

COMMITTEE REPORT

SENATE

FURTHER: None

4/14/81

Date: February 11, 1982

Mr. President:

The Committee on FINANCE has had SB 64

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 SB 64 same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
2/11/82 - FN
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]
[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]
[Signature]

[Signature]
 CHAIRMAN

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
Bill/Resolution No. CS for Senate Bill No. 64 (Finance)
Title Act relating to labor relations between school boards and employees
Requested by Senate Finance Committee Date 2/11/82

II. FISCAL DETAIL
Agency Affected Labor
Program Category Affected Public Protection
BRU, Program, Or Subprogram(s) Affected Labor Standards & Safety
(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 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES	0	0				
200 TRAVEL	0	0				
300 CONTRACTUAL	0	0				
400 COMMODITIES	0	0				
500 EQUIPMENT	0	0				
600 LAND & STRUCTURES	0	0				
700 GRANTS, CLAIMS, ETC.	0	0				
TOTAL	0	0				


FUNDING (Thousands of Dollars)

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

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

IV. DATE Feb. 11, 1982 PREPARED BY 
AGENCY Don Bennett, Co-chairman
PHONE Senate Finance Committee
Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)
33-001 (Rev. 12/81)

Original sponsor: Ray

By the Finance Committee

1 IN THE SENATE

2 CS FOR SENATE BILL NO. 64 (*Finance*)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

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

1 in the bargaining unit.

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

3 (c) The class in (a)(2) of this section is composed of public
4 utility, snow removal, sanitation and [PUBLIC SCHOOL AND OTHER] edu-
5 cational institution employees, except noncertificated employees of
6 school boards. Employees in this class may engage in a strike after
7 mediation, subject to the voting requirement of (d) of this section,
8 for a limited time. The limit is determined by the interests of the
9 health, safety or welfare of the public. The public employer or the
10 labor relations agency may apply to the superior court in the judicial
11 district in which the strike is occurring for an order enjoining the
12 strike. A strike may not be enjoined unless it can be shown that it
13 has begun to threaten the health, safety or welfare of the public. A
14 court, in deciding whether or not to enjoin the strike, shall consider
15 the total equities in the particular class. "Total equities" includes
16 not only the impact of a strike on the public but also the extent to
17 which employee organizations and public employers have met their sta-
18 tutory obligations. If an impasse or deadlock still exists after the
19 issuance of an injunction, the parties shall submit to arbitration to
20 be carried out under AS 09.43.030.

21 * Sec. 3. AS 23.40.250(5) is amended to read:

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

26 * Sec. 4. AS 23.40.250(6) is amended to read:

27 (6) "public employer" means the state or a political subdi-
28 vision of the state, including without limitation, a [TOWN,] city,
29 borough, school board [DISTRICT], board of regents, public and quasi-

1 public corporation, housing authority or other authority established by
2 law, and a person designated by the public employer to act in its
3 interest in dealing with public employees;

4 * Sec. 5. AS 23.40.250 is amended by adding a new paragraph to read:

5 (8) "school board" includes a regional educational atten-
6 dance area school board.

7 * Sec. 6. (a) A school board, including a regional educational atten-
8 dance area school board, may not reject having the provisions of the Public
9 Employment Relations Act apply to its relations with its noncertificated
10 employees.

11 (b) The provisions of sec. 4, ch. 113, SLA 1972 do not apply to allow
12 a municipality to reject having the provisions of the Public Employment
13 Relations Act apply to its relation with its noncertificated employees.

14 * Sec. 7. Nothing in this Act terminates or modifies a collective bar-
15 gaining unit, recognition of exclusive bargaining representative, or col-
16 lective bargaining agreement if the unit, recognition, or agreement is in
17 effect on the effective date of this Act.

THE LEGISLATURE OF THE STATE OF ALASKA

TWELFTH LEGISLATURE

FISCAL NOTE

*F.N. Rec'd.
4/14/82*

I. REQUEST

Bill/Resolution No. CS for Senate Bill No. 64 (Rules)
 Title "An Act relating to Labor Relations between school boards and other . . ."
 Requested by Senate Rules Committee Date April 12, 1982

II. FISCAL DETAIL

Agency Affected Labor
 Program Category Affected Public Protection
 BRU, Program, or Subprogram(s) Affected Labor Standards & Safety

(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 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES		43.5	47.9	52.6	57.9	63.7
200 TRAVEL		16.5	18.2	20.0	22.0	24.2
300 CONTRACTUAL		33.7	37.1	40.8	44.9	49.3
400 COMMODITIES		2.0	2.2	2.4	2.7	2.9
500 EQUIPMENT		3.3	-	-	-	-
600 LAND & STRUCTURES		-	-	-	-	-
700 GRANTS, CLAIMS, ETC.						
TOTAL		99.0	105.4	115.8	127.5	140.1

FUNDING (Thousands of Dollars)

GENERAL FUND		99.0	105.4	115.8	127.5	140.1
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		1	1	1	1	1
PART TIME						
TEMPORARY						

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

1. Personal Services cost at salary and benefit cost effective 3/16/82.
2. Travel statewide - Wage & Hour Investigator II.
3. Contractual Services - includes legal services for hearing officers, word processing services, rent, and indirect costs.
4. Equipment, desk, chairs, filing cabinet, recorder, and calculator.
5. Inflation factor used - 10% for all items.
6. Assumes effective date of July 1, 1982.
7. Assumes that the 48 potential school districts would enter into collective bargaining elections on a gradual basis - i.e., initial elections would be spread over a two-year period.

IV. DATE April 12, 1982 PREPARED BY *Nico Bus* Nico Bus, Finance Officer
 AGENCY Labor
 Original: Legislative Finance PHONE 465-2720
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

1	POSITION TITLE Wage & Hour Investigator II				RANGE/STEP 18 A	BARG. UNIT. GGU	LOCATION Juneau	BOV	APPROV.	DISAPP.
2	TYPE OF POSITION PFT	STAFF MONTHS 12	RP No.	PCN No.	PRIORITY	FORM 12	PAGE/LINE	LUC		

3	TYPE OF EXPENDITURE	AMOUNT
	1	2
4	PERSONAL SERVICES: SALARY \$ 2,838	34,056
5	BENEFITS .1592	5,422
6	SBS .0613	2,088
7	FIXED BENEFITS \$160 P/M	1,920
	TOTAL PERSONAL SERVICES 01	43,486
9	TRAVEL 02	16,500
10	CONTRACTUAL 03	33,730
11	COMMODITIES 04	1,970
12	EQUIPMENT 05	3,270
13	OTHER	
14	TOTAL COST	98,956

JUSTIFICATION:

1. Personal Services: Salary Schedule effective 3/16/82.
2. Travel: \$16,500.
3. Contractual Services: \$33,730 includes legal services for hearing officers, word processing services, telephone, postage, and office copier services, \$3,200 for rental of space, and \$3,900 for indirect costs.
4. Commodities: \$1,970 for supplies for ballots, letters, printed matter.
5. Equipment: \$3,270 for desk, chairs, filing cabinet, recorder, and calculator.

	RECEIPT CODE	FUNDING SOURCE
15		FED RCPTS. 1002
16		GF MATCH. 1003
17		GEN. FUND 1004
18		I-A RCPTS. 1005
19		PGM RCPTS 1028
20		OTHER

21	CONTINUATION	
22	ADDITION	X

FOR B&M USE ONLY

4A KEY NUMBER

COLUMN NO.

AGENCY Labor PROGRAM Public Protection

BRU Wage and Hour

COMPONENT Wage & Hour

Page 1 of 1 REVISED DATE _____

13 REQUEST FOR NEW POSITION

FY 83

STATE OF ALASKA

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

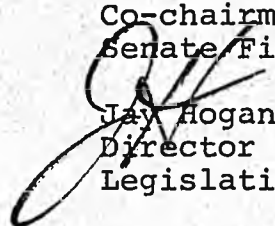
AUDIT DIVISION
POUCH W — ALASKA OFFICE BUILDING

FINANCE DIVISION
POUCH WF — STATE CAPITOL

JUNEAU 99801

MEMORANDUM

TO: Senator Don Bennett
Co-chairman
Senate Finance Committee

FROM:  Jay Hogan
Director
Legislative Finance

DATE: February 5, 1982

SUBJECT: Senate Bill 64

Senate Bill 64, an act relating to labor relations between school boards and other public employers and their employees, is one of those unusual bills that cross agency lines. The bill deals with certain school boards, but the operating impact on the concerned state agency falls on the state Department of Labor.

My suggestion on this bill is for the committee to take whatever action it sees fit on the bill itself, report the bill out with a zero fiscal note, but turn the question of budget impact on the Department of Labor over to the Senate Finance Subcommittee on the Department of Labor's budget. If this were done, the subcommittee, if so persuaded, could recommend a different figure after it has the opportunity to review the full Department of Labor budget, the impact of anticipated changes in federal funding for the department, and related matters.

cc: Senator Sackett
Senator Stimson

STATE OF ALASKA

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

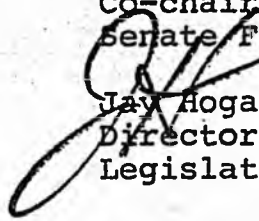
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Co-chairman
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Director
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My suggestion on this bill is for the committee to take whatever action it sees fit on the bill itself, report the bill out with a zero fiscal note, but turn the question of budget impact on the Department of Labor over to the Senate Finance Subcommittee on the Department of Labor's budget. If this were done, the subcommittee, if so persuaded, could recommend a different figure after it has the opportunity to review the full Department of Labor budget, the impact of anticipated changes in federal funding for the department, and related matters.

cc: Senator Sackett
Senator Stimson

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS for Senate Bill No. 64 (Finance)
 Title Act relating to labor relations between school boards and employees
 Requested by Senate Finance Committee Date 2/11/82

II. FISCAL DETAIL

Agency Affected Labor
 Program Category Affected Public Protection
 BRU, Program, Or Subprogram(s) Affected Labor Standards & Safety
 (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 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES	0	0				
200 TRAVEL	0	0				
300 CONTRACTUAL	0	0				
400 COMMODITIES	0	0				
500 EQUIPMENT	0	0				
600 LAND & STRUCTURES	0	0				
700 GRANTS, CLAIMS, ETC.	0	0				
TOTAL	0	0				

FUNDING (Thousands of Dollars)


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

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

IV. DATE Feb. 11, 1982

PREPARED BY 
 AGENCY Don Bennett, Co-chairman
 PHONE Senate Finance Committee

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

THE LEGISLATURE OF THE STATE OF ALASKA

TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS for Senate Bill No. 64 (Finance)
 Title "An Act relating to Labor Relations between school boards and other . . ."
 Requested by Senate Finance Committee Date January 19, 1982

II. FISCAL DETAIL

Agency Affected Labor
 Program Category Affected Public Protection
 BRU, Program, or Subprogram(s) Affected Labor Standards & Safety

(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 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES		43.5	47.9	52.6	57.9	63.7
200 TRAVEL		16.5	18.2	20.0	22.0	24.2
300 CONTRACTUAL		33.7	37.1	40.8	44.9	49.3
400 COMMODITIES		2.0	2.2	2.4	2.7	2.9
500 EQUIPMENT		3.3	-	-	-	-
600 LAND & STRUCTURES		-	-	-	-	-
700 GRANTS, CLAIMS, ETC.						
TOTAL		99.0	105.4	115.8	127.5	140.1

FUNDING (Thousands of Dollars)

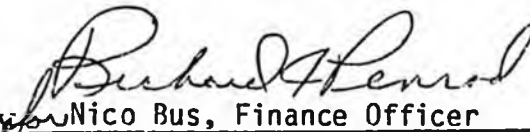
GENERAL FUND		99.0	105.4	115.8	127.5	140.1
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		1	1	1	1	1
PART TIME						
TEMPORARY						

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

1. Personal Services cost at salary and benefit cost effective 3/16/82.
2. Travel statewide - Wage & Hour Investigator II.
3. Contractual Services - includes legal services for hearing officers, word processing services, rent, and indirect costs.
4. Equipment, desk, chairs, filing cabinet, recorder, and calculator.
5. Inflation factor used - 10% for all items.
6. Assumes effective date of July 1, 1982.
7. Assumes that the 48 potential school districts would enter into collective bargaining elections on a gradual basis - i.e., initial elections would be spread over a two-year period.

IV. DATE January 19, 1982 PREPARED BY  Nico Bus, Finance Officer
 AGENCY Labor
 PHONE 465 2720
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

1	POSITION TITLE Wage & Hour Investigator II			RANGE/STEP 18 A	BARG. UNIT. GGU	LOCATION Juneau	BOV.	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		JUSTIFICATION:			
	1	2	3						
4	PERSONAL SERVICES:								
	SALARY \$ 2,838		34,056	1. Personal Services: Salary Schedule effective 3/16/82.					
5	BENEFITS .1592		5,422	2. Travel: \$16,500.					
6	SBS .0613		2,088	3. Contractual Services: \$33,730 includes legal services for hearing officers, word processing services, telephone, postage, and office copier services, \$3,200 for rental of space, and \$3,900 for indirect costs.					
7	FIXED BENEFITS \$160 P/M		1,920	4. Commodities: \$1,970 for supplies for ballots, letters, printed matter.					
8	TOTAL PERSONAL SERVICES		01	43,486	5. Equipment: \$3,270 for desk, chairs, filing cabinet, recorder, and calculator.				
9	TRAVEL		02	16,500					
10	CONTRACTUAL		03	33,730					
11	COMMODITIES		04	1,970					
12	EQUIPMENT		05	3,270					
13	OTHER								
14	TOTAL COST			98,956					
	RECEIPT CODE	FUNDING SOURCE							
15		FED RCPTS. 1002							
16		GF MATCH. 1003							
17		GEN. FUND 1004		98,956					
18		I-A RCPTS. 1005							
19		PGM RCPTS 1028							
20		OTHER							
21	CONTINUATION								
22	ADDITION		X	FOR B&M USE ONLY					
4A KEY NUMBER				COLUMN NO.					

AGENCY Labor PROGRAM Public Protection

B&M Wage and Hour

COMPONENT Wage & Hour

13 REQUEST FOR NEW POSITION.

Page 1 of 1 REVISED DATE _____

FY 83

CS
SYNOPSIS OF SENATE BILL NO. 64

Section 1

In an initial election for representation held under this section, one of the choices on the ballot will be "no representation," for elections conducted under the Public Employment Relations Act (PERA).

Section 2

This will permit non-certificated employees of school boards to engage in a strike. They will be covered in Class 3.

Section 3

This will take away the exemption for non-certified school board employees.

Section 4

Defines 'school board' for PERA.

Section 6

This will make it mandatory for school boards to permit their non-certified employees to enter into collective bargaining covered by the Public Employment Relations Act.

Section 7

This will not terminate nor modify any collective bargaining agreement already entered into on the effective date of the Act.

Background Material

The classified and non-certified employees of school districts (secretaries, janitors, accounting clerks, etc.) are the only group of public employees that do not have a statutory right to collective bargaining. This bill will place them under the jurisdiction of the Public Employment Relations Act. Currently, APEA represents the Juneau Education Support Staff for collective bargaining. Currently, if APEA or the Juneau School Board should interpose an unfair labor practice, the matter would be settled in court, rather than before the Labor Relations Agency. Court proceedings as opposed to the expeditious Labor Relations proceedings, are costly and lengthy. It seems reasonable and fair that the Juneau Education Support Staff should share the statutory rights and privileges available to all other public employees in the State of Alaska.

THE LEGISLATURE OF THE STATE OF ALASKA

TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS for Senate Bill No. 64 (C & R A)
 Title "An Act relating to Labor Relations between school boards and other . . ."
 Requested by Senate Community & Regional Affairs Committee Date January 19, 1982

II. FISCAL DETAIL

Agency Affected Labor
 Program Category Affected Public Protection
 BRU, Program, or Subprogram(s) Affected Labor Standards & Safety
 (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 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		0	0	0	0	0

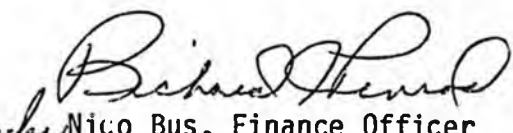
FUNDING (Thousands of Dollars)

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

POSITIONS

FULL TIME		0	0	0	0	0
PART TIME						
TEMPORARY						

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

IV. DATE January 19, 1982 PREPARED BY  Nico Bus, Finance Officer
 AGENCY Labor
 PHONE 465-2720
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS for Senate Bill No. 64
 Title "An Act relating to Labor Relations between school boards and other..."
 Requested by Senate Comm. and Regional Affairs Comm. Date April 6, 1981

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 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		40.5	43.7	47.2	51.0	55.1
200 TRAVEL		15.0	16.1	17.2	18.4	19.7
300 CONTRACTUAL		24.4	26.4	28.5	30.8	33.3
400 COMMODITIES		1.8	1.9	2.0	2.2	2.4
500 EQUIPMENT		3.0	Ø	Ø	Ø	Ø
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		84.7	88.1	94.9	102.4	110.5

FUNDING (Thousands of Dollars)

GENERAL FUND		84.7	88.1	94.9	102.4	110.5
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		1	1	1	1	1
PART TIME						
TEMPORARY						

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

1. Personal Services cost at current salary and benefit cost (1/1/81).
2. Travel Statewide - Wage and Hour Investigator II.
3. Contractual Services, includes Legal Services for Hearing Officers and word processing services.
4. Equipment, Desk, Chairs, Filing Cabinet, Recorder, and Calculator.
5. Inflation factor used - 8% for all items.
6. Assumes effective date of July 1, 1981.
7. Assumes that the 48 potential school districts would enter into collective bargaining elections on a gradual basis - i.e. initial elections would be spread over a two-year period.

IV. DATE April 6, 1981 PREPARED BY *Nico Bus* Nico Bus, Finance Officer
 AGENCY Labor
 Original: Legislative Finance PHONE 465-2720
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

1.	Position Title Wage & Hour Investigator II			Range/Step 18 A	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					
	1			2		3			
4.	Personal Services:								
	Salary	\$2,640	31,680						
5.	Benefits	.1721	5,452						
6.	FICA	.0613	1,808						
7.	Health Ins.	\$ 127 P/M	1,524						
8.	Total Personal Services 01			40,464					
9.	Travel	02	15,000						
10.	Contractual	03	27,131						
11.	Commodities	04	1,800						
12.	Equipment	05	3,000						
13.	Other								
14.	Total Cost			87,395					
	CODE	FUNDING SOURCE							
15.		FED RECPT. 1002							
16.		GF MATCH. 1003							
17.		GEN. FUND 1004		87,395					
18.		I-A RCPTS. 1005							
19.		PGM RCPTS 1028							
20.		OTHER							
21.	CONTINUATION								
22.	ADDITION			X					

FOR B&M USE ONLY

4A KEY NUMBER _____ COLUMN NO. _____

JUSTIFICATION:

1. Personal Services: Salary Schedule effective 1/1/81.
2. Travel: \$15,000.
3. Contractual Services: \$27,131 includes Legal Services for Hearing Officers, word processing services, Telephone, Postage, and Office Copier Services, and rental of space.
4. Commodities: \$1,800 Supplies for ballots, letters, printed matter.
5. Equipment: \$3,000 Desk, Chairs, Filing Cabinet, Recorder, and Calculator.

AGENCY Labor

PROGRAM Public Protection

REVISED
DATE _____

BRU Wage and Hour

PAGE 1 OF 1 **FY 82**

COMPONENT Wage and Hour

13 REQUEST FOR NEW
POSITION.



STATE OF ALASKA

DEPARTMENT OF LABOR

JAY S. HAMMOND, GOVERNOR

BOX 1149
JUNEAU, ALASKA 99811
Ph: 465-2700

February 25, 1981

Honorable Don Gilman, Chairman
Community & Regional Affairs Committee
Alaska State Senate
Pouch V
Juneau, Alaska 99811

Dear Senator Gilman:

Enclosed is a revised Fiscal Note for Senate Bill 64, which deals with labor relations between school boards and other public employers and their employees.

A memorandum dated February 5, 1981, from the Department of Administration (copy enclosed) requires that all fiscal notes include space costs for new positions. Our January 19, 1981 fiscal note did not include these costs, so we have revised it accordingly.

If you have any questions concerning this, please let me know.

Sincerely,


Judy Knight
Legislative Liaison

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

Revised

I. REQUEST

Bill/Resolution No. Senate Bill 64
 Title "An Act relating to Labor Relations between school boards and other..."
 Requested by Senate Labor and Commerce Committee Date January 19, 1981

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 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		40.5	43.7	47.2	51.0	55.1
200 TRAVEL		15.0	16.1	17.2	18.4	19.7
300 CONTRACTUAL		27.1	29.3	31.6	34.1	36.8
400 COMMODITIES		1.8	1.9	2.0	2.2	2.4
500 EQUIPMENT		3.0	0	0	0	0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		87.4	91.0	98.0	105.7	114.0

FUNDING (Thousands of Dollars)

GENERAL FUND		87.4	91.0	98.0	105.7	114.0
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 and benefit cost (1/1/81).
2. Travel Statewide - Wage and Hour Investigator II.
3. Contractual Services, includes Legal Services for Hearing Officers, word processing services, and rental of space.
4. Equipment, Desk, Chairs, Filing Cabinet, Recorder, and Calculator.
5. Inflation factor used - 8% for all items.
6. Assumes effective date of July 1, 1981.
7. Assumes that 48 potential school districts would enter into collective bargaining elections on a gradual basis - i.e. initial elections would be spread over a two-year period.
8. Rental of space based on memo 2/5/81 Dept. of Admin.

IV. DATE February 23, 1981 PREPARED BY Nico Bus, Finance Officer
 AGENCY Labor
 PHONE 465-2720
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

1.	Position Title Wage & Hour Investigator II	Range/Step 18 A	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		JUSTIFICATION: 1. Personal Services: Salary Schedule effective 1/1/81. 2. Travel: \$15,000. 3. Contractual Services: \$27,131 includes Legal Services for Hearing Officers, word processing services, Telephone, Postage, and Office Copier Services, and rental of space. 4. Commodities: \$1,800 Supplies for ballots, letters, printed matter. 5. Equipment: \$3,000 Desk, Chairs, Filing Cabinet, Recorder, and Calculator.			
	1	2	3				
4.	Personal Services:						
5.	Salary	\$2,640	31,680				
6.	Benefits	.1721	5,452				
7.	FICA	.0613	1,808				
8.	Health Ins.	\$ 127 P/M	1,524				
9.	Total Personal Services	01	40,464				
10.	Travel	02	15,000				
11.	Contractual	03	27,131				
12.	Commodities	04	1,800				
13.	Equipment	05	3,000				
14.	Other						
14.	Total Cost		87,395				
	CODE	FUNDING SOURCE					
15.		FED RCPT. 1002					
16.		GF MATCH. 1003					
17.		GEN. FUND 1004					
18.		I-A RCPTS. 1005					
19.		PGM RCPTS 1028					
20.		OTHER					
21.	CONTINUATION						
22.	ADDITION	X					

FOR B&M USE ONLY

4A KEY NUMBER _____ COLUMN NO. _____

AGENCY Labor

PROGRAM Public Protection

REVISED DATE _____

BRU Wage and Hour

PAGE 1 OF 1 **FY 82**

13 REQUEST FOR NEW POSITION.

COMPONENT Wage and Hour



MEMORANDUM

State of Alaska

TO: ALL ADMINISTRATIVE OFFICERS
ALL LEGISLATIVE LIAISONS

RECEIVED

DATE: February 5, 1981

FEB 09 1981 FILE NO:

11c
2277

OFFICE OF THE COMMISSIONER

FROM: *JC* Judy Crondahl
Director
Division of Administrative Services
Department of Administration

SUBJECT: Fiscal Notes

With the transfer to the Department of Administration of the responsibility for ASHA and leased space costs in the FY 82 budget, we would like to address the continuing problem of creating new positions without budgeting for additional space. Too often in the past the assumption has been that new positions can be "squeezed in" here and there. This practice has developed to the point that in many places there is no extra space left. With the consolidation of leased space costs, we believe this problem can now be addressed in a more logical manner. Obviously, if one new position is created and it can be squeezed into existing space, then there is no additional space cost. However, if that position cannot be absorbed, then there may be great costs if a whole program must be moved. To truly identify the costs of creating new programs and adding new positions, we are asking you to budget a standard amount for space for each new position created by fiscal note. This money will be RSA'ed to the Department of Administration and will be used for obtaining new space when program expansion requires it. For Anchorage or Juneau, this amount is \$2,700 which is the cost for 150 square feet at a projected new lease space cost of \$1.50/square foot per month. Amounts for other locations throughout the State are to be multiplied by the same factor used in the General Government Salary Schedule for that location. This applies to any position created by fiscal note in the 1981 session.

This plan has been approved by Ron Lehr and Keith Specking. By copy of this memorandum we are asking them and the Division of Legislative Finance to monitor fiscal notes.

If you have any questions, please call me at 465-2277.

JC/ber
cc: Keith Specking
Ron Lehr
Jay Hogan

C10/F

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill 64

Title "An Act relating to Labor Relations between school boards and other..."

Requested by Senate Labor and Commerce Committee Date January 19, 1981

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 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		40.5	43.7	47.2	51.0	55.1
200 TRAVEL		15.0	16.1	17.2	18.4	19.7
300 CONTRACTUAL		24.4	26.4	28.5	30.8	33.3
400 COMMODITIES		1.8	1.9	2.0	2.2	2.4
500 EQUIPMENT		3.0	Ø	Ø	Ø	Ø
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		84.7	88.1	94.9	102.4	110.5

FUNDING (Thousands of Dollars)

GENERAL FUND		84.7	88.1	94.9	102.4	110.5
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		1	1	1	1	1
PART TIME						
TEMPORARY						

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

1. Personal Services cost at current salary and benefit cost (1/1/81).
2. Travel Statewide - Wage and Hour Investigator II.
3. Contractual Services, includes Legal Services for Hearing Officers and word processing services.
4. Equipment, Desk, Chairs, Filing Cabinet, Recorder, and Calculator.
5. Inflation factor used - 8% for all items.
6. Assumes effective date of July 1, 1981.
7. Assumes that the 48 potential school districts would enter into collective bargaining elections on a gradual basis - i.e. initial elections would be spread over a two-year period.

IV. DATE January 19, 1981 PREPARED BY Nico Bus, Finance Officer

AGENCY Labor

Original: Legislative Finance

PHONE 465-2720

cc: Budget and Management

Prime Sponsor (First Legislator Named)

1	POSITION TITLE W/H Investigator II				RANGE/STEP 18 A	BARG. UNIT. GGU	LOCATION Juneau	GOV	APPROV.	DIRAPP.
2	TYPE OF POSITION PFT	STAFF MONTHS 12	RP No.	PCN No.	PRIORITY	FORM 12	PAGE/LINE	LEG		
3	TYPE OF EXPENDITURE				JUSTIFICATION:					
	1	2	3							
4	PERSONAL SERVICES:				1. Personal Services: Salary Schedule effective 1/1/81.					
	SALARY	\$2,640	31,680		2. Travel: \$15,000.					
5	BENEFITS	.1721	5,452		3. Contractual Services: \$24,431 includes Legal Services for Hearing Officers, word processing services, Telephone, Postage, and Office Copier Services.					
6	FICA	.0613	1,808		4. Commodities: \$1,300 Supplies for ballots, letters, printed matter.					
7	HEALTH INS.	\$ 127 P/M	1,524		5. Equipment: \$3,000 Desk, Chairs, Filing Cabinet, Recorder, and Calculator.					
8	TOTAL PERSONAL SERVICES		01	40,464						
9	TRAVEL		02	15,000						
10	CONTRACTUAL		03	24,431						
11	COMMODITIES		04	1,800						
12	EQUIPMENT		05	3,000						
13	OTHER									
14	TOTAL COST			84,695						
	CODE	FUNDING SOURCE								
15		FED RCPTS. 1002								
16		GF MATCH. 1003								
17		GEN. FUND 1004		84,695						
18		I-A RCPTS. 1005								
19		PGM RCPTS 1028								
20		OTHER								
21	CONTINUATION									
22	ADDITION	X	FOR B&M USE ONLY							
4A	KEY NUMBER		COLUMN NO.							

AGENCY Labor PROGRAM Public Protection

BRU Wage and Hour

COMPONENT Wage and Hour

Page 1 of 1

REVISED
DATE

13 REQUEST FOR NEW
POSITION.

FY 82

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. SB - 64
 Title Relating to Labor Relations between school boards and other public employers
 Requested by Senate HESS Date 1/13/81

II. FISCAL DETAIL
 Agency Affected Education
 Program Category Affected N/A
 BRU, Program, or Subprogram(s) Affected N/A
 (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 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

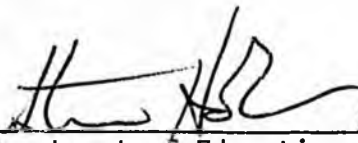
GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME	N/A					
PART TIME						
TEMPORARY						

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

This bill has no fiscal impact.

IV. DATE 1/16/81 PREPARED BY  Steve Hole
 AGENCY Department of Education
 PHONE 465-2800
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

STATE OF ALASKA

DEPARTMENT OF LABOR

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

BOX 1149 - JUNEAU 99811

Phone (907) 465-2700

January 30, 1981

The Honorable Charles H. Parr
Alaska Senate
Chairman, Health, Education and
Social Services Committee
Pouch V
Juneau, Alaska 99811

Dear Senator Parr:

On January 27, 1981 the Senate Health, Education and Social Services Committee reported out Senate Bill 64, "An Act relating to labor relations between school boards and other public employers and their employees", with a zero fiscal note. The Department had submitted a fiscal note at a previous hearing requesting funding for one position. This legislation will make it mandatory for all school boards to permit their noncertificated employees to enter into collective bargaining and those employees would be covered by the Public Employees Relation Act (PERA). Senate Bill 64 will require the Department of Labor, Wage and Hour Division to assume additional responsibilities without any attendant funding.

Collective bargaining in the public sector is a complicated and unique field of labor law. Our experiences 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 interest groups in the City of Fairbanks, the North Star Borough, and the City of Kodiak for a total of approximately 400 employees.

There are 52 school districts within the State of Alaska (including REAA's). We are able to identify only 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 noncertificated employees. In disputed matters it is necessary that a hearing officer be appointed to hear the matter under the Administrative Procedures Act. It has been our experience in the past that an average of \$6,000 in hearing officer legal fees are expended for each of the contested matters.

Therefore 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 many of those school districts, or holding hearings to settle grievances on unfair labor practice charges throughout the State.

Identical bills were introduced in the Eleventh Legislature (Senate Bill 213 and House Bill 453). Eleven representatives of units who would be covered by PERA, if those bills became law, testified before a House Committee. The Director of the Wage and Hour Division talked to each of the employee representatives after the hearing and was advised that if a bill passed into law, all of them intended to file a petition to be recognized as a collective bargaining unit. That information, coupled with other knowledge that we have received, makes it almost a certainty that the Department will be faced with resolving organizational labor disputes for many of these employees in school districts in the ensuing fiscal years.

The Wage and Hour Division of the Department of Labor has the responsibility for the enforcement of AS 23.40. The Division conducts elections, investigations of unfair labor practice charges, holds preliminary hearings, and presents testimony before formal hearings on matters concerning public employees (except State employees) covered by PERA. The Division consists of 19 employees located in three offices at Juneau, Anchorage, and Fairbanks.

In addition to the PERA function, this Division is also charged with enforcement responsibilities in the following areas:

- Wage Claims
- Minimum Wage and Overtime
- Establishment and Enforcement of Prevailing Wage Rates on Public Contracts
- Child Labor Laws
- Private Employment Agencies
- Bonding Requirements for Fish Buyers and Processors
- Return Transportation of Employees
- Enforcement of Contractor Licensing

<u>WAGE CLAIMS</u>	<u>FY 1979</u>	<u>FY 1980</u>
Number of Claimants	817	1,317
Amount Collected	\$44,404	\$568,595
<u>PUBLIC CONTRACTS</u>	<u>FY 1979</u>	<u>FY 1980</u>
Number Public Contracts	428	645
Number Payrolls Audited	5,292	9,062
Number Employees Involved	30,081	51,180
Amount Collected for Workers	\$132,581	\$684,010

<u>FISH BUYERS/PROCESSORS BONDED</u>	<u>FY 1979</u>	<u>FY 1980</u>
	251	460
<u>ENFORCEMENT-CONTRACTOR LICENSING</u>	<u>FY 1979</u>	<u>FY 1980</u>
Number of Investigations	106	158

In the rapidly expanding seafood processing industry, the Wage and Hour Division is dealing with labor law problems involving many more employees each year.

<u>SEAFOOD PROCESSING EMPLOYEES</u>	<u>FY 1979</u>	<u>FY 1980</u>
	5,150	7,511

A large percentage of the increase in activity of this industry has occurred in those plants and vessels located westward of Kodiak. While the Wage and Hour Division did not separate wage, return transportation, minimum wage and overtime, etc., matters for the seafood processing industry prior to FY 1981, the investigators enforcing the Wage and Hour Act in that region report that their activity has increased 28% each quarter since statistics were recorded. The increase in activity in the seafood processing industry for the last three years has made it necessary that the Department hold an increased number of training sessions for employees and informational meetings with representatives of the industry. Prior to FY 1979 no such meetings were held on a regular basis; however, since the fall of 1978 the Department has met with industry representatives eight times in Seattle and has held 18 informational sessions with employees in various locations throughout the State.

The responsibility for enforcing the bonding requirements of AS 16.10.290, fish buyers and processors, was enacted into law in 1977. In FY 1980, 465 requests for certification were processed which involved several hundred pieces of correspondence, many interviews and investigations, as well as handling the claims against those bonds.

In 1980, a flextime overtime amendment to AS 23.10.060 was passed, (Chapter 0031 SLA 80). In the four months since that law became effective the Wage and Hour Division has approved and certified 31 agreements between the employees and employers who choose to take advantage of such a work plan.

In FCCS for House Bill 60 (1980) over 400 new public contracts were identified that the Wage and Hour Division must monitor in the upcoming building season, in addition to ongoing projects.

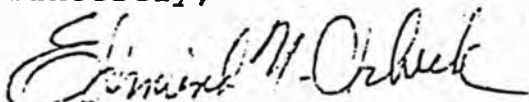
Senator Parr

-4-

January 30, 1981

These additional duties and responsibilities were placed on the Wage and Hour Division without any additional funding. The Department cannot assume the workload inherent in Senate Bill 64 without the funding requested in our fiscal note.

Sincerely,



Edmund N. Orbeck
Commissioner

cc: Health, Education and Social Services Committee
The Honorable Bill Ray

Bill No. Senate Bill 64

Date January 19, 1981

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

Contact: Judy Knight
465-2700
Dale W. 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.
- AS 23.40.250(6) a school board becomes 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 a 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 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.

Introduced: 1/13/81
Referred: Health, Education &
Social Services and
Community & Regional
Affairs

1 IN THE SENATE

BY RAY

2 SENATE BILL NO. 64

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

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

1 in the bargaining unit.

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

3 (c) The class in (a)(2) of this section is composed of public
4 utility, snow removal, sanitation and [PUBLIC SCHOOL AND OTHER] edu-
5 cational institution employees, except noncertificated employees of
6 school boards. Employees in this class may engage in a strike after
7 mediation, subject to the voting requirement of (d) of this section,
8 for a limited time. The limit is determined by the interests of the
9 health, safety or welfare of the public. The public employer or the
10 labor relations agency may apply to the superior court in the judicial
11 district in which the strike is occurring for an order enjoining the
12 strike. A strike may not be enjoined unless it can be shown that it
13 has begun to threaten the health, safety or welfare of the public. A
14 court, in deciding whether or not to enjoin the strike, shall consider
15 the total equities in the particular class. "Total equities" includes
16 not only the impact of a strike on the public but also the extent to
17 which employee organizations and public employers have met their sta-
18 tutory obligations. If an impasse or deadlock still exists after the
19 issuance of an injunction, the parties shall submit to arbitration to
20 be carried out under AS 09.43.030.

21 * Sec. 3. AS 23.40.250(5) is amended to read:

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

26 (6) "public employer" means the state or a political subdi-
27 vision of the state, including without limitation, a [TOWN,] city,
28 borough, school board [DISTRICT], board of regents, public and quasi-
29 public corporation, housing authority or other authority established by

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law, and a person designated by the public employer to act in its interest in dealing with public employes;

* Sec. 5. AS 23.40.250 is amended by adding a new paragraph to read:

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

* Sec. 6. 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.

* Sec. 7. Nothing in this Act terminates or modifies a collective bargaining unit, recognition of exclusive bargaining representative, or collective bargaining agreement if the unit, recognition, or agreement is in effect on the effective date of this Act.

Original sponsor: Ray

Offered: 4/6/81
Referred: Rules

1 IN THE SENATE

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

2

CS FOR SENATE BILL NO. 64 (C&RA)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TWELFTH 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

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that a question of representation exists, it shall provide for an

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appropriate hearing upon due notice. If the labor relations agency

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finds that there is a question of representation, it shall direct an

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election by secret ballot to determine whether or by which organization

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the employees desire to be represented and shall certify the results of

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the election. Nothing in this section prohibits the waiving of hearings

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by stipulation for the purpose of a consent election in conformity with

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the regulations of the labor relations agency or an election in a

19

bargaining unit agreed upon by the parties. The labor relations agency

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shall determine who is eligible to vote in an election and shall estab-

21

lish rules governing the election. In an initial election for repre-

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sentation held under this section, one of the choices on the ballot

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shall be "no representation". In an election in which none of the

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choices on the ballot receives a majority of the votes cast, a runoff

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election shall be conducted, the ballot providing for selection between

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the two choices receiving the largest and the second largest number of

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valid votes cast in the election. If an organization receives the

28

majority of the votes cast in the election it shall be certified by the

29

labor relations agency as exclusive representative of all the employees

1 in the bargaining unit.

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

3 (c) The class in (a)(2) of this section is composed of public
4 utility, snow removal, sanitation and [PUBLIC SCHOOL AND OTHER] edu-
5 cational institution employees, except noncertificated employees of
6 school boards. Employees in this class may engage in a strike after
7 mediation, subject to the voting requirement of (d) of this section.
8 for a limited time. The limit is determined by the interests of the
9 health, safety or welfare of the public. The public employer or the
10 labor relations agency may apply to the superior court in the judicial
11 district in which the strike is occurring for an order enjoining the
12 strike. A strike may not be enjoined unless it can be shown that it
13 has begun to threaten the health, safety or welfare of the public. A
14 court, in deciding whether or not to enjoin the strike, shall consider
15 the total equities in the particular class. "Total equities" includes
16 not only the impact of a strike on the public but also the extent to
17 which employee organizations and public employers have met their sta-
18 tutory obligations. If an impasse or deadlock still exists after the
19 issuance of an injunction, the parties shall submit to arbitration to
20 be carried out under AS 09.43.030.

21 * Sec. 3. AS 23.40.250(5) is amended to read:

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

26 * Sec. 4. AS 23.40.250(6) is amended to read:

27 (6) "public employer" means the state or a political subdi-
28 vision of the state, including without limitation, a [TOWN,] city,
29 borough, school board [DISTRICT], board of regents, public and quasi-

1 public corporation, housing authority or other authority established by
2 law, and a person designated by the public employer to act in its
3 interest in dealing with public employees;

4 * Sec. 5. AS 23.40.250 is amended by adding a new paragraph to read:

5 (8) "school board" includes a regional educational atten-
6 dance area school board.

7 * Sec. 6. A school board, including a regional educational attendance
8 area school board, is subject to the Public Employment Relations Act (AS 23.-
9 40.070 - 23.40.260) in its relations with its noncertified employees unless
10 the school board specifically rejects the application of the Public Employ-
11 ment Relations Act within six months after the effective date of this Act.

12 * Sec. 7. Nothing in this Act terminates or modifies a collective bar-
13 gaining unit, recognition of exclusive bargaining representative, or col-
14 lective bargaining agreement if the unit, recognition, or agreement is in
15 effect on the effective date of this Act.

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