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SB 64 feb

MSG 81-00008769 PRTY 1 03/18/81 12:55:03 ORIG: LM00 IN= 0003 OUT= 0041  
FROM: MARY/MATSU TO: JUNEAU INFORMATION  
TARGET: LJM2 SUBJ: P.O.M. PAGE 0001

TO: ALL SENATORS  
FR: MAT-SU SCHOOL DISTRICT CLASSIFIED PERSONNEL ORGANIZATION  
RE: SENATE BILL 64

OUR MEMBERSHIP OF 120 STRONGLY URGE PASSAGE OF SB64. NON-CERTIFIED EMPLOYEES ARE DISCRIMINATED AGAINST WHILE WORKING SIDE BY SIDE WITH CERTIFIED EMPLOYEES WHO ARE AFFORDED BARGAINING RIGHTS. WE TOO ARE A VITAL PART OF THE EDUCATIONAL TEAM, AS WELL AS BEING PUBLIC EMPLOYEES.  
DORIS LEE, BOX 1813, PALMER 99645  
TONY W. JONES, BOX 2666, PALMER 99645  
MARCIA M. HILDRETH, BOX 470, WASILLA 99687  
LAWRENCE KORTE, BOX 592, PALMER, 99645  
DIANE MARBLE, BOX 1151, PALMER 99645  
MARILYN THOM, SR A BOX 6967, PALMER 99645  
ROBERT L WARNER, BOX 287, PALMER 99645  
ROBERT W. RHODES, BOX 2727, PALMER 99645  
STEPHAN ALWARD, SR A BOX 6936, PALMER 99645  
VIRGINIA G. RICKEY, BOX 3, WILLOW 99688

MSG 81-00008769 PRTY 1 03/19/81 12:55:03 ORIG: LM00 IN= 0003 OUT= 0041  
FROM: MARY/MATSU TO: JUNEAU INFORMATION  
TARGET: LJM2 SUBJ: P.O.M. PAGE 0002

CONTINUED FROM FORMER MESSAGE TO ALL SENATORS RE. SB 64

CHERYL L. CLARK, BOX 472, WASILLA 99687  
RICHARD J. JONES, BOX 109, TALLEKETA 99676  
PATI JO NELSON, BOX 892, PALMER 99645  
EDMOND BOY, 10 1/2, PALMER 99645  
CAROL TRAPLEY, ST. RT. A BOX 6126, PALMER 99645  
LYNDEL COLLIER, RD 2493, PALMER 99645  
CHRISTINA FUGLE, BOX 1488, PALMER 99645  
WAYNE C. YOUNG, BOX 1248, WASILLA 99687  
RICHARD E. PARLOW, SR R BOX 7550, A-2 PALMER 99645  
GARY MOORE, SR, RD 2010, WASILLA 99687

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/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.

1	POSITION TITLE W/H 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	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: \$1,800 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		40,464						
9	TRAVEL		15,000						
10	CONTRACTUAL		24,431						
11	COMMODITIES		1,800						
12	EQUIPMENT		3,000						
13	OTHER								
14	TOTAL COST		84,695						
15	CODE	FUNDING SOURCE:							
		FED RCPTS	1002						
		GF MATCH.	1003						
		GEN. FUND	1004	84,695					
		I-A RCPTS.	1005						
		PGM RCPTS	1006						
		OTHER							
21	CONTINUATION			FOR B&M USE ONLY					
22	ADDITION	X							
23	KEY NUMBER			COLUMN NO.					

AGENCY Labor PROGRAM Public Protection

BRU Wage and Hour

COMPONENT Wage and Hour

**13** REQUEST FOR NEW  
POSITION.

Page 1 of 1

REVISED  
DATE

**FY 82**

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)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND		84.7	88.1	94.9	102.4	110.5
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
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)

# 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.

Senator Parr

-2-

January 30, 1981

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 eleven 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	\$444,404	\$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 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.

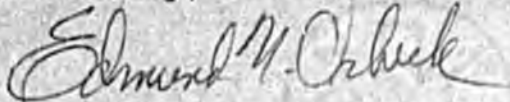
Senator Parr

-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

SB 64 fb

March 25, 1981

Senator Don Gilman, Chairperson  
Community and Regional Affairs Committee  
Pouch V, State Capitol  
Juneau, Alaska 99811

Dear Senator Gilman:

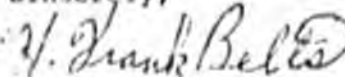
We understand that S.B. 64 will be up for a hearing Thursday, April 2, 1981. We strongly support this legislation and encourage you to pass it out of committee with favorable recommendations.

We have also heard that there is talk of providing an "employer-opt out" provision to the bill. We must go on record as strongly opposing such a provision for the following reasons:

1. Legislation is either worth applying to all concerned or it isn't.
2. School Boards must recognize teachers for collective bargaining purposes and equity demands that they also be mandated to recognize the other school district employees for this purpose. We are talking about school boards and their employees not boroughs and municipalities.
3. Legislation which has been passed over years requiring the levying of taxes would not have been of much benefit if an individual, corporation etc., were allowed to "opt-out". We should all be playing by the same rules.
4. In our specific case if S.B. 64 were passed with a provision that allowed employers to "opt-out" we would be just where we are now without the problem-solving mechanisms provided by the Public Employment Relations Act.

On February 6, 1981 we wrote you and other members of the committee outlining why we felt this legislation was important to uncertificated school district employees. Those needs exist and will continue to exist if the "opt-out" provision is adapted.

Sincerely,



H. Frank Belts  
CPO Representative

cc  
Senator Arlis Sturgowaki  
Senator Mike Colletta  
Senator Robert Ziegler  
Senator Frank Ferguson

Senate HESS

1-19-81

SB 64

1. Bill Ray
  2. Dale Chuk - Later  
neutral on this bill  
drafting error - no section 4
  3. Sherry Shelly - APEA  
in favor of bill
  4. Carolyn Rogut - NEA
- hold for Senator Kelly

213 HB? SB?  
last session