

HB

487

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 487

Title An Act relating to arbitration in teacher negotiations

Requested by House HESS

Date 1/24/80

II. FISCAL DETAIL

Agency Affected Department of Education

Program Category Affected Education

BRU, Program, or Subprogram(s) Affected _____

(Note: If more than one budget component is affected, separate line item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Fiscal impact cannot be quantified.

IV. DATE 1/28/80

PREPARED BY William D. Thomson, Deputy Commissioner

AGENCY Department of Education

PHONE 465-2800

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)



ASSOCIATION OF ALASKA SCHOOL BOARDS

SUITE 3, 204 NORTH FRANKLIN STREET • JUNEAU, ALASKA 99801 • PHONE 586-1093

FOUR BARGAINING PRINCIPLES

1. Collective bargaining is not a process whereby the general form, quantity or quality of public services are to be, or should be, determined. It is not a process for the management of public services.
2. Collective bargaining is not a device to determine public policy except as it may be used to determine the wages and economic benefits that are to be provided for public employees.
3. Collective bargaining is not, nor should it be, a substitute for the proper functioning of a representative government.
4. Collective bargaining should not be permitted to constrain the proper functioning of representative government.

THE RIGHTS OF PUBLIC EMPLOYEES TO STRIKE Vs. THE RIGHTS OF THE PUBLIC.

Because of the basic nature of public services wherein there is no real alternative choice to the established public service, special consideration must be afforded to the protection of both the interests of the general public and the interests of the public employees.

The interests of the general public dictate that any accommodation for collective bargaining and strikes in the public services... ..especially in the public schools... must carefully weigh, and balance, the desire of the employees to organize, bargain and strike against the rights of the public to expect the continued and uninterrupted provision of the public services that public policy has determined should exist. For example, permitting legalized strikes by public employees so upsets the process that the general public cannot withstand the imbalance of power that so results.

LOWA -
Personnel of the board shall be employed pursuant to the provisions of chapter 19A.

5. Members of the board and other employees of the board shall be allowed their actual and necessary expenses incurred in the performance of their duties. All expenses and salaries shall be paid from appropriations for such purposes and the board shall be subject to the budget requirements of chapter 8.

Referred to in sec. 20.3(5)

20.6 General powers and duties of the board.

The board shall:

1. Administer the provisions of this chapter.
2. Collect, for public employers other than the state and its boards, commissions, departments, and agencies, data and conduct studies relating to wages, hours, benefits and other terms and conditions of public employment and make the same available to any interested person or organization.

3. Maintain, after consulting with employee organizations and public employers, a list of qualified persons representative of the public to be available to serve as mediators and arbitrators and establish their compensation rates.

4. Hold hearings and administer oaths, examine witnesses and documents, take testimony and receive evidence, issue subpoenas to compel the attendance of witnesses and the production of records, and delegate such power to a member of the board, or persons appointed or employed by the board, including hearing officers for the performance of its functions. The board may petition the district court at the seat of government or of the county wherein any hearing is held to enforce a board order compelling the attendance of witnesses and production of records.

5. Adopt rules in accordance with the provisions of chapter 17A as it may deem necessary to carry out the purposes of this chapter.

20.7 Public employer rights. Public employers shall have, in addition to all powers, duties, and rights established by constitutional provision, statute, ordinance, charter, or special act, the exclusive power, duty and the right to:

1. Direct the work of its public employees.
2. Hire, promote, demote, transfer, assign and retain public employees in positions within the public agency.
3. Suspend or discharge public employees for proper cause.
4. Maintain the efficiency of governmental operations.
5. Relieve public employees from duties because of lack of work or for other legitimate reasons.
6. Determine and implement methods, means, assignments and personnel by which the public employer's operations are to be conducted.
7. Take such actions as may be necessary to carry out the mission of the public employer.
8. Initiate, prepare, certify and administer its budget.
9. Exercise all powers and duties granted to the public employer by law.

20.8 Public employee rights. Public employees shall have the right to:

1. Organize, or form, join, or assist any employee organization.
2. Negotiate collectively through representatives of their own choosing.
3. Engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection insofar as any such activity is not prohibited by this chapter or any other law of the state.
4. Refuse to join or participate in the activities of employee organizations, including the payment of any dues, fees or assessments or service fees of any type.

Referred to in sec. 20.10

20.9 Scope of negotiations. The public employer and the employee organization shall meet at reasonable times, including meetings reasonably in advance of the public employer's budget-making process, to negotiate in good faith with respect to wages, hours, vacations, insurance, holidays, leaves of absence, shift differentials, overtime compensation, supplemental pay, seniority, transfer procedures, job classifications, health and safety matters, evaluation procedures, procedures for staff reductions, in-service training and other matters mutually agreed upon. Negotiations shall also include terms authorizing dues checkoff for members of the employee organization and grievance procedures for resolving any questions arising under the agreement, which shall be embodied in a written agreement and signed by the parties. If an agreement provides for dues checkoff, a member's dues may be checked off only upon the member's written request and the member may terminate the dues checkoff at any time by giving thirty days' written notice. Such obligation to negotiate in good faith does not compel either party to agree to a proposal or make a concession.

Nothing in this section shall diminish the authority and power of the merit employment department, board of regents' merit system, educational radio and television facility board's merit system, or any civil service commission established by constitutional provision, statute, charter or special act to recruit employees, prepare, conduct and grade examinations, rate candidates in order of their relative scores for certification for appointment or promotion or for other matters of classification, reclassification, or appeal rights in the classified service of the public employer served.

All retirement systems shall be excluded from the scope of negotiations.

Referred to in secs. 20.10, 20.17

20.10 Prohibited practices.

1. It shall be a prohibited practice for any public employer, public employee or employee organization to willfully refuse to negotiate in good faith with respect to the scope of negotiations as defined in section 20.9.

GREATER SITKA BOROUGH SCHOOL DISTRICT

ACCREDITED BY THE NORTHWEST ASSOCIATION OF SECONDARY SCHOOLS & COLLEGES

P. O. BOX 179 SITKA, ALASKA 99835

JOHN E. COFFEE
SUPERINTENDENT

January 30, 1980

Representative Thelma Buchholdt
AK State House of Representatives
Pouch V, State Capitol Building
Juneau, AK 99811

Dear Representative Buchholdt:

I am writing because of my concern about two pieces of legislation that are before your H. E. S. S. Committee at this time. They are H.B. 487 and H.B. 453. The passage of these bills would result in the following:

- (1) give teachers the right to strike
- (2) allow school district classified employees the right to organize and strike
- (3) expand what is bargainable
- (4) provide binding arbitration in teacher bargaining

I believe that these bills together constitute a tremendous threat to local decision making and the local school board's right to operate a district responsibly and make some final decisions.

Binding arbitration would effectively place decision making authority in the hands of an entity outside the school district. This would be in direct contradiction to the local control theory of government. School boards are elected by law to manage the affairs of the district. They are, further, required by law to bargain in good faith on various items. This is currently done throughout the State. The result has been, generally, the highest paid teachers in the nation, working, in my view, in some of the best working conditions in the nation. I would refer you to the 1978-79 Alaska Association of School Boards publication entitled Survey of School District Budgeted Revenues, Expenditures, and Employee Benefits. It is my view that teacher unions are doing very well without having further advantages of binding arbitration, expanded bargainable items, and the right to strike.

In Sitka, we have recently received an advisory arbitrator's report that the Board has approved and that the teacher's union will vote on

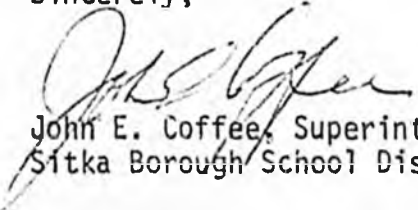
Page 2
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H.B. 487 & 453

soon. Hopefully, this will be the culmination of negotiations that began in November of 1978. If the report is accepted we will have a beginning teacher salary here of over \$20,000. and a top salary of over \$36,000.

The school boards I have worked for in Juneau and Sitka have been made up of reasonable people whose main motives have been to serve the community they represent. Final decision making authority on items that are bargainable must not be taken away from such local officials and given to an outside arbitrator.

I am hopeful that the representative of the Alaska School Board's Association, Mr. Robert Greene, and the representative of the Alaska Association of School Administrators, Dr. Cliff Hartman, will be listened to carefully by the H. E. S. S. Committee when they discuss the ramifications of these proposed bills. It is vital that such legislation not become law.

Sincerely,



John E. Coffee, Superintendent
Sitka Borough School District

cc: Senator Pete Meland
Representative Richard Eliason
Mr. Robert Greene, A. A. S. B.
Dr. Cliff Hartman, A. A. S. A.
Sitka School Board

JEC:vhv

TELEGRAM

ALASCOM, INC.
PHONE: 586-6442
JUNEAU, AK 99802

1300 JAN 30 PM 9 21

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PMS REP THELMA BUCHHOLDT

1450

JUN

THE CORDOVA BOARD OF EDUCATION FEELS

THAT HOUSE BILLS 487 AND 453 CONTAIN ISSUES THAT SERIOUSLY
REDUCE THE LOCAL SCHOOL BOARDS RIGHT TO MAKE DECISIONS,

THAT BINDING ARBITRATION IS NOT THE SOLUTION THAT WILL CURE THE
ILLS OF THE NEGOTIATION PROCESS,

THAT THE INTENT OF AS14.20.550 THROUGH AS14.20.600 OF THE
ALASKA SCHOOL LAW IS NOT TO ABROGATE THE LEGAL RESPONSIBILITIES,
POWERS, OR DUTIES OF THE LOCAL SCHOOL BOARDS.

THAT THE INTENT OF THE LAW IS THAT SCHOOL BOARDS HAVE THE RIGHT
TO MAKE FINAL DECISIONS ON POLICY AND EMPLOY EXCLUSIVE MANAGE-
MENT.

THE ISSUE OF ARBITRATION IS ADEQUATELY ADDRESSED IN AS14.20.330
AND FURTHER DEFINED UNDER CHAPTER 80 TITLE 4 EDUCATIONAL REGU-
LATIONS.

JACK LAMB, PRESIDENT CORDOVA BOARD OF EDUCATION

CITY AND BOROUGH OF JUNEAU SCHOOL DISTRICT
P.O. BOX 808 • DOUGLAS, ALASKA 99824

February 5, 1980

The Honorable Thelma Buchholdt
Alaska State House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Representative Buchholdt:

The Juneau School Board wishes to go on record as being opposed to House Bill 453 and House Bill 487 for the following reasons and respectfully request that you do not support them.

House Bill 453 provides the right to strike to all employees of the School District, and in addition, provides mandatory bargaining to all employees with broad interpretations to what must be bargained. At the present time the Juneau School District negotiates with their classified employees so the legislation is not necessary, and above all, should not include the right for any employees to strike. Please remember that school boards in Alaska cannot raise money on their own, but must come to the Borough Assembly or Legislature for additional revenue. A striking action against the Board allows them no additional revenue with which to resolve the strike. Therefore, educational programs are cut back.

House Bill 487 on binding arbitration removes the decision making authority from the elected representatives of the people. Instead of leading to a solution of the problem by serious negotiations by both parties to avoid arbitration, often one or the other parties will hold out for arbitration. Historically arbitrators split the difference and everyone holds out with extreme offers as tactical maneuvers.

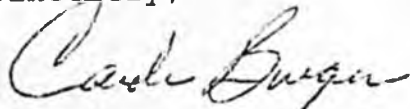
It is our opinion that the State Board of Education request to the Governor to form a Blue Ribbon Committee to seek the best alternative to the serious problems of negotiation should be honored. Passage of legislation before the study would be premature.

With the legislatures having second thoughts over the collective bargaining of State employees and contemplating some modifications, it seems appropriate to allow a study of the problems to take place before enacting legislation that may not serve any useful purpose.

Page 2
February 5, 1980
The Honorable Thelma Buchholdt

The Juneau School District would appreciate your support on these two matters.

Sincerely,



Carole Burger, President
Juneau School Board

DLMK/CB:m

cc: Mr. Robert Greene, Executive Secretary, Association of Alaska
School Boards

TELEGRAM

ALASCOM, INC.
PHONE: 586-6442
JUNEAU, AK 99802

#

02047 NL TDA SKAGWAY ALASKA 50 02-07 102P AST

PMS REP THELMA BUCHHOLDT

JUNEAU AK 1838

THE SKAGWAY SCHOOL BOARD CAN NOT SUPPORT BILLS NBR HB453 AND HB487.
WE URGE YOU TO DEFEAT THIS TYPE OF LEGISLATION. THIS WILL ONLY
ALLOW FOR TEACHER UNION AND COURTS TO REGULATE LOCAL EDUCATIONAL
NEEDS. PLEASE DEFEAT HB453 AND HB487.

CARL ROSE, PRESIDENT

SKAGWAY SCHOOL BOARD

90 FEB 7 PM 3 45



Official Business

Alaska State Legislature

House of Representatives

Committee on

Health, Education & Social Services

Pouch V
State Capitol
Juneau, Alaska 99811

Office phones:
907/465-3777 or
907/465-3797

February 10, 1980

Carl Rose
President
Skagway School Board
Skagway, Alaska

Dear Carl:

I have received your recent telegram. It will be entered into the record of the next House HESS Committee public hearing on HB 487 and HB 453. I would like to respond personally to your telegram with a few comments.

I do not believe that either bill would allow a teachers' union or the court system to totally regulate education in localities. The bills provide a framework for just settlement of negotiations between school boards and their employees. Each side would have an equal chance in negotiations and the outcome of negotiation would be decided by an independent, objective party. Thus, the bills would negate boards' power to refuse to negotiate with their employees, but they would not allow employees to automatically receive their demands. Rather, they would establish a structure for negotiation of those demands; each side would have an equal chance to get what it wants. Since the bills do not provide that all employee demands would be negotiable, the boards would retain total decision making power over certain issues. Moreover, the bills address collective bargaining and arbitration only, and do not attempt to reduce or even to address any of the local boards decision making rights in other areas.

The primary intent of the bills is to provide for final and

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incontrovertible settlement of teacher-board disputes as quickly as possible. I believe the past history of teacher-board disputes demonstrates that to achieve final settlement in a timely manner, it is necessary that an outside observer be responsible for an ultimate decision instead of having one side or the other within the locality vested with this power.

I understand your position, but I believe that current law in this area is in need of revision.

Sincerely,

Thelma

Thelma Buchholdt
State Representative
District 9 (Spenard);
Chair, House HESS Committee

487

(d) The arbitrator may not make an award which incorporates union security provisions, including but not limited to a union shop or agency shop provision or agreement that fails to safeguard —

453

(c)

Name	Address & Phone #	Organization	Bill No.
✓ Charlie Hutchings	208 Seward Building	NEA - Alaska	HB 487
✓ Betty Briggs	1411 W 33 rd Ave, Anchorage 274-0536	Anchorage Education Association	HB 487
✓ Lari Sears	1411 W 33 rd Ave. Anchorage 274-0536	Anchorage Education Assoc	HB 487
✓ CLIFF WARTMAN	1433 W 13 th Anch. 279-8176	AK. Council of Sch. Adm	HB 487
Carl Peterson	Box 305 Bethel AK 543-2677	Lower Kuskokwim Sch Dist	HB 487
✓ Bob Manners	207 Seward Bldg - Juneau	NEA - Alaska	HB 487
✓ Bob Van Houten	207 Seward Bldg 586-3090	NEA - ALASKA	HB 487
Bob GREENE	204 NORTH FRANKLIN - JUNEAU	AASIB	H.B. 487
Vince Casey	1024 LA Touche	SBE (State Board of Ed.)	HB 487