...  
 be required...  
 on the public...  
 The third...  
 pose...  
 deprive...  
 feasible...  
 when it is...

<sup>37</sup> United...  
 1974, 51 S. Ct. 1171

that are not currently in the public budget — creation of scholarships or construction of public recreation facilities, for example. Certainly public employees would get little direct advantage from such a use of the money. Moreover, since these projects would not be currently funded, the committee's action would not discharge any of the government's present obligations; and since such contributions would occur irregularly, the government could not count on being relieved of any future burdens. Consequently, given public officialdom's abhorrence of losing control over money, this use of the funds should also provide an incentive for public employers to bargain.

Finally, I would like to dispel what may perhaps be a lingering doubt about nonstoppage strikes. Although they were initially proposed for use in the private sector more than two decades ago, they have had little acceptance by private parties. There are a number of reasons for this. First, although strikes have been the subject of some academic disapproval and periodic editorial dismay, they remain an acceptable device in the private sector. There has been, therefore, little real pressure for a substitute. Second, for a nonstoppage strike in the private sector to be as effective as the conventional strike, the contributions of the employer to the fund must be geared to the amount of profits it is spared from losing. Because of the obvious difficulty of calculating this figure, achieving a formula for employer contribution which is satisfactory to both parties could easily be more formidable an obstacle than resolving their basic economic differences. Third, any statutory imposition of a nonstoppage plan would, while solving in a crude way the complexities of computing the formula, raise the claim by employers of deprivation of property without due process and the analogous employee claim of involuntary servitude.

Clearly the first reason does not apply in the public sector, for strikes are not currently acceptable. Nor does the second carry much weight. There is no need in the public sector to base a formula on profits because there are no profits; what should be required by the employees is that there be sufficient pressure on the public employer, and I believe my proposal provides that. The third, too, is inapplicable. Government may of course impose conditions on itself; and since it is constitutional totally to deprive public employees of the right to strike,<sup>37</sup> it should be permissible to provide them with a halfway measure, especially when it is the union which voluntarily initiates its use. In short,

---

<sup>37</sup> *United Fed'n of Postal Clerks v. Blount*, 325 F. Supp. 879 (D.D.C. 1971), *aff'd*, 92 S. Ct. 30 (1971).

no significant barriers to adoption of nonstoppage strikes exist in the public sector.

### B. *The Graduated Strike*

A nonstoppage strike may be insufficient to induce responsive bargaining. More direct pressure may be required, and the graduated strike would provide it.

In a graduated strike the union would call work to a halt in stages. During the first week or two of the strike the employees would not work for half a day; during the next period, if the union so chose, they would not work for one full day per week; and so on, until they reached some floor short of total stoppage. Employees' take-home pay would be cut proportionately.

The effect of a graduated strike would be to give the public a taste of reduced service without the shock of immediate and total deprivation. This would start in motion the political machinery I described earlier,<sup>38</sup> but would not overload it. Citizens would make complaints about their inconvenience known to their elected representatives. Local officials, both executive and legislative, would thus be under pressure to *do* something, but would nevertheless be able to consult with each other and with the officials at higher levels of government. They would therefore be able to negotiate with the union in a reasonably coordinated and authoritative manner. Free of resentment and of posturing over illegality, the complicated political process of sorting out preferences between higher costs and fewer services and among competing demands could then work itself out.

To insure that employees really suffer proportionate loss of wages would require, first, that they be unable, after the strike, to reduce backlogs at overtime rates. This could probably be accomplished simply by a limitation on overtime pay for some period following the strike. It does not seem necessary to do more: to the extent the employees ultimately recoup their lost wages, the public will have the lost service restored; and in any case it is unlikely that either side's losses will ever be totally recovered. Second, it would be necessary that the shutdown not exceed the announced level. While enforcement of this requirement would not be easy, it would probably be satisfactory for an impartial body with an expedited hearing procedure to determine the actual extent of the employee stoppage and to mete out appropriate penalties, including reduction of wages. In addition, there would be another strong inducement to proper observance of the ground rules: union and employee recognition that

<sup>38</sup> See pp. 464-66 *supra*.

they have an effective good faith bargaining

As I stated before, nonstoppage strikes and stoppage strikes would perhaps require that the public would then have the opportunity to select the method of resolution. However, since both methods on the public employee side some limited opportunity it can select the method of resolution. If a public employee was not to be tolerated - for example, have the opportunity to be heard by a tribunal that the service is successful, it could be a stoppage strike.

A blanket ban on illegal strikes are not a rule of law. However, it is ill adapted to the public sector. Yet the public must have a way that produce responsive bargaining could perhaps be a disruption caused by the peculiarities of the intricate procedures for

Our federal system enables us to experiment with labor-management relations. Employees are victims of the graduated strike. Management as we go to solve problems.

they have an effective, fair, and acceptable weapon to encourage good faith bargaining.

As I stated before, I think that the graduated strike and nonstoppage strike would work best in tandem. Because a nonstoppage strike would cause the public less disruption, we should perhaps require that unions try it for at least four weeks; they would then have the option of instituting a graduated strike. However, since both types of strikes are certain to put pressure on the public employer, I think we should give the employer some limited options. If it feels itself financially hard pressed, it can select the graduated strike, which would result in no additional expense. If it believed that the service performed by the employees was so essential to the public that cessation could not be tolerated — for example, fire and police protection — it should have the opportunity to persuade an impartial, preferably expert, tribunal that the services are in reality so indispensable. If successful, it could limit the union to the ever-more-expensive nonstoppage strike.

#### V. CONCLUSION

A blanket ban on strikes by public employees does not work. Illegal strikes are bad for labor relations and even worse for the rule of law. However, conventional strikes, if legalized, would be ill adapted to the complex procedures of public labor relations. Yet the public must accord its employees reasonable procedures that produce responsible bargaining. Under my proposals, bargaining could perform its salutary function, but without the disruption caused by the conventional strike and in ways adapted to the peculiarities of the public's needs and the government's intricate procedures for allocating resources.

Our federal system is complex and often awkward, but it enables us to experiment with various means of regulating public labor-management relations so that neither the public nor public employees are victimized. We should test the nonstoppage strike, the graduated strike, and indeed any other promising arrangement as we grope in this old field mined with so many new problems.

THE PRECEDING PAGES WERE TREATED AS  
A UNIT IN THE ORIGINAL FILE.

✓ 1 Joe  
2 F. SB 501

Wash. DC.

COMMENTS BY SAM ZAGORIA (U.S. MUNICIPAL LEAGUE) RE SB 501

I spoke to Zagoria 3-20-78 on the recommendation of Ron Garzini (Fairbanks North Star Borough) and Fred Jones (Labor Relations, Municipality of Anchorage) regarding national experience in new approaches to final arbitration or local public sector collective bargaining impasses.

Zagoria said he was familiar with the situation in Alaska, having talked with Mayor Sullivan a number of times. He pointed out two areas of possible action:

1) Bargaining in public. Zagoria said that last week the state of Tennessee had signed into law public bargaining for teachers. He also said that the state of Florida had had this provision for a number of years and that the results were considered good. He noted that, by bargaining in public, both sides felt the pressure of public opinion to negotiate moderately and without taking extreme stands.

2) Public referendums. He believed that the referendum method had the greatest potential for development and thought that it was closer philosophically to the true intent of public collective bargaining, i.e. where public authorities were acting as agents for the public itself.

In regard to public referendums, Zagoria said that the Colorado town of Englewood, just outside Denver, has had a public referendum system in effect for the past five years. The interesting aspect of the arrangement is that no referendum has ever been held. The process (in theory) is as follows: (a) impasse occurs, (b) mediation takes place, (c) upon the failure of mediation a fact-finding board investigates the situation and makes a recommendation to both sides, (d) both sides have 30 days to accept or reject the recommendation, (e) the recommendation of the fact-finding board, plus the last best offers of the two deadlocked sides are put on the ballot for a public vote.

Zagoria said that twice-- once with policemen and another time with firemen-- the labor groups waited until the evening of the 29th day. Then they called a special meeting and accepted the fact-finders' recommendation. In Zagoria's view, they waited until they determined that the public was not with them before they accepted the compromise. Last November 2, two more Colorado towns adopted this procedure.

The City Manager of Englewood is Andy McCown (303-761-1140), City Hall 3400 S. Elati Street, Englewood, Colorado 80110. Zagoria will send us material on the public bargaining system as well as Englewood's system.

Ben Harding

SB 501

## Officials Oppose Union Cont

Local labor leaders and school board members yesterday joined in opposing Senate legislation that could give final arbitration of government-labor union disputes to the voters.

A series of witnesses testifying during a teleconference hookup with the Legislature in Juneau also opposed binding arbitration by Outside arbitrators called in when both sides reach an impasse.

Settling a labor dispute between governmental agencies and a union by means of either voter referendum or by submission to a three-member elected panel would amount to "a cop-out" by the government, said school board member Caroline Wohlforth.

Millett Keller, also a board member, said settling such disputes is the responsibility of the two parties involved. "We elect you to make the decisions and set the policies."

Setting up an elected panel to settle disputes would only "create another layer of government . . .

further insulating the body that decides what can be spent from the body that decides what can be taxed," he said.

John Alexander, representing the International Brotherhood of Electrical Workers local 1547 said taking labor disputes to the voters would only "further complicate the process of bargaining."

Representatives of the Teamsters, carpenters, International Association of Firefighters local 1264, AFL-CIO, and other unions all said they opposed both binding arbitration by an outside arbitrator and voter intervention as well as a proposal to open up negotiations to the public with announcements of offers and counter-offers by both sides.

However, both school board members said they believe making negotiations open to the public might be helpful in ending disputes.

One union representative, however, likened such a move to "conducting courtship in public."

Labor representative Robert W.

Johnson said that would be "an unwanted intrusion . . . like taking your mother in law along on your honeymoon."

He said he likes to see bargaining "carried out to its ultimate end."

Keller said collective bargaining in Alaska "has certainly served the public employees well" resulting in low turnover, good wages, excellent benefits including liberal holidays and good retirement, plus "outstanding job security."

Teleconference witnesses picked up in Fairbanks, Ketchikan and Bethel generally echoed sentiments voiced locally.

The Juneau end of the conference was chaired by Sen. Bill Sumner, R-Anchorage.

Senate bills under discussion were No. 373, relating to public information regarding collective bargaining by public employees, and No. 501, which would allow cities the additional options of settling impasse disputes by means of submission to an elected panel, or by direct vote at

Friday, March 31, 1978, The Anchorage Times 9

## tract Settlements By Voters

the first upcoming general municipal election.

These would apply only to those

cities electing to handle negotiations under provisions of the labor relations legislation already in effect,

Sumner said. Both bills were introduced by Sen. Joe Orsini, R-Anchorage.

Anchorage Daily News April 27, 1978

SB 501

# Mediator reports on deadlock

By SUZAN NIGHTINGALE  
Daily News Staff Writer

Personality conflicts between negotiators and skepticism on the part of municipal employees have been cited as two of the reasons why deadlocked negotiations between the Anchorage Municipal Employees Association and the administration aren't proceeding.

In a report released Wednesday by the Municipal Employee Relations Board, mediator-fact finder Joe Keenan recommends that the negotiations be re-opened with "pre-established and enforceable guidelines" and possibly even a change in the composition in the negotiation committees themselves.

**KEENAN ALSO** offered to continue his role as mediator, a suggestion expected to be ruled on today by the Employee Relations Board.

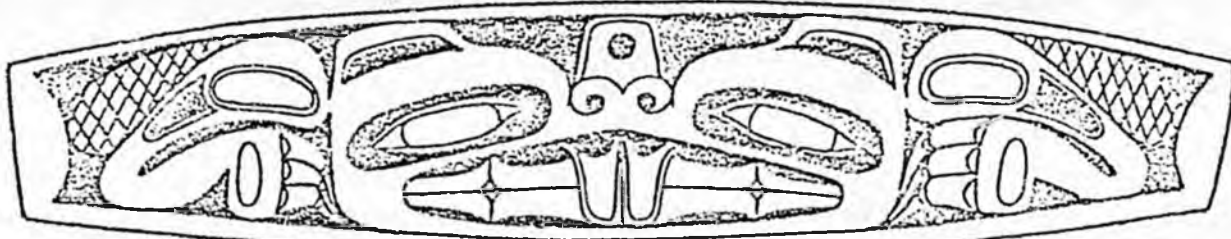
The Anchorage Municipal Employees Association, which represents more than 500 general classified employees, has been without a contract since June, 1976, and has been in negotiations with the administration since June, 1977. In March, Keenan was appointed to act as a mediator-fact finder, after talks bogged down. While

Keenan was acting as mediator, from March 29 to April 18, about half the items being negotiated were agreed on, according to sources. But on April 19, the AMEA negotiating team gave formal notice of an impasse, indicating they believed meaningful progress was no longer being made.

Wednesday, however, Mark Sollenberger of the AMEA negotiating committee said that group would be willing to reconvene negotiations with Keenan again acting as mediator.

**IN HIS REPORT**, Keenan cites "such a complete lack of confidence on the part of the employees with the city representatives that any proposal . . . immediately gave rise to such a degree of skepticism as to compel the employees to immediately assume a defensive posture, obviously saying to themselves, 'We heard what you said, but what do you really mean?'"

Keenan added that a "ghost from the past" was also evident during negotiations as employees "continually dwelt on past experiences in connection with their relations with the city."



ASSOCIATION OF ALASKA SCHOOL BOARDS

SUITE 3, 204 NORTH FRANKLIN STREET • JUNEAU, ALASKA 99901 • PHONE 588-1083

M E M B E R S H I P   D I R E C T O R Y

October 1977

ADAK

*Regional Schools*

Fran Eishcens, President  
Box 4, NAVSTA  
FPO Seattle, Wash. 98791  
Intra Alaska

Carlos Teniente  
Box 25, NAVSTA  
FPO Seattle, Wash. 98791  
Intra Alaska

Levon Sims  
Box 25, NAVSTA  
FPO Seattle, Wash. 98791  
Intra Alaska

Paul Blakesless  
Box 21, NAVSTA  
FPO Seattle, Wash. 98791  
Intra Alaska

Jim Burdiss  
Box 125, NAVSTA  
FPO Seattle, Wash. 98791  
Intra Alaska

Dale Thompson  
Box 17, NAVSTA  
FPO Seattle, Wash. 98791  
Intra Alaska

Rick Okada  
Box 21, NAVSTA  
FPO Seattle, Wash. 98791  
Intra Alaska

Monty McBride, Supt.  
Box 34, NAVSTA  
FPO Seattle, Wash. 98791  
Intra Alaska

ALASKA CENTRAL RAILBELT

✓ *Schools*  
Roberta Nadeau, Pres.  
P.O. Box 299  
Clear, Alaska 99704

Patricia Brown  
Box 9  
McKinley Park, AK 99755

John Gonzales  
P.O. Box 320  
Clear, Alaska 99704

Kathryn Kuehn  
P.O. Box 9  
McKinley Park, AK 99755

Charles Boddy  
Box 13  
Usibelli, AK 99787

Gerald Moberg  
Box 53  
Cantwell, AK 99755

Sam Torkelson  
Box 4022  
Clear, Alaska 99704

ALASKA GATEWAY *Schools*

✓ Sharon Young, Pres.  
P.O. Box 64  
Tok, Alaska 99780

Laurene Stout  
Mi. 1264 Ak. Hwy.  
Tok, Alaska 99780

Huston Sanford  
Mentasta Lake, AK 99725

Amy Lohr  
Tanacross, AK 99775

Bill Arrpino  
P.O. Box 111  
Tok, Alaska 99780

Wally Wallis  
Tok, Alaska 99780

Louise Waller  
P.O. Box 72  
Eagle, Alaska 99733

Carl Peterson, Supt.  
P.O. Box 137  
Tok Junction, AK 99780

ALEUTIANS*Aleutian Chain Schools*

✓ John Farley, Pres.  
P.O. Box 113  
Cold Bay, Alaska 99571

Peter Kust  
600 S. State St.  
Unit 115  
Bellingham, Wash. 98225

George Kurdin  
Akutan, Alaska 99553

Ellie Moritz  
Sand Point, Alaska 99601

Diane Wildes  
P.O. Box 104  
Sand Point, Alaska 99601

Dr. Dick Bower, Supt.  
P.O. Box 121  
Cold Bay, Alaska 99571

ANCHORAGE*Schools*

✓ Caroline Wohlforth, Pres.  
2226 Arbor Circle  
Anchorage, Alaska 99503

Heather Flynn  
918 "R" Street  
Anchorage, Alaska 99501

Ed Rhodes  
6548 Barclay Ct.  
Anchorage, Alaska 99504

Darlene Chapman  
Box 165  
Eagle River, AK 99577

Caroline Lewis  
SRA Box 339  
Anchorage, Alaska 99501

Millet Keller  
1667 Crescent Dr.  
Anchorage, Alaska 99501

Keith Calderwood  
7900 Honeysuckle  
Anchorage, Alaska 99501

Dr. John Peper, Supt.  
4600 DeBarr Avenue  
Anchorage, Alaska 99504

ANNETTE ISLANDS*Schools*

✓ Karl Cook, Sr., Pres.  
P.O. Box 348  
Metlakatla, AK 99926

Soloman Atkinson  
Box 441  
Metlakatla, AK 99926

Frieda Haldane  
P.O. Box 13  
Metlakatla, AK 99926

Mary Troy Caspimore  
P.O. Box 484  
Metlakatla, AK 99926

Karen Thompson  
P.O. Box 503  
Annette, AK 99926

Jim Jennings, Supt.  
P.O. Box 7  
Metlakatla, AK 99926

BERING STRAITS*Schools*

Enid Lincoln, Pres.  
White Mountain, AK  
99784

Chuck Degnan  
P.O. Box 187  
Unalakleet, AK 99684

Clifford Weyiouanna  
Shishmarof, AK 99772

Frank Oxereok, Jr.  
Wales, Alaska 99783

Dorothy Isabell  
P.O. Box 564  
Teller, Alaska 99773

Roger Nassuk, Sr.  
Koyuk, Alaska 99753

Jean Ferris  
Stebbins, AK 99671

John Cheemuk  
St. Michael, AK 99659

Francis Soxie, Sr.  
P.O. Box 1  
Unalakleet, AK 99684

Herbert Apassingok  
P.O. Box 91  
Gambell, AK 99742

Joseph Noongwook  
P.O. Box 28  
Savoonga, AK 99769

Ron Hohman, Supt.  
P.O. Box 1088  
Nome, Alaska 99762

BRISTOL BAY*Borough Schools*

Curtis Nestegard  
P.O. Box 142  
Naknek, Alaska 99633

Fred Pike  
P.O. Box 5  
Naknek, Alaska 99633

Joyce Reynolds  
P.O. Box 151  
King Salmon, AK 99613

Robert Hodgdon  
P.O. Box 267  
South Naknek, AK 99670

Sonny Groat  
P.O. Box 29  
Naknek, Alaska 99633

Dale Lunsford, Supt.  
P.O. Box 169  
Naknek, Alaska 99633

CHATHAM

Wally Frank, Sr., Pres.  
P.O. Box 112  
Angoon, Alaska 99820

Laura Hotch  
Klukwan, Alaska 99827

Edward Gamble, Sr.  
P.O. Box 33  
Angoon, Alaska 99820

Matilda Gamble  
P.O. Box 56  
Angoon, Alaska 99820

Dermott O'Toole  
Tenakee Springs, AK 99841

Joe Kahklen, Supt.  
P.O. Box 109  
Angoon, Alaska 99820

CHUGACH *Schools*

Lawrence Steffen, Pres.  
P.O. Box 607  
Whittier, Alaska 99502

Lori Simonds  
Begich Towers, #701  
Whittier, Alaska 99502

Marie Walli  
P.O. Box 693  
Whittier, Alaska 99502

Myra Allen  
Tatitlek, Alaska 99677

Betty Totomoff  
Tatitlek, Alaska 99677

Loren Logie  
P.O. 641  
Whittier, Alaska 99502

COPPER RIVER *Schools*

Paul Weir, Pres.  
P.O. Box 275  
Glennallen, Alaska 99588

Marie Barber  
P.O. Box 134  
Glennallen, Alaska 99588

Sam Aguiar  
P.O. Box 153  
Gakona, Alaska 99586

Althea Hughes  
Galkona, Alaska 99586

Joe Roche  
c/o Tonsina Lodge  
Copper Center, AK 99573

Rev. Lincoln Smith  
Box 151  
Copper Center, AK 99573

Patricia Hunt  
Kenny Lake via  
Copper Center, AK 99573

Al Krinke, Supt.  
P.O. Box 66  
Glennallen, Alaska  
99588

CORDOVA *City Schools*

Jack Lamb, Pres.  
P.O. Box 376  
Cordova, Alaska 99574

Bruce Bolan  
P.O. Box 21  
Cordova, Alaska 99574

Peter Blake  
Box 187  
Cordova, Alaska 99574

Judith Reynolds  
Box 903  
Cordova, Alaska 99574

Ruth Isleib  
P.O. Box 139  
Cordova, Alaska 99574

Tyrus Brown, Supt.  
P.O. Box 140  
Cordova, Alaska 99574

CRAIG *City Schools*

Joyce Jones, Pres.  
Craig, Alaska 99921

Ron Hatch  
Craig, Alaska 99921

Margaret Demmert  
Craig, Alaska 99921

Janet Charles  
Craig, Alaska 99921

Delores Swanson  
Box 72  
Craig, Alaska 99921

Jim Paul, Supt.  
Craig, Alaska 99921

DELTA *Greely Schools*

Richard Anderson, Pres.  
P.O. Box 806  
Delta Junction, AK 99737

William Haslem  
P.O. Box 112  
Delta Junction, AK 99737

Hoyt Moss  
P.O. Box 181  
Delta Junction, AK 99737

Jack Adams  
Delta Junction, AK 99737

Doris Fales  
P.O. Box 47  
Delta Junction, AK 99737

William Fowler  
P.O. Box 415  
Delta Junction, AK 99737

Narvin Fogelsong  
P.O. Box 415  
Delta Junction, AK 99737

Glen Chowning, Supt.  
P.O. Box 64  
Ft. Greely, Alaska 99790

DILLINGHAM *SOUTHWEST REGION SCHOOLS*

Jeri Nelson, Pres.  
P.O. Box 199  
Dillingham, Alaska 99576

Richard Clark  
Dillingham, Alaska 99576

Vi Hasti  
Dillingham, Alaska 99576

Dan O'Connell  
P.H.S. Hospital  
Dillingham, Alaska 99576

Judith Nelson  
P.O. Box 124  
Dillingham, Alaska 99576

Herb Oba, Supt.  
Box 202  
Dillingham, Alaska 99576

Pat Sweetsir  
Galena, Alaska 99741

Peter Flisock, Supt.  
P.O. Box 299  
Galena, Alaska 99741

Trudy Wolfe  
P.O. Box 103  
Hoonah, Alaska 99829

Gerald Fiscus, Supt. ( )  
P.O. Box 8  
Hoonah, Alaska 99829

FAIRBANKS *No. STAR BOR. Schools* HAINES *Borough Schools* HYDABURG *City Schools*

✓ Jim Movius, Pres.  
P.O. Box 372  
Fairbanks, Alaska 99701

Mary Kay Barsdate  
P.O. Box 80174  
College, Alaska 99701

Cam Carlson  
P.O. Box 80234  
College, Alaska 99701

Marguerite Stetson  
1189 Nenana  
Fairbanks, Alaska 99701

H.O. Williams  
333 Glacier  
Fairbanks, Alaska 99701

Margery Kniffen  
P.O. Box 1956  
Fairbanks, Alaska 99701

Paul Frith  
675 7th Street, Sec. K  
Fairbanks, Alaska 99701

Dr. Bryce Stallard, Supt.  
P.O. Box 1250  
Fairbanks, Alaska 99701

GALENA *City Schools*

✓ Dorothy Rhea, President  
Galena, Alaska 99741

Beverly Huhndorf  
Galena, Alaska 99741

Sidney Huntington  
P.O. Box 27  
Galena, Alaska 99741

Don Lowe  
Galena, Alaska 99741

✓ Ray Menaker  
P.O. Box 118  
Haines, Alaska 99827

Mary Asper  
P.O. Box 37  
Haines, Alaska 99827

Ruth C. Sage  
P.O. Box 286  
Haines, Alaska 99827

Virginia Wight  
P.O. Box 32  
Haines, Alaska 99827

Joan Snyder  
P.O. Box 3  
Haines, Alaska 99827

Pat Jones  
P.O. Box 466  
Haines, Alaska 99827

Steve McPhetres, Supt.  
P.O. Box 251  
Haines, Alaska 99827

HOONAH *City Schools*  
✓ Marlene Johnson, Pres.  
P.O. Box 218  
Hoonah, Alaska 99829

Sharon Schoonover  
P.O. Box 218  
Hoonah, Alaska 99829

Jennie Lindoff  
P.O. Box 194  
Hoonah, Alaska 99829

Maxine Savland  
P.O. Box 260  
Hoonah, Alaska 99829

✓ Frieda Peele, Pres.  
Hydaburg, Alaska 99922

Alvin Edenshaw  
Hydaburg, Alaska 99922

Thelma Edenshaw  
Hydaburg, Alaska 99922

Victor Burgess  
Hydaburg, Alaska 99922

Blanche Kelly  
Hydaburg, Alaska 99922

Elbie Gann, Supt.  
Hydaburg, Alaska 99922

IDITAROD *Area Schools*

✓ Ray Collins, Pres.  
P.O. Box 75  
McGrath, Alaska 99627

Henry Deacon  
Grayling, Alaska 99590

Kenneth Chase  
Anvik, Alaska 99558

Elizabeth Johnson  
P.O. Box 98  
Holy Cross, Alaska 99602

Adolph Hamilton  
Shageluk, Alaska 99665

Jeff Stokes  
Nikolai, Alaska 99665

Ernest Holmberg  
P.O. Box 51  
McGrath, Alaska 99627

Jim Zuelow, Supt. ( )  
P.O. Box 105  
McGrath, Alaska 99627

JUNEAU

*Borough Schools*

KENAI

*Peninsula Borough Schools*

Alaire Stanton

3818 Fairview  
Ketchikan, Alaska

Bill Johnson, Pres.  
136 Behrends Ave.  
Juneau, Alaska 99801

Jerry Hobart, Pres.  
P.O. Box 6  
Soldotna, Alaska 99669

Willard Jones  
A-27  
Ward Cove, Alaska 99928

Diane Bergstrom  
340 Highland  
Juneau, Alaska 99801

Carl Glick  
P.O. Box 528  
Kenai, Alaska 99611

Ron Stekl, Supt.  
Pouch Z  
Ketchikan, Alaska 99901

Tom Cashen  
Box 244  
Juneau, Alaska 99801

Sandra Morris  
P.O. Box 7159 NRB  
Kenai, Alaska 99611

KING COVE

Gary Jenkins  
P.O. Box 194  
Auke Bay, Alaska 99821

Carolyn Cannava  
P.O. Box 502  
Soldotna, Alaska 99669

Glennora Samuelson, Pres.  
P.O. Box 102  
King Cove, Alaska 99612

Gerald O'Brien  
R.R. 3, Box 3964  
Juneau, Alaska 99803

Sheila Owens  
P.O. Box 879  
Kenai, Alaska 99611

Francis Larsen  
P.O. Box 8  
King Cove, Alaska 99612

Roger Lange  
R.R. 4, Box 4180-4  
Juneau, Alaska 99803

Linda O'Brien  
P.O. Box 813  
Soldotna, Alaska 99669

Walter Samuelson  
P.O. Box 17  
King Cove, Alaska 99612

Carole Burger  
P.O. Box 985  
Auke Bay, Alaska 99821

Joyce Fischer  
P.O. Box 784  
Soldotna, Alaska 99669

Marilyn Mack  
P.O. Box 74  
King Cove, Alaska 99612

John Coffee, Supt.  
P.O. Box 808  
Douglas, Alaska 99824

Dr. Paul Gallaher, Supt.  
P.O. Box 1266  
Soldotna, Alaska 99669

Alex Samuelson  
P.O. Box 5  
King Cove, Alaska 99612

KAKE

*City Schools*

KETCHIKAN

*Gateway Borough Schools*

DeWiley Holeman, Supt.  
P.O. Box 44

Cecilia Mills, Pres.  
Kake, Alaska 99830

Ann Graham, Pres.  
P.O. Box 5544  
Ketchikan, Alaska 99901

King Cove, Alaska 99612

Delbert Kakake  
Kake, Alaska 99830

Tom Carlin  
P.O. Box 7735  
Ketchikan, Alaska 99901

KODIAK *Island Borough Schools*

Louise Collins, Pres.  
P.O. Box 1064  
Kodiak, Alaska 99615

Della Cheney  
Kake, Alaska 99830

Ray Hendricks II  
P.O. Box 5041  
Ketchikan, Alaska 99901

Stan Baltzo  
P.O. Box 92  
Kodiak, Alaska 99615

Dan Verneti  
Kake, Alaska 99830

Kaye King  
517 Canyon Rd.  
Ketchikan, Alaska 99901

Stanley Sargent  
P.O. Box 574  
Kodiak, Alaska 99615

Dave Dillman, Supt.  
Kake, Alaska 99830

Sharon Walker  
R.R. 1, Box 48  
Ketchikan, Alaska 99901

Joan Johnson  
P.O. Box 2727  
Kodiak, Alaska 99615

David Crowe  
P.O. Box 223  
Kodiak, Alaska 99615

John Anttonen, Supt.  
P.O. Box 886  
Kodiak, Alaska 99615

KUSPUK *Schools*

✓ Gary Nelson, Pres.  
P.O. Box 31  
Aniak, Alaska 99557

George Morgan, Sr.  
Kalskag, Alaska 99607

Charles Bender  
P.O. Box 454  
Aniak, Alaska 99557

Lewis Vanderpool  
P.O. Box 18  
Aniak, Alaska 99557

Sinka Williams  
Lower Kalskag, AK 99626

George Willes  
Red Devil, Alaska 99656

Nick Mellick, Jr.  
Sleetmute, Alaska 99668

Bob McHenry, Supt.  
Aniak, Alaska 99557

LAKE & PENINSULA *Schools*

✓ Sara Hornberger, Pres.  
P.O. Box 69  
Iliamna, AK 99606

Carl Jensen  
Pedro Bay, Alaska 99647

Mrs. R. Briggs  
Ugashik, Alaska 99683

Harry Kosburk  
P.O. Box 109  
Perryville, AK 99648

John Lind  
Chignik Lake, AK 99648

Linda Johnson  
Newhalen via  
Iliamna, Alaska 99606

Art Skonberg  
Chignik Bay, AK 99564

Dr. Charles White, Supt.  
P.O. Box 119  
Naknek, Alaska 99633

LOWER KUSKOKWIM *Schools*

✓ Joerene Hout, Pres.  
P.O. Box 346  
Bethel, Alaska 99559

Charlie Moses  
Toksook Bay, AK 99673

Paul Kuinya, Sr.  
Kipnuk, Alaska 99614

Paul Guy  
Napaskiak, AK 99559

Sera Baxter  
P.O. Box 96  
Bethel, Alaska 99559

Mijo Rich  
Box 649  
Bethel, AK 99559

Isaac Mute  
P.O. Box 474  
Bethel, AK 99559

Fritz Beebe, Sr.  
Eek, Alaska 99578

Elizabeth Dillon  
Kwethluk, Alaska 99621

B.A. Weinberg, Supt  
P.O. Box 305  
Bethel, Alaska 99557

LOWER YUKON *Schools*

✓ Owen Riffe, Pres.  
Hooper Bay, AK 99504

Joseph Mike  
Kotlik, Alaska 99620

Peter Black  
P.O. Box 84  
Alakanuk, Alaska 99554

Axel Johnson  
Emmonak, Alaska 99554

Frank Chayalkun  
Chevak, Alaska 99553

August Sexton  
P.O. Box 15  
Hooper Bay, AK 99604

Andrew Brown, Sr.  
P.O. Box 187  
Mr. Village, AK 99632

Willie Francis  
Pitka's Point, AK 99658

Alex Nick  
Russian Mission, AK 99657

LaVerne Etter, Supt.  
P.O. Box 200  
Mt. Village, AK 99632

MATANUSKA-SUSITNA *Borough Schools*

✓ Monty Hotchkiss, Pres.  
P.O. Box S-950  
Palmer, Alaska 99645

Jerry Sommers  
Box 439  
Palmer, Alaska 99687

Karen Siry  
SR Box 5232  
Wasilla, Alaska 99687

Jean Marsh  
Star Route B, Box S386  
Palmer, Alaska 99645

Ken Soule  
P.O. Box 36  
Palmer, Alaska 99645

Dr. Norma Rousey, Supt.  
P.O. Box A3  
Palmer, Alaska 99645

NENANA

Gordon Sale, Pres  
P.O. Box 144  
Nenana, Alaska 99760

Robert Coghill, Sr.  
P.O. Box 178  
Nenana, Alaska 99760

Marge Riley  
P.O. Box 7  
Nenana, Alaska 99760

Connie Jensen

Nenana, Alaska 99760

Bobby Johnson  
Clear, Alaska 99704

Dick Leath, Supt.  
P.O. Box 127  
Nenana, Alaska 99670

NOME

*City Schools*

Paul Sterling, President  
P.O. Box 86  
Nome, Alaska 99762

Jim Engwall  
Box 820  
Nome, Alaska 99762

Doris Wilke  
P.O. Box 86  
Nome, Alaska 99762

Stan Summers  
P.O. Box 820  
Nome, Alaska 99762

Gary Longley  
P.O. Box 1051  
Nome, Alaska 99762

Darroll Hargraves, Supt.  
P.O. Box 131  
Nome, Alaska 99762

NORTH SLOPE

Jeslie Kaleak, Pres.  
P.O. Box 548  
Barrow, Alaska 99723

Bud Stevens  
P.O. Box 726  
Barrow, Alaska 99723

Lollie Hopson  
P.O. Box 129  
Barrow, Alaska 99723

Kate Beals  
P.O. Box 129  
Barrow, Alaska 99723

David Bodfish  
Wainwright, AK 99782

David Kagak  
Wainwright, AK 99782

Pat Hugo  
Anaktuvuk Pass, AK  
99781

Don Renfroe, Supt.  
P.O. Box 169  
Barrow, Alaska 99723

NORTHWEST ARCTIC

*Schools*

June Nelson, Pres.  
P.O. Box 158  
Kotzebue, Alaska 99752

Bert Greist  
Selawik, Alaska 99770

Samuel Barr  
Kavalina, AK 99750

Vince Schuerch  
Kiana, Alaska 99749

Arthur Douglas, Sr.  
Ambler, Alaska 99786

Christina Westlake  
Kiana, Alaska 99749

Robert Newlin, Sr.  
P.O. Box 85  
Noorvik, Alaska 99663

Evelyn L. Conwell  
P.O. Box 125  
Kotzebue, Alaska 99752

Mary Schaeffer  
P.O. Box 106  
Kotzebue, Alaska 99752

Robert Schaeffer  
P.O. Box 29  
Kotzebue, Alaska 99752

Sophie Ferguson  
P.O. Box 131  
Kotzebue, Alaska 99752

George White, Supt.  
P.O. Box 51  
Kotzebue, Alaska 99752

PELICAN

*City Schools*

Vivian Max, Pres.  
P.O. Box 774  
Pelican, Alaska 99832

Don Nash  
Pelican, Alaska 99832

Donya Anselm  
Pelican, Alaska 99832

Rose Perley  
Pelican, Alaska 99832

Edith Carlson  
Pelican, Alaska 99832

Harry Davidson, Supt.  
P.O. Box 732  
Pelican, Alaska 99832

PETERSBURG

*City Schools*

Patti Norheim, Pres.  
P.O. Box 642  
Petersburg, AK 99833

Wilmer Oines  
P.O. Box 642  
Petersburg, AK 99833

Don Ripple  
Box 889  
Petersburg, AK 99833

Carol Enge  
P.O. Box 166  
Petersburg, AK 99833

Mike Dean  
P.O. Box 30  
Petersburg, AK 99833

D.W. Schultz, Supt.  
P.O. Box 389  
Petersburg, AK 99833

PRIBILOF *School*  
Agafon Krukoff, Pres.  
St. Paul Island, AK  
99660

Alice Philemonof  
St. George Island, AK  
99660

Alexander Melovidov  
St. Paul Island, AK  
99660

Ella Kashevarof  
St. George Island, AK  
99660

Louis Weaver, Supt.  
Pribilof Public Schools  
St. Paul Island, AK  
99660

ST. MARY'S *Public Schools*  
Flora Paukan, Pres.  
St. Mary's, AK 99658

Mary Travers  
St. Mary's, AK 99658

Mary Andrews  
St. Mary's, AK 99658

Sr. Francis Porter  
P.O. Box 173  
St. Mary's, AK 99658

Maggie Paukan  
St. Mary's, AK 99658

Walter Brown, Supt.  
P.O. Box 71  
St. Mary's, AK 99658

SITKA *Borough Schools*

✓ Ken Stedman, Pres.  
P.O. Box 1510  
Sitka, Alaska 99835

Norm Wilson  
P.O. Box 671  
Sitka, Alaska 99835

Carole Welsh  
P.O. Box 256  
Sitka, Alaska 99835

Ernestine Massey  
P.O. Box 808  
Sitka, Alaska 99835

Lorraine Glenn  
Star Route Halibut Pt  
Sitka, Alaska 99835

Dr. Neland Haavig, Supt.  
P.O. Box 179  
Sitka, Alaska 99835

SKAGWAY *City Schools*  
✓ Ron Hunz, Pres.  
Skagway, Alaska 99840

Carl Rose  
Skagway, Alaska 99840

John O'Daniel  
Skagway, Alaska 99840

Leslie Fairbanks  
Skagway, Alaska 99840

Paul Taylor  
Skagway, Alaska 99840

Gordon Tope, Supt.  
Skagway, Alaska 99840

SOUTHEAST ISLANDS *Schools*

✓ Richard Madden, Pres.  
P.O. Box 106  
Thorne Bay, AK 99950

Allen Strahle  
313 Rainy Lane  
Thorne Bay, AK 99959

Donna Meyer  
Meyers Chuch  
Alaska

Lucille Hedrich  
Pouch L - Trlr. #5  
Ketchikan, Alaska 99901

Kathy Pesterfield  
P.O. Box 142  
Ketchikan, Alaska 99901

Bruce Hill, Supt.  
P.O. Box 8340  
Ketchikan, Alaska 99901

SOUTHWEST REGION *Schools*

Robert Clark, Pres.  
P.O. Box 16  
Clark's Point, AK 99559

Stanley Active, Sr.  
P.O. Box 16  
Togiak, Alaska 99678

Keefa Moxie  
P.O. Box 47  
Aleknagik, Alaska 99555

Michael Gloko  
General Delivery  
Manokotak, Alaska 99628

Wilbur Bavilla  
P.O. Box 68  
Togiak, Alaska 99673

Luki Akelkok  
Ekwok, Alaska 99550

Joe Hiratsuka  
Ikuk via  
Dillingham, Alaska 99576

David Dickerson, Supt.  
P.O. Box 28  
Dillingham, Alaska 99576

UNALASKA

Harriet Berikoff, Box 81  
Unalaska, Alaska 99685

Charles Huffman  
Unalaska, Alaska 99685

Marti Norton  
Unalaska, Alaska 99685

Walter Dyakanoff  
Unalaska, Alaska 99685

Betty Bundy, c/o Unisea  
Dutch Harbor, AK 99685

Bill Gregory, Supt.  
Unalaska, Alaska 99685

VALDEZ

*City Schools*

Patrick Shely, Pres.  
Valdez, Alaska 99686

James Lindsey  
P.O. Box 809  
Valdez, Alaska 99686

Jean Phillips  
P.O. Box 989  
Valdez, Alaska 99686

Jimmie Williams  
P.O. Box 1579  
Valdez, Alaska 99686

Mary Zarembo  
P.O. Box 304  
Valdez, Alaska 99686

Herman Hutchens, Supt.  
P.O. Box 526  
Valdez, Alaska 99686

WRANGELL

Bill Gill, Pres  
P.O. Box 608  
Wrangell, Alaska 99929

Bill Zeiger  
P.O. Box 439  
Wrangell, Alaska 99929

Pat Hall  
P.O. Box 96  
Wrangell, Alaska 99929

Bob Rasco  
P.O. Box 1522  
Wrangell, Alaska 99929

Les Olds  
P.O. Box 807  
Wrangell, Alaska 99929

Bob McConnell  
P.O. Box 651  
Wrangell, Alaska 99929

YAKUTAT

*City Schools*

Victoria Demmert, Pres.  
Yakutat, Alaska 99689

Joan Pond  
P.O. Box 345  
Yakutat, Alaska 99689

Stan Rousey  
Yakutat, Alaska 99689

Evelyn Anderson  
Yakutat, Alaska 99689

Sue Valle  
Yakutat, Alaska 99689

Fredrick Kent, Supt.  
P.O. Box 227  
Yakutat, Alaska 99689

YUKON FLATS

*Schools*

Dick Mueller, Pres.  
P.O. Box 329  
Ft. Yukon, AK 99740

?

Antic Village, AK 99722

Richard Martin ??  
Chalkyitsik, AK

Steven Ginnis  
P.O. Box 144  
Ft. Yukon, AK 99740

Nancy James  
P.O. Box 144  
Ft. Yukon, AK 99740

William Ben, Jr.  
Stevens Village, AK 99740

Albert Carroll, Sr.  
Circle, Alaska 99733

Will Rikken, Supt.  
Ft. Yukon, AK 99740

YUKON/KOYUKUK

*Schools*

Ronald Sam, Pres  
Alatna, Alaska 99720

Lincoln Bifelt  
Huslia, Alaska 99746

Kenneth Sam  
Huslia, Alaska 99746

Elmer Manook  
General Delivery  
Nulato, Alaska 99765

Leonard Stickman, Sr.  
General Delivery  
Nulato, Alaska 99765

Donald Honea, Sr.  
P.O. Box 17  
Ruby, Alaska 99765

Eileen Kozevnikoff  
P.O. Box 192  
Tanana, Alaska 99777

Dorothy Jordan  
P.O. Box 203  
Tanana, Alaska 99777

Joe Cooper, Supt.  
Nenana, Alaska 99760

With our apologies.....

KLAWOCK

*City Schools*

✓ Robert Peratrovich, Pres.  
P.O. Box 109  
Klawock, Alaska 99925

Dorothy Schenk  
Klawock, Alaska 99925

Ernestine Kato  
P.O. Box 43  
Klawock, Alaska 99925

Sonja Armour  
P.O. Box 21  
Klawock, Alaska 99925

Donna Williams  
P.O. Box 117  
Klawock, Alaska 99925

Willie Suss, Supt.  
Klawock, Alaska 99925

STATE BOARD

Katherine Hurley, President  
P.O. Box 157  
Wasilla, Alaska 99687

Jan Honman  
P.O. Box 653  
Nome, Alaska 99672

Malcolm Roberts  
3620 Clay Products Rd.  
Anchorage, Alaska 99503

Thelma Langdon  
2363 Captain Cook Dr.  
Anchorage, Alaska 99503

Augie Anderson  
P.O. Box 478  
Sitka, Alaska 99835

Beverly Horn  
P.O. Box 15  
Kodiak, Alaska 99615

Darwin Heine  
1506 Denali Way  
Fairbanks, Alaska 99701

Dr. Marshall Lind, Commissioner  
Pouch F  
Juneau, Alaska 99811

ADVISORY BOARD MEMBERS

Karen Kraus  
SRA Box 26-B  
Anchorage, Alaska 99507

Col. Bernard P. Jones  
71 Halibut Street  
Ft. Richardson, Alaska 99505



Official Business

# Alaska State Legislature

Senate  
Committee on  
Community & Regional Affairs

Pouch V  
State Capitol  
Juneau, Alaska 99811

February 15, 1978

Sent to:

Also sent to: All Boroughs  
School Dist  
Mun. & REAA's  
All Home Rule Cities  
All First Class Cities  
and ... Bethel, Kotzebue

I have enclosed for your review a copy of Senate Bill no. 501 ("An Act relating to municipal labor relations"), which concerns procedures for binding arbitration in matters involving local public employees, both municipal and school district.

I would very much appreciate your comments and assessment of this proposed legislation so that the Senate Community and Regional Affairs Committee will be able to benefit from your views when it takes up the measure later during the session.

I would like to point out that SB 501 is designed to allow local government or the appropriate administrative body the option adopting either or neither of these means of settling local public collective bargaining disputes. It is not my intent for the legislation in any way to mandate these forms of arbitration to the local governing body, but to permit it to select the most flexible course of action possible and locally desirable.

In this respect, I would also appreciate any suggestions you may have on ways in which SB 501 might be refined or made more responsive to local requirements.

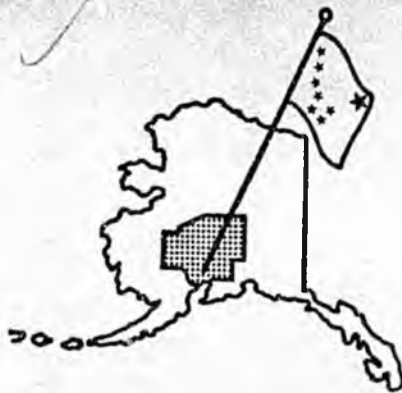
Sincerely,

Joe Orsini  
Chairman  
Community and Regional  
Affairs Committee

JO/tb

Enclosure: SB 501

F: 515 501



# MATANUSKA-SUSITNA BOROUGH SCHOOL DISTRICT

BOX AB

PALMER, ALASKA 99645

PHONE 745-4822

**NORMAN S. ROUSEY**  
SUPERINTENDENT OF SCHOOLS

February 20, 1978

The Honorable Joseph L. Orsini  
Senator  
State of Alaska  
Juneau, Alaska 99801

Sir:

First, let me express my appreciation to you for requesting our Board's input into Senate Bill 501.

This "binding arbitration" problem is one of our major concerns and we can appreciate the legislature and its dilemma in attempting to reach a satisfactory solution. Unfortunately, there is probably no complete satisfactory answer. Please let me make a few points that may be important in consideration of such a bill:

1. Teachers have been dealt with more than fairly in this State as all salary schedules, etc., will point out.
2. The public is responsive to school board actions and would react in cases of unfairness as well as they react when they feel the boards are too liberal.
3. The law seems to be silent on the right to strike by these employees.
4. School boards are elected by the people and have the responsibility to respect their wishes and desires.
5. The school boards represent a much larger body of voters in this State even though the National Education Association is able to make more noise because of their organization.

With these thoughts in mind, our Board's stand is that the Legislature allow the authority to remain in the hands of the people through their elected representatives. Give the public employees, teachers, etc., the right to strike. How else can the people be more aware of what is happening and respond?

The Honorable Joseph L. Orsini  
Senator  
State of Alaska  
February 20, 1978  
Page 2

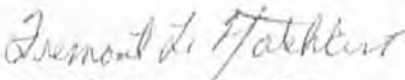
Senate Bill 501 provides for an elected board to have "binding arbitration" powers. Why do we elect another board to do the job that we are responsible for in the first place? The problem of going to the voters with the last best offer may not be to either party's benefit when trying to educate the public in all of the ramifications. Otherwise, it's very expensive and to what success?

I guess what I am saying is that our present system is working. Our employees are well paid with good benefits. The boards are responsible to the public and their status is dependent upon their being responsive. The Supreme Court has said the boards do not have the right to give away their responsibilities to arbitration unless you change the law. This is the way it should be.

Again, thank you, for requesting our input. Feel free to call on Bill Overstreet's office as Mr. Overstreet and his staff represent our views as well as having immediate contact with all the boards in the State and can be very responsive when help or information is needed.

Very truly yours,

MATANUSKA-SUSITNA BOROUGH SCHOOL DISTRICT



FREMONT L. HOTCHKISS  
President  
MATANUSKA-SUSITNA SCHOOL BOARD

FLH:ccs

cc: Senator Ferguson  
Senator Kerttula  
Representative Ose  
Bill Overstreet



Official Business

# Alaska State Legislature

*Sen*  
SB 501

## Senate Committee on Community & Regional Affairs

Pouch V  
State Capitol  
Juneau, Alaska 99811

February 21, 1978

Susan Stitham, President-Elect  
P.O. Box 80913  
College, Alaska 99701

Dear Ms. Stitham:

I have enclosed for your review a copy of Senate Bill no. 501 ("An Act relating to municipal labor relations"), which concerns procedures for binding arbitration in matters involving local public employees, both municipal and school district.

I would very much appreciate your comments and assessment of this proposed legislation so that the Senate Community and Regional Affairs Committee will be able to benefit from your views when it takes up the measure later during the session.

I would like to point out that SB 501 is designed to allow local government or the appropriate administrative body the option adopting either or neither of these means of settling local public collective bargaining disputes. It is not my intent for the legislation in any way to mandate these forms of arbitration to the local governing body, but to permit it to select the most flexible course of action possible and locally desirable.

In this respect, I would also appreciate any suggestions you may have on ways in which SB 501 might be refined or made more responsive to local requirements.

Sincerely,

A handwritten signature in cursive script that reads "Joe Orsini".

Joe Orsini  
Chairman  
Community and Regional  
Affairs Committee

JO/tb

Enclosure: SB 501

✓

F. 58 501

# ST. MARY'S SCHOOL DISTRICT

BOX 71  
ST. MARYS, ALASKA  
99658

LICAUVICUAG ELEMENTARY

ANDREAFSKY HIGH

Feb. 22, 1978

Senator Joseph Orsini, Chairman  
Committee on Community and Regional Affairs  
Pouch V-State Capitol  
Juneau, Alaska 99811

Dear Senator Orsini:

The St. Mary's School Board discussed Senate Bill no. 501 at it's meeting last evening.

The members of the Board feel that this particular bill would seriously erode it's legal responsibilities, powers and duties. It would also definitely impede the responsibility the board has under Alaska statutes to manage and control the St. Mary's City School District.

The members of the St. Mary's School Board are opposed to binding arbitration in any form. Consequently, they do not feel that any legislation should be introduced which furthers the cause of binding arbitration.

I wish to thank you for the opportunity you provided us to review Senate Bill No. 501.

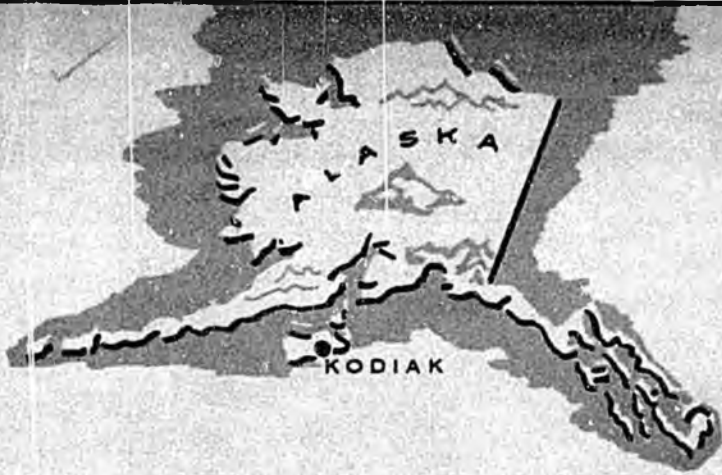
Sincerely,

*Flora Paukan*

(Mrs.) Flora Paukan  
President  
St. Mary's School Board

FP:deb

xc: Senator John Sackett  
Representative William Akers  
Mr. William Overstreet



F: SB Sat

# City of Kodiak

PHONE (907) 486 - 3224  
P.O. BOX 1397  
KODIAK, ALASKA 99615

February 24, 1978

Senator Joe Orsini, Chairman  
Community and Regional Affairs Committee  
Pouch V  
Juneau, Alaska 99811

Dear Senator Orsini:

Thank you for the opportunity to comment on Seate Bill 501. It is not clear that if a City has opted out regarding unions whether it has to comply with this or not. If there are no unions allowed in a municipality, it would seem that this would be superfluous.

I feel that by your allowing the local government to adopt either or neither of these means is a good way to go. By allowing local option, we are given more opportunities to resolve labor relations problems.

Very truly yours,

CITY OF KODIAK

*Ivan L. Widom*  
Ivan L. Widom  
City Manager

ILW/lp

25% COTTON FIBER

F: 58501

## KENAI PENINSULA BOROUGH SCHOOL DISTRICT



March 1, 1978

The Honorable Joseph L. Orsini  
 Alaska State Senate  
 Pouch V - State Capitol Building  
 Juneau, Alaska 99811

Dear Senator Orsini:

We appreciate your interest in our suggestions and evaluation of Senate Bill No. 501 a copy of which was forwarded to me and the other Board of Education members.

Obviously much thought and study has gone into your attempt to facilitate bargaining between municipal authorities and their labor forces. However, we should be mindful that the negotiations procedure originated in private industry and bringing the public sector into it has raised problems as public bargaining lacks much of the leverage on both sides that private labor and industry utilize.

I honestly feel that Senate Bill No. 501, though well intentioned, would result in creating more problems than it may solve. The answer to labor relations, I believe, lays in trust, respect and communications throughout the year - not just at negotiations time. The negotiations process can work in its present form and has worked for us on the Kenai Peninsula thus far. We have completed a set of teacher negotiations and feel the process will continue to work here.

Sincerely,

A handwritten signature in cursive script that reads "Mrs. Carolyn Cannava".

Mrs. Carolyn Cannava, President  
 Board of Education

CC:sb



Official Business

# Alaska State Legislature

## Senate Committee on Community & Regional Affairs

Pouch V  
State Capitol  
Juneau, Alaska 99811

March 10, 1978

The Honorable Billy Akers  
State House of Representatives  
Pouch V  
Juneau, Alaska 99811

Dear Billy:

The Senate Community and Regional Affairs Committee will be holding hearings on Senate Bill 501 ("An Act relating to municipal labor relations") which explores new concepts and approaches in the field of collective bargaining at the municipal level. These hearings will be video-broadcast from Juneau to the communities of Ketchikan, Anchorage, Bethel, Fairbanks and Nome on March 30th.

For your background information, I have enclosed a copy of the letter sent by the Committee to mayors and interested parties in those communities notifying them of the video-hearings and providing details of the arrangements.

If you are interested in following the public testimony on new directions in resolving public collective bargaining impasse disputes, I would like to invite you or members of your staff to attend these hearings.

Sincerely,

A handwritten signature in cursive script that reads "Joe".

JOE ORSINI  
Chairman, Senate  
Community and Regional  
Affairs Committee

JO:gd

Enclosure(s): 2



Official Business

# Alaska State Legislature

Senate

Committee on

Community & Regional Affairs

Pouch V  
State Capitol  
Juneau, Alaska 99811

March 10, 1978

Leo Rasmussen, Mayor  
City of Nome  
P. O. Box 281  
Nome, Alaska 99762

Dear Mayor Rasmussen:

The Senate Community and Regional Affairs Committee has scheduled a video-conference hearing on March 30th for Senate Bill 501 ("An Act relating to municipal labor relations") which is intended to explore new concepts and approaches in the field of collective bargaining at the municipal level.

SB 501 was drawn up to allow local government or the appropriate administrative body the option of adopting either, or neither, of the procedures outlined in the attached legislation as a means of resolving local public collective bargaining impasses. It was not my intent to mandate any of these forms of arbitration to local government bodies, but to permit them to select the most flexible and most responsive approach to the needs of the local situation.

Because of the increasing public interest in collective bargaining in the public sector, I would like to invite representatives from your organization to present your views on the proposed legislation at the hearing. The video-conference will be broadcast from Juneau to the communities of Ketchikan, Anchorage, Fairbanks, Bethel and Nome at 12:30 p.m. (Juneau time) on March 30th. Persons are welcome to attend the meeting in Juneau, but I would ask that only participants in the other communities testify. If time permits and all the participants outside Juneau who wish have testified, Juneau participants may present testimony. If there is inadequate time to hear all those desiring to testify, further hearings may be scheduled.

Mr. Peter Fromuth of the Legislative Affairs Agency in Juneau will be handling the technical and organizational arrangements for the video-conference. Either he or video-conference moderators in communities outside Juneau may be contacted for details involving these matters. (names attached)

Mayor Leo Rasmussen

-2-

March 10, 1978

In order to provide the Committee with a better idea of the extent of possible testimony, I would appreciate your informing me if you or your representatives wish to speak at the March 30th hearing.

Sincerely,

*Joe Orsini*

JOE ORSINI  
Chairman, Senate  
Community and Regional  
Affairs Committee

JO:gd

Enclosure(s): SB 501

LETTERS SENT TO THE EXECUTIVE DIRECTORS OF: APEA, NEA-Alaska,  
Alaska Association of School Boards, League of Women Voters,  
Alaska Chamber of Commerce

AND TO THE MAYORS OF: Ketchikan (city and borough), Anchorage  
Bethel, Fairbanks (city and borough) and Nome.

VIDEO-CONFERENCE MODERATORS

Anchorage - Charity Kadow	278-3668
Bethel - Peter Twitchill	543-3131
Fairbanks - April Moore	452-4449
Ketchikan - Sandy Wendte	225-9675
Nome - Myrtle Johnson	443-2770



Official Business

# Alaska State Legislature

## Senate Committee on Community & Regional Affairs

Pouch V  
State Capitol  
Juneau, Alaska 99811

March 10, 1978

Leo Rasmussen, Mayor  
City of Nome  
P. O. Box 281  
Nome, Alaska 99762

Dear Mayor Rasmussen:

The Senate Community and Regional Affairs Committee has scheduled a video-conference hearing on March 30th for Senate Bill 501 ("An Act relating to municipal labor relations") which is intended to explore new concepts and approaches in the field of collective bargaining at the municipal level.

SB 501 was drawn up to allow local government or the appropriate administrative body the option of adopting either, or neither, of the procedures outlined in the attached legislation as a means of resolving local public collective bargaining impasses. It was not my intent to mandate any of these forms of arbitration to local government bodies, but to permit them to select the most flexible and most responsive approach to the needs of the local situation.

Because of the increasing public interest in collective bargaining in the public sector, I would like to invite representatives from your organization to present your views on the proposed legislation at the hearing. The video-conference will be broadcast from Juneau to the communities of Ketchikan, Anchorage, Fairbanks, Bethel and Nome at 12:30 p.m. (Juneau time) on March 30th. Persons are welcome to attend the meeting in Juneau, but I would ask that only participants in the other communities testify. If time permits and all the participants outside Juneau who wish have testified, Juneau participants may present testimony. If there is inadequate time to hear all those desiring to testify, further hearings may be scheduled.

Mr. Peter Fromuth of the Legislative Affairs Agency in Juneau will be handling the technical and organizational arrangements for the video-conference. Either he or video-conference moderators in communities outside Juneau may be contacted for details involving these matters. (names attached)

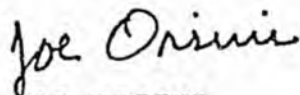
Mayor Leo Rasmussen

-2-

March 10, 1978

In order to provide the Committee with a better idea of the extent of possible testimony, I would appreciate your informing me if you or your representatives wish to speak at the March 30th hearing.

Sincerely,



JOE ORSINI  
Chairman, Senate  
Community and Regional  
Affairs Committee

JO:gd

Enclosure(s): SB 501

LETTERS SENT TO THE EXECUTIVE DIRECTORS OF: APEA, NEA-Alaska, Alaska Association of School Boards, League of Women Voters, Alaska Chamber of Commerce

AND TO THE MAYORS OF: Ketchikan (city and borough), Anchorage Bethel, Fairbanks (city and borough) and Nome.

VIDEO-CONFERENCE MODERATORS

*Wahl path. by 1.30*

Anchorage - <del>Charity</del> <i>Judy Hopkins</i> <del>Kadow</del>	278-3668	9
- Bethel - Peter Twitchill	543-3131	2 <i>in meetings</i>
Fairbanks - April Moore	452-4449	2
Ketchikan - Sandy Wendte	225-9675	23.
- Nome - <del>Myrtle</del> <i>Irene</i> <del>Johnson</del>	443-2770	

*11  
3  
75*

Sent to:

All Home Rule Cities

All Boroughs

All First class cities

Bethel & Kotzebue



Official Business

# Alaska State Legislature

## Senate Committee on Community & Regional Affairs

Pouch V  
State Capitol  
Juneau, Alaska 99811

March 16, 1978

Frank Benson, Mayor  
City of Galena  
Box 149  
Galena, Alaska 99741

Dear Mayor Benson:

I am writing further to my letter of February 15, 1978, in which I asked your assessment of Senate Bill 501 regarding collective bargaining for municipal employees.

A number of local government bodies have expressed their concern to me that SB 501 could force binding arbitration on municipal governments and school districts. As such, they stated that they opposed this kind of legislation which, in a case of school boards in particular, would remove a significant portion of the authority of legally constituted governing bodies to carry out their responsibilities.

It was not my intent or that of the legislation to create such a situation. I am concerned, however, that local governments may find themselves compelled in the future to accept binding arbitration from an outside arbitrator. The purpose of SB 501 was to allow local governments the option of selecting other forms of collective bargaining. Such options included taking the last best offer from both sides of a deadlocked negotiation process to a vote of the people, the election of local arbitrators who would be part of the community and, at election time, answerable to it, as well as a suggestion made recently from Anchorage that the municipal assembly sit as final arbitrator.

I believe conditions in the Legislature and elsewhere are such that major efforts will soon be made to extend binding arbitration throughout local government in Alaska. I would hope that SB 501 could serve as a conceptual framework to develop new approaches and new ideas so that the initiative, direction and accountability in collective bargaining can be maintained and enhanced at the local level.

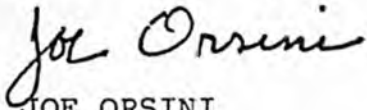
Mayor Frank Benson

-2-

March 16, 1978

In this respect, it is my hope that you will be able to use SB 501 as a vehicle to work out new concepts, and that you will feel free to provide me with your thinking on how it can be shaped to meet local needs.

Sincerely,

A handwritten signature in cursive script that reads "Joe Orsini".

JOE ORSINI  
Chairman, Senate  
Community and Regional  
Affairs Committee

JO:gd

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465-3800

MEMORANDUM

March 22, 1978

SUBJECT: SB 501  
TO: Senator Joseph L. Orsini  
FROM: Richard A. Bradley, Legislative Counsel

Ben Harding asked that I review SB 501 to determine whether a bill was necessary to achieve the results sought in the bill.

SB 501 amends AS 23.40.200, a section establishing the "arbitration" procedures in the Public Employees Relations Act, (AS 23.40.070 - 23.40.260). AS 23.40.250(6) includes a municipality within the definition of the term public employer and accordingly the act applies to municipalities unless they have exercised their option under sec. 4, ch. 13, SLA 1972 to reject its application. State v. City of Petersburg, 538 P.2d 263 (Alaska 1975).

The provisions of SB 501 provide that a municipality, by ordinance, may exempt itself from AS 23.40.200(a) to (f) if it adopts a procedure authorized under §200(g)(1) or (g)(2).

While municipalities possess substantial rights of legislation under Art. X, sec. 11 of the Constitution, it has been determined that the provisions of PERA apply to municipalities and control their actions. State v. City of Petersburg, supra.

In my view, therefore, in the absence of SB 501, a municipality may not exempt itself from the provisions of §200.

RAB:hjd

F: SB 501



# Matanuska-Susitna Borough, Inc.

BOX B, PALMER, ALASKA 99645 • PHONE 745-3246

DEPARTMENT OF ADMINISTRATION

March 22, 1978

The Honorable Joseph L. Orsini  
Alaska State Senate  
Pouch V  
Juneau, Alaska 99811

Dear Senator Orsini:

Subject: SB 501 Municipal Labor Relations

In response to your letter to Mayor Ron Larson we wish to point out that under Chapter 113, SLA 1972, the Matanuska-Susitna Borough has exempted itself from the State Public Employment Relations Act. Thus, this Borough would not be affected by SB 501.

However, assuming that this Borough might come under the Public Employment Relations Act at a later date, we favor the system of binding arbitration as set forth in our Borough Code. Please note MSB 2.54.070 a copy of which is attached. It provides for the selection of arbitrators in the normal manner, not for their election.

In brief, the collective bargaining options offered by SB 501 are not adequate.

Very truly yours,

Wesley M. Howe  
Borough Manager

WMH:er

Enclosure

2. The Board shall meet to consider the issue, render its determination and instruct the parties as to its determination. (Ord. 76-25 §8, 1976).

2.54.070 Mediation and fact finding. A. If, after a reasonable period of negotiation over the terms of a collective bargaining agreement, a deadlock exists between the management and an organization, the Board may, either on its own initiative or at the request of one of the parties to the dispute, take steps to see that the following procedures are used in the order indicated:

1. Mediation;
2. Fact finding with recommendations;
3. Binding arbitration.

B. In the case of mediation or fact finding, the mediator or fact-finder shall be appointed by the Mayor or his representative and the employees' representative. If the two parties cannot agree on an appointment, the appointment shall be made by the Board.

C. In the case of binding arbitration, an arbitration panel of three persons shall be established; one shall be chosen by the employee organization and one shall be chosen by the Mayor or his representative; these two shall select the third panel member. The employee organization and management shall each submit a proposed contract to the panel, together with explanations and justifications for their proposed contracts. The panel shall consider the proposed contracts, and may consult with the employee organization and management jointly or separately. Following such consideration, the panel shall endorse one of the proposed contracts: the endorsed contract shall be binding on the parties. (Ord. 76-25 §9, 1976).

2.54.080 Work stoppages. Work stoppages, including strikes by employees, individually or collectively, except absences authorized by personnel-related ordinances or regulations, are prohibited. (Ord. 76-25 §10, 1976).

2.54.090 Ratification of agreement. Upon completion of negotiations between the Borough and the bargaining representative, the terms and conditions shall be reduced to writing in agreement form. The agreement shall then be presented to the employee organization for ratification and to the Assembly for ratification separately. Upon ratification of an agreement the Assembly shall enact all resolutions and ordinances necessary to carry out the terms of such agreement. (Ord. 76-25 §11, 1976).

2.54.100 Unfair labor practices. A. The Borough or its agents may not:

1. Interfere, restrain or coerce an employee or employee organization in the exercise of its rights guaranteed in this chapter;



# City and Borough of Sitka

P.O. BOX 79 · SITKA, ALASKA · 99835

March 22, 1978

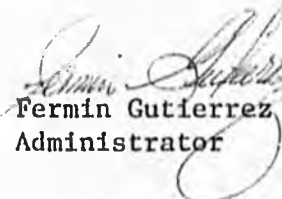
Senator Joseph Orsini, Chairman  
Senate Community & Regional Affairs  
Committee  
Pouch V  
Juneau, Alaska 99811

Dear Senator Orsini:

The City and Borough of Sitka opposes Senate Bill No. 501 which we consider to be a further intrusion upon the powers of local government. The proposed legislation runs contrary to our Home Rule Charter, and enactment of SB 501 would usurp powers given our Assembly by the local electorate.

Over the past few years the legislature has chipped away at the powers of local government to the point that Home Rule is fast becoming a misnomer. We find it difficult to understand why the Legislature would object in continuing to allow each political subdivision to make its own decisions on local labor matters. Local government decisions on this matter are, and would continue to be made with full knowledge of the needs and desires of each locality, and would not be a scattergun approach as contained in SB 501. Your vote against SB 501 will be a vote of confidence for local government.

Very truly yours,

  
Fermin Gutierrez  
Administrator

cc: Sen. Edward Willis  
Sen. Glenn Hackney  
Sen. Bill Sumner

Senator Joseph Orsini

-2-

March 22, 1978

cc: Sen. Patrick Rodey  
Sen. Bill Ray  
Sen. John Sackett  
Sen. Pete Meland  
Rep. Richard Eliason  
Jim Rolle, AML



OFFICE OF THE MAYOR  
POUCH 6-650  
ANCHORAGE, ALASKA 99502

GEORGE M. SULLIVAN  
MAYOR

March 23, 1978


Senator Joe Orsini  
Chairman  
Community & Regional Affairs Committee  
Pouch V  
Juneau, Alaska 99811

Dear Joe:

In regard to SB 501, I hope Ted Berns had a chance to review with you some of the things we are doing here on our labor ordinance.

I even have concern on making the Assembly the final authority. In San Francisco they take it to the voters. I could support this concept. I think SB 501 is a good lever for us. Many thanks.

Sincerely,

  
George M. Sullivan  
Mayor

GMS:10



# NEA - ALASKA

(ALASKA EDUCATION ASSOCIATION)  
AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

F: SB 501

Carolyn Doggett, President

JUNEAU OFFICE  
207 SEWARD BUILDING  
JUNEAU, ALASKA 99801  
PHONE: (907) 586-3090

ANCHORAGE REGIONAL OFFICE  
1515 EAST TUDOR ROAD  
ANCHORAGE, ALASKA 99507  
PHONE: (907) 279-8544

FAIRBANKS REGIONAL OFFICE  
954 COWLES, SUITE 143  
FAIRBANKS, ALASKA 99701  
PHONE: (907) 452-2297

Mr. Alan Dill  
Past President  
P. O. Box 423  
Sitka, AK 99835

March 27, 1978

Ms. Susan Stitham  
President Elect  
P. O. Box 80913  
College, AK 99701

Mr. Bill Potter  
NEA-Director  
177 Behrends Avenue  
Juneau, AK 99801

The Honorable Joseph Orsini  
Pouch V  
Juneau, Alaska 99811

Hank Harrison, NEA  
Executive Committee  
P. O. Box 10325 - Klatt  
Anchorage, AK 99502

Dear Senator Orsini,

Mr. Tyler Henshaw  
Director Region 1  
P. O. Box 69  
Petersburg, AK 99833

Thank you for inviting NEA-Alaska to testify at the March 30 hearings on Senate Bill 501.

Ms. Jean Krause  
Director Region 2  
P. O. Box 1019  
Wasilla, AK 99687

As the bill does not cover teachers, we will not be taking any organizational position at those hearings. However, as citizens, we are in opposition to any form of impasse resolution which has the effect of weakening the integrity of the bargaining process itself. Viewed from this light, the proposals in SB 501 which require submitting articles at impasse to a popularly elected arbitration panel or directly to the voters would have just such a deleterious effect.

Ms. Pat Jacobson  
Director Region 3  
P. O. Box 91  
Kodiak, AK 99615

Mr. Charlie Gustafson  
Director Region 4  
P. O. Box 21  
Dillingham, AK 99576

It is in the best interests of all Alaskans to provide for fair, equitable, and speedy resolution of any breakdown in any negotiations. It would seem apparent from past history, both in Alaska and in the country at large, that binding arbitration by a professional neutral consistently serves the best interests of employer, employee, and therefore the public as a whole.

Mr. Gayle Pierce  
Director Region 5  
P. O. Box 80913  
College, AK 99701

Mr. Merritt Olson  
Director Region 6  
843 West 11th Avenue  
Anchorage, AK 99501

Again, thank you for your letter. As I will not become president of NEA-Alaska until July of this year, if you wish to discuss this legislation or any other issue with us, please contact Carolyn Doggett, or our Executive Secretary, Bob Van Houte.

Ms. Rosie Peterson  
Director Region 6  
4808 Blackstone Circle  
Anchorage, AK 99507

Sincerely,

Susan Stitham  
President Elect

cc:Carolyn Doggett  
Bob Van Houte

SS:gp

PUBLIC EMPLOYMENT RELATIONS ACT

Political Subdivisions which opted out:

City and Borough of Juneau	Resolution 150
City of Anchorage	Resolution 49-R-72
Matanuska-Susitna Borough	Resolution 72-48
City of Wrangell	
City of Homer	
Kenai Peninsula Borough	Resolution 72-17R
City of Ketchikan	Resolution 954
City of Fairbanks	
City and Borough of Sitka	
City of Petersburg	
City of Soldotna	Resolution 72-17
City of Palmer	Resolution 255
City of Kodiak	Resolution 16-72

Ketchikan Gateway Borough opted out - then rescinded their action

Fairbanks North Star Borough joined APEA

Alaska State Council of Carpenters

AFFILIATED WITH

United Brotherhood of Carpenters and Joiners of America

LOCALS

486 SITKA  
1243 FAIRBANKS  
1281 ANCHORAGE  
1301 KETCHIKAN



LOCALS

2162 KODIAK  
2247 JUNEAU  
2520 ANCHORAGE

"Build It With Wood"



March 28, 1978

Senator Joe Orsini, Chairman  
Senate Community and Regional Affairs Committee  
Pouch V  
Juneau, Alaska 99811

Re: Senate Bill No. 501 - Municipal Labor Relations

Dear Senator Orsini:

I have been involved in municipal negotiations and became frustrated with the length of time some negotiations had taken but I cannot believe that S.B. 501 is the solution. For example, lets suppose that a municipality by ordinance was to set up an arbitration panel and then the unions and working people of the community were effective in getting all three arbitrators elected. Is this what you desired to achieve in S.B. 501?

Arbitration is serious business and arbitrators should be serious, impartial and knowledgeable. The selection of an arbitrator likewise is serious business and should not be relegated to an elective process where popularity, goodlooks and the ability to fund a campaign can be the deciding factors. Should a municipality by ordinance establish a general election to decide collective bargaining impasses as you propose in S.B. 501, I can see nothing but abuses. For example, if the average wage for a municipality's employees was \$10.00 and the employees were asking for \$12.00 the municipality could counter with \$6.00 which you can be sure would be rejected, the municipality could refuse to budge, declare an impasse and have a general election.

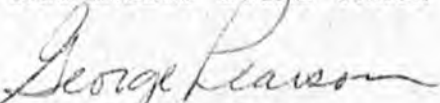
Senator Joe Orsini  
March 28, 1978  
page 2

Your bill forces the employees into an expensive campaign to plead and campaign for decent wages against a campaign expounding that "the best government is the cheapest government" and "a vote for \$12.00 wages is a vote for greater taxes." I ask you, would you like to operate a business where the customers voted to decide what prices you could charge them? Perhaps you should have a bill introduced to let the voters decide whether Alaska Senators salaries will be \$11,750.00 a year or \$5,750.00 a year and whether they shall receive \$50.00 or \$25.00 per day per diem and if annual expenses will be \$4,000.00 or \$2,000.00. Wages and prices should be established in their respective market places and this bill would effectively remove negotiations from its market place and put negotiations into arenas of absurdity.

This piece of proposed legislation rather than solve existing problems will create a multitude of additional problems, make a mockery of the negotiation process and no doubt set precedence where at some future date the elector may decide the wages of their elected representatives.

Sincerely,

CARPENTERS LOCAL UNION 1281

  
George Pearson  
President

GP:ch

F: SB-501  
CSSB-373

745 West 13th  
Anchorage, Ak.  
99501  
March 30, 1978

Alaska State Senate  
Community and Regional Affairs Committee  
Joseph L. Orsini, Chairman  
Pouch V  
Juneau, Ak. 99811

Dear Senators, *Senator Orsini*

The following is the testimony I verbally gave today via the Teleconference Hearing on SB 501 and CSSB 373:

Mr. Chairman and Senators, I'm Sue Linford speaking as a private Alaskan citizen of 24 years and former member and President of the Anchorage School Board. Currently, I am Chairman of the Anchorage Chamber of Commerce Education Committee and Representative from Alaska PTA to the Ruralcap Board of Directors. (\*)

As a preface to my remarks, the concept presented in both 501 and 373 is an ideal and as an ideal it is presented as the perfect solution to impasse resolution in collective bargaining. Unfortunately, when dealing with fallible imperfect humans and human behavior, perfection is impossible. I oppose both pieces of legislation for one overall reason - they limit local control. Both pieces further narrow local governments' authority and ability to discover their own imperfect solutions to the perfect problem i.e. impasse resolution. The State would be better advised to spend the taxpayers' money on on-going training of employee groups and elected officials around the state in various techniques which will help insure fair collective bargaining, that is to better learn the rules of the game as it currently exists.

Regarding specifics of the bills - In speaking to both bills, my particular point of view is their effect on school personnel. I don't have to tell you that there is a vast difference between public and private sector negotiations; I also do not have to convince you, or you wouldn't be serving, of the greatness of the democratic institution of representative government. Put these two points together and you have the voters' elected representatives with the fiduciary responsibility for the public funds under their direct control. Further, this representative responsibility can not be fragmented or our checks and balance system will no longer work. I'm referring specifically to SB 501 Sec. 1, g, (1) - First of all, the panel suggested duplicates already existing elected bodies which have the OVERALL governing responsibility within their particular jurisdiction and areas of expertise. To add another layer, further insulates government from the direct voice of the people. If we were to deal with all local government problems in this manner, we would have taxpayer dollars spent for elections of ALL kinds and for ALL manners of panels. The result being - no ONE person or body where the BUCK actually stops. Also the politics of electing the panel suggested is lethal!

It is open to special interest manipulation not to mention the built-in invitation once elected for influence-buying and corruption. In other words, the bill suggests developing a democratic Frankenstein which is NOT responsible to or for the overall day-to-day governing of its public but rather a very narrow, specialized area called arbitration.

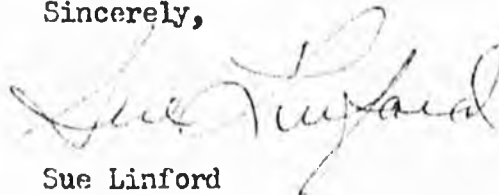
In Sec. 1, g, (2) - At a time when public sector bargaining is just barely being understood, this bill suggests submission of issues in dispute to an election of the voters, thereby changing entirely the rules of collective bargaining!

In conclusion, I'm reminded of a poker game in which heavy betting has taken place on specific hands; finally, when all bets are placed and a winner is about to be determined, a passerby comes to the table, picks up the hands, shifts some of the cards around, throws down one hand, points to a person and declares both the hand and the person the winner - then he turns and disappears into the sunset. . .

Regarding CSSB 373 - This substitute is much better than the original bill eliminating much of the poor wording and loop holes and seems fairly innocuous, however, I'm still opposed for the reason previously mentioned - limits local control. Additionally, I do question the wording in paragraph (b) - How do you envision the public "expressing itself?" and in paragraph (c) - What is meant by "the labor relations agency?"

Thank you.

Sincerely,



Sue Linford

(\*) All of these organizations have taken a position opposing binding arbitration even Ruralcap, indirectly, through its co-sponsorship with the State of the Citizens Participation Conference at which the delegates from the rural areas of the State took the position against it.

SB 501



ANCHORAGE  
SCHOOL DISTRICT

4600 DeBarr Road - Anchorage, Alaska

99504

AREA CODE 907-333-9561

April 5, 1978

The Honorable Joe Orsini  
Alaska State Senate  
Pouch V  
Juneau, AK 99811

Dear Senator Orsini:

The attached comments were delivered by Caroline Wohlforth and Millett Keller at the teleconference hearing March 30. If you have any questions or comments, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "John B. Peper".

John B. Peper, Ed.D.  
Superintendent

pa

enclosures



ANCHORAGE  
SCHOOL DISTRICT

4600 DeBarr Road - Anchorage, Alaska

99504

AREA CODE 907-333-9561

TO: Alaska Senate Community & Regional Affairs  
Committee, Honorable Joe Orsini, Chairman

FROM: Caroline Wohlforth, President  
Anchorage School Board

SUBJECT: Testimony Regarding SB 501 & SB 373  
Municipal Labor Relations

DATE: March 30, 1978

I am speaking to you as an elected official, one whom fellow citizens chose to represent them, and, with their implied consent, to make decisions for them and to exercise certain authority on their behalf.

SB 501 strikes at the core of this philosophy by forcing elected officials to abdicate their duties as decision makers.

One of the most important functions of government in Alaska is as an employer. Since that is a condition of our times, we must recognize, on an equal basis, the importance of government relations with its employees.

The policies and decisions which are an everyday function of employer and employee relations are most effectively within the domain of leaders who are chosen by the electorate to make those decisions.

If government were to be run by referendum, then there would be no need for "government" -- there would be only a need for administrators who decide what to place on ballots and other administrators who manage elections.

On the same basis, we question the use of binding arbitration as a means of settling the disputes which arise in negotiations. Under our system, management and labor have certain prerogatives during negotiations. Binding arbitration would deny both parties those prerogatives and put governmental policy making outside of government.

We need only think back to the arbitrated settlement of the Anchorage Community College teacher's strike to see the illustration.

Community & Regional Affairs  
Committee  
Page Two  
March 30, 1978

If an arbitrator has to leave orders that his findings can't be revealed for at least a week after he leaves town, doesn't it seem as though there might be a question of fairness involved for the taxpayer? The alternatives offered in 501 are also impractical.

The election of a three-member panel of arbitrators would further politicize the settlement of negotiations; furthermore, in rural areas especially, but also in cities it could be very difficult to find three people with both the technical expertise to fully understand the implications of contract language and salary schedules and the time and willingness to run for what should be a thankless job. I have already mentioned the philosophic problems elected officials have with government by referendum; the chief practical one I see refers again to the complexity of negotiated agreements and the all-or-nothing gamble inherent in last-best-offer arbitration. To sum up our objections, referring resolution of negotiations to any kind of arbitrator or to the public is a cop-out for government.

This is not what Alaskans expect of their government. On this basis, we oppose the adoption of SB 501.

Regarding SB 373 -- We support this proposal as we have had some experience with it on a local level and found that experience to be helpful. Last year, the Anchorage School District and the Anchorage Education Association publicly released their initial bargaining proposals. The release touched off a good deal of public debate and constructive comment on our relationship as a public body with our employees. We welcome this breath of fresh air into the critical arena of public employment policy.

We believe it is vital that our constituents be informed of the policies and decisions of their elected officials on a systematic basis, just as we believe it is the duty of elected officials to set policy and make thoughtful decisions sensitive to the best interests of that electorate.

Caroline Wohlforth

pa



ANCHORAGE  
SCHOOL DISTRICT

4600 DeBarr Road - Anchorage, Alaska

99504

AREA CODE 907-333-9561

TO: Alaska Senate Community & Regional Affairs  
Committee, Honorable Joe Orsini, Chairman

FROM: Millett F. Keller, Vice President  
Anchorage School Board

SUBJECT: Testimony Regarding SB 501  
Municipal Labor Relations

DATE: March 30, 1978

Whenever the question of binding arbitration of disputes with public employees comes up, I always reflect on how the collective bargaining process has worked so far in Alaska. Collective bargaining has served Alaska's public employees quite well. Let's look at the record; our public employees are:

1. among the highest paid employees in the State,
2. have a low turnover,
3. have achieved excellent benefits, including vacation and medical plans that exceed most offered by private industry, an outstanding retirement system, and liberal holiday schedules,
4. and have job security.

With all these gains, why is there concern about the need for binding arbitration. Is management asking for help? Are the public employees being aggrieved and asking for your help? Is the public being subjected to crippling strikes? No. The need for binding arbitration in the public sector has not been demonstrated. In fact, quite the contrary is true.

When our nation's founders formed our government, they had a deep distrust and dislike for government. In fact, the movement from Europe to America was in large part a flight from a tyrannical government which imposed taxes without the consent of the public.

Community & Regional Affairs  
Committee  
Page Two  
March 30, 1978

Our nation was formed on the principles of a republic, that is we would elect our representatives and they would be responsible for setting policy and guiding the government.

The Democratic process would be used to elect the representatives and thus ensure that the public would have the ultimate power to elect, remove or replace an elected official who was not satisfactory.

Our Federal Constitution and our State Constitution both reaffirm the principles of a representative democratic republic. This form of government has served our nation well and has withstood the test of time.

The introduction of collective bargaining into our local governments brought a new dimension of conflict into our government.

Previously, the Constitution had been a document which protected the public from the government. Now, the collective bargaining agreement has become the document which protects the government from the public.

In spite of all the problems we have managed to accommodate our government to the rigors of collective bargaining. The government employees have done quite well and local governments have paid the price both for bargaining agreements made at the local table and settlements which the unions have been able to make at the legislative table.

But binding arbitration is where we draw the line. Binding arbitration is a repudiation of our representative form of government. We are taking the most powerful force we give our government, the ability to tax, and we are giving it to someone who does not account to the voters for tax levies.

Some say that SB 501, by providing for an elected arbitration panel, retains voter control of the public treasury. Senators, all this bill would do is create another layer of government which would insulate the body which decides how much we spend from the body that decides how much we tax.

In the case of Juneau, Sitka, and Anchorage, we have unified our governments so that we could hold one set of legislators accountable for our local taxes. In the case of other organized boroughs, the elected arbitration panel would impose a third or fourth layer of government on boroughs and cities that are already smothered by government.

Community & Regional Affairs  
Committee  
Page Three  
March 30, 1978

But an even more sinister threat to our representative government is posed by the second option, the submission of collective bargaining dispute to the voters. Senators, I submit that the voters want and indeed demand that their elected officials step up to all the tough issues and represent the public by making decisions. Furthermore, voter outrage and disgust at our governmental institutions will surely be increased when the public is continuously called upon to settle the collective bargaining nitpicking disputes between elected officials and union negotiators.

However, if you believe that our representative form of government cannot function in the collective bargaining arena, then I think we ought to consider changing the Constitution rather than the laws.

Why wouldn't the same logic prevail in the Legislature. Think of all the time and hassle that could be saved if we let the people vote on the state budget rather than the Legislators. And think about the possibilities of eliminating the free-conference committee and submitting those disagreements to final and binding arbitration by a body completely immune from the Legislature or the Governor. To make sure that equity prevailed we could have an election to see if we would elect the public interest free conference committee or have an annual state referendum on free conference committee issues.

Senators, when we talk about binding arbitration, we are talking about overthrowing our representative form of government.

I for one do not support such a move and sincerely hope that you will resist the beguiling arguments of the sirens, and oppose binding arbitration of public employee disputes.

Thank you very much.

Millett Keller

pa

ALASKA  
STATE LEGISLATURE  
MEMORANDUM

Copy

May 30, 1978

TO: Peter Fromuth, Teleconference Coordinator  
FROM: Senator Joe Orsini  
RE: Senate C&RA Teleconference, March 30th on SB 501

For your records, the teleconference held on March 30, 1978, was not in lieu of committee travel.

JO:cl

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 8, 1978

SUBJECT: Teleconference Costs

TO: Senator Joe Orsini

FROM: *77* Peter Fromuth, Teleconference Coordinator

The final report on the teleconference network will compare teleconference costs with those of various alternatives. One alternative is committee travel.

Our records show that the Senate C&RA Committee has held one teleconference March 30 on SB 501. Would you please notify me if this teleconference was in lieu of committee travel.

PF:lmk

To: PF

From: Sen J.O.

No.

## BACKGROUND ON THE ALASKA PUBLIC EMPLOYMENT RELATIONS ACT

AS 23.40.070-260, otherwise known as the Alaska Public Employment Act or PERA, provides for collective bargaining and binding arbitration for public employees at the state level.

It groups public employees into three categories: 1) employees whose services may not be interrupted for even a short period of time, 2) employees whose services may be interrupted for limited periods of time and 3) employees whose services may be interrupted for indefinite periods of time without the public suffering irreparable harm.

All political subdivisions of the state -- boroughs and cities -- were originally included under PERA. However, Section 4, chapter 133, SLA 1972, significantly modified PERA's application to local government by providing for political subdivisions to opt out of the regulations either by ordinance or by resolution.

Most of the major subdivisions of the state have in fact opted out of PERA with the exception of the Fairbanks North Star Borough and the Ketchikan Gateway Borough. (See attached list)

The reasons for this action by municipalities was that they could thereby fashion their own labor ordinances, tailored to local conditions and needs. In some cases, such as the City and Borough of Juneau and the Municipality of Anchorage, complete and parallel systems of collective bargaining agreements and arbitration have been adopted.

Under AS 23.40.250(5), public school employees were specifically exempted from PERA by excluding them from the definition of "public employees".

In this respect, the language of the Act is somewhat confusing and ambiguous, since in previous parts of the legislation direct reference is made to school teachers as public employees whose "services may be interrupted for a limited period but not for an indefinite period of time" (AS 23.40.200 paragraph "c"). However, despite the ambiguity of language, it has been understood as the legislative intent of the Act to exempt teachers and they have been excluded accordingly.

AS 23.40.190 provides for the appointment by the Labor Relations Agency of a mediator if a deadlock exists between a public employer and a labor organization.

AS 09 43.200, also known as the Uniform Arbitration Act, provides for the court to appoint an arbitrator or arbitrators if the parties agree to binding arbitration and if no written agreement exists for the appointment of arbitration. It also outlines specific procedures for implementing arbitration.

Senate Bill 501 would not modify or affect existing arbitration ordinances or procedures adopted locally by municipalities. The bill would, however, give greater flexibility those municipalities which have elected to remain under the provisions of the State Public Employees Relations Act by providing them with additional options if they chose to use them.

PUBLIC EMPLOYMENT RELATIONS ACT- AS 23.40.070-260

(Section 4, ch. 133, SLA 1972, provides: "This Act is applicable to organized boroughs and political subdivisions of the state, home rule or otherwise, unless the legislative body of the political subdivision by ordinance or resolution, rejects having its provisions apply.")

The following municipalities have opted out of the Public Employment Relations Act\*:

City and Borough of Juneau	Resolution 150
Municipality of Anchorage	Resolution 49-R-72
Matanuska-Susitna Borough	Resolution 72-48
City of Wrangell	
City of Homer	
Kenai Peninsula Borough	Resolution 72-17R
City of Ketchikan	Resolution 954
City of Fairbanks	
City and Borough of Sitka	
City of Petersburg	
City of Soldotna	Resolution 72-17
City of Palmer	Resolution 255
City of Kodiak	Resolution 16-72

Ketchikan Gateway Borough opted out, but later rescinded its action

Fairbanks North Star Borough joined APEA

(\* data supplied by Alaska Municipal League)

OPEN NEGOTIATIONS AND PUBLIC PARTICIPATION FOR PUBLIC  
SECTOR COLLECTIVE BARGAINING

Englewood, Colorado (public referendum)

Aurora, Colorado (public referendum)

Pueblo, Colorado (public referendum)

San Francisco, California (public referendum)

Kansas City, Missouri (bargaining in public)

State of Tennessee (bargaining in public)

State of Florida (bargaining in public)

State of California (public disclosure of initial bargaining  
positions for school negotiations)

State of Wisconsin (public disclosure of initial bargaining  
positions)

State of Massachusetts (13-member fact-finding review panel)

Hudson

- Sister - Bethel  
July Anchorage  
crew - no one  
opie Ferdinands  
Sandy Ketchikan

~~Franklin~~

General Public

Self

Gary Ackerman Plumber & Steamfitter

Negotiations should be between employer & employee

Premature at this time

Andr. Gen. Public

Walt Bonnett - Andr. C of C

opposed to any finding arb.

Third party arb. will never settle the issue at issue in the public mind

Ketch. - 10 Gen. Public

Andr. Caroline Walforth

501 Pres. Andr. School board

would destroy eff. of school board

Andr. Comm. College - arbitrator's decisions

can't be reversed for 1 week after

Problem with finding competent people to

fill positions (especially rural)

37% support - experienced helpful. Andr. released the opening positions

Ketch. Sharon Walker

member School Board

Ability response of July elected officials

Hudson

Plus John Carlson  
Baro Mayor

Supports Union League

Should have total opt. out provisions!

" " to provision for replacement

Selected 3 - APEA years used 2 years ago  
3 - Baro

GET DECISION

And. Millet Keller

VP And. Sch. Bd.

Employees have liberal perks under present law - why add binding arb.?

another layer of Govt.

Re Act 2: voters ask those elected to represent them to make decisions

why not submit state budget to binding arb. instead of F. C. C.

Favors open bargaining with press present at table

1 - ACC - binding arb.

2 - firefighters

(Parlland arbitrator)

Kitolo

Bob Collins

APEA Rep.

opposes -

Local panels would be inexperienced in determining issues under dispute opposed to voter settlement since awards are lower than under bargaining

Suggest we see Marie Shelly for added info.

Re 373 - Hudson opposition and causes

india kitolo

Bethel Rosemary Parter  
Ed. Andra Quins  
SB 501 gives municipalities options  
Elected panels would be political  
would be almost impossible in the state  
to elect 3 member panels. would be like  
electing a municipal board.

And. Robert Galuska  
Team. Fiscal 959  
501 Team. opposed to 501, has potential  
to destroy collection bargaining  
would be open stream to leaks, except  
people on a power trip  
unwarranted, unwarranted  
existing arbitration is best of two evils  
373 Initial stand of parties would ~~stand~~ be at  
opposite poles - publicizing would not serve  
the public

Mitchell Bob Sarga  
Mitch Central Labor Council  
501 opposes 501  
Panel might be conservative or liberal  
why take a chance

And. John Alexander  
FBEW Fiscal 1547  
→ was pres. of FBEW when act was passed  
no need for bill  
Present act has everything needed.  
Points to reality of bargaining practices.  
Present act not in

And. Leo Pearson  
501 Glas. State Council of Carpenters  
Same present act alone.  
Mgmt. or labor could end up with  
all members of panel.  
Arbitrators would be elected on a  
popularity basis.  
Would we want electorate to determine  
our wages

373 Nothing

Self Bethel Dixon Carpenter  
501 was number of negotiation, team.  
Issues not clear cut enough for voters  
to intelligently decide on.  
Could be a time when finding arb.  
would be appropriate and if so a selected  
panel could  
373 Initial proposals should be kept secret  
for now, and until in years public has  
right to know in years issue.

Bethel - Allan Winterstein  
Came as concerned citizen.  
501 opposes  
People vote on many items  
with yes or no but they don't understand  
find differences should be decided by  
finding by one person for more  
balanced approach; people would not  
understand the issues due to lack of  
space to outline the issue.  
373 Don't add to current procedure.

Audi. Ben Dayton (12 yr. resident)  
Int. Assn fire fighters Local 1264  
opposed:

- Coll. barg. would be compromised
- Audi. has competent negotiators
- Fire dept. does own bargaining
- Emotionalism has no place in
- 373 would cause emotional reaction
- Binding arb. came from
- ① mediation; ② fact finding; ③ finding arb.
- Arbitrator was from Portland
- (no point in questioning where he came from. was
- a) mutually selected arbitrator)
- was here for one week.

Self

Audi. Sue Linford  
Chair C of C committee  
Rep. to IFA

501 - Limits local contract. Elected  
officials should solve their own unique  
problems.

Inter elected reps should make decisions,  
to which they are answerable  
duplicates people already in place.  
Special interest manipulation could  
take place

Submission to voters unnecessary.

373 C S is better

Audi. Mason West  
Pres 400 Fed. Teachers  
opposed 501

In competitive corruption are possible  
under elective arb. board.  
would do irreparable



Official Business

# Alaska State Legislature

## Senate Committee on Community & Regional Affairs

Pouch V  
State Capitol  
Juneau, Alaska 99811

March 27, 1978

John B. Peper, Ed.D.  
Superintendent  
Anchorage School District  
4600 DeBarr Road  
Anchorage, Alaska 99504

Dear Dr. Peper:

Thank you for your letter of March 21 commenting on House Bills 681, 853 and 489. I know that you and your staff are fully occupied with immediate school district matters, so I do appreciate your taking the time to write on pending legislation.

Your earlier comments on the first draft of SB 373 were particularly useful to the Committee and they served as the basis for a proposed committee substitute. I have enclosed a copy of the redraft for your information and also for any further assessment you may wish to make.

I also hope that the Anchorage School District might be able to participate on March 30 in the video-broadcast hearings this Committee will hold on SB 501 (relating to the resolution by the public of public collective bargaining impasses) and, as time permits, on CSSB 373 as well.

You have my sympathy and full understanding regarding the deluge of regulations and new legislation affecting education. Hopefully, the flood can be brought under control or at least kept to measures truly benefiting municipalities and school districts.

Sincerely,

A handwritten signature in cursive script that reads "Joe Orsini".

JOE ORSINI  
Chairman, Senate  
Community and Regional  
Affairs Committee

JO:gd

Enclosure: CSSB 373

(A-contd)

examples - ACC binding arb. ; Arch firefighters (?) police  
waters vote on bond issue - should have some voice in arb  
'housekeeping' vs. capital improvements

K

Bob Collins - APEA

support existing ; oppose 501  
elected arb an inexperienced - arrive @ poor decisions  
APEA has stal on voter-settled arb. higher increases  
submission to voters becomes media battle

oppose 373 - media battles + hardened posn

B

Rosenman, Porter Tunka drums

501 - gives many options - good  
- opposes elected 3 member panel  
The elected is better than appointed

A

Bob Johnson - Teamsters

opposes 501 - irresponsible & dangerous  
no delegation of responsibility  
no need - no "helpless + hopeless" cities

exist arb is "lesser of evils",

does not support 373, but ~~not~~ no experience

3/30

F

Gary Ahernan - member of plumbers union  
leave to employer/employee  
premature for 501 + 373

A

Walt Bennett Ancl CofC  
oppose any form of binding arb.; strikes are OK  
3rd party, reduces public awareness - bad

A

Caroline Wohlfarth Pres Ancl Schl Bd  
501 "forces" abdication of resp. of elected officials  
oppose binding arb -  
support strikes over binding arb  
501(2) further "politicize" nego process  
"all or nothing" gamble on l b o

Support 373 - did make public ~~offer~~ first offer  
@ l o - T nego in Ancl  
ACC is example of bad arb

K

Sharon Wakler KGB Bd of Ed  
oppose any binding arb - i.e. 501

F

J. Carlson - Mayor  
Support mini bargain prot statement - don't want  
state direction  
means of replacement  
did use a 'panel' approach 2 <sup>suppl employer</sup> 3-3

A

M. Keller Schl Bd  
oppose public sector binding arb  
large public sector advantages in current system  
Spending to taxator - no set of leg. resp. for taxes  
Support 373 - supports public barg.

COMMENTS BY SAM ZAGORIA (U.S. MUNICIPAL LEAGUE) RE SB 501

I spoke to Zagoria 3-20-78 on the recommendation of Ron Garzini (Fairbanks North Star Borough) and Fred Jones (Labor Relations, Municipality of Anchorage) regarding national experience in new approaches to final arbitration for local public sector collective bargaining impasses.

Zagoria said he was familiar with the situation in Alaska, having talked with Mayor Sullivan a number of times. He pointed out two areas of possible action:

1) Bargaining in public. Zagoria said that last week the state of Tennessee had signed into law public bargaining for teachers. He also said that the state of Florida had had this provision for a number of years and that the results were considered good. He noted that, by bargaining in public, both sides felt the pressure of public opinion to negotiate moderately and without taking extreme stands.

2) Public referendums. He believed that the referendum method had the greatest potential for development and thought that it was closer philosophically to the true intent of public collective bargaining, i.e. where public authorities were acting as agents for the public itself.

In regard to public referendums, Zagoria said that the Colorado town of Englewood, just outside Denver, has had a public referendum system in effect for the past five years. The interesting aspect of the arrangement is that no referendum has ever been held. The process (in theory) is as follows: (a) impasse occurs, (b) mediation takes place, (c) upon the failure of mediation a fact-finding board investigates the situation and makes a recommendation to both sides, (d) both sides have 30 days to accept or reject the recommendation, (e) the recommendation of the fact-finding board, plus the last best offers of the two deadlocked sides are put on the ballot for a public vote.

Zagoria said that twice-- once with policemen and another time with firemen-- the labor groups waited until the evening of the 29th day. Then they called a special meeting and accepted the fact-finders' recommendation. In Zagoria's view, they waited until they determined that the public was not with them before they accepted the compromise. Last November 2, two more Colorado towns adopted this procedure.

The City Manager of Englewood is Andy McCown (303-761-1140), City Hall, 3400 S. Elati Street, Englewood, Colorado 80110. Zagoria will send us material on the public bargaining system as well as Englewood's system.

Ben Harding

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCHY - STATE CAPITOL  
JUNEAU ALASKA 998 01  
907 465 3800

MEMORANDUM

March 22, 1978

SUBJECT: SB 501

TO: Senator Joseph L. Orsini

FROM: Richard A. Bradley, Legislative Counsel

Ben Harding asked that I review SB 501 to determine whether a bill was necessary to achieve the results sought in the bill.

SB 501 amends AS 23.40.200, a section establishing the "arbitration" procedure in the Public Employees Relations Act, (AS 23.40.070 - 23.40.260). AS 23.40.250(6) includes a municipality within the definition of the term public employer and accordingly the act applies to municipalities unless they have exercised their option under sec. 4, ch. 13, SLA 1972 to reject its application. State v. City of Petersburg, 538 P.2d 263 (Alaska 1975).

The provisions of SB 501 provide that a municipality, by ordinance, may exempt itself from AS 23.40.200(a) to (f) if it adopts a procedure authorized under §200(g)(1) or (g)(2).

While municipalities possess substantial rights of legislation under Art. X, sec. 11 of the Constitution, it has been determined that the provisions of PERA apply to municipalities and control their actions. State v. City of Petersburg, supra.

In my view, therefore, in the absence of SB 501, a municipality may not exempt itself from the provisions of §200.

RAB:hjd

MUNICIPAL COMMENTS ON SB 501

	<u>Support</u>	<u>Oppose</u>	<u>Other</u>	<u>Comments</u>
Mat-Su Borough			X	Mat-Su has own system of collective bargaining
Kenai Peninsula Borough School District		X		Present system working well and should not be tampered with
City of Kodiak	X			Would increase local flexibility
St. Mary's School District		X		Opposed to any form of binding arbitration
Mat-Su Borough School District		X		Leave system as it is and allow for teachers to strike if need be
Anchorage School District (orally through school board)		X		School board should be allowed to handle its own responsibilities
City and Borough of Sitka		X		Further intrusion by state into local affairs
City of Valdez (by telephone)		X		No-strike clauses are unenforceable and binding arbitration is an infringement on local municipalities.

SBS 1

PUBLIC EMPLOYEE  
PUBLIC EMPLOYER

Ruch (July) 6

WALT BONNETT  
CAROLYN WOLFFORTH  
MILLET KELLER U.P.A.S.B.

BINDING ARB\*U-  
FAIRNESS

HIP PAY  
VACATION PLAN  
JOB SECURITY

COMMUNITY COLLEGE

FBKS - (April)

Gen. Public - Gary Ackerman 1/4 hr.

closed - Meetings  
John CARLSON

KETCH -

PUBLIC EMPLOYER SCHOOL BOARD  
BOB COLLINS Re Cherry