

SFC

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: November 30, 1983

REQUEST

Bill/Resolution No.: SB 104
 Title: "Labor relations between school boards"
 Sponsor: Senator Bill Ray
 Requestor: Senate Labor & Commerce
 Date of Request: February 14, 1983

FISCAL DETAIL

Agency Affected: Labor
 Program Category Affected: Worker Protection
 BRL, Program or Subprogram(s) Affected: Labor Standards & Safety

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
100 PERSONAL SERVICES	0	124.7	132.2	76.8	81.4	86.3
200 TRAVEL	0	30.9	32.4	22.8	24.2	25.7
300 CONTRACTUAL	0	84.2	89.3	80.0	80.8	89.0
400 SUPPLIES	0	1.5	1.6	1.0	1.1	1.2
500 EQUIPMENT	0	4.8	0	0	0	0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	246.1	255.5	180.6	191.5	203.1
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	246.1	255.5	180.6	191.5	203.1
FEDERAL FUNDS						
OTHER						
TOTAL	0	246.1	255.5	180.6	191.5	203.1

POSITIONS:

FULL-TIME	0	3	3	1	1	1
PART-TIME	0	0	0	1	1	1
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: ^{1R} Robert J. Bacolas, Sr.
 Division: Labor Standards & Safety

Phone: 465-4870

Date: _____

Approved by Commissioner: Jim Robinson

Date: 12/11/83

Agency: Labor

LEG:A:27

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

FISCAL NOTE

THE LEGISLATURE OF THE STATE OF ALASKA

THIRTEENTH LEGISLATURE

BILL/RESOLUTION NO: SB 104

TITLE: "An Act relating to labor relations between school boards."

AGENCY AFFECTED: Department of Labor

Page 2

Under this bill the Department of Labor will act as the Labor Relations Agency for all school districts and be responsible for investigation of representation petitions; determination of appropriate units for collective bargaining purposes; investigation of unfair labor practices charges; monitoring elections; and holding representation and unfair labor practices hearings.

Two investigators (located in Anchorage) are required to conduct the investigations, monitor the elections, and hold informal hearings. One clerical position will be required to provide support to the investigators.

In addition to the costs associated with the two Wage and Hour Investigators and one clerical support position are costs to contract for a hearing officer on 26 occasions (\$20,700) and court reporting services including transcripts (\$11,300), plus printing (\$5,000) and legal costs (\$12,000). A total of \$10,296 has been included in travel for the hearing officer's transportation and per diem (12 trips of 4 days each) = [$\$518 + (\$85) 4$] 12 = \$10,296.

Of these costs, only the equipment costs of \$4,800 are one-time items.

For Fiscal Year 1985 a variable inflation rate, by line item (average 3.5 percent), is used and in Fiscal Year 1986 through Fiscal Year 1989 a 6 percent inflation rate is used.

Please note Fiscal Year 1987 has an anticipated reduction of one investigator and three months of the clerical support position. After two years this labor relations activity is expected to stabilize.

LEG:A:27

1.	POSITION TITLE Wage & Hour Investigator II				RANGE/STEP 18A	BARG. UNIT GGU	FORM 12	PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER SB 104	PCN NUMBER New	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT 99		LEG.		

3.	CONTINUATION LEVEL	ADDITION		
4.	TYPE OF EXPENDITURE		AMOUNT	
	1	2	3	
	PERSONAL SERVICES			
5.	Salary		37,350	
6.	Benefits		6,265	
7.	Supplemental Benefits		2,290	
8.	Fixed Benefits		2,724	
9.	TOTAL PERSONAL SERVICES	01	48,638	
10.	Travel	02	10,296	
11.	Contractual	03	10,083	
12.	Commodities	04	500	
13.	Equipment	05	1,600	
14.	Other			
15.	TOTAL COST		71,117	

JUSTIFICATION

This position will conduct investigations and informal hearings of unfair labor practices complaints filed with this agency. The position will be responsible for monitoring school district representation elections and assisting school districts in complying with state and federal labor relation laws. The investigator will travel extensively throughout the state performing these investigations, hearings, and monitoring functions.

Personal Services calculations are based on the current salary schedule plus five percent inflation.

Travel funds allow for 12 (4-day) trips costing an average of \$518 for transportation and per diem of \$340.

Contractual Services costs are comprised of telephone charges, equipment rent, management services support of \$4,483 and \$3,600 for space rent.

The equipment costs for a desk, file, partitions, and bookcase are one-time charges.

	RECEIPT CODE	FUNDING SOURCE	
16.		Federal Receipts 1002	
17.		G.F. Match 1003	
18.	100	General Funds 1004	71,117
19.		I-A Receipts 1005	
20.		Program Receipts 1028	
21.		Other	

FOR B&M USE ONLY
4A KEY NUMBER _____

13 REQUEST FOR NEW POSITION

AGENCY Department of Labor
 PROGRAM Worker Protection
 BRU Labor Standards & Safety
 COMPONENT Wage & Hour

LEG:A:20
 Page 1 of 3
 Revised Date _____

FY 84

1.	POSITION TITLE Wage & Hour Investigator II				RANGE/STEP 18A	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER SB 104	PCN NUMBER New	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT 99	LEG.		

3.	CONTINUATION LEVEL	ADDITION		
4.	TYPE OF EXPENDITURE		AMOUNT	
	1	2	3	
	PERSONAL SERVICES			
5.	Salary		37,359	
6.	Benefits		6,265	
7.	Supplemental Benefits		2,290	
8.	Fixed Benefits		2,724	
9.	TOTAL PERSONAL SERVICES	01		48,638
10.	Travel	02		10,296
11.	Contractual	03		10,083
12.	Commodities	04		500
13.	Equipment	05		1,600
14.	Other			
15.	TOTAL COST			71,117

	RECEIPT CODE	FUNDING SOURCE		
16.		Federal Receipts	1002	
17.		G.F. Match	1003	
18.	100	General Funds	1004	71,117
19.		I-A Receipts	1005	
20.		Program Receipts	1028	
21.		Other		

JUSTIFICATION

This position will conduct investigations and informal hearings of unfair labor practices complaints filed with this agency. The position will be responsible for monitoring school district representation elections and assisting school districts in complying with state and federal labor relation laws. The investigator will travel extensively throughout the state performing these investigations, hearings, and monitoring functions.

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13 REQUEST FOR
NEW POSITION

AGENCY Department of Labor

PROGRAM Worker Protection

BRU Labor Standards & Safety

COMPONENT Wage & Hour

LEG:A:29

Page 2 of 3

Revised Date _____

FY 84

1.	POSITION TITLE Clerk Typist III	RANGE/STEP 8B	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.	
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER SB 104	PCN NUMBER New	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT 99	LEG.

3.	CONTINUATION LEVEL	ADDITION	
4.	TYPE OF EXPENDITURE		AMOUNT
	1	2	3
	PERSONAL SERVICES*		
5.	Salary	20,135	
6.	Benefits	3,377	
7.	Supplemental Benefits	1,234	
8.	Fixed Benefits	2,724	
9.	TOTAL PERSONAL SERVICES	01	27,470
10.	Travel	02	0
11.	Contractual	03	15,016
12.	Commodities	04	500
13.	Equipment	05	1,600
14.	Other		
15.	TOTAL COST		44,586

JUSTIFICATION

This position will provide clerical support (typing, answering telephone, mail handling, etc.) for two Wage and Hour Investigators.

Personal Services calculations are based on the current salary schedule plus five percent inflation.

Contractual Services costs are comprised of telephone charges, equipment rent, management services support of \$2,416 and \$3,600 for space rent.

The equipment costs for a desk, chair, file, and bookcase are one-time charges.

	RECEIPT CODE	FUNDING SOURCE	
16.		Federal Receipts 1002	
17.		G.F. Match 1003	
18.	100	General Funds 1004	44,586
19.		I-A Receipts 1005	
20.		Program Receipts 1028	
21.		Other	

FOR B&M USE ONLY
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13 REQUEST FOR
NEW POSITION

AGENCY Department of Labor

PROGRAM Worker Protection

BRU Labor Standards & Safety

COMPONENT Wage & Hour

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STATE OF ALASKA 1984 LEGISLATIVE SESSION
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Sponsor: Senator Bill Ray
Requestor: Senate Labor & Commerce
Date of Request: February 14, 1983

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Program Category Affected: Worker Protection
BRU, Program or Subprogram(s) Affected: Labor Standards & Safety

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
100 PERSONAL SERVICES	0	124.7	132.2	75.8	81.4	86.3
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500 EQUIPMENT	0	4.8	0	0	0	0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	246.1	255.5	180.6	191.5	203.1
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FEDERAL FUNDS						
OTHER						
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POSITIONS:

FULL-TIME	0	3	3	1	1	1
PART-TIME	0	0	0	1	1	1
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: ^{RB} Robert J. Bacolas, Sr.
Division: Labor Standards & Safety

Phone: 465-4870

Date: _____

Approved by Commissioner: ^{RB Jim Robison} Jim Robison
Agency: Labor

Date: 12/11/83

LEG:A:27

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
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- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

FISCAL NOTE

THE LEGISLATURE OF THE STATE OF ALASKA

THIRTEENTH LEGISLATURE

BILL/RESOLUTION NO: SB 104

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AGENCY AFFECTED: Department of Labor

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Of these costs, only the equipment costs of \$4,800 are one-time items.

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Please note Fiscal Year 1987 has an anticipated reduction of one investigator and three months of the clerical support position. After two years this labor relations activity is expected to stabilize.

LEG:A:27

1.	POSITION TITLE Wage & Hour Investigator II				RANGE/STEP 19A	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER SB 104	PCN NUMBER Ilev	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT 99	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE									
	1		2		3					
	PERSONAL SERVICES									
5.	Salary		37,350							
6.	Benefits		6,265							
7.	Supplemental Benefits		2,200							
8.	Fixed Benefits		2,724							
9.	TOTAL PERSONAL SERVICES		01		48,633					
10.	Travel		02		10,296					
11.	Contractual		03		10,083					
12.	Commodities		04		500					
13.	Equipment		05		1,600					
14.	Other									
15.	TOTAL COST				71,117					
16.	RECEIPT CODE	FUNDING SOURCE								
17.		Federal Receipts 1002								
18.	100	G.F. Match 1003								
19.		General Funds 1004		71,117						
20.		I-A Receipts 1005								
21.		Program Receipts 1028								
22.		Other								
FOR B&M USE ONLY										
4A KEY NUMBER _____										

This position will conduct investigations and informal hearings of unfair labor practices complaints filed with this agency. The position will be responsible for monitoring school district representation elections and assisting school districts in complying with state and federal labor relation laws. The investigator will travel extensively throughout the state performing these investigations, hearings, and monitoring functions.

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13 REQUEST FOR NEW POSITION

AGENCY Department of Labor
PROGRAM Worker Protection
BRU Labor Standards & Safety
COMPONENT Wage & Hour

LEG: A: 29
Page 1 of 3
Revised Date _____

FY 84

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2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER SB 104	PCN NUMBER New	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT 99	LEG.		
3.	CONTINUATION LEVEL	ADDITION			JUSTIFICATION					
4.	TYPE OF EXPENDITURE				AMOUNT					
	1		2		3					
	PERSONAL SERVICES									
5.	Salary			37,259						
6.	Benefits			6,265						
7.	Supplemental Benefits			2,290						
8.	Fixed Benefits			2,724						
9.	TOTAL PERSONAL SERVICES	01			48,638					
10.	Travel	02			10,296					
11.	Contractual	03			10,083					
12.	Commodities	04			500					
13.	Equipment	05			1,600					
14.	Other									
15.	TOTAL COST				71,117					
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Match 1003								
18.	1001	General Funds 1004			71,117					
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
FOR B&M USE ONLY										
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 PROGRAM Worker Protection
 BRU Labor Standards & Safety
 COMPONENT Wage & Hour

LEG: A: 29
 Page 2 of 3
 Revised Date _____

FY 84

1.	POSITION TITLE Clerk Typist III				RANGE/STEP 8B	BARG. UNIT GGII	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER SR 104	PCN NUMBER New	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT 99	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE									
	1		2		3					
	PERSONAL SERVICES*									
5.	Salary		20,135							
6.	Benefits		3,377							
7.	Supplemental Benefits		1,234							
8.	Fixed Benefits		2,724							
9.	TOTAL PERSONAL SERVICES		01	27,470						
10.	Travel		02	0						
11.	Contractual		03	15,016						
12.	Commodities		04	500						
13.	Equipment		05	1,600						
14.	Other									
15.	TOTAL COST			44,586						
	RECEIPT CODE				FUNDING SOURCE					
16.					Federal Receipts 1002					
17.					G.F. Match 1003					
18.	100				General Funds 1004 44,586					
19.					I-A Receipts 1005					
20.					Program Receipts 1028					
21.					Other					
FOR B&M USE ONLY										
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13. REQUEST FOR NEW POSITION

AGENCY Department of Labor
PROGRAM Worker Protection
BRU Labor Standards & Safety
COMPONENT Wage & Hour

LEG:A:29
Page 3 of 3
Revised Date

FY 84

THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill 104
 Title "An Act relating to labor relations between school boards are . . ."
 Requested by Senate Labor & Commerce Committee Date 2/16/83

II. FISCAL DETAIL

Agency Affected Labor
 Program Category Affected Public Protection
 BRU, Program, Or Subprogram(s) Affected Labor Standards and 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) Operating Budget

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		237.7	246.1	172.6		

FUNDING (Thousands of Dollars)

GENERAL FUND		237.7	246.1	172.6		
FEDERAL FUNDS						
OTHER (Specify Source)						
Operating		237.7	246.1	172.6		
Capital						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

The Department will be the Labor Relations Agency for 53 separate school districts involving approximately 4600 non-certificated employees.

The following four assumptions have been made.

1. An inflation rate of 6% per annum.
2. Effective date of July 1, 1983.
3. Contracts of 26 school districts will come up for renegotiations each year.
4. Fifty percent of the school districts (equates to approximately 26) will file unfair labor practice charges requiring hearing before the labor relations board. (Average hearing lasts six hours).

This fiscal note is currently being reviewed by
 OMB, Office of the Governor

IV. DATE 2/16/83 PREPARED BY Robert J. Bacolas, Sr.
 AGENCY Labor

Original: Legislative Finance PHONE 465-4870
 cc: Budget and Management 33-001:A:9
 Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/82)

APPROVED BY [Signature]
 Commissioner

Detail Analysis for Senate Bill 104

Under this bill the Department of Labor will act as the Labor Relations Agency for all school districts and be responsible for investigation of representation petitions, determination of appropriate units for collective bargaining purposes, unfair labor practices, monitoring elections, holding representation and unfair labor practices hearings.

Two investigators (located in Anchorage) are required to conduct the investigations, monitor the elections, and hold informal hearings. In addition one clerical position will be required to provide technical support for the investigators.

In addition to the costs associated with the two Wage and Hour Investigators and one clerical support position are costs to contract for a hearing officer on 26 occasions (\$20,700) and court reporting services including transcripts (\$11,300), plus printing (\$5,000) and legal costs (\$12,000). A total of \$6,100 has been included in travel for the hearing officer's transportation and per diem (10) trips of 2 days each = [$\$440 + (\$85) 2$] 10 = \$6,100. All other contractual costs are normal operating expenses, including indirect support (\$12,300 and space rent (\$10,200.).

Line item costs are as follows for FY'84:

Personal Services	\$118,900
Travel	24,800
Contractual Services	86,500
Commodities	2,000
Equipment	5,500
Total	<u>\$237,700</u>

Of these costs, only the equipment costs of \$5,500 are one time items.

Bill No. Senate Bill 104

Date February 14, 1983

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

Contact: Judy Knight
465-2700
Robert J. Bacolas, Sr.
465-4870

This legislation makes it mandatory for all school boards and municipalities to permit their non-certificated employees to enter into collective bargaining and mandates coverage by the Public Employment Relations Act (PERA).

The Department of Labor acts as the Labor Relations Agency for all public employees (except state employees) and would be responsible for the investigation of representation petitions; determination of appropriate units for the purpose of collective bargaining; conducting elections; investigation of unfair labor practices; conducting informal and formal hearings under the Administrative Procedure Act; mediation of disputes; and strike actions.

- Section 1. AS 23.40.100(b) would make it mandatory that "no representation" be a choice on all election ballots for elections conducted by the labor relations agency under PERA.
- Section 2. AS 23.40.200(c) permits non-certificated employees of the school board to engage in a strike.
- Section 3. Adds a new section which would prohibit a school board or municipality from rejecting having the provisions of the PERA apply to its relations with its non-certificated school employees.
- Section 4. AS 23.40.250(5) defines public employees to include non-certificated employees of school boards but excludes certificated employees of school boards.
- Section 5. AS 23.40.250(6) defines a public employer.
- Section 6. AS 23.40.250(8) defines a school board as including a regional education attendance area.
- Section 7. Collective bargaining units, agreements, and recognition of bargaining representatives in existence upon the effective date of this act shall remain status quo.

There are 53 school boards within the State of Alaska (including REAA's). Therefore the Department of Labor as the Labor Relations Agency could be monitoring elections for the 53 separate school boards and holding hearings to settle grievances or unfair labor practice charges involving approximately 4600 non-certificated employees.

POSITION PAPER/Department of Labor

Position Paper
Senate Bill 104
Page 2

Four school districts are presently organized or have a collective bargaining agreement with a union or an association. These are Fairbanks, Kenai, Juneau and Anchorage. A statement of fiscal impact has been submitted.

The Department supports the concept of extending collective bargaining to this group of public employees. However, this Administration feels that responsibility for administering the labor relations activities inherent in this bill should be placed at the local level. This could be effected by amendments to Title 14 similar to provisions in AS 14.20.550 and AS 14.20.590.

APPROVED:



Jim Robison
Commissioner
Department of Labor



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

Department Labor	Sponsor (Principal) Ray	Bill Number Senate Bill 104
Department Position Support with significant amendments		
Division Director Robert J. Bacolas	Date 2/18/83	Commissioner's Signature <i>Jim Robison</i> Jim Robison
		Date 2/18/83

GOVERNOR'S OFFICE USE

Comments:

Position Noted By _____ Date _____

SUMMARY

1. a) Related Bills (Similar or Conflicting) Senate Bill 78	1. b) Other Agencies Affected by Bill Education
2. a) Organization Support for Bill Organized Labor Non-certificated employees	2. b) Organizational Opposition to Bill Board of Education

3. Program Effects of Bill

This legislation makes it mandatory for all school boards and municipalities to permit their non-certificated employees to enter into collective bargaining and mandates coverage by the Public Employment Relations Act (PERA).

See attached Position Paper

4. Fiscal Impact: None Fiscal Note Attached

5. Amendments Proposed:
Amend AS 14.20 to add Sections permitting school board to negotiate with non-certificated employees.

6. Comments:

The Department of Labor would become the labor relations agency for 53 separate school districts (including REAA's) involving approximately 6700 certificated and 4600 non-certificated employees. The department would be responsible for the investigation of representation petitions; determination of appropriate units for the purpose of collective bargaining; conducting elections; investigations of unfair labor practices; conducting preliminary hearings and formal hearings under the administrative procedure act; mediation of labor disputes; strike action; resolution of grievances; and mediation and/or arbitration subsequent to impasse during collective bargaining negotiations.

THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

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Title "An Act relating to labor relations between school boards are . . ."
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Program Category Affected Public Protection
BRU, Program, Or Subprogram(s) Affected Labor Standards and Safety
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700 GRANTS, CLAIMS, ETC.						
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FUNDING (Thousands of Dollars)

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FEDERAL FUNDS						
OTHER (Specify Source)						
Operating		237.7	246.1	172.6		
Capital						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

The Department will be the Labor Relations Agency for 53 separate school districts involving approximately 4600 non-certificated employees.

The following four assumptions have been made.

1. An inflation rate of 6% per annum.
2. Effective date of July 1, 1983.
3. Contracts of 26 school districts will come up for renegotiations each year.
4. Fifty percent of the school districts (equates to approximately 26) will file unfair labor practice charges requiring hearing before the labor relations board. (Average hearing lasts six hours).

This fiscal note is currently being reviewed by
OMB, Office of the Governor

IV. DATE 2/16/83 PREPARED BY Robert J. Bacolas, Sr.
AGENCY Labor

Original: Legislative Finance PHONE 465-4870

cc: Budget and Management 33-001:A:9
Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/82)

APPROVED BY Jim Robinson
Commissioner

Detail Analysis for Senate Bill 104

Under this bill the Department of Labor will act as the Labor Relations Agency for all school districts and be responsible for investigation of representation petitions, determination of appropriate units for collective bargaining purposes, unfair labor practices, monitoring elections, holding representation and unfair labor practices hearings.

Two investigators (located in Anchorage) are required to conduct the investigations, monitor the elections, and hold informal hearings. In addition one clerical position will be required to provide technical support for the investigators.

In addition to the costs associated with the two Wage and Hour Investigators and one clerical support position are costs to contract for a hearing officer on 26 occasions (\$20,700) and court reporting services including transcripts (\$11,300), plus printing (\$5,000) and legal costs (\$12,000). A total of \$6,100 has been included in travel for the hearing officer's transportation and per diem (10) trips of 2 days each = [$\$440 + (\$85) 2$] 10 = \$6,100. All other contractual costs are normal operating expenses, including indirect support (\$12,300 and space rent (\$10,200.).

Line item costs are as follows for FY'84:

Personal Services	\$118,900
Travel	24,800
Contractual Services	86,500
Commodities	2,000
Equipment	5,500
Total	<u>\$237,700</u>

Of these costs, only the equipment costs of \$5,500 are one time items.

Bill No. Senate Bill 104

Date February 14, 1983

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

Contact: Judy Knight
465-2700
Robert J. Bacolas, Sr.
465-4870

This legislation makes it mandatory for all school boards and municipalities to permit their non-certificated employees to enter into collective bargaining and mandates coverage by the Public Employment Relations Act (PERA).

The Department of Labor acts as the Labor Relations Agency for all public employees (except state employees) and would be responsible for the investigation of representation petitions; determination of appropriate units for the purpose of collective bargaining; conducting elections; investigation of unfair labor practices; conducting informal and formal hearings under the Administrative Procedure Act; mediation of disputes; and strike actions.

- Section 1. AS 23.40.100(b) would make it mandatory that "no representation" be a choice on all election ballots for elections conducted by the labor relations agency under PERA.
- Section 2. AS 23.40.200(c) permits non-certificated employees of the school board to engage in a strike.
- Section 3. Adds a new section which would prohibit a school board or municipality from rejecting having the provisions of the PERA apply to its relations with its non-certificated school employees.
- Section 4. AS 23.40.250(5) defines public employees to include non-certificated employees of school boards but excludes certificated employees of school boards.
- Section 5. AS 23.40.250(6) defines a public employer.
- Section 6. AS 23.40.250(8) defines a school board as including a regional education attendance area.
- Section 7. Collective bargaining units, agreements, and recognition of bargaining representatives in existence upon the effective date of this act shall remain status quo.

There are 53 school boards within the State of Alaska (including REAA's). Therefore the Department of Labor as the Labor Relations Agency could be monitoring elections for the 53 separate school boards and holding hearings to settle grievances or unfair labor practice charges involving approximately 4600 non-certificated employees.

Position Paper
Senate Bill 104
Page 2

Four school districts are presently organized or have a collective bargaining agreement with a union or an association. These are Fairbanks, Kenai, Juneau and Anchorage. A statement of fiscal impact has been submitted.

The Department supports the concept of extending collective bargaining to this group of public employees. However, this Administration feels that responsibility for administering the labor relations activities inherent in this bill should be placed at the local level. This could be effected by amendments to Title 14 similar to provisions in AS 14.20.550 and AS 14.20.590.

APPROVED:

A handwritten signature in cursive script, appearing to read "Jim Robison".

Jim Robison
Commissioner
Department of Labor



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

Department Labor	Sponsor (Principal) Ray	Bill Number Senate Bill 104
Department Position Support with significant amendments		
Division Director Robert J. Bacolas	Date 2/18/83	Commissioner's Signature <i>Jim Robison</i> Jim Robison
		Date 2/16/83

GOVERNOR'S OFFICE USE

Comments:

Position Noted By _____ Date _____

SUMMARY

1. a) Related Bills (Similar or Conflicting) Senate Bill 78	1. b) Other Agencies Affected by Bill Education
2. a) Organizational Support for Bill Organized Labor Non-certificated employees	2. b) Organizational Opposition to Bill Board of Education

3. Program Effects of Bill

This legislation makes it mandatory for all school boards and municipalities to permit their non-certificated employees to enter into collective bargaining and mandates coverage by the Public Employment Relations Act (PERA).

See attached Position Paper

4. Fiscal Impact: None Fiscal Note Attached

5. Amendments Proposed:
Amend AS 14.20 to add Sections permitting school board to negotiate with non-certificated employees.

6. Comments:

The Department of Labor would become the labor relations agency for 53 separate school districts (including REAA's) involving approximately 6700 certificated and 4600 non-certificated employees. The department would be responsible for the investigation of representation petitions; determination of appropriate units for the purpose of collective bargaining; conducting elections; investigations of unfair labor practices; conducting preliminary hearings and formal hearings under the administrative procedures act; mediation of labor disputes; strike action; resolution of grievances; and mediation and/or arbitration subsequent to impasse during collective bargaining negotiations.

Introduced: 2/2/83
Referred: Labor and Commerce
and Finance

1 IN THE SENATE

BY RAY

2

SENATE BILL NO. 104

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH 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 employ-

8

ees."

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

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

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

1 it shall be certified by the labor relations agency as exclusive
2 representative of all the employees in the bargaining unit.

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

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

22 * Sec. 3. AS 23.40 is amended by adding a new section to read:

23 Sec. 23.40.235. APPLICATION OF PUBLIC EMPLOYMENT RELATIONS ACT
24 TO SCHOOL BOARDS AND MUNICIPALITIES. (a) A school board may not
25 reject having the provisions of AS 23.40.070 - 23.40.260 apply to its
26 relations with its noncertificated employees.

27 (b) The provisions of sec. 4, ch. 113, SLA 1972 do not apply to
28 allow a municipality to reject having the provisions of AS 23.40.070 -
29 23.40.260 apply to its relation with its noncertificated school

1 employees.

2 * Sec. 4. AS 23.40.250(5) is amended to read:

3 (5) "public employee" means any employee of a public em-
4 ployer, whether or not in the classified service of the public employ-
5 er, except elected or appointed officials or certificated [TEACHERS OR
6 NONCERTIFICATED] employees of school boards [DISTRICTS];

7 * Sec. 5. AS 23.40.250(6) is amended to read:

8 (6) "public employer" means the state or a political subdi-
9 vision of the state, including without limitation, a [TOWN,] city,
10 borough, school board [DISTRICT], board of regents, public and quasi-
11 public corporation, housing authority or other authority established
12 by law, and a person designated by the public employer to act in its
13 interest in dealing with public employees;

14 * Sec. 6. AS 23.40.250 is amended by adding a new paragraph to read:

15 (8) "school board" includes a regional educational atten-
16 dance area school board.

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

STATE OF ALASKA
FISCAL NOTE

Revision Date: _____, 1983

I. REQUEST

Bill/Resolution No.: SB 104
 Title: Labor Rel. School Board/Other
 Sponsor: Ray Public Employers
 Requestor: and Employees

II. FISCAL DETAIL

Agency Affected: Administration
 Program Category Affected: Gen Admin Svcs
 BRU, Program of Subprogram(s) Affected:
Labor Relations

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

N/A

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Guy Stingham
 Division: Labor Relations

Phone: 465-4404
 Date: March 31, 1983

Approved by Commissioner: Lisa Rudd *LSR*
 Department: Administration

Date: 4/7/83

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

3/8/83

Position Paper
Senate Bill 104

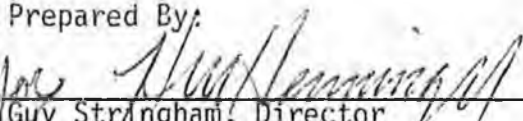
This bill would extend coverage of the Public Employment Relations Act (PERA - A.S. 23.40.070 et. seq.) to noncertificated school employees. Currently, where bargaining relationships exist, these employees bargain under local provisions. A clause protecting preexisting bargaining units, representation rights, or collective bargaining agreements is included. The bill would give noncertificated employees "class 3" status - that is, they would have the unlimited right to strike in the event of a bargaining impasse.

School boards, municipalities and REAA's would be expressly prohibited from rejecting the application of PERA to their noncertificated employees and substituting their own scheme of collective bargaining. A final provision, affecting all employees and employers, is the addition of a statutory requirement that "no representation" be a choice on ballots in initial representation elections.

We oppose this bill, for policy reasons. Our opposition is chiefly based upon our belief that bargaining rights for noncertificated school employees should be covered by Title 14, which currently provides for collective bargaining by certificated school employees.

Beyond this basic philosophical disagreement, other areas of the bill cause us some concern. We do not support granting noncertificated school employees the unlimited right to strike; instead we support a limited right to strike coupled with other impasse resolution techniques (as we do for teachers). The original PERA permitted political subdivisions of the State to "opt out" of coverage under PERA and substitute their own scheme of collective bargaining; if PERA is to be extended to noncertificated school employees, this local option should be preserved. Finally, the Labor Relations Agency regulations already provide for "no representation" to appear as a choice on all representation election ballots (2 AAC 10.165(b)) making it unnecessary to address this issue in statute.

Prepared By:

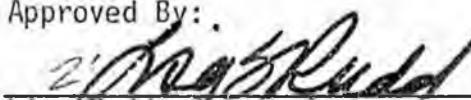


Guy Stringham, Director
Division of Labor Relations



Date

Approved By:



Lisa Rudd, Commissioner
Department of Administration



Date

7/0301-01-3/BDGSF1

STATE OF ALASKA
FISCAL NOTE

Revision Date: _____, 1983

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Bill/Resolution No.: SB 104
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 Sponsor: Ray Public Employers
 Requestor: _____ and Employees

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 BRU, Program of Subprogram(s) Affected: Labor Relations

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CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

N/A

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Guy Sturgeon
 Division: Labor Relations

Phone: 465-4404
 Date: March 31, 1983

Approved by Commissioner: Lisa Rudd *LSR*
 Department: Administration

Date: 4/7/83

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3/8/83

Position Paper
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Prepared By:

Guy Stringham
Guy Stringham, Director
Division of Labor Relations

24 March 83
Date

Approved By:

Lisa Rudd
Lisa Rudd, Commissioner
Department of Administration

4/7/83
Date