

SB

2/3

COMMITTEE REPORT
SENATE

FURTHER: Finance

2/13/79

Date: 5/9/80

Mr. President:

The Committee on HEALTH, EDUCATION AND SOCIAL SERVICES has had SB 213 labor relations between school boards and other public employers and their employees

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

James H. ...
CHAIRMAN

Introduced: 2-14-79
Logged: 2-14-79
Referrals: Finance
Comm. meeting 4-16-80 - held 4-30-80 cancelled meeting then on FCC 5-9-80
" action & taken Senate Secy.

Dept. of Educ. "holds no position on this bill" ^{in fiscal impact} Sponsor notified
Dept. of Labor has FN ^{in part}
all notified by mail 4-9-80
Notify: Ken Spray 6-6993
I AFL CIO
II H. Frank Belts 452-2023
Fbx Classified 7bx
Personnel Organization
III ~~Eugene B. Kubina~~ ^{personal}
Requested FN. rec'd. no report ~~sent~~.

Notified Dept of Educ. Bill Thompson
* review & see if Dept. has position to take, if so will send papers.
4-16-80 Dale Check will be here to testify (Dept of Labor) also Judy. bringing position paper
Jolene Harris & be here to testify. She ~~is~~ & spoke with Paul.

Eugene Kubina (notify as to when up for hearing
P.O. Box 1665
Valdez, AK 99686 & as to disposition of bill)
Ph: 835-2663

Page 2 Section 2---Delete entirely. Renumber the following sections, accordingly.

Page 3 Section 5 (formerly 6) amend to Section 5 (a) Notwithstanding sec.4, ch. 113,SLA 1972, and subject to (b) of th's section. A school board, including a regional educational attendance area school board, may not reject having the provisions of the Public Employment Relations Act apply to its relations with its noncertificated employees unless the qualified voters within the school district vote in favor of rejection at a special or general election conducted within ninety (90) days of the effective date of this Act.

(b) A regional educational attendance area school board may reject having the provisions of the Public Employment Relations Act apply to its relations with its noncertificated employees until July 1, 1983 without a vote of the qualified voters within the school district if the school board adopts a resolution providing for such rejection within ninety (90) days of the effective date of this act. A regional educational attendance area school board may extend the period of its rejection of the Public Employment Relations Act under this subsection for an additional period of two (2) years if the school board adopts a resolution providing for such an extension between April 1, 1983 and June 30, 1983.

4-28-80

Dear Senator Hackney,

Recently you received a letter from Iola Harris, President of the C.P.O. in Fairbanks concerning S.B. 213.

In that letter, she spoke to possible amendments to S.B. 213. We agree w/ Mrs Harris & lend our support to her suggestions.

We are also concerned about the "opt-in, opt-out" possibility. If S.B. 213 is amended to reflect that, it would offer nothing to the classified employees - especially to those employees who have been denied the right of collective bargaining. There are groups in this category such as the NUGGET ASSOC of Mat-Su as we heard in testimony on April 16 from Linda Meyers, Pres. of that group.

We hope that S.B. 213 will be passed in a form that all parties can accept. Thank you for the opportunity to speak to this bill.

Stacia Hill, President, TOTEM Assoc.
Anchorage

Quene Johnson, Representative of NUGGET
Assoc. - Matanuska-Susitna Borough
Iola Harris read and agrees with statement.

JOSEPHSON, TRICKEY & LORENSEN, INC.

210 NORTH FRANKLIN STREET
JUNEAU, ALASKA 99801
907 586-6994, 586-6997

JOE P. JOSEPHSON
HOWARD S. TRICKEY
RONALD W. LORENSEN*
NANCY R. GORDON
TIM MacMILLAN

April 25, 1980

ANCHORAGE:
425 "G" STREET
SUITE 930
ANCHORAGE, ALASKA 99501
907 276-7133

*Juneau

The Honorable Glenn Hackney
State Senator
Chairman, Senate Health, Education
and Social Services Committee
Pouch V
Juneau, Alaska 99811

Re: SB 213, Labor Relations Between
School Boards and Their Employees

Dear Senator Hackney:

This is a follow-up to my oral presentation before your committee on Wednesday, April 16, 1980 on the above-referenced bill. As I indicated at the hearing, our law firm represents a number of school districts around the state.

My concerns regarding SB 213 are twofold. First, assuming that it is determined that classified employees of school districts should be included within the scope of the Public Employment Relations Act (PERA), I question the necessity or advisability of moving that group of employees out of the category of public employees which is authorized to engage in strikes only for limited periods of time (i.e., so long as the strike action does not affect the health, safety or welfare of the public) and placing them into the broader classification of public employees who are authorized to strike for unlimited periods of time, regardless of the effect the strike may have on the general public.

The primary function of school boards is, of course, to educate children and that would become an extraordinarily difficult task to achieve if a district's classified employees (e.g., teacher aides, cafeteria employees, and janitorial and maintenance employees) chose to stay off the job during the school year. Consequently, if the committee does decide that classified employees of school districts should be included within PERA, I would at least urge the committee to delete the present Section 2 of SB 213 so that this group of employees would remain classed as a part of category two employees for the purpose of striking. Even more appropriate, however, would seem to be placing school district classified employees into that class of employees which may not strike for any period of time (class one), since, at least as the bill is currently drafted, PERA will be mandatorily imposed upon school districts.

My second concern regarding proposed SB 213 relates to Section 6 of the bill. Section 6 has the clear effect of requiring every school board in the state, including the Regional Educational Attendance Areas, to bargain with their classified employees under PERA. As presently worded, Section 6 would not permit any district in the state to opt-out of coverage under PERA, even though when PERA was first adopted a provision was specifically incorporated in it to permit any municipality in the state to reject having the provisions of PERA apply. A number of municipalities exercised that opt-out provision.

As a result, the employment relationship between certain municipalities in the state and their public employees is not governed by PERA. Instead, that employment relationship is governed either by a local bargaining ordinance (for example, both Juneau and Anchorage have such local ordinances) or by no local bargaining provisions whatsoever. If SB 213 were adopted with Section 6 as it now reads, classified employees of school boards in those municipalities which had rejected PERA would end up being treated differently than other public employees in the same municipality. Further, newly created political subdivisions of the state, such as the REAAs, which were not in existence when PERA was first adopted, would, under Section 6 of SB 213, be denied the same opportunity to reject application to them of PERA which the Legislature initially extended to those local government entities in existence at the time PERA was adopted.

The following are proposed alternate versions of language which might be adopted by the committee to deal with the opt-out question discussed above:

A. To deal with the problem of school districts in cities and boroughs which have already opted out of PERA:

* Sec. 6. (a) The provisions of this Act do not apply to city or borough school boards in any city or borough which has rejected having the provisions of ch. 113, SLA 1972 apply to it pursuant to the authority granted in Section 4, ch. 113, SLA 1972.

or

* Sec. 6. (a) The provisions of this Act do not apply to city or borough school boards in any city or borough which has rejected having the provisions of ch. 113, SLA 1972 apply to it pursuant to the authority granted in Section 4, ch. 113, SLA 1972, if that city or borough has adopted local provisions for collective bargaining with its public employees and those local provisions are made applicable to the school board within 120 days following the effective date of this Act.

and

B. To deal with the problem of newly created political subdivisions which did not have the opportunity to opt-out of PERA in 1972:

(b) The provisions of this Act apply to regional educational attendance areas and other political subdivisions created after the effective date of ch. 113, SLA 1972, unless, within 120 days following the effective date of this Act, the governing body of a regional educational attendance area or other political subdivision created after the effective date of ch. 113, SLA 1972 rejects by ordinance or resolution, as appropriate, having the provisions of this Act and the provisions of ch. 113, SLA 1972 apply to it.

or

(b) The provisions of this Act apply to regional educational attendance areas and other political subdivisions created after the effective date of ch. 113, SLA 1972, unless, within 120 days following the effective date of this Act, the governing body of a regional educational attendance area or other political subdivision created after the effective date of ch. 113, SLA 1972 rejects by ordinance or resolution, as appropriate, having the provisions of this Act and the provisions of ch. 113, SLA 1972 apply to it and also adopts local provisions establishing rights and procedures for bargaining collectively with its classified employees.

On behalf of our school district clients, I thank you for this opportunity to present our comments on SB 213.

Sincerely yours,

JOSEPHSON, TRICKEY & LORENSEN, INC.

By:


Ronald W. Lorensen

RWL:jf



**PUBLIC EMPLOYEES
LOCAL 71 AFL-CIO**

HEADQUARTERS

3400 SPENARD ROAD, SUITE 10, ANCHORAGE, ALASKA 99503

BUSINESS MANAGER - SECRETARY TREASURER

AL J. BAFFONE, SR.



Senator Hackney
Chairman Health, Education
& Social Services Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

February 22, 1979

RE: Senate B'11 213.

Dear Honorable Sir:

Public Employees' Local 71 AFL-CIO, wishes to express to you and the Committee our position on the above referenced Bill.

The Bill does three (3) basic things, in changing the present law.

1. It adds the "No representation" on the initial election, which we do not oppose.
2. It exempts, non-certificated (classified employees) employees, from class 2 status. We do not oppose.
3. It includes non-certificated employees (classified employees) to the definition clause of employees as well as adding to the definition clause of employers school district. We do not oppose.

With respect to item #3 we strongly support the inclusion of such a school employee in the act. We strongly believe that the U. S. Constitution allows for people to gather together in some form of an organization, for the betterment and mutual protection of themselves. It is not fair to allow these public employees to remain on the back burner of Labor Relations any longer.

We request that your Committee give this Bill a full hearing, which I will desire to testify at, as soon as possible.

Please inform the undersigned of your intentions.

Sincerely,

Ken Spray
Vice President
Business Representative
Local 71 AFL-CIO

cc: Senators Ferguson, Colletta, Sturgulewski, Farenkamp, Bennett. Jim Younger,

JUNEAU
KEN SPRAY ✓
BUSINESS REPRESENTATIVE
114 SO. FRANKLIN ST., ROOM 103
(907) 586-6993
*7/1/80
4-30-80*

ANCHORAGE
JENNIE DAY PETERSON
JIM YOUNGER
BUSINESS REPRESENTATIVES
(907) 276-7211

FAIRBANKS Asst.
DON VALESKO
BUSINESS REPRESENTATIVE
208 WENDELL, ROOM 205
(907) 452-5024
Bs/Mgr.

CLASSIFIED PERSONNEL ORGANIZATION

Fairbanks North Star Borough School District

958 Cowles—Room 261

Fairbanks, Alaska 99701 (907) 452-2123

14 November 1979

Senator Glen Hackney
1136 Sunset Drive
Fairbanks, Alaska 99701

Dear Senator Hackney:

During the first session of the Eleventh Legislature, SB 213 was introduced and assigned to the Senate HESS Committee. This bill is extremely important to all noncertificated employees of school districts in the State of Alaska. SB 213, if passed, would amend the Public Employment Relations Act to include a group of employees not now covered by the Act.

The intent of PERA was to create an orderly process by which public employees could collectively resolve problems. The law provides for a problem-solving mechanism which results in acceptable agreements. The law also defines unfair labor practices and provides the mechanism for resolving such charges. Under PERA, finality to the bargaining process is provided either through binding arbitration or the right to strike.

Noncertificated school district employees do not have the above provisions of the law available to them and therefore are placed in a "collective begging" position as opposed to collective bargaining.

We respectfully request that during the second session of the Eleventh Legislature you, as chairperson of the Senate HESS Committee, schedule SB 213 for committee hearings and ultimately out of committee for Senate floor action. It does not seem equitable to us that this small group of public employees remain outside the statutory provisions of PERA for purposes of collective bargaining.

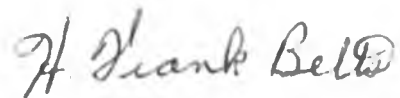
Although we may not share similar philosophies as they relate to public sector bargaining, I am sure you can understand the frustration, anger and low morale we experience as a result of not being recognized statutorily as are most other public employees.

Senator Glen Hackney
14 November 1979
Page -2-

Hopefully we can cooperate for the purpose of getting SB 213 on the floor of the Senate for the consideration of all Senators.

We are eager to receive your reply. I am available should you wish to consult with me at any time.

Sincerely,

A handwritten signature in cursive script that reads "H. Frank Belts".

H. Frank Belts
Business Agent

cc: Patricia Gold, President, TOTEM
Iola Harris, President, CPO

FAIRBANKS NORTH STAR BOROUGH SCHOOL DISTRICT
CLASSIFIED PERSONNEL SALARY SCHEDULE

1979-80

Job Classification	Start A	1 Year B	2 Year C	3 Year D	4 Year E	5 Year F	6 Year G	7 Year H	8 Year I
Clerk Typist	1197	1236	1270	1309	1348	1388	1430	1471	1516
Teacher Aide	7.37	7.61	7.82	8/06	8.30	8.54	8.80	9.05	9.33
Cashier									
Laundry Worker	1236	1270	1309	1348	1388	1430	1471	1516	1562
Receptionist	7.61	7.82	8.06	8.30	8.54	8.80	9.05	9.33	9.61
Matron	1270	1309	1348	1388	1430	1471	1516	1562	1608
Bus Aides	7.82	8.06	8.30	8.54	8.80	9.05	9.33	9.61	9.90
Ass't Acct. Clerk	1309	1348	1388	1430	1471	1516	1562	1608	1657
Library Ass't	8.06	8.30	8.54	8.80	9.05	9.33	9.61	9.90	10.20
Secretary I	1348	1388	1430	1471	1516	1562	1608	1657	1707
Student Activity Clerk	8.30	8.54	8.80	9.05	9.33	9.61	9.90	10.20	10.50
Accounts Clerk	1430	1471	1516	1562	1603	1657	1707	1758	1810
Secretary II	8.80	9.05	9.33	9.61	9.90	10.20	10.50	10.82	11.14
Custodian	<i>A</i> 1562 9.61	<i>B</i> 1608 9.90	<i>C</i> 1657 10.20	<i>D</i> 1707 10.50	<i>E</i> 1758 10.82	<i>F</i> 1810 11.14	<i>G</i> 1864 11.47	<i>H</i> 1921 11.82	<i>I</i> 1978 12.17
Lead Custodian I	1627 10.01	1673 10.30	1722 10.60	1772 10.90	1823 11.22	1875 11.54	1929 11.37	1986 12.22	2043 12.57
Lead Custodian II	1668 10.26	1714 10.55	1763 10.85	1813 11.16	1864 11.47	1916 11.79	1970 12.12	2027 12.47	2084 12.82
Lead Custodian III	1708 10.51	1754 10.79	1803 11.10	1853 11.40	1904 11.72	1956 12.04	2010 12.37	2067 12.72	2124 13.07
Lead Custodian IV	1757 10.81	1803 11.10	1852 11.40	1902 11.70	1953 12.02	2005 12.34	2059 12.67	2116 13.02	2173 13.37
Maintenance Helper	1657 10.20	1707 10.50	1758 10.82	1810 11.14	1864 11.47	1921 11.82	1978 12.17	2038 12.54	2099 12.92
Boiler Operator	1758 10.82	1810 11.14	1864 11.47	1921 11.82	1978 12.17	2038 12.54	2099 12.92	2161 13.30	2227 13.70
Nurse									
Printer									
Truck Driver/Warehouse	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>	<i>E</i>	<i>F</i>	<i>G</i>	<i>H</i>	<i>I</i>
Maint. Mechanic I	1864 11.47	1921 11.82	1978 12.17	2038 12.54	2099 12.92	2161 13.30	2227 13.70	2294 14.12	2364 14.55
Maint. Mechanic II	2099 12.92	2161 13.30	2227 13.70	2294 14.12	2364 14.55	2433 14.97	2506 15.42	2582 15.89	2659 16.36

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

April 16, 1980

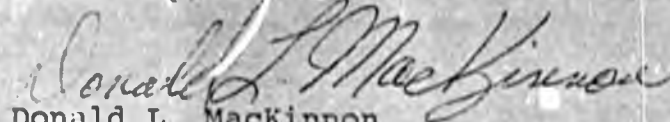
The Honorable Glenn Hackney, Chairman
Senate Health, Education and Social Services Committee
Alaska State Senate
Pouch V
Juneau, Alaska 99811

Dear Senator Hackney and Committee:

The Juneau School District wishes to submit this letter as part of the testimony to House Bill 213. We would like to go on record as being opposed to the Bill as being unnecessary legislation. At the present time our District does negotiate with our non-certificated employees. If this does become legislation we feel that there should be language in the Bill that would allow us the option of coming under the Labor Relations Ordinance of the Juneau Borough. It is our position that if all public employees must come under a labor relations act, we should be under the Borough Act (Ordinance) as they are the legislative body that we must submit our budgets to for fiscal approval. They believe that our salaries and fringe benefits, etc. should more closely parallel theirs instead of being modeled after the State.

We thank you for your consideration in this matter.

Sincerely,


Donald L. MacKinnon
Superintendent of Schools

DLMK:m

Sectional

Sec. 1

23.40.100 (b) amended. Adds one of the choices in an election shall be "no representation" lines 22-23 Pg. 1

Sec. 2

23.40.200 (a) (2) Removes Public School and others, and adds except non-certificated employees of school boards.
lines 3-4 Pg 2

Sec. 3

23.40.250 adds "certificated" deleted "teachers or ~~XXXXXXXXXXXX~~ noncertificated"-changes school districts to school boards. Lines 23-24 Pg. 2

Sec. 4

23.40.250 (sec. (6)) "Public employer" adds school board.
line 28 Pg. 2

Sec. 5

23.40.250 (8) adds entire new paragraph to section

Please call Stella with the
msg. to Rudy. The Senate
HSS Comm. is scheduled
through March. SB 213, if
scheduled, will be heard after
that time

John H

OK 2/22

CONFIDENTIAL - SECURITY INFORMATION

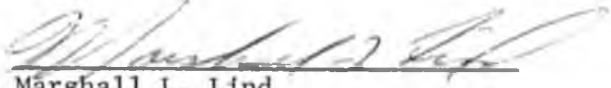
TO: SENATE, WASHINGTON, D.C.

FROM: SENATE, WASHINGTON, D.C. (S-100) CLASSIFIED BY PERSONNEL ORGANIZATION
OF PATRIOTIC SOCIETY FOR PROTECTING AMERICAN INTERESTS, INC. AS A RESULT OF
REVIEW AND DOWNGRADING OF THIS DOCUMENT. THIS DOCUMENT IS UNCLASSIFIED
EXCEPT WHERE SHOWN OTHERWISE. DATE OF DECLASSIFICATION: 01/01/2001. ALL OTHER PUBLIC
EMPLOYEES AND EMPLOYEES OF THE FEDERAL GOVERNMENT.

ALASKA DEPARTMENT OF EDUCATION
POSITION STATEMENT
SENATE BILL 213

The Department of Education holds no position on this bill.

Approved by:


Marshall L. Lind
Commissioner
April 16, 1980

Alaska Federation of Teachers

AFLE-CIO

John L. Alexander
Executive Director

600 W. 41st Avenue
Anchorage, Alaska 99503
(907) 278-9051

March 26, 1980

Senator Glenn Hackney
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator Hackney:

Public employees for the State of Alaska all have the right to negotiate for wages and benefits except one group. That group is the classified employees of the school districts. Our organization feels that this is extremely unfair and requests your support for Senate Bill Number 213. This bill would correct that injustice.

This bill is presently in the HESS Committee awaiting action. Since you are the Chairman of that committee we respectfully request your support in getting the bill cleared from committee and passed on the Senate floor. These employees deserve that same right that other employees have and hope you will help.

Thank you for your time and consideration and if we can be of any assistance to you please don't hesitate to ask.

Sincerely,

Eugene G. Kubina
Eugene G. Kubina
President

Bill No.

Senate Bill 213

Date

April 16, 1980

Title

"An Act relating to labor relations between school boards and other public employers and their employees."

Contact:

Judy DuBois
465-2700
Dale Cheek
465-4870

This legislation would make it mandatory for all school boards to permit their non-certificated employees to enter into collective bargaining and they would be covered by the Public Employment Relations Act (PERA). This bill would cover persons that have been barred from entering into collective bargaining under present law. The Department of Labor acts as the Labor Relations Agency for all public employees except State employees and would have to take on the added duties for these employees to conduct elections, hold hearings and settle grievances throughout the state.

- Section 1. AS 23.40.100(b) makes it mandatory that "no representation" be placed on the initial election ballots, for election ballots, for elections conducted under the Public Employment Relation Act.
- Section 2. AS 23.40.200(c) permits non-certificated employees of school boards to engage in a strike. They will be covered in Class 3.
- Section 3. AS 23.40.250(5) takes away the exemption for non-certificated school board employees.
- Section 4. AS 23.40.250(6) makes a school board a public employer under PERA.
- Section 5. AS 23.40.250 defines school board for PERA.
- Section 6. Makes it mandatory for school board to permit their non-certificated employees to enter into collective bargaining covered by the Public Employment Relations Act.
- Section 7. Any collective bargaining agreement already entered into are not covered by these laws.

Collective bargaining in the public sector is complicated and unique field of labor law. Our experience as the Labor Relations Agency for all public employees, except State of Alaska employees, over the past fiscal year shows that the Wage and Hour Division devoted one half of a position to that function. This involved nine separate community of interests groups in the City of Fairbanks, the North Star Borough, and the City of Kodiak for a total of approximately 400 employees.

We have ascertained that there are 52 school districts within the State of Alaska (including REAA's). We are only able to identify four of those districts who are presently organized or who have a collective bargaining agreement with a union or an association. Those are Fairbanks, Kenai, Juneau, and Anchorage with a total of approximately 1,100 non-certificated employees.

POSITION PAPER/Department of Labor

POSITION PAPER CONTINUED:

So the Department of Labor can expect to be acting as the Labor Relations Agency for 48 separate school districts involving 2,400 employees. In the upcoming fiscal year the Wage and Hour Division could be monitoring elections in 48 separate school districts, or holding hearings to settle grievances on unfair labor practice charges throughout the State.

A Fiscal Note has been submitted.

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill 213 "An Act relating to Labor Relations between School Boards and other public employers and their employees."
Requested by HESS Committee Date April 16, 1980

II FISCAL DETAIL

Agency Affected Department of Labor
Program Category Affected Public Protection
BRU, Program, or Subprogram(s) Affected Wage and Hour Administration
(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		32.8	32.8	32.8	32.8	32.8
200 TRAVEL		15.0	16.1	17.2	18.4	19.7
300 CONTRACTUAL		10.0	10.7	11.4	12.3	13.1
400 COMMODITIES		.2	.2	.2	.3	.3
500 EQUIPMENT		1.0	0	0	0	0
600 LAND & STRUCTURES		0	0	0	0	0
700 GRANTS, CLAIMS, ETC.		0	0	0	0	0
TOTAL		59.0	59.8	61.6	63.8	65.9

FUNDING (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
GENERAL FUND		59.0	59.8	61.6	63.8	65.9
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

1. Personal Services cost at current salary schedule cost (3/16/80).
2. Travel to remote areas, \$15,000 - Wage and Hour Investigator I, Range 16, Juneau.
3. Contractual Services, \$10,000, includes Legal Services cost for Attorney General's Office.
4. Equipment, \$1,000 - Desk, Chair, Bookcase, Calculator and recorder.
5. Inflation factor used - 7% for all items, except Personal Services.
6. Assumes effective date of July 1, 1980.

IV. DATE April 16, 1980 PREPARED BY James Souby
AGENCY Labor
PHONE 465-2720
Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

Iola Harris

Linda Myers - Mat-Su.
75 in proposed group

Dail Simpson - Homer -

Patricia sold -
Boutwell more effective!

2400 - 2500 employees

HB 453

Ron Larsen - Line 10

Sec 4 ~~et~~

Sec 6 of bill & its

1	POSITION TITLE W/H Investigator I			RANGE/STEP 16A	BARG. UNIT. GGU	LOCATION Juneau	GOV	APPROV	DISAPP
2	TYPE OF POSITION PFT	STAFF MONTHS 12	RP No.	PCN No.	PRIORITY	FORM 12	PAGE/LINE	LEG.	

3	TYPE OF EXPENDITURE	AMOUNT
4	PERSONAL SERVICES:	
	SALARY 2.132 p/m	25,584
5	BENEFITS .1542	3,945
6	FICA -.0665	1,701
7	HEALTH INS. 127 p/m	1,524
8	TOTAL PERSONAL SERVICES	32,754
9	TRAVEL	15,000
10	CONTRACTUAL	10,000
11	COMMODITIES	200
12	EQUIPMENT	1,000
13	OTHER	
14	TOTAL COST	58,954

JUSTIFICATION:

1. Pers. Serv.: Salary Schedule effective 3/16/80
2. Travel to remote areas: \$15,000
3. Cont. Svcs.: \$10,000 includes Legal Svcs for A.G.'s Office
4. Equipment: \$1,000 Desk, Chair, Bookcase, Calculator and recorder

	CODE	FUNDING SOURCE
15		FED RCPTS
16		GF MATCH
17		GEN. FUND
18		I-A RCPTS
19		PGM RCPTS
20		OTHER

This Bill would require the addition of one Wage and Hour Investigator I, Range 16 stationed in Juneau. The Department must assume that most non-certified certificated employees of school boards will enter into collective bargaining. It will be necessary to travel to all areas of the state to conduct elections, hold hearings, resolve grievances and unfair labor practices.

21	CONTINUATION	
22	ADDITION	X

FOR B&M USE ONLY

4A KEY NUMBER _____ COLUMN NO. _____

AGENCY Labor PROGRAM AREA Worker Protection

BRU Wage and Hour

FY 81

13 REQUEST FOR NEW POSITION.

COMPONENT Wage and Hour Administration

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. SB-213
 Title An Act relating to Labor Relations between School Boards
 Requested by Senate HESS Date 4/9/80

II. FISCAL DETAIL
 Agency Affected Education
 Program Category Affected Elementary and Secondary 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						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						
		-0-	-0-	-0-	-0-	-0-

POSITIONS

FULL TIME		N/A				
PART TIME						
TEMPORARY						

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

This bill has no estimable fiscal impact.

IV. DATE 4/9/80 PREPARED BY *William D. Hansen*
 AGENCY Department of Education
 PHONE 465-2800
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

STATE OF ALASKA
Inter-Department Route Slip

TO:
MAIL STATION NUMBER _____

DEPARTMENT Senate HESS

ATTENTION Senator Hackney

- | | |
|--|--|
| <input type="checkbox"/> Approval | <input type="checkbox"/> Note & Return |
| <input type="checkbox"/> Signature | <input type="checkbox"/> Initial & Return |
| <input type="checkbox"/> Comment | <input type="checkbox"/> Return As Requested |
| <input type="checkbox"/> Contact Me | <input type="checkbox"/> Return For Approval |
| <input type="checkbox"/> Prepare Reply | <input type="checkbox"/> Necessary Action |
| <input type="checkbox"/> For Your File | <input type="checkbox"/> Your Information |

Remarks: SB 213 15 copies

Handcarry

Assembly Rm 105

FROM:
MAIL STATION NUMBER 0500

DEPARTMENT Education

BY Bill Thomson DATE 4-9-80

Page 2 Section 2---Delete entirely. Renumber the following sections, accordingly.

Page 3 Section 5 (formerly 6) amend to Section 5 (a) Notwithstanding sec.4, ch. 13, SLA 1972, and subject to (b) of this section. A school board, including a regional educational attendance area school board, may not reject having the provisions of the Public Employment Relations Act apply to its relations with its noncertificated employees unless the qualified voters within the school district vote in favor of rejection at a special or general election conducted within ninety (90) days of the effective date of this Act.

(b) A regional educational attendance area school board may reject having the provisions of the Public Employment Relations Act apply to its relations with its noncertificated employees until July 1, 1983 without a vote of the qualified voters within the school district if the school board adopts a resolution providing for such rejection within ninety (90) days of the effective date of this act. A regional educational attendance area school board may extend the period of its rejection of the Public Employment Relations Act under this subsection for an additional period of two (2) years if the school board adopts a resolution providing for such an extension between April 1, 1983 and June 30, 1983.

*Glenns:
Ron Lorenson injected what you
wanted. Underlined.*

5/2/80

MEMO

SEN. HACKNEY

RE: SB 213 -- PROPOSED AMENDMENTS

RON LORENSEN, VAN HOUTE, IOLA SMITH ALL FAVOR DELETING SECTION 2:

THE OTHER PROBLEM AREA IS SECTION 6. THE PROBLEM WITH THIS SECTION IS THAT IT WOULD REQUIRE EVERY SCHOOL BOARD (INCLUDING REAAs) TO BARGAIN WITH THEIR "NON-CERTIFIED" PEOPLE UNDER PERA, EVEN IF THE MUNI HAD OPTED-OUT FROM UNDER PERA. LORENSEN'S LANGUAGE SUGGEST EXEMPTING MUNI'S FROM THE PROVISION OF SECTION 6 IF THE MUNI HAS OPTED-OUT FROM UNDER PERA. VAN HOUTE DOESN'T RECOMMEND CHANGING THIS.

REGARDING REAAs, RON'S LANGUAGE SUGGEST GIVING THE REAAs 120 DAYS TO DECIDE WHETHER TO COME UNDER SECTION 6. VAN HOUTE/IOLA SMITH'S AMENDMENT WOULD GIVE THE REAAs 90 DAYS TO DECIDE WHETHER THEY WANTED TO OPT-OUT FROM UNDER PERA FOR THREE YEARS, BUT AFTER THE THREE YEARS THEY WOULD BE PUT BACK UNDER PERA.

SEE ATTACHMENTS

ADDED 2 YR. OPT OUT BY VOTE OF REAA

Paul

58-86

Ron Lorenson thought he was going to be by late PM on first thing in morning. He said what plan wrote was fine but he'd check.

and subject to ~~other~~
(b) of this section,

5
(e)
* Sec. 5. Notwithstanding sec. 4, ch. 113, SLA 1972, a school board, including a regional educational attendance area school board, may not reject having the provisions of the Public Employment Relations Act apply to its relations with its noncertificated employees unless the qualified voters within the school district vote in favor of rejection at a special or general election conducted within 120 days of the effective date of this Act.

(b) A regional educational attendance area school board ~~may~~ may reject having the provisions of the Public Employment Relations Act apply to its relations with its noncertificated employees ~~for a period of three years~~ until July 1, 1983 without a vote of the qualified voters within the school district if the school board adopts a resolution providing for such rejection within 90 days of the effective date of this Act. A regional educational attendance area school board may extend the period of its rejection of the Public Employment Relations Act under this subsection ^{subsection} for an additional period of two years if the school board adopts a resolution providing for ~~such an extension of such rejection~~ such an extension ~~within 90 days of~~ between April 15, 1983 and June 30, 1983, inclusive.

AMENDMENT TO S. B. 213

April 29, 1980

VAN HOUTE'S

Sec. 5 P. 3 Line 9: ???? if Sec. 2 eliminated.

Add after employees a new sentence to read:

Except that an R. E. A. A. board may, by a vote taken within ninety

(90) days of the effective date of this act, exempt the regional school

district from the provisions of this act for a period of time not to

exceed three (3) years.

*3 years & automatically
the REAA board.*

VAN HOUTE'S

JOSEPHSON, TRICKEY & LORENSEN, INC.

210 NORTH FRANKLIN STREET
JUNEAU, ALASKA 99801
907 586-6994, 586-6997

JOE P JOSEPHSON
HOWARD S TRICKEY
RONALD W LORENSEN*
NANCY R GORDON
TIM MacMILLAN

April 25, 1980

ANCHORAGE
425 "G" STREET
SUITE 930
ANCHORAGE ALASKA 99501
907 276-7133

*Juneau

The Honorable Glenn Hackney
State Senator
Chairman, Senate Health, Education
and Social Services Committee
Pouch V
Juneau, Alaska 99811

Re: SB 213, Labor Relations Between
School Boards and Their Employees

Dear Senator Hackney:

This is a follow-up to my oral presentation before your committee on Wednesday, April 16, 1980 on the above-referenced bill. As I indicated at the hearing, our law firm represents a number of school districts around the state.

My concerns regarding SB 213 are twofold. First, assuming that it is determined that classified employees of school districts should be included within the scope of the Public Employment Relations Act (PERA), I question the necessity or advisability of moving that group of employees out of the category of public employees which is authorized to engage in strikes only for limited periods of time (i.e., so long as the strike action does not affect the health, safety or welfare of the public) and placing them into the broader classification of public employees who are authorized to strike for unlimited periods of time, regardless of the effect the strike may have on the general public.

The primary function of school boards is, of course, to educate children and that would become an extraordinarily difficult task to achieve if a district's classified employees (e.g., teacher aides, cafeteria employees, and janitorial and maintenance employees) chose to stay off the job during the school year. Consequently, if the committee does decide that classified employees of school districts should be included within PERA, I would at least urge the committee to delete the present Section 2 of SB 213 so that this group of employees would remain classed as a part of category two employees for the purpose of striking. Even more appropriate, however, would seem to be placing school district classified employees into that class of employees which may not strike for any period of time (class one), since, at least as the bill is currently drafted, PERA will be mandatorily imposed upon school districts.

My second concern regarding proposed SB 213 relates to Section 6 of the bill. Section 6 has the clear effect of requiring every school board in the state, including the Regional Educational Attendance Areas, to bargain with their classified employees under PERA. As presently worded, Section 6 would not permit any district in the state to opt-out of coverage under PERA, even though when PERA was first adopted a provision was specifically incorporated in it to permit any municipality in the state to reject having the provisions of PERA apply. A number of municipalities exercised that opt-out provision.

As a result, the employment relationship between certain municipalities in the state and their public employees is not governed by PERA. Instead, that employment relationship is governed either by a local bargaining ordinance (for example, both Juneau and Anchorage have such local ordinances) or by no local bargaining provisions whatsoever. If SB 213 were adopted with Section 6 as it now reads, classified employees of school boards in those municipalities which had rejected PERA would end up being treated differently than other public employees in the same municipality. Further, newly created political subdivisions of the state, such as the REAAs, which were not in existence when PERA was first adopted, would, under Section 6 of SB 213, be denied the same opportunity to reject application to them of PERA which the Legislature initially extended to those local government entities in existence at the time PERA was adopted.

The following are proposed alternate versions of language which might be adopted by the committee to deal with the opt-out question discussed above:

A. To deal with the problem of school districts in cities and boroughs which have already opted out of PERA:

* Sec. 6. (a) The provisions of this Act do not apply to city or borough school boards in any city or borough which has rejected having the provisions of ch. 113, SLA 1972 apply to it pursuant to the authority granted in Section 4, ch. 113, SLA 1972.

or

* Sec. 6. (a) The provisions of this Act do not apply to city or borough school boards in any city or borough which has rejected having the provisions of ch. 113, SLA 1972 apply to it pursuant to the authority granted in Section 4, ch. 113, SLA 1972, if that city or borough has adopted local provisions for collective bargaining with its public employees and those local provisions are made applicable to the school board within 120 days following the effective date of this Act.

and

B. To deal with the problem of newly created political subdivisions which did not have the opportunity to opt-out of PERA in 1972:

(b) The provisions of this Act apply to regional educational attendance areas and other political subdivisions created after the effective date of ch. 113, SLA 1972, unless, within 120 days following the effective date of this Act, the governing body of a regional educational attendance area or other political subdivision created after the effective date of ch. 113, SLA 1972 rejects by ordinance or resolution, as appropriate, having the provisions of this Act and the provisions of ch. 113, SLA 1972 apply to it.

or

(b) The provisions of this Act apply to regional educational attendance areas and other political subdivisions created after the effective date of ch. 113, SLA 1972, unless, within 120 days following the effective date of this Act, the governing body of a regional educational attendance area or other political subdivision created after the effective date of ch. 113, SLA 1972 rejects by ordinance or resolution, as appropriate, having the provisions of this Act and the provisions of ch. 113, SLA 1972 apply to it and also adopts local provisions establishing rights and procedures for bargaining collectively with its classified employees.

On behalf of our school district clients, I thank you for this opportunity to present our comments on SB 213.

Sincerely yours,

JOSEPHSON, TRICKEY & LORENSEN, INC.

By:


Ronald W. Lorensen

RWL:jf

Introduced: 2/13/79
Referred: Health, Education &
Social Services and Finance

1 IN THE SENATE

BY BENNETT BY REQUEST

2 SENATE BILL NO. 213

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to labor relations between school
7 boards and other public employers and their employees."

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

9 * Section 1. AS 23.40.100(b) is amended to read:

10 (b) If the labor relations agency has reasonable cause to believe
11 that a question of representation exists, it shall provide for an appro-
12 priate hearing upon due notice. If the labor relations agency finds
13 that there is a question of representation, it shall direct an election
14 by secret ballot to determine whether or by which organization the
15 employees desire to be represented and shall certify the results of the
16 election. Nothing in this section prohibits the waiving of hearings by
17 stipulation for the purpose of a consent election in conformity with the
18 regulations of the labor relations agency or an election in a bargaining
19 unit agreed upon by the parties. The labor relations agency shall
20 determine who is eligible to vote in an election and shall establish
21 rules governing the election. In an initial election for representation
22 held under this section, one of the choices on the ballot shall be "no
23 representation". In an election in which none of the choices on the
24 ballot receives a majority of the votes cast, a runoff election shall be
25 conducted, the ballot providing for selection between the two choices
26 receiving the largest and the second largest number of valid votes cast
27 in the election. If an organization receives the majority of the votes
28 cast in the election it shall be certified by the labor relations agency
29 as exclusive representative of all the employees in the bargaining unit.

1 * Sec. 2. AS 23.40.200(c) is amended to read:

2 (c) The class in (a)(2) of this section is composed of public
3 utility, snow removal, sanitation, and [PUBLIC SCHOOL AND OTHER] educa-
4 tional institution employees, except noncertificated employees of school
5 boards. Employees in this class may engage in a strike after mediation,
6 subject to the voting requirement of (d) of this section, for a limited
7 time. The limit is determined by the interests of the health, safety or
8 welfare of the public. The public employer or the labor relations
9 agency may apply to the superior court in the judicial district in which
10 the strike is occurring for an order enjoining the strike. A strike may
11 not be enjoined unless it can be shown that it has begun to threaten the
12 health, safety or welfare of the public. A court, in deciding whether
13 or not to enjoin the strike, shall consider the total equities in the
14 particular class. "Total equities" includes not only the impact of a
15 strike on the public but also the extent to which employee organizations
16 and public employers have met their statutory obligations. If an im-
17 passe or deadlock still exists after the issuance of an injunction, the
18 parties shall submit to arbitration to be carried out under AS 09.43.-
19 030.

20 * Sec. ²~~3~~. AS 23.40.250(5) is amended to read:

21 (5) "public employee" means any employee of a public em-
22 ployer, whether or not in the classified service of the public employer,
23 except elected or appointed officials or certificated [TEACHERS OR
24 NONCERTIFICATED] employees of school boards [DISTRICTS];

25 * Sec. ³~~4~~. AS 23.40.250(6) is amended to read:

26 (6) "public employer" means the state or a political sub-
27 division of the state, including without limitation, a town, city,
28 borough, district, school board, board of regents, public and quasi-pub-
29 lic corporation, housing authority or other authority established by

1 law, and a person designated by the public employer to act in its in-
2 terest in dealing with public employees;

3 * Sec. ⁴5. AS 23.0.250 is amended by adding a new paragraph to read:

4 (8) "school board" includes a regional educational attendance
5 area school board.

6 * Sec. ⁶8. Notwithstanding sec. 4, ch. 113, SLA 1972, a school board,
7 including a regional educational attendance area school board, may not reject
8 having the provisions of the Public Employment Relations Act apply to its
9 relations with its noncertificated employees.

10 * Sec. ⁶7. Nothing in this Act terminates or modifies a collective bar-
11 gaining unit, recognition of exclusive bargaining representative, or collec-
12 tive bargaining agreement if the unit, recognition, or agreement is in effect
13 on the effective date of this Act.

14
15
16
17
18 UNLESS A VOTE OF THE
19 PEOPLE EXPRESSED THROUGH
20 A SPECIAL ELECTION (OR
21 GENERAL ELECTION?)
22 INDICATES A DESIRE
23 NOT TO DO SO.
24
25
26
27
28
29

JOSEPHSON, TRICKEY & LORENSEN, INC.

210 NORTH FRANKLIN STREET
JUNEAU, ALASKA 99801
907 586-6994, 596-6997

JOE P. JOSEPHSON
HOWARD S. TRICKEY
RONALD W. LORENSEN*
NANCY R. CORDON
TIM MacMILLAN

May 8, 1980

ANCHORAGE:
425 "G" STREET
SUITE 930
ANCHORAGE, ALASKA 99501
907 276-7133

* Juneau

The Honorable Glenn Hackney
State Senator
Chairman, Senate Health, Education
and Social Services Committee
Pouch V
Juneau, Alaska 99811

Re: SB 213, Labor Relations Between
School Boards and Their Employees

Dear Senator Hackney:

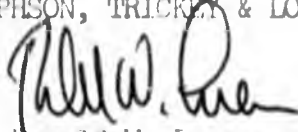
In response to a request by your office, I would propose the following language be used in SB 213 to deal with the question of a school board's ability to opt-out of PERA coverage for its non-certificated employees:

* Sec. ⁵4. Notwithstanding sec. 4, ch. 113, SLA 1972, a school board, including a regional educational attendance area school board, may not reject having the provisions of the Public Employment Relations Act apply to its relations with its noncertificated employees unless the qualified voters within the school district vote in favor of rejection at a special or general election conducted within 120 days of the effective date of this Act.

On behalf of our school district clients, I thank you for this opportunity to present our comments on SB 213.

Sincerely yours,

JOSEPHSON, TRICKEY & LORENSEN, INC.

By: 
Ronald W. Lorensen

RWL:jjf

VETERINARIAN BOARD

- Sec. 1 -- Provides "exception" to current statute which renews
08.01.100(a) licenses biennially and allows our "health boards" to
renew licenses every four years.
- Sec. 2 -- Changes board's composition - Increases number of
08.98.010 members from three to five consisting of four
veterinarians and one public member.
- Sec. 3 -- Provides for members to serve "staggered" terms of
08.98.020 four years and limits board membership to two successive
four year terms.
- Sec. 4 -- Allows for "removal of board members".
08.98.025
- Sec. 5 -- Increases number of annual meetings from one to three
08.98.040 and adds language defining a "quorum" as a "majority
of board members" and provides for "a majority vote of
those present" to represent the decision of the board.
- Sec. 6 -- Board's "powers and duties" section is reenacted
deleting reference to grounds for revocation/suspension
of license (so that it will appear in our "grounds for
imposition of disciplinary sanctions" section similar
to our other health board bills) and provides for the
board to:
- adopt regulations to satisfy our "continued
competency" requirement
 - prepare an annual report discussing board's
activities
 - collect data and monitor standards/availability
of veterinary services
 - establish education/training/examination for
veterinary technicians
- Sec. 7 -- Allows those with "temporary permits" to practice
veterinary medicine and provides for veterinary
technicians to perform certain functions as prescribed
in regulation.
- Sec. 8 -- Under "content of examination" the various subject
categories are deleted and provides for the following
to be incorporated into the exam administered by the
board:
1. National Exam;
 2. practical skills exam;
 3. demonstration of practical skills.

- Sec. 9 -- Establishes criteria to be qualified for licensure-- specifically adds language requiring the applicant to have no disciplinary sanctions pending against him and exempting the applicant from taking the National Exam if he passed it within the past five years or has been in active practice within five of the past seven years.
- Sec. 10 -- Provides for a "temporary license" to be issued to applicant until results of examination are published.
- Sec. 11 -- "Licensure by credential" section. Also provides for issuance of temporary permit.
- Sec. 12 -- FEES
- Sec. 13 -- "Grounds for imposition of disciplinary sanction" section
- Sec. 14 -- Definitions: "accredited veterinary school", "animal", "practice of veterinary medicine", "veterinary technician".
- Sec. 15 -- Brings board under "administrative adjudication" section of the Administrative Procedures Act.
- Sec. 16 -- Repealers
- Sec. 17 -- Effective date

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 SENATE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to professional licensing and to the
7 regulation of veterinarians; and providing for an
8 effective date."

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

0 * Section 1. AS 08.01.100(a) is amended to read:

1 (a) Except as otherwise provided by statute, [ALL] licenses shall
2 be renewed biennially on the dates set by the department with the ap-
3 proval of the respective board.

4 * Sec. 2. AS 08.98.010 is repealed and re-enacted to read:

5 Sec. 08.98.010. CREATION AND MEMBERSHIP OF THE BOARD. There is
6 created the Board of Veterinary Examiners composed of five members
7 appointed by the governor and approved by the legislature. Four members
8 shall be licensed veterinarians who have been in active practice in the
9 state for at least five years preceding appointment and one shall be a
0 public member. No person may serve on the board who is, or was during
1 the two years immediately preceding appointment, a member of a faculty,
2 board of trustees, or advisory board of a veterinary school.

3 * Sec. 3. AS 08.98.020 is repealed and re-enacted to read:

4 Sec. 08.98.020. TERM OF OFFICE. Members of the board shall serve
5 staggered terms of four years or until their successors are appointed
6 and confirmed. Appointments for vacancies shall be for the unexpired
7 term. A person who has served two successive complete terms may not be
8 reappointed until four years from the expiration of the last term.

9 * Sec. 4. AS 08.98 is amended by adding a new section to read:

1 Sec. 08.98.025. REMOVAL OF BOARD MEMBERS. The governor may remove
2 a member of the board for cause. The board may provide by regulation
3 that unexcused absences from meetings constitute cause for removal.

4 * Sec. 5. AS 08.98.040 is amended to read:

5 Sec. 08.98.040. BOARD MEETINGS. The board shall hold at least
6 three annual meetings [A REGULAR ANNUAL MEETING]. The board may hold
7 special meetings at the call of the chairman or of a majority of the
8 members [WITH PRIOR APPROVAL OF THE GOVERNOR]. A majority of board
9 members constitutes a quorum and a majority vote of those present is the
10 decision of the board.

11 * Sec. 6. AS 08.98.050 is repealed and re-enacted to read:

12 Sec. 08.98.050. POWEPS AND DUTIES OF THE BOARD. (a) The board
13 shall

14 (1) establish examination requirements for eligible applicants
15 for licensure to practice veterinary medicine;

16 (2) approve the issuance of licenses to qualified applicants;

17 (3) establish standards for the practice of veterinary medi-
18 cine by regulation;

19 (4) adopt regulations requiring proof of continued competency
20 before a license is renewed;

21 (5) prepare and submit an annual report to the department
22 containing information concerning board activities, the number of exam-
23 inations held, the number of applicants for examination, the number of
24 persons who pass and the number who fail each examination, financial
25 data, including receipts and expenditures, and other information which
the department may require;

26 (6) monitor the standards and availability of veterinary
services provided in the state and report its findings to the department;

27 (7) collect data and submit records to the department concern-

WORK DRAFT PAPER WORK DRAFT PAPER WORK DRAFT PAPER

1 ing the practice of veterinary medicine by veterinary technicians in the
2 state;

3 (8) establish, by regulation, educational and training re-
4 quirements for the delegation of duties by veterinarians licensed under
5 this chapter to veterinary technicians.

6 (b) The board may

7 (1) establish examination and registration requirements for
8 veterinary technicians;

9 (2) adopt regulations or do any act necessary to carry out
10 its duties under this chapter.

11 * Sec. 7. AS 08.98.120 is amended to read:

12 Sec. 08.98.120. LICENSE REQUIRED. No person may practice veter-
13 inary medicine, surgery, or dentistry unless he is licensed under this
14 chapter or has a temporary permit, except that a veterinary technician
15 may perform functions authorized by regulation of the board.

16 * Sec. 8. 08.98.140 is amended to read:

17 Sec. 08.98.140. CONTENT OF EXAMINATION. (a) The examination
18 shall be in [VETERINARY ANATOMY, SURGERY, MEDICINE, OBSTETRICS, PATHOL-
19 OGY, CHEMISTRY, DIAGNOSIS, MATERIA MEDICA, THERAPEUTICS, PHYSIOLOGY,
20 SANITARY MEDICINE, DENTISTRY, AND OTHER SCIENTIFIC] subjects related to
21 the practice of veterinary medicine, surgery, and dentistry and shall
22 include

23 (1) the examination prepared by the National Board of Veter-
24 inary Medical Examiners or other national veterinary examination deter-
25 mined to be acceptable by the board; and

26 (2) a standardized written examination covering practical
27 skills.

28 (b) The board may demand a practical demonstration of skills.

29 * Sec. 9. AS 08.98 is amended by adding a new section to read:

1 Sec. 08.98.165. QUALIFICATION FOR LICENSE. (a) An applicant is
2 qualified to receive a license as a veterinarian who

3 (1) is a graduate of an accredited veterinary school or who
4 has passed the examination of the American Veterinary Association's
5 Education Commission for Foreign Veterinary Graduates;

6 (2) has passed an examination prepared by the National Board
7 of Veterinary Medical Examiners or an equivalent examination as deter-
8 mined by the board, or qualifies for an exemption under (b) of this
9 section;

10 (3) has passed the written examination of the state;

11 (4) has passed a practical examination of skills, if required
12 by the board; and

13 (5) has no disciplinary proceeding, unresolved complaint, or
14 professional association review proceeding pending at the time a license
15 is to be issued, and has not had a veterinarian license revoked for
16 cause in another jurisdiction.

17 (b) An applicant is exempted from taking the examination required
18 under (a)(2) of this section if he furnishes proof acceptable to the
19 board that he has passed the examination prepared by the National Board
20 of Veterinary Medical Examiners or an equivalent examination within the
21 five years before application, or has been in active practice of veter-
22 inary medicine for five of the seven years before application in another
23 state, territory, or country with licensing requirements substantially
24 similar to or higher than those of this state which were in effect at
25 the time the applicant obtained his license in the other jurisdiction.

26 * Sec. 10. AS 08.98.180 is amended to read:

27 Sec. 08.98.180. TEMPORARY LICENSE. A person who meets the require-
28 ments of AS 08.98.165(a)(1) and (5) [AS 08.98.170] is entitled to be
29 temporarily licensed after completing the examinations under AS 08.98.170.

1 98.165(a)(3) and (4) and after completing the examination required under
2 AS 08.98.165(a)(2) or qualifying for an exemption to it. A license
3 issued under this section is valid until the results of the examinations
4 [EXAMINATION FOLLOWING THE ISSUANCE OF THE LICENSE] are published. No
5 person may receive more than one temporary license [UNDER THIS SECTION].

6 * Sec. 11. AS 08.98 is amended by adding new sections to read:

7 Sec. 08.98.184. LICENSURE BY CREDENTIALS. The board shall approve
8 the issuance of a license to an applicant who holds a valid license to
9 practice veterinary medicine in another state, territory, or country
10 with licensing requirements substantially similar to or higher than
11 those of this state which were in effect at the time the applicant
12 obtained his license in the other jurisdiction if the applicant

13 (1) has graduated from an accredited school of veterinary
14 medicine or has successfully passed the examination of the American
15 Veterinary Association's Education Commission for Foreign Veterinary
16 Graduates;

17 (2) has been engaged in the active practice of veterinary
18 medicine in the previous licensing jurisdiction for at least five of the
19 seven years before filing the application;

20 (3) has not failed the state written or practical examina-
21 tion;

22 (4) has no disciplinary proceeding, unresolved complaints, or
23 professional association review proceedings pending at the time a license
24 is to be issued, and has not had a veterinarian license revoked for
25 cause in another jurisdiction; and

26 (5) has paid required fees.

27 Sec. 08.98.186. TEMPORARY PERMIT. A person licensed to practice
28 veterinary medicine in another state who meets the requirements of
29 AS 08.165(a)(1) and (5) may be granted a temporary permit by deposit

1 the practice of a person licensed in the state who is absent from his
2 practice. An application shall be signed by the person who is or will
3 be absent from his practice and by the applicant. A temporary permit is
4 valid for no longer than 60 days after issuance but may be renewed.

5 * Sec. 12. AS 08.98.190 is repealed and re-enacted to read:

6 Sec. 08.98.190. FEES. The following fees are imposed as applica-
7 ble:

- 8 (1). application fee \$ 25
- 9 (2) examination fee \$ 50
- 10 (3) fee for investigation of credentials \$ 50
- 11 (4) license fee \$200
- 12 (5) renewal of license fee due every four years .. \$200
- 13 (6) temporary license fee \$ 50
- 14 (7) temporary permit fee \$ 50

15 * Sec. 13. AS 08.98 is amended by adding new sections to article 3 to
16 read:

17 Sec. 08.98.235. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANCTIONS.

18 After a hearing, the board may impose a disciplinary sanction on a
19 person licensed under this chapter when the board finds that he

- 20 (1) secured a license through deceit, fraud, or intentional
21 misrepresentation;
- 22 (2) engaged in deceit, fraud, or intentional misrepresenta-
23 tion in the course of providing professional services or engaging in
24 professional activities;
- 25 (3) advertised professional services in a false or misleading
26 manner;
- 27 (4) has been convicted of a felony or other crime which
28 affects his ability to continue to practice competently and safely;
- 29 (5) intentionally or negligently engaged in or permitted the

1 performance of animal care by persons under his supervision which does
2 not conform to minimum professional standards regardless of whether
3 actual injury to the animal occurred;

4 (6) failed to comply with this chapter, with a regulation
5 adopted under this chapter, or with an order of the board;

6 (7) continued to practice after becoming unfit due to

7 (A) professional incompetence;

8 (B) failure to keep informed of or use current profes-
9 sional theories or practices;

10 (C) addiction or severe dependency on alcohol or other
11 drugs which impairs his ability to practice safely;

12 (D) physical or mental disability;

13 (8) engaged in lewd or immoral conduct in connection with the
14 delivery of professional service.

15 Sec. 08.98.240. DISCIPLINARY SANCTIONS. (a) When it finds that a
16 licensee is guilty of an offense under AS 08.98.235, the board may
17 impose the following sanctions singly or in combination:

18 (1) permanently revoke a license to practice;

19 (2) suspend a license for a determinate period of time;

20 (3) censure a licensee;

21 (4) issue a letter of reprimand;

22 (5) place a licensee on probationary status and require him to

23 (A) report regularly to the board upon matters involving
the basis of probation;

(B) limit practice to those areas prescribed;

(C) continue professional education until a satisfactory
degree of skill has been attained in those areas determined by the
board to need improvement;

(6) impose limitations or conditions on the practice of a

1 licensee.

2 (b) The board may withdraw probation status if it finds that the
3 deficiencies which required the sanction have been remedied.

4 (c) The board may summarily suspend a license before final hearing
5 or during the appeals process if the board finds that the licensee poses
6 a clear and immediate danger to the public health and safety if he
7 continues to practice. A person whose license is suspended under this
8 section shall be entitled to a hearing by the board no later than seven
9 days after the effective date of the order. The person may appeal the
10 suspension after a hearing to a court of competent jurisdiction.

11 (d) The board may reinstate a license which has been suspended or
12 revoked if the board finds after a hearing that the applicant is able to
13 practice with skill and safety.

14 (e) The board shall seek consistency in the application of dis-
15 ciplinary sanctions, and significant departure from prior decisions
16 involving similar situations shall be explained in findings of fact or
17 orders.

18 * Sec. 14. AS 08.98.250 is amended by adding new paragraphs to read:

19 (4) "accredited veterinary school" means a veterinary college
20 or division of a university or college that offers the degree of Doctor
21 of Veterinary Medicine, or its equivalent as determined by the board,
22 and conforms to the standards required for accreditation by the American
23 Veterinary Medical Association;

24 (5) "animal" means any animal other than a human being includ-
25 ing mammals, birds, fish, and reptiles, wild or domestic, living or
26 dead;

27 (6) "practice of veterinary medicine"

(A) means for compensation

(i) to diagnose, treat, correct, change, relieve,

1 or prevent animal disease, deformity, defect, injury, or other
2 physical or mental condition, including the prescription or adminis-
3 tration of a drug, biologic apparatus, anesthetic, or other thera-
4 peutic or diagnostic substance;

5 (ii) to use a manual or mechanical procedure for
6 testing for pregnancy or correcting sterility or infertility; or

7 (iii) to render advice or recommendation with regard
8 to any matter listed in (i) or (ii) of this subparagraph;

9 (B) to represent, directly or indirectly, publicly or
10 privately, an ability or willingness to do any act in (A) of this
11 paragraph for compensation;

12 (C) to use a title, abbreviation, or letters in a manner
13 or under circumstances which induce the belief that the person
14 using them is qualified to do any act in (A) of this paragraph
15 whether or not for compensation;

16 (D) does not include, whether or not for compensation,
17 artificial insemination, the representation of an ability or will-
18 ingness to perform artificial insemination, the rendering of advice
19 or recommendation with regard to artificial insemination, the use
20 of a title, abbreviation, or letters in a manner or under circum-
21 stances which induces the belief that the person using them is
22 qualified to perform artificial insemination;

23 (7) "veterinary technician" means a person who performs
24 functions delegated by a veterinarian licensed under this chapter in
25 accordance with regulations adopted by the board.

* Sec. 15. AS 44.62.330(a) is amended by adding a new paragraph to read:

(47) Board of Veterinary Examiners (AS 08.98.010).

* Sec. 16. AS 08.98.030, 08.98.060, 08.98.130, 08.98.170, 08.98.210,
08.98.230, and 08.98.250(1) are repealed.

1 * Sec. 17. This Act takes effect immediately in accordance with AS 01.10.-
2 070(c).

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for your file
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of these copies
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page.

Dear Senator Hackney,

Recently you received a letter from Iola Harris, President of the C.P.O. in Fairbanks concerning SB 213.

In that letter, she spoke to possible amendments to SB 213. We agree w/ Mrs. Harris & lend our support to her suggestions.

We are also concerned about the "opt-in, opt-out" possibility. If SB 213 is amended to reflect that, it would offer nothing to the classified employees - especially to those employees who have been denied the right of collective bargaining. There are groups in this category such as the NUGGET ASSOC. of Mat-su as we heard in testimony on April 16 from Linda Meyers, Pres. of that group.

We hope that SB 213 will be passed in a form that all parties can accept. Thank you for the opportunity to speak to this bill.

Stacia Gold, President, TCTEM Assoc.
Anchorage

Quon Johnson, Representative of NUGGET
Assoc. - Matanuska-Susitna Borough

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April 25, 1980

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*Juneau

The Honorable Glenn Hackney
State Senator
Chairman, Senate Health, Education
and Social Services Committee
Pouch V
Juneau, Alaska 99811

Re: SB 213, Labor Relations Between
School Boards and Their Employees

Dear Senator Hackney:

This is a follow-up to my oral presentation before your committee on Wednesday, April 16, 1980 on the above-referenced bill. As I indicated at the hearing, our law firm represents a number of school districts around the state.

My concerns regarding SB 213 are twofold. First, assuming that it is determined that classified employees of school districts should be included within the scope of the Public Employment Relations Act (PERA), I question the necessity or advisability of moving that group of employees out of the category of public employees which is authorized to engage in strikes only for limited periods of time (i.e., so long as the strike action does not affect the health, safety or welfare of the public) and placing them into the broader classification of public employees who are authorized to strike for unlimited periods of time, regardless of the effect the strike may have on the general public.

The primary function of school boards is, of course, to educate children and that would become an extraordinarily difficult task to achieve if a district's classified employees (e.g., teacher aides, cafeteria employees, and janitorial and maintenance employees) chose to stay off the job during the school year. Consequently, if the committee does decide that classified employees of school districts should be included within PERA, I would at least urge the committee to delete the present Section 2 of SB 213 so that this group of employees would remain classed as a part of category two employees for the purpose of striking. Even more appropriate, however, would seem to be placing school district classified employees into that class of employees which may not strike for any period of time (class one), since, at least as the bill is currently drafted, PERA will be mandatorily imposed upon school districts.

My second concern regarding proposed SB 213 relates to Section 6 of the bill. Section 6 has the clear effect of requiring every school board in the state, including the Regional Educational Attendance Areas, to bargain with their classified employees under PERA. As presently worded, Section 6 would not permit any district in the state to opt-out of coverage under PERA, even though when PERA was first adopted a provision was specifically incorporated in it to permit any municipality in the state to reject having the provisions of PERA apply. A number of municipalities exercised that opt-out provision.

As a result, the employment relationship between certain municipalities in the state and their public employees is not governed by PERA. Instead, that employment relationship is governed either by a local bargaining ordinance (for example, both Juneau and Anchorage have such local ordinances) or by no local bargaining provisions whatsoever. If SB 213 were adopted with Section 6 as it now reads, classified employees of school boards in those municipalities which had rejected PERA would end up being treated differently than other public employees in the same municipality. Further, newly created political subdivisions of the state, such as the REAAs, which were not in existence when PERA was first adopted, would, under Section 6 of SB 213, be denied the same opportunity to reject application to them of PERA which the Legislature initially extended to those local government entities in existence at the time PERA was adopted.

The following are proposed alternate versions of language which might be adopted by the committee to deal with the opt-out question discussed above:

A. To deal with the problem of school districts in cities and boroughs which have already opted out of PERA:

* Sec. 6. (a) The provisions of this Act do not apply to city or borough school boards in any city or borough which has rejected having the provisions of ch. 113, SLA 1972 apply to it pursuant to the authority granted in Section 4, ch. 113, SLA 1972.

or

* Sec. 6. (a) The provisions of this Act do not apply to city or borough school boards in any city or borough which has rejected having the provisions of ch. 113, SLA 1972 apply to it pursuant to the authority granted in Section 4, ch. 113, SLA 1972, if that city or borough has adopted local provisions for collective bargaining with its public employees and those local provisions are made applicable to the school board within 120 days following the effective date of this Act.

and

B. To deal with the problem of newly created political subdivisions which did not have the opportunity to opt-out of PERA in 1972:

(b) The provisions of this Act apply to regional educational attendance areas and other political subdivisions created after the effective date of ch. 113, SLA 1972, unless, within 120 days following the effective date of this Act, the governing body of a regional educational attendance area or other political subdivision created after the effective date of ch. 113, SLA 1972 rejects by ordinance or resolution, as appropriate, having the provisions of this Act and the provisions of ch. 113, SLA 1972 apply to it.

or

(b) The provisions of this Act apply to regional educational attendance areas and other political subdivisions created after the effective date of ch. 113, SLA 1972, unless, within 120 days following the effective date of this Act, the governing body of a regional educational attendance area or other political subdivision created after the effective date of ch. 113, SLA 1972 rejects by ordinance or resolution, as appropriate, having the provisions of this Act and the provisions of ch. 113, SLA 1972 apply to it and also adopts local provisions establishing rights and procedures for bargaining collectively with its classified employees.

On behalf of our school district clients, I thank you for this opportunity to present our comments on SB 213.

Sincerely yours,

JOSEPHSON, TRICKEY & LORENSEN, INC.

By:


Ronald W. Lorensen

RWL:jf

Senate HESS Committee

Senator Hackney
Senator Ferguson
Senator Fahrenkamp
Senator Colletta
Senator Sturgulewski

I came to testify on Senate Bill 213 on Wednesday
unaware that the hearing had been postponed until
Monday. I therefore respectfully submit this
testimony.

Eugene G. Kubina
President
Alaska Federation of Teachers
P.O. Box 1665
Valdez, Alaska 99686

Ref: SB 213

Senate Bill 213 would grant bargaining rights to the classified employees of the school districts. I understand that some school districts oppose the bill as it stands. Their solution is to allow the districts who choose to opt out of the law. This would in effect kill any effectiveness the bill may have. If districts are given the opportunity to opt out of the law then it leaves these classified employees in the same status they are in now. Nothing is solved.

May I propose instead that the bill be binding on all districts but classify the employees category I. This would then prohibit these employees from striking but would require the school boards to discuss with them their working conditions. We are not looking for a bill that would give any advantage to these employees. The problem lies in the fact that several school districts refuse to discuss at all classified employees conditions of employment.

Thank you for your time and consideration.

Eugene G. Kubina
President, AFT

Page 2 Section 2---Delete entirely. Renumber the following sections, accordingly.

Page 3 Section 5 (formerly 6) amend to Section 5 (a) Notwithstanding sec.4, ch. 113,SLA 1972, and subject to (b) of this section. A school board, including a regional educational attendance area school board, may not reject having the provisions of the Public Employment Relations Act apply to its relations with its noncertificated employees unless the qualified voters within the school district vote in favor of rejection at a special or general election conducted within ninety (90) days of the effective date of this Act.

(b) A regional educational attendance area school board may reject having the provisions of the Public Employment Relations Act apply to its relations with its noncertificated employees until July 1, 1983 without a vote of the qualified voters within the school district if the school board adopts a resolution providing for such rejection within ninety (90) days of the effective date of this act. A regional educational attendance area school board may extend the period of its rejection of the Public Employment Relations Act under this subsection for an additional period of two (2) years if the school board adopts a resolution providing for such an extension between April 1, 1983 and June 30, 1983.