

SB

376

John S. Hoff 79-80
On list relating to the resolution
of negotiations between

Introduced 2-1-80
Logged 2-1-80
Referral: CVR - Judiciary
Comm. meeting 4-21-80 held 4-23-80 held
" actish

CONTACT: RON HOFFMAN

7

Resolution of SENATE BILL NO. 376, by Senator Colletta and Stimson. Amends AS
Impasses 14.20.580(c) which allows Governor to appoint an "advisory arbitra-
(teacher & tor" to review the issues and make recommendations for solutions
school dist.) of an impasse in the event the final mediation report is rejected
by either side in negotiations between teachers and a school dis-

trict. Amendment deletes "advisory." Adds new subsection (d) which provides that "If a party rejects the recommendations of an arbitrator appointed by the governor . . . , that party will be bound to the position of the other party. The recommendations of the arbitrator, if accepted, or the position of the party not objecting to the recommendations of the arbitrator, if substituted for the arbitrator's decision, are binding on the parties for a period of one year, and may be extended by mutual agreement of the parties. . . ." Provides Act effective immediately.

Introduced February 1 and referred to Health, Education & Social Services, Community & Regional Affairs, and Judiciary.

TELEGRAM

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

02153 NL ANCHORAGE ALASKA 50 03-17 223P AST

PMS SEN GLENN HACKNEY

1144

JUNEAU AK

THANK YOU FOR YOUR STAND AGAINST BINDING ARBITRATION. THIS PROCEDURE
WOULD RESULT IN EROSION OF SCHOOL BOARD AUTHORITY

LESLIE HUNTER, CHAIRPERSON

LOWER YUKON SCHOOL BOARD

0115

TELEGRAM

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

#

12074 POM TDA GALENA ALASKA 15 03-13 130P AST

PMS SENATOR GLENN HACKNEY

JUNEAU AK

I URGE YOU TO PLEASE NOT SUPPORT ANY BILL ADVOCATING BINDING
ARBITRATION IN TEACHER NEGOTIATIONS.

PETER FLISOCK

PO BOX 299

GALENA AK 99741

1980 MAR 15 PM 3 39

TELEGRAM

ALASKA TEL. CO.
PHONE 593-5442
JUNEAU, AK 99802

1980 MAR 14 PM 1 07

02059 NL TDA ANIAK ALASKA 50 03-14 900A AST

PMS SEN GLENN HACKNEY

JUNEAU AK

955

THE MEMBERS OF THE KUSBUK REAA SCHOOL BOARD REPRESENTING THE
CITIZENS OF LOWER KALSKAG, ANIAK, UPPER KALSKAG, CHUATHBALUK,
CROOKED CREEK, SLEETMUTE, RED DEVIL AND STONEY RIVER URGE YOU
TO DEFEAT ANY EFFORTS TO DESTROY LOCAL CONTROL VIA BINDING
ARBITRATIONS. WE SINCERELY APPRECIATE YOUR HELP.

LEWIS VANDERPOOL, CHAIRMAN

BOB R. MCHENRY, SUPERINTENDENT

KUSBUK SCHOOL DISTRICT

MSG DLT

TELEGRAM

ALASKA

02156 NL TDA KETCHIKAN ALASKA 50 03-11 215P AST

PMS SENATOR GLENN HACKNEY

1980 MAR 11 PM 6 29

JUNEAU AK 776

THANK YOU FOR YOUR SUPPORT IN OPPOSITION TO BINDING
ARBITRATION. SHOULD HEARINGS DEVELOP ON BINDING ARBITRATION,
WE ARE WILLING TO SUPPORT THIS POSITION.

KAYE KING PRESIDENT KETCHIKAN GATEWAY BOROUGH
SCHOOL BOARD

TELEGRAM

ALASCOM, INC.

PHONE 586-6442

JUNEAU, AK 99802

1989 MAR 18 PM 8 09

02184 NL TDA CORDOVA ALASKA 198 03-18 04 30P AST

PMS SENATOR GLENN HACKNEY

JUNEAU

1303

THE CORDOVA PUBLIC SCHOOL BOARD OF EDUCATION IS DEFINITELY OPPOSED TO THE CONCEPT OF BINDING ARBITRATION. TYPICALLY CASES INVOLVING ARBITRATION OF LABOR DISPUTES BETWEEN PUBLIC AUTHORITIES AND EMPLOYEES ARE CONCERNED WITH SALARY OR TERMS AND CONDITIONS OF EMPLOYMENT. PRESENTLY, ALASKA STATUTES MAKE PROVISIONS FOR SETTLEMENT OF THIS TYPE OF DISPUTES OR NEGOTIATIONS AND ARBITRATIONS. ALTHOUGH THE ISSUE OF ARBITRATION OF LABOR DISPUTES IN RECENT YEARS HAS BEEN COMMONPLACE IN PRIVATE INDUSTRY, THE CONCEPT IS STILL RELATIVELY NEW IN THE PUBLIC SECTOR. AT THIS TIME ABOUT 20 STATES HAVE MADE SOME STATUTORY PROVISIONS FOR THE SETTLEMENT OF DISPUTES THROUGH ARBITRATION. THE CASE THAT BINDING ARBITRATION IS A PARTIAL SUBSTITUTE FOR THE RIGHT TO STRIKE IS OFFERED AS A REASON FOR THE ACTION. IN ALMOST EVERY STATE THE SCOPE OF THE ARBITRATION HAS BECOME A COMMON PROBLEM. IT MAY WELL BE THAT THE SOLUTION TO THE SETTLEMENT OF EMPLOYEE DIFFICULTIES USING A MODEL DERIVED FROM INDUSTRY WILL ONLY SERVE TO ESCALATE THE PROCESS OF NEGOTIATIONS AND LABOR DISPUTES. PLEASE REMEMBER THAT WHOLE PROCESS OF LABOR NEGOTIATIONS STEM DIRECTLY FROM AN UNSUCCESSFUL PRACTICE ORIGINATING IN INDUSTRY. THE BINDING ARBITRATION PROCESS AS AN EXTENSION OF THIS MODEL NEEDS TO BE EXAMINED VERY CAREFULLY.

JAMES LAMB, PRESIDENT

BRISTOL BAY BOROUGH SCHOOL DISTRICT

P. O. BOX 169
NAKNEK, ALASKA 99833

PHONE 268-4225 OR 4265
HIGH SCHOOL

DALE L. LUNSFORD
SUPERINTENDENT

March 7, 1980

The Honorable Glenn Hackney
Senator, State of Alaska
Pouch V
State Capitol Building
Juneau, Alaska 99811

Dear Senator Hackney:

The School Board and Administration of the Bristol Bay Borough School Board wishes to express their gratitude for your concern and actions concerning Binding Arbitration for teachers and staff.

The school board in their unique position as policy makers for the community and their representation of the citizens would definitely lose a valuable part of their decision making capacity if a binding arbitration bill was to become law.

We applaud your efforts and insight on this issue.

Sincerely,

Dale L. Lunsford
Dale L. Lunsford

DLL/kss

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

March 4, 1980

Senator Glen Hackney
AK State Senate
Pouch V, State Capitol Building
Juneau, AK 99811

Dear Glen:

This is just a brief note to thank you for your continued opposition to binding arbitration in teacher bargaining. The Sitka Board and I urge you to keep up the fight against binding arbitration, which if passed would effectively diminish the authority of local citizens to operate their schools in a responsible fiscal manner.

Thank you for your work against this legislation.

Sincerely,

John E. Coffee
Superintendent

cc: Robert Greene, AASB Exec. Scty.
Dr. Cliff Hartman, AASA Exec. Scty.
Laraine Glenn, Pres., Sitka School Board

JEC:vhv



WRANGELL

PUBLIC SCHOOLS

P. O. BOX 651

WRANGELL, ALASKA 99929

Telephone (907) 874-3395

GATEWAY TO THE STIK'INE

ROBERT McCONNELL, Superintendent of Schools

March 4, 1980

Senator Glenn Hackney
Pouch V
Juneau, Alaska 99811

Dear Senator Hackney:

On behalf of the Wrangell Public School Board, I would like to thank you for your continued opposition to binding arbitration. I sincerely hope you continue to oppose the Unions desire to tie the publics hands.

Sincerely,

Robert W. McConnell
Superintendent

RWM:sk

School Board Members
Pat Hall
Roy Martin
Don Deschenes
Dave Shilts
Anne Lowe

DISTRICT OFFICE

BERING STRAIT REAA SCHOOL DISTRICT

P. O. BOX 1088

WOME, ALASKA 99762

(907) 443 - 5237

March 26, 1980

Senator Glenn Hackney
Pouch V
Juneau, Alaska 99811

Dear Senator Hackney:

BREVIG MISSION

COUNCIL

DIOMEDE

ELIM

GAMBELL

GOLOVIN

KOYUK

SAINT MICHAEL

SAVOONGA

SHAKTOOLIK

SHISHIMAREF

STEBBINS

TELLER

UNALAKLEFT

WALES

WHITE MOUNTAIN

The Board of Directors of the Bering Strait School District has asked that I write you to express our opposition to binding arbitration. We believe binding arbitration would disadfranchise the village people of our region by denying to our duly elected school board the right to control our schools.

The exercise of local control of public education by the parents and citizens served by the schools is the foundation of our democratic system.

We were elected to develop programs to meet the local needs of our village children. We cannot effectively advocate for our students and build programs to meet these needs if the legislature should pass a law implementing binding arbitration.

Binding arbitration would enable teacher union leadership to bring before an outside arbitrator decisions regarding district governance, and the allocations of district resources which could effect the welfare of our students.

We urge you to stand fast and hold the line against binding arbitration. Our schools must be for the children and the parents and not for the largess of any special interest organization.

Your efforts in opposing binding arbitration are vital to cur efforts to implement a quality educational program for our children.

Thank you,

Sincerely,

Chuck Degnan, President
Bering Strait School Board

CD/tet

File
SB376

KUSPUK SCHOOL DISTRICT

P. O. Box 108
Aniak, Alaska 99557
(907) 675-4380

BOB R. McHENRY
SUPERINTENDENT OF SCHOOLS

March 25, 1980

The Honorable Mike Colletta
Majority Leader
Room 111, State Capitol Building
Mail Station #3100, Pouch V
Juneau, Alaska 99801

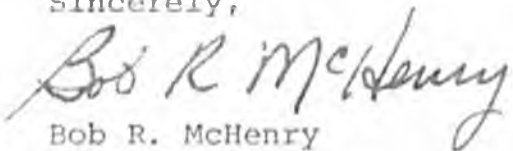
Dear Senator Colletta:

Thank you for the time you gave me to express the concerns of the KuspuK School District regarding your efforts to get Binding Arbitration into law. We sincerely believe that what you are proposing is wrong and will have long range detrimental effects on the people of this state. We view your effort to impose this requirement on the elected boards as destructive to the decision-making role presently entrusted to local school boards by the parents and other voters of our state.

Certainly, we realize that the tremendous pressure presently being exerted by the teachers' union, while obviously self-serving, is extremely difficult to resist; and while resistance may not be politically profitable, we ask that you please consider the source.

We respectfully request that you reconsider your position toward binding arbitration.

Sincerely,



Bob R. McHenry
Superintendent

CC: ✓ Senator Glenn Hackney
Senator George Hohman
Senator John Sackett
Senator Bill Sumner
Senator Clem Tillion
Senator W. E. Bradley
Senator Robert Ziegler
Senator Frank Ferguson
Robert Greene, Secretary, AASB
Governor Jay Hammond

file

TELEGRAM

ALASCOM, INC.
PHONE: 586-4442
JUNEAU, AK 99802

02012 TDA KODIAK ALASKA 43 02-21 805A AST

PMS SEN GLENN HACKNEY

2501

JUN

TEACHERS HAVE FARED VERY WELL WITHOUT BINDING ARBITRATION OR THE
RIGHT TO STRIKE. EMPLOYEE BENEFITS AND MATTERS OF EDUCATIONAL
POLICIES SHOULD ALWAYS REMAIN WITH THE LOCAL PEOPLE. PLEASE YOU
DO NOT PASS SB376 OUT OF COMMITTEE

LOUISE COLLINS, PRESIDENT KODIAK ISLAND BOROUGH SCHOOL DISTRICT
BOX 1064 KODIAK AK 99615

30 FEB 21 AM 10 37

Alaska State Legislature



SENATOR MIKE COLLETTA

SENATE MAJORITY LEADER

Senate

MEMORANDUM

FEBRUARY 1, 1980

TO: SENATOR HACKNEY, CHAIRMAN
SENATE HESS

FROM: SENATOR MIKE COLLETTA *Mike*

Attached is a memo from Chenoweth regarding Senate Bill 376 relating to teacher/school district negotiations.

file

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

*Send a copy
of this to Mackney
& Bob*

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99801

MEMORANDUM

January 30, 1980

SUBJECT: Teacher/school district negotiations
(Work Order Number 7855)

TO: Senator Mike Colletta

FROM: John B. Chenoweth
Legislative Counsel *JBC*

The enclosed was prepared on the basis of the draft submitted with the work order request. The legislation, as presented, is not without its problems, among them:

(1) appointment of the arbitrator remains discretionary with the governor; there is no mechanism by which both sides may present the request for appointment to him;

(2) the approach contemplates only acceptance of the arbitrator's award by both sides, or its rejections in full by only one of the parties; one wonders what happens if both sides evidence displeasure, or if one side is willing to accept the award in all particulars save but one or two;

(3) arbitrator's decisions, styled "awards", are generally binding on parties; here, the "arbitrator's" role is rather more one of suggesting solutions;

(4) when a party rejects the arbitrator's decision and, under this bill, binds itself to "the position of the other party" for purposes of resolving the points in dispute, what is meant, specifically, by "the position of the other party"? How is that position to be ascertained? Which expression of that position is the one which is to be followed? I do think that this must be stated with more specificity in order to help the parties.

The bill is presented in draft so that these points may have your attention. Thank you.

JBC:ljb

Enclosure

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 23, 1980

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

*Juneau

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

Re: SB 376, Relating to Resolution of
Impasses in Teacher Negotiations

Dear Senator Hackney:

The following comments regarding SB 376 (Resolution of impasses in teacher negotiations) are submitted on behalf of various school districts which we represent.

SB 376 would mandate a form of binding arbitration as the final step in employment contract negotiations between teacher bargaining groups and local school boards. The issue of binding arbitration, of course, has been fervently (and often emotionally) debated over the last few years, with the Anchorage teachers' strike of last Fall serving to punctuate emphatically the need for some orderly and reasoned approach to the problems of collective bargaining impasse. In fact, the path of resolution followed by the Superior Court in Anchorage in responding to that strike seems to indicate that, in the absence of a legislative framework for resolution of bargaining impasses, the courts will take it upon themselves to act as binding arbitrators, rather than permit the civil disobedience and disruption which can arise in teacher strikes. The task, therefore, becomes one of identifying alternative solutions to the impasse problem and analyzing their respective merits in the light of the various policy considerations which impact upon labor relations between public schools and their teacher employees.

The binding arbitration approach proposed in SB 376 is one possible solution. However, until this approach can be examined and analyzed in comparison with the other approaches to bargaining impasse, there is no assurance that this impasse resolution mechanism is the most appropriate one for education in Alaska. As you probably know, the Governor has recently appointed a panel to study and develop alternative solutions to the bargaining impasse problem. Consequently, we would suggest that further consideration on SB 376 be delayed until the Governor's panel has had an opportunity to carry out its tasks and report back with its findings and recommendations. Once this has been accomplished, your committee could review the available alternatives and decide which of them most closely fits with the various policy considerations which are important to it in the area of education.

The Honorable Glenn Hackney
Chairman, Senate HESS Committee

April 23, 1980
Page 2

With respect to the particular approach to bargaining impasse proposed by SB 376, we have a couple of comments. First of all, it is not clear from the bill precisely what elements of the collective bargaining process are intended to be subject to binding arbitration. For instance, while it seems clear that the arbitrators would decide disputes concerning salary and other financial benefits of teachers, it is not clear whether the bill intends that those items of negotiations which are not mandatory subjects of bargaining would nonetheless be subject to binding arbitration. We would certainly hope not. Since neither party to collective bargaining negotiations is ever required to bargain at all over non-mandatory (i.e., permissive) subjects of bargaining, it would be unfortunate if an outside arbitrator could rule on negotiations disputes over those kinds of subjects.

Similarly, we also wonder whether the bill would require that disputes over questions of precise contract language be subject to binding arbitration, rather than just the general outlines of disputed proposals. Clarification of these kinds of questions seems vital if an impasse resolution procedure adopted by the Legislature, whatever its form, is to have any hope of achieving its desired effect.

On behalf of our district clients, I thank you for the opportunity to present our concerns on SB 376.

Sincerely yours,

JOSEPHSON, TRICKEY & LORENSEN, INC.

By:


Ronald W. Lorensen

RWL:jf

→ End of education - who walked out?

76.5% of responses of B. Phillips voted out favored
binding arb.

63% no strike 81% favored binding arb.



Sen. Blodgett ~~II~~

uses professional negotiators in teacher/bd. negot.

Lack of experience on local level

job to select above average teachers with resulting
higher wages.

State should set accord. standards

Chuck Algran ~~★~~ Bering Strait REAA ~~▲~~
Board meeting with binding arb.

→ Do Boroughs now have the power to
actually binding arb?

Ron Sausman

Task force recommendations should be taken
into account.

Possible and: Permissive items should not
be allowed.

Bob Manners: ~~▲~~ EA

Professional →

De. fine crisis atmosphere

Policy items

Lenure ~~←~~ ~~→~~ ?