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## SENATE BILL 104

SENATE BILL 104 GRANTS COLLECTIVE BARGAINING RIGHTS TO NON-CERTIFICATED EMPLOYEES OF ALASKA'S PUBLIC SCHOOLS. THESE EMPLOYEES, INCLUDING TEACHERS' AIDES, SECRETARIES, AND CUSTODIANS, ARE THE ONLY PUBLIC EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING.

SB 104 AMENDS THE PUBLIC EMPLOYMENT RELATIONS ACT TO REQUIRE THAT "NO REPRESENTATION" BE ONE OF THE BALLOT CHOICES IN ALL INITIAL REPRESENTATION ELECTIONS. THIS PROVISION GUARANTEES THAT EACH EMPLOYEE WILL HAVE THE OPPORTUNITY TO FULLY EXPRESS HIS OR HER WISHES ON THE QUESTION OF REPRESENTATION.

THE BILL PRESERVES ALL EXISTING CONTRACTS, BARGAINING UNITS, AND BARGAINING REPRESENTATIONS WHILE ESTABLISHING THE GROUNDRULES UNDER WHICH COLLECTIVE BARGAINING CAN TAKE PLACE. I RECOMMEND PASSAGE OF SENATE BILL 104.

### ADDITIONAL INFORMATION

1) WHEN THE PUBLIC EMPLOYMENT RELATIONS ACT WAS PASSED, NON-CERTIFICATEDS WERE EXEMPT. THE SCHOOL BOARDS DO NOT HAVE TO BARGAIN WITH THESE INDIVIDUALS. IT IS ONLY AT THE GRACE OF THE BOARDS THAT THEY DO. (I'M SURE SOME BOARDS DO NOT.)

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
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	84.8	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: <sup>HR</sup> Robert J. Bacolas, Sr. Phone: 465-4870  
Division: Labor Standards & Safety Date: \_\_\_\_\_  
Approved by Commissioner: <sup>HR</sup> 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 19A	BAFG. UNIT GGH	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		JUSTIFICATION				
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							
	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											

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.

**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**

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

3.	CONTINUATION LEVEL	ADDITION	JUSTIFICATION
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

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 \_\_\_\_\_

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**

**13** REQUEST FOR  
NEW POSITION

1.	POSITION TITLE Clerk Typist III			RANGE/STEP 8B	BARG. UNIT GGU	FO. M 12 PAGE/LINE	COV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER SB 104	PCN NUMBER New	BRU PRIGRITY	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  
4A KEY NUMBER \_\_\_\_\_

**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**



OFFICIAL BUSINESS

# ALASKA STATE LEGISLATURE - SENATE

## COMMITTEE ON LABOR AND COMMERCE

SENATOR RICHARD I. ELIASON  
CHAIRMAN

POUCH V • JUNEAU, ALASKA 99811  
(907) 463-3844

### MEMORANDUM

TO: Senator Don Bennett, Co-Chair  
Senate Finance Committee

FROM: Senator Dick Eliason, Chair  
Senate Labor and Commerce Committee

DATE: February 25, 1983

*Dick Eliason*

On Thursday, February 24, 1983, the Senate Labor and Commerce Committee reported out Senate Bill 104, an Act relating to labor relations between school boards and other public employees and their employees. During the course of the hearing the accompanying fiscal notes were discussed in great detail.

The Department of Labor has submitted a new fiscal note for essentially the same bill for the last three years. The projected impact of this legislation has risen from \$84,700 in FY '82 to \$237,700 in FY '84. A spokesperson for the Department indicated that the same administrative procedure required of the Department as a labor relations agency has remained unchanged for the last three years. The need for the additional funds was not explained to the satisfaction of the committee members.

Attachments

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>

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

**Sec. 23.40.070. Declaration of policy.** The legislature finds that joint decision-making is the modern way of administering government. If public employees have been granted the right to share in the decision-making process affecting wages and working conditions, they have become more responsive and better able to exchange ideas and information on operations with their administrators. Accordingly, government is made more effective. The legislature further finds that the enactment of positive legislation establishing guidelines for public employment relations is the best way to harness and direct the energies of public employees eager to have a voice in determining their conditions of work, to provide a rational method for dealing with disputes and work stoppages, to strengthen the merit principle where civil service is in effect and to maintain a favorable political and social environment. The legislature declares that it is the public policy of the state to promote harmonious and cooperative relations between government and its employees and to protect the public by assuring effective and orderly operations of government. These policies are to be effectuated by

- (1) recognizing the right of public employees to organize for the purpose of collective bargaining;
- (2) requiring public employers to negotiate with and enter into written agreements with employee organizations on matters of wages, hours, and other terms and conditions of employment;
- (3) maintaining merit-system principles among public employees (§ 2 ch 113 SLA 1972)

**Cross references.** — As to applicability of this article to ferry personnel, see note following article 2 analysis.

**Opinions of attorney general.** — Paragraph (2) of this section and AS 23.40.250(7), standing alone, clearly would make both group life and health insurance benefits and retirement benefits subject to collective bargaining since they both are "fringe benefits." January 23, 1978, Op. Att'y Gen.

Because health insurance deals with the economic interests of employees and does not deal with fundamental policy; because AS 39.30.090, the group insurance statute, authorizes the Department of Administration to obtain "a policy or policies"; and because AS 39.30.090 does not specify what levels of coverage or benefits must be included in the policy (or policies)

obtained, the issue of group life and health insurance benefits is negotiable under the Public Employment Relations Act (AS 23.40.070 — 23.40.260). January 23, 1978, Op. Att'y Gen.

Given AS 39.35.120(b) and AS 39.35.170, which make inclusion in the public employees retirement system (AS 39.35.010 — 39.35.690) a condition of employment for state employees and contributions to it mandatory, the conclusion is that the legislature intends the statutory provisions of the public employees retirement system to apply to all state employees, and benefits under the public employees retirement system may not be negotiated under the Public Employment Retirement Act (AS 23.40.070 — 23.40.260). January 23, 1978, Op. Att'y Gen.

NOTES TO DECISIONS

Applied in *Stat. v. City of Petersburg*, Sup. Ct. Op. No. 1175 (File No. 2341), 538 P.2d 263 (1975); *Hafsling v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978);

*Anchorage Mun. Employees Ass'n v. Municipality of Anchorage*, Sup. Ct. Op. No. 2204 (File No. 4562), 618 P.2d 575 (1980).

Collateral references. — 48A Am. Jur. 2d, *Labor and Labor Relations*, §§ 1764-1775.  
51 C.J.S., *Labor Relations*, §§ 20-22, 33.

Bargainable or negotiable issues in state public employment labor relations. 84 ALR3d 242.

**Sec. 23.40.080. Rights of public employees.** Public employees may self-organize and form, join or assist an organization to bargain collectively through representatives of their own choosing, and engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection. (§ 2 ch 113 SLA 1972)

Cross references. — For provisions relating to collective bargaining for teachers, see AS 14.20.550 — 14.20.610.  
As to nonapplicability of this article to

noncertificated employees of regional educational attendance areas, see note to AS 23.40.250.

NOTES TO DECISIONS

Applied in *Northwest Arctic Regional Educ. Attendance Area v. Alaska Pub. Serv. Employees, Local 71*, Sup. Ct. Op.

No. 1611 (File Nos. 3360, 3362), 691 P.2d 1292 (1979).

**Sec. 23.40.090. Collective bargaining unit.** The labor relations agency shall decide in each case, in order to assure to employees the fullest freedom in exercising the rights guaranteed by AS 23.40.070 — 23.40.260, the unit appropriate for the purposes of collective bargaining, based on such factors as community of interest, wages, hours and other working conditions of the employees involved, the history of collective bargaining, and the desires of the employees. Bargaining units shall be as large as is reasonable, and unnecessary fragmenting shall be avoided. (§ 2 ch 113 SLA 1972)

Cross references. — For provisions relating to collective bargaining for teachers, see AS 14.20.550 — 14.20.610.

**Sec. 23.40.100. Representatives and elections.** (a) The labor relations agency shall investigate a petition if it is submitted in a manner prescribed by the labor relations agency and is

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(1) by an employee or group of employees or an organization acting in their behalf alleging that 30 per cent of the employees of a proposed bargaining unit

(A) want to be represented for collective bargaining by a labor or employee organization as exclusive representative, or

(B) assert that the organization which has been certified or is currently being recognized by the public employer as bargaining representative is no longer the representative of the majority of employees in the bargaining unit; or

(2) by the public employer alleging that one or more organizations have presented to it a claim to be recognized as a representative of a majority of employees in an appropriate unit.

(b) If the labor relations agency has reasonable cause to believe that a question of representation exists, it shall provide for an appropriate hearing upon due notice. If the labor relations agency finds that there is a question of representation, it shall direct an election by secret ballot to determine whether or by which organization the employees desire to be represented and shall certify the results of the election. Nothing in this section prohibits the waiving of hearings by stipulation for the purpose of a consent election in conformity with the regulations of the labor relations agency or an election in a bargaining unit agreed upon by the parties. The labor relations agency shall determine who is eligible to vote in an election and shall establish rules governing the election. In an election in which none of the choices on the ballot receives a majority of the votes cast, a runoff election shall be conducted, the ballot providing for selection between the two choices receiving the largest and the second largest number of valid votes cast in the election. If an organization receives the majority of the votes cast in the election it shall be certified by the labor relations agency as exclusive representative of all the employees in the bargaining unit.

(c) An election may not be held in a bargaining unit or in a subdivision of a bargaining unit if a valid election has been held within the preceding 12 months.

(d) Nothing in this chapter prohibits recognition of an organization as the exclusive representative by a public agency by mutual consent.

(e) No election may be directed by the labor relations agency in a bargaining unit in which there is in force a valid collective bargaining agreement, except during a 90-day period preceding the expiration date. However, no collective bargaining agreement may bar an election upon petition of persons in the bargaining unit but not parties to the agreement if more than three years have elapsed since the execution of the agreement or the last timely renewal, whichever was later. (§ 2 ch 113 SLA 1972)

**Cross references.** — As to applicability of this article to ferry personnel, see note following article 2 analysis.

NOTES TO DECISIONS

Applied in *Hastling v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978).

Applied in *Union, Sup. Ct. Op. No. 1743*, 585 P.2d 870 (1978).  
Quoted in *Sup. Ct. Op. No. 1743*, 585 P.2d 870 (1978).

**Sec. 23.40.110. Unfair labor practices.** (a) A public employer or his agent may not

**Sec. 23.40.110.** a verified by a prac a person prohibite investiga liminary complain tice by ir Nothing a subsequ

(1) interfere, restrain or coerce an employee in the exercise of his rights guaranteed in AS 23.40.080;

(2) dominate or interfere with the formation, existence or administration of an organization;

(3) discriminate in regard to hire or tenure of employment or a term or condition of employment to encourage or discourage membership in an organization;

(4) discharge or discriminate against an employee because he has signed or filed an affidavit, petition or complaint or given testimony under AS 23.40.070 — AS 23.40.260;

(5) refuse to bargain collectively in good faith with an organization which is the exclusive representative of employees in an appropriate unit, including but not limited to the discussing of grievances with the exclusive representative.

Cross refer of this artic following ar

(b) Nothing in this chapter prohibits a public employer from making an agreement with an organization to require as a condition of employment

(1) membership in the organization which represents the unit on or after the 30th day following the beginning of employment or on the effective date of the agreement, whichever is later; or

(2) payment by the employee to the exclusive bargaining agent of a service fee to reimburse the exclusive bargaining agency for the expense of representing the members of the bargaining unit.

(c) A labor or employee organization or its agents may not

Applied in *Union, Sup. Ct. Op. No. 1743*, 585 P.2d 870 (1978).

**Sec. 23.40.110.** agency fa obtain vol it attempt tion upon quent pr administr Act (AS 4

(1) restrain or coerce

(A) an employee in the exercise of the rights guaranteed in AS 23.40.080, or

(B) a public employer in the selection of his representative for the purposes of collective bargaining or the adjustment of grievances;

(2) refuse to bargain collectively in good faith with a public employer, if it has been designated in accordance with the provisions of AS 23.40.070 — 23.40.260 as the exclusive representative of employees in an appropriate unit. (§ 2 ch 113 SLA 1972)

Cross refer of this artic following ar

Applied in *Union, Sup. Ct. Op. No. 1743*, 585 P.2d 870 (1978).

**Cross references.** — As to applicability of this article to ferry personnel, see note following article 2 analysis.

## NOTES TO DECISIONS

Applied in *Hafing v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978).

Quoted in *State v. City of Petersburg*, Sup. Ct. Op. No. 1175 (File No. 2341), 538

P.2d 263 (1975).

Cited in *Hicklin v. Orbeck*, Sup. Ct. Op. No. 1435 (File No. 3025), 565 P.2d 159 (1977).

**Sec. 23.40.120. Investigation and conciliation of complaints.** If a verified written complaint by or for a person claiming to be aggrieved by a practice prohibited by AS 23.40.110, or a written accusation that a person subject to AS 23.40.070 — 23.40.260 has engaged in a prohibited practice, is filed with the labor relations agency, it shall investigate the complaint or accusation. If it determines after the preliminary investigation that probable cause exists in support of the complaint or accusation, it shall try to eliminate the prohibited practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during this endeavor may be used as evidence in a subsequent proceeding. (§ 2 ch 113 SLA 1972)

**Cross references.** — As to applicability of this article to ferry personnel, see note following article 2 analysis.

## NOTES TO DECISIONS

Applied in *Hafing v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978).

**Sec. 23.40.130. Complaint and accusation.** If the labor relations agency fails to eliminate the prohibited practice by conciliation and to obtain voluntary compliance with AS 23.40.070 — 23.40.260, or, before it attempts conciliation, it may serve a copy of the complaint or accusation upon the respondent. The complaint or accusation and the subsequent procedures shall be handled in accordance with the administrative adjudication portion of the Administrative Procedure Act (AS 44.62). (§ 2 ch 113 SLA 1972)

**Cross references.** — As to applicability of this article to ferry personnel, see note following article 2 analysis.

## NOTES TO DECISIONS

Applied in *Hafing v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978).

**Sec. 23.40.140. Orders and decisions.** If the labor relations agency finds that a person named in the written complaint or accusation has engaged in a prohibited practice, the labor relations agency shall issue and serve on the person an order or decision requiring him to cease and desist from the prohibited practice and to take affirmative action which will carry out the provisions of AS 23.40.070 — 23.40.260. If the labor relations agency finds that a person named in the complaint or accusation has not engaged or is not engaging in a prohibited practice, the labor relations agency shall state its findings of fact and issue an order dismissing the complaint or accusation. (§ 2 ch 113 SLA 1972)

**Cross references.** — As to applicability of this article to ferry personnel, see note following article 2 analysis.

**NOTES TO DECISIONS**

Applied in *Haffling v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1979).

**Sec. 23.40.150. Enforcement by injunction.** The labor relations agency may apply to the superior court in the judicial district in which the prohibited practice occurred for an order enjoining the prohibited acts specified in the order or decision of the labor relations agency. Upon a showing by the labor relations agency that the person has engaged or is about to engage in the practice, an injunction, restraining order, or other order which is appropriate may be granted by the court and shall be without bond. (§ 2 ch 113 SLA 1972)

**Cross references.** — As to applicability of this article to ferry personnel, see note following article 2 analysis.

**NOTES TO DECISIONS**

Applied in *Haffling v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978).

**Sec. 23.40.160. Power to investigate and compel testimony.** (a) For the purpose of the investigations, proceedings, or hearings which the labor relations agency considers necessary to carry out the provisions of AS 23.40.070 — 23.40.260, the labor relations agency may issue subpoenas requiring the attendance and testimony of witnesses and the production of relevant evidence.

(b) The labor relations agency may administer oaths, examine witnesses, and receive evidence.

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(c) The attendance of witnesses and the production of evidence may be required from any place in the state at any designated place of hearing.

(d) If a person refuses to obey a subpoena issued under AS 23.40.070 — 23.40.260, the superior court in the district in which the person resides or is found may, upon application by the labor relations agency, issue an order requiring him to comply with the subpoena. (§ 2 ch 113 SLA 1972)

**Cross references.** — As to applicability of this article to ferry personnel, see note following article 2 analysis.

#### NOTES TO DECISIONS

Applied in *Haffling v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978).

**Sec. 23.40.170. Regulations.** The labor relations agency may adopt regulations under the Administrative Procedure Act (AS 44.62) to carry out the provisions of AS 23.40.070 — 23.40.260. (§ 2 ch 113 SLA 1972)

**Sec. 23.40.180. Penalty for violation of order or decision.** A person who violates a provision of an order or decision of the labor relations agency is guilty of a misdemeanor and is punishable by a fine of not more than \$500. (§ 2 ch 113 SLA 1972)

**Cross references.** — As to applicability of this article to ferry personnel, see note following article 2 analysis. As to sentences for misdemeanors, see AS 12.55.135.

#### NOTES TO DECISIONS

Applied in *Haffling v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978).

**Sec. 23.40.190. Mediation.** If, after a reasonable period of negotiation over the terms of a collective bargaining agreement, a deadlock exists between a public employer and an organization, the labor relations agency may appoint a competent, impartial, disinterested person to act as mediator in any dispute either on its own initiative or on the request of one of the parties to the dispute. The parties may also select a mediator by agreement or mutual consent. It is the function of the mediator to bring the parties together voluntarily under such favorable auspices as will tend to effectuate settlement of the dispute, but neither the mediator nor the labor relations agency has any power of compulsion in mediation proceedings. (§ 2 ch 113 SLA 1972)

Sec. 23.40.200. Classes of public employees; arbitration. (a) For purposes of this section, public employees are employed to perform services in one of the three following classes:

- (1) those services which may not be given up for even the shortest period of time;
- (2) those services which may be interrupted for a limited period but not for an indefinite period of time; and
- (3) those services in which work stoppages may be sustained for extended periods without serious effects on the public.

(b) The class in (a)(1) of this section is composed of police and fire protection employees, jail, prison and other correctional institution employees, and hospital employees. Employees in this class may not engage in strikes. Upon a showing by a public employer or the labor relations agency that employees in this class are engaging or about to engage in a strike, an injunction, restraining order, or other order which may be appropriate shall be granted by the superior court in the judicial district in which the strike is occurring or is about to occur. If an impasse or deadlock is reached in collective bargaining between the public employer and employees in this class, and mediation has been utilized without resolving the deadlock, the parties shall submit to arbitration to be carried out under AS 09.43.030.

(c) The class in (a)(2) of this section is composed of publ. utility, snow removal, sanitation and public school and other educational institution employees. Employees in this class may engage in a strike after mediation, subject to the voting requirement of (d) of this section, for a limited time. The limit is determined by the interests of the health, safety or welfare of the public. The public employer or the labor relations agency may apply to the superior court in the judicial district in which the strike is occurring for an order enjoining the strike. A strike may not be enjoined unless it can be shown that it has begun to threaten the health, safety or welfare of the public. A court, in deciding whether or not to enjoin the strike, shall consider the total equities in the particular class. "Total equities" includes not only the impact of a strike on the public but also the extent to which employee organizations and public employers have met their statutory obligations. If an impasse or deadlock still exists after the issuance of an injunction, the parties shall submit to arbitration to be carried out under AS 09.43.030.

(d) The class in (a)(3) of this section includes all other public employees who are not included in the classes in (a)(1) or (a)(2) of this section. Employees in this class may engage in a strike if a majority of the employees in a collective bargaining unit vote by secret ballot to do so.

(e) Notwithstanding the provisions of (b), (c) and (d) of this section, the employees with the concurrence of the employer may agree in writing to submit a dispute arising from interpretation or application of a collective bargaining agreement to arbitration.

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Applied in Union, Sup. 3438), 585 P.

Sec. 23. Board of R

(f) The parties to a collective bargaining agreement may provide in the agreement a contract for arbitration to be conducted solely according to the Uniform Arbitration Act (AS 09.43) if the Act is incorporated into the agreement or contract by reference. (§ 2 ch 113 SLA 1972)

**Cross references.** — As to applicability of this article to ferry personnel, see note following article 2 analysis.

#### NOTES TO DECISIONS

Applied in *Hasting v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978).

**Sec. 23.40.210. Agreement.** Upon the completion of negotiations between an organization and a public employer, if a settlement is reached, the employer shall reduce it to writing in the form of an agreement. The agreement may include a term for which it will remain in effect, not to exceed three years. The agreement shall include a pay plan designed to provide for a cost-of-living differential between the salaries paid employees residing in the state and employees residing outside the state. The plan shall provide that the salaries paid, as of August 26, 1977, to employees residing outside the state shall remain unchanged until the difference between those salaries and the salaries paid employees residing in the state reflects the difference between the cost of living in Alaska and living in Seattle, Washington. The agreement shall include a grievance procedure which shall have binding arbitration as its final step. Either party to the agreement has a right of action to enforce the agreement by petition to the labor relations agency. (§ 2 ch 113 SLA 1972; am § 1 ch 62 SLA 1977)

**Cross references.** — As to applicability of this article to ferry personnel, see note following article 2 analysis.

**Effect of amendments.** — The 1977 amendment added the present third and fourth sentences.

**Editor's notes.** — Section 2, ch. 62, SLA 1977, provides: "This Act shall be implemented in the collective bargaining

agreements which replace the collective bargaining agreements in effect or being negotiated as of the effective date of this Act."

**Legislative history reports.** — For report on ch. 62, SLA 1977 (HB 203), see 1977 House Journal, p. 461; 1977 Senate Journal Supplement No. 38.

#### NOTES TO DECISIONS

Applied in *Hasting v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978).

**Sec. 23.40.212. Agreement with the Board of Regents.** (a) The Board of Regents of the University of Alaska may delegate to the

Department of Administration its authority under AS 23.40.070 — 23.40.260 to negotiate with an organization for an agreement.

(b) The Department of Administration shall participate in the negotiations between the Board of Regents and an organization. An agreement between the board and an organization requires the approval of the department. (§ 1 ch 148 SLA 1978)

**Sec. 23.40.215. Funding.** The monetary terms of any agreement entered into under the Public Employment Relations Act are subject to funding through legislative appropriation. (§ 2 ch 113 SLA 1972)

**Cross references.** — As to applicability of this article to ferry personnel, see note following article 2 analysis.

**Opinions of attorney general.** — To the extent the cost of negotiated group life and health insurance coverage exceeds

what the State would have paid under its employer-sponsored plan, the negotiated coverage is subject to legislative approval under this section. January 23, 1978, Op. Att'y Gen.

NOTES TO DECISIONS

Applied in *Hasting v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978).

Cited in *Warwick v. State ex rel. Chance*, Sup. Ct. Op. No. 1252 (File No. 2712), 548 P.2d 384 (1976).

**Sec. 23.40.220. Labor or employee organization dues and employee benefits, deduction and authorization.** Upon written authorization of a public employee within a bargaining unit, the public employer shall deduct from the payroll of the public employee the monthly amount of dues, fees and other employee benefits as certified by the secretary of the exclusive bargaining representative and shall deliver it to the chief fiscal officer of the exclusive bargaining representative. (§ 2 ch 113 SLA 1972)

**Sec. 23.40.225. Exemption from Public Employment Relations Act.** Notwithstanding the provisions of AS 23.40.220, a collective bargaining settlement reached, or agreement entered into, under AS 23.40.210 that incorporates union security provisions, including but not limited to a union shop or agency shop provision or agreement, shall safeguard the rights of nonassociation of employees having bona fide religious convictions based on tenets or teachings of a church or religious body of which an employee is a member. Upon submission of proper proof of religious conviction to the labor relations agency, the agency shall declare the employee exempt from becoming a member of a labor organization or employee association. The employee shall pay an amount of money equivalent to regular union or association dues, initiation fees, and assessments to the union or association. Nonpayment of this money subjects the employee to the same penalty as if it were nonpayment of dues. The receiving union or association shall contribute an equivalent amount of money to a charity of its

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choice not affiliated with a religious, labor or employee organization. The union or association shall submit proof of contribution to the labor relations agency. (§ 1 ch 85 SLA 1976)

**Cross references.** — As to applicability of this article to ferry personnel, see note following article 2 analysis. **Editor's notes.** — Section 2, ch. 85, SLA 1976 provides: "If any portion of AS 23.40.225 is declared unconstitutional or void by a court of competent jurisdiction, then that entire section is void."

NOTES TO DECISIONS

Applied in *Hasting v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978).

**Sec. 23.40.230. Assistance by Department of Labor.** When state employees are involved, the Department of Labor shall, if requested by the personnel board, and if there is no objection by the organization involved, assist the personnel board on matters such as, but not limited to, conducting elections and investigating unfair labor practices. (§ 2 ch 113 SLA 1972)

**Sec. 23.40.240. Effect on certain units, representatives and agreements.** Nothing in this chapter 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 September 5, 1972. (§ 2 ch 113 SLA 1972)

**Cross references.** — As to applicability of this article to ferry personnel, see note following article 2 analysis. As to nonapplicability of this article to noncertificated employees of regional educational attendance areas, see note to AS 23.40.250.

NOTES TO DECISIONS

Applied in *Hasting v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978); *Northwest Arctic Regional Educ. Attendance Area v. Alaska Pub. Serv. Employees, Local 71*, Sup. Ct. Op. No. 1811 (File Nos. 3360, 3363), 591 P.2d 1292 (1979).

**Sec. 23.40.245. Postsecondary student involvement in collective bargaining.** (a) When a bargaining unit includes members of the faculty or other employees of a public institution of postsecondary education, the public employer and the representative of the bargaining unit shall permit student representatives of that institution to

- (1) attend and observe all meetings between the public employer and the representative of the bargaining unit which are involved with collective bargaining;
- (2) have access to all documents pertaining to collective bargaining exchanged by the employer and the representative of the bargaining unit, including copies of transcripts of the meetings.

(b) Student representatives may not disclose information concerning the substance of collective bargaining obtained in the course of their activities under (a) of this section, unless that information is released by the employer or the representative of the bargaining unit.

(c) For the purpose of this section, the students of the institution involved in negotiations shall select their representatives from the institution directly involved in negotiations.

(d) When the institutions are negotiating with bargaining units representing more than one major geographic area of the state, the student representatives shall be from those areas. No more than three student representatives may attend meetings at any time. (§ 1 ch 148 SLA 1978)

**Sec. 23.40.250. Definitions.** In AS 23.40.070 — 23.40.260, unless the context otherwise requires,

(1) "collective bargaining" means the performance of the mutual obligation of the public employer or his designated representatives and the representative of the employees to meet at reasonable times, including meetings in advance of the budget making process and negotiate in good faith with respect to wages, hours and other terms and conditions of employment, or the negotiation of an agreement, or negotiation of a question arising under an agreement and the execution of a written contract incorporating an agreement reached if requested by either party, but these obligations do not compel either party to agree to a proposal or require the making of a concession;

(2) "election" means a proceeding conducted by the labor relations agency in which the employees in a collective bargaining unit cast a secret ballot for collective bargaining representatives, or for any other purpose specified in AS 23.40.070 — 23.40.260;

(3) "labor relations agency" means the state personnel board with regard to the state and employees of the state, and means the Department of Labor with regard to all other public employees and all other public employers;

(4) "organization" means a labor or employee organization of any kind in which employees participate and which exists for the primary purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment and conditions of employment;

(5) "public employee" means any employee of a public employer, whether or not in the classified service of the public employer, except elected or appointed officials or teachers or noncertificated employees of school districts;

(6) "public employer" means the state or a political subdivision of the state, including without limitation, a town, city, borough, district, board of regents, public and quasi-public corporation, housing authority or other authority established by law, and a person designated by the public employer to act in its interest in dealing with public employees;

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(7) "terms and conditions of employment" means the hours of employment, the compensation and fringe benefits, and the employer's personnel policies affecting the working conditions of the employees; but does not mean the general policies describing the function and purposes of a public employer. (§ 2 ch 113 SLA 1972)

**Cross references.** — As to applicability of this article to ferry personnel, see note following article 2 analysis.

**Opinions of attorney general.** — AS 23.40.070(2) and paragraph (7) of this section, standing alone, clearly would make both group life and health insurance benefits and retirement benefits subject to collective bargaining since they both are "fringe benefits." January 23, 1978, Op. Att'y Gen.

Because health insurance deals with the economic interests of employees and does not deal with fundamental policy; because AS 39.30.090, the group insurance statute, authorizes the Department of Administration to obtain "a policy or policies" and because AS 39.30.090 does not specify what levels of coverage or benefits must be included in the policy (or policies)

obtained, the issue of group life and health insurance benefits is negotiable under the Public Employment Relations Act (AS 23.40.070 — 23.40.260). January 23, 1978, Op. Att'y Gen.

Given AS 39.35.120(b) and AS 39.35.170, which make inclusion in the public employees retirement system (AS 39.35.010 — 39.35.690) a condition of employment for state employees and contributions to it mandatory, the conclusion is that the legislature intended the statutory provisions of the public employees retirement system to apply to all state employees, and benefits under the public employees retirement system may not be negotiated under the Public Employment Retirement Act (AS 23.40.070 — 23.40.260). January 23, 1978, Op. Att'y Gen.

#### NOTES TO DECISIONS

Ferry personnel are public employees of a public employer and are not included within any of the itemized exceptions of paragraph (5). *Haffling v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978).

Since paragraph (3) of this section defines "labor relations agency," which supervises and enforces this article, as the state personnel board for state employees and the Department of Labor with regard to all other public employees, the state personnel board would be the applicable regulatory agency with regard to ferry personnel. Therefore, there is no inconsistency in the ferry crew exemption from the state personnel system and its inclusion with this article. *Haffling v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978).

Noncertificated school employees are not among those within the ambit of this article. *Kenai Peninsula Borough School Dist. v. Kenai Peninsula Borough School Dist. Classified Ass'n*, Sup. Ct. Op. No. 1802 (File No. 3800), 590 P.2d 437 (1979).

Nor are noncertificated employees of regional educational attendance

areas. — This article does not apply to the noncertificated employees of the regional educational attendance areas. *Northwest Arctic Regional Educ. Attendance Area v. Alaska Pub. Serv. Employees, Local 71*, Sup. Ct. Op. No. 1811 (File Nos. 3360, 3362), 591 P.2d 1292 (1979).

Since such attendance areas appear to be school districts. — Regional educational attendance areas appear to be school districts within the meaning of paragraph (5), defining "public employee" for the purposes of this article. *Northwest Arctic Regional Educ. Attendance Area v. Alaska Pub. Serv. Employees, Local 71*, Sup. Ct. Op. No. 1811 (File Nos. 3360, 3362), 591 P.2d 1292 (1979).

Thus, such attendance areas have no statutory duty to bargain with noncertificated employees. — This article exempts noncertificated employees of the regional educational attendance areas from its coverage. The regional educational attendance areas therefore have no statutory duty to bargain with a bargaining representative of the noncertificated employees. *Northwest Arctic Regional Educ. Attendance Area v. Alaska Pub. Serv. Employees, Local 71*, Sup. Ct. Op. No. 1811 (File Nos. 3360, 3362), 591 P.2d 1292 (1979).

The legislature did not intend to bind the regional educational attendance areas to the employment contracts of their predecessor, the Alaska State Operated School System. Northwest Arctic Regional Educ. Attendance Area v. Alaska Pub. Serv. Employees, Local 71, Sup. Ct. Op. No. 1811 (File Nos. 3360, 3362), 591 P.2d 1292 (1979).

Although the Alaska State Operated School System, the predecessor to the regional educational attendance areas, was a state agency subject to this article and not a "school district" whose noncertificated employees are exempt under paragraph (5), and therefore did not have a "right" to refuse to bargain which it could waive. Even if the Alaska State Operated School System had waived its right to claim exemption under this article, it does not follow that the regional educational attendance areas also have waived their right to assert the statutory exemption, since the regional educational attendance areas are not simply successors

to the Alaska State Operated School System but are independent entities which have been given broad powers to run their individual school districts as they see fit. Northwest Arctic Regional Educ. Attendance Area v. Alaska Pub. Serv. Employees, Local 71, Sup. Ct. Op. No. 1811 (File Nos. 3360, 3362), 591 P.2d 1292 (1979).

Jurisdiction to determine applicability of collective bargaining agreement. — Because the noncertificated employees of school districts are not employees of the state directly or public employees under this article neither the state personnel board nor the Department of Labor has jurisdiction to determine the applicability of a collective bargaining agreement to the regional educational attendance areas. Northwest Arctic Regional Educ. Attendance Area v. Alaska Pub. Serv. Employees, Local 71, Sup. Ct. Op. No. 1811 (File Nos. 3360, 3362), 591 P.2d 1292 (1979).

**Sec. 23.40.260. Short title.** AS 23.40.070 — 23.40.260 may be cited as the Public Employment Relations Act. (§ 2 ch 113 SLA 1972)

## Chapter 45. General Provisions.

### Section

#### 10. Definitions

**Sec. 23.45.010. Definitions.** In this title

- (1) "commissioner" means the commissioner of labor;
- (2) "department" means the Department of Labor;
- (3) "wages" means, except for the purposes of construing AS 23.20 and AS 23.30

(A) the basic hourly rate of pay; and

(B) all other compensation to an employee for services performed, including revocable and irrevocable contributions made by an employer to a trustee or third party for the benefit of the employee and contributions which may be reasonably anticipated in providing benefits to employees under an enforceable agreement to provide medical care, compensation for death or injury, or other fringe benefits. (am § 1 ch 115 SLA 1966)

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B 104 TITLE & SPONSOR SUMMARY

16:13 6/04/84 PAGE 1 OF 3

RENDED TITLE:

AN ACT RELATING TO LABOR RELATIONS BETWEEN SCHOOL BOARDS  
AND OTHER PUBLIC EMPLOYERS AND THEIR EMPLOYEES

PRIME SPONSOR: RAY.

CO-SPONSORS:

CURRENT STATUS: 5/28/84 IN (H) LABOR & COM REFERRAL: FINANCE

B 104 SENATE ACTION

16:13 6/04/84 PAGE 2 OF 3

DATE SEQ PAGE

LEGISLATIVE ACTION

DATE	SEQ	PAGE	LEGISLATIVE ACTION
2/02/83	01	0116	FIRST READING -- COMMITTEE REPORTS
2/25/83	02	0262	L&C -- DP02, NR01
2/25/83	03	0262	F/NOTE SEN SUPPL #7
4/13/84	04	2725	MOVED FROM FIN TO RLS BY UNAN CONSENT
5/28/84	05	3325	RLS --- OTHER05 TAKEN UP IMMEDIATELY
5/28/84	06	3325	SECOND READING
5/28/84	07	3326	ADVANCED TO 3RD READING BY UNAN CONSENT
5/28/84	08	3326	THIRD READING
5/28/84	09	3326	PASSED BY DIV 15-04-01

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B 104 HOUSE ACTION

16:13 6/04/84 PAGE 3 OF 3

DATE SEQ PAGE

LEGISLATIVE ACTION

DATE	SEQ	PAGE	LEGISLATIVE ACTION
5/28/84	10	4118	FIRST READING -- COMMITTEE REPORTS LABOR & COMMERCE FINANCE RULES

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COMMITTEE REPORT

SENATE

FURTHER: Finance

Date: 9/24/83

Mr. President:

The Committee on Labor & Commerce has had SB 106

relating to labor relations between school and other public employers and their employees.

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

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

MEMBERS SIGNING DO PASS

*[Handwritten signature]*

MEMBERS HAVING OTHER RECOMMENDATIONS:

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CHAIRMAN



SENATE LABOR AND COMMERCE  
STANDING COMMITTEE  
February 24, 1983  
1:35 p.m.

Members Present: Senator Dick Eliason, Chair  
Senator Bob Mulcahy  
Senator Pat Rodey

Members Absent: Senator Don Bennett  
Senator John Sackett

COMMITTEE CALENDAR

SB 123 "An Act relating to bonds for out-of-state  
contractors; and providing for an effective date."  
SB 104 "An Act relating to labor relations between school  
boards and other public employers and their  
employees."

WITNESS REGISTER

Senator Frank Ferguson  
Pouch V  
Juneau, Alaska 99811  
465-4989

Position statement: Prime sponsor, testified in support of SB 123.

Harry Treager, Director, Division of Occupational Licensing  
Dept. of Commerce and Economic Development  
Pouch D  
Juneau, Alaska 99811  
465-2534

Position statement: Department would support as written, depending  
on a definition of out-of-state contractors and the constitutionality of  
a distinction between in-state and out-of-state contractors.

Cherie Shelley, Alaska Public Employees' Association  
340 N. Franklin St.  
Juneau, Alaska 99801  
586-2334

Position statement: Supports SB 104.

Bob Manners, National Education Association--Alaska  
147 S. Franklin St.  
Juneau, Alaska 99801  
586-3090

Position statement: Supports SB 104.

James Robison, Commissioner, Dept. of Labor  
P. O. Box 1149  
Juneau, Alaska 99801  
465-2700

Position statement: No firm position on SB 104.

Bob Bacolas, Director, Division of Labor Standards and Safety  
Dept. of Labor  
P. O. Box 1149  
Juneau, Alaska 99811  
465-4870

Position statement: Explained process, defended fiscal note for SB 104.

Don MacKinnon, Alaska Council of School Administrators  
9115 Miner Court  
Juneau, Alaska 99801  
586-1083

Position statement: Opposes placing employees outside Title 14: SB 104.

Steve Hole, Dept. of Education  
Pouch F  
Juneau, Alaska 99811  
465-2800

Position statement: No position on SB 104.

#### PREVIOUS ACTION

SB 123            No previous action to record.

SB 104           No previous action to record.

#### ACTION NARRATIVE

Tape #6  
Recording  
Number 006

Senator Eliason, Chair, called the meeting to order, outlined the agenda and invited Senator Frank Ferguson, sponsor of SB 123, to testify on the measure.

SB 123 relates to bonds for out-of-state contractors; and provides for an effective date. It raises the amount of the bonds for out-of-state contractors and out-of-state specialty contractors. Senator Ferguson stated that the need for the law is twofold. First, "out-of-state" fly-by-night operators bid on Alaskan projects. Once the project is done and they have left the state, the people left with the project have little recourse to recover damages from faulty work discovered once the project is utilized. Therefore, something must be done, Sen. Ferguson stated, to prevent the fly-by-night operators from coming into the state. Second, as documented by the Rural Development Council, capital projects in the state employ few in-state workers. With high unemployment in Alaska, something must be done which ensures local people receive jobs from state funded projects that fuel the economy.

About \$91 million in state funds is wrapped up in state contracts, and about one-third of that will go to out-of-state firms. A large portion of the real benefits produced by Alaska's capital budget are not being enjoyed by Alaskans. Senator Ferguson also proposed a Letter of Intent concerning the definition of "out-of-state". The letter specifies that since there is "considerable debate concerning the definition of 'out-of-state', it is the intent of the Legislature to allow the Dept. of Labor to define the term 'out-of-state' for the purposes of this bill through the Administrative Procedures Act as outlined in AS 44.62."

Number 160

Harry Treager, Director of the Division of Occupational Licensing in the Department of Commerce and Economic Development, stated that the Department submitted a position paper to support the concept of the legislation contingent upon a definition of "out-of-state" contractors and the constitutionality of a distinction between in-state and out-of-state contractors. They do support a legislative change to protect Alaskans from faulty contract work or from fraudulent contractors. Raising the contractor bond requirement (to a level sufficient to settle consumer claims) as proposed by SB 123, is a possible solution.

Number 228

A large number of claims have been filed against contractors, and the existing requirement of \$5,000 and \$2,000 is meaningless given increases for both materials and wages since the current statutes were enacted in 1968 and 1977. Mr. Treager stated that the concept of increasing the bonding amount "is in good taste." He engaged in some dialogue with Senator Mulcahy about problems facing the small and specialty contractor, both in-state and out-of-state, and difficulties in obtaining bonding.

Number 416

Harry Treager concluded his testimony by stating that Administration, the Dept. of Law, and the Division of Licensing are figuring out how to take the problem on.

Number 450

There being no further testimony on SB 123, Sen. Eliason took up the second item on the committee agenda: SB 104.

Number 460

Cherie Shelley, testifying for the Alaska Public Employees Association representing Juneau educational support staff on this measure relating to labor relations between school boards and other public employers and their employees, stated support for SB 104. Currently four school districts of the 253 in Alaska negotiate with their employers. Cherie Shelley stated support for addressing the matter in Title 23, as in SB 104, rather than in Title 14, "Teachers and School Officials", as the

subjects involved there do no relate to classified employees. She also questioned the fiscal note accompanying the bill, as it seemed inordinately high. It had been prepared to account for the expense of negotiating contracts in rural Alaska, something which Cherie feels would be uncommon.

Number 565

Senator Rodey briefly outlined the historical background of the legislation contained in SB 104.

Number 590

Bob Manners, representing NEA-Alaska, encouraged the committee to give SB 104 a "do pass recommendation", and concurred with Senator Rodey that the bill is needed to take care of an oversight in past legislation.

Number 634

James Robison, Commissioner of the Department of Labor, testified briefly on SB 104, stated support for placing the legislation in Title 23, and stated that he thinks there's "more to it", that the Department is studying it, and that the Governor's office is also developing a position. He commented on the fiscal note accompanying the measure.

Number 659

Bob Bacolas, Director of the Division of Labor Standards and Safety, Department of Labor, provided an in-depth explanation of how the fiscal note for SB 104 had been prepared. He stated that there were four unions interested in the issue: Laborers' Union, IBEW, Local 71, and Teamsters. He gave a detailed account of correct election processes, addressed opt-out provisions, and gave an overview of wage and hour investigative activities. Because the measure potentially affects 3100 employees, the Department foresees a need for 2 full-time investigators, which is one of the elements inflating the fiscal note. After a thorough account of election and negotiation protocol and procedure, Bob Bacolas entertained questions from the Chair.

Side 2

Number 019

Don MacKinnon, representing the Alaska Council of School Administrators, testified in opposition to aspects of SB 104. He feels that it is "not appropriate to place these employees outside Title 14, and addressed concerns with putting them under PERA. He stated that he does not oppose their right to bargain but wants the employees to remain in Title 14. The diversity of responsibility in rural areas does not lend itself to the mold of job descriptions in rural areas, he said, and school districts are reluctant to get into multi-year contracts.

Number 111

Sen. Mulcahy asked if Don MacKinnon would be willing to prepare the pros and cons between Title 14 and Title 23. Don MacKinnon expressed a willingness to do so. Don MacKinnon concluded his testimony by stating that there is no way to mandate bargaining.

Number 215

Cherie Shelley (APEA) stated her disagreement with Don MacKinnon. This legislation, she stated, does not provide for opt-out. She acknowledged that the process of elections is a long one, however it is possible to have "consent elections" as small groups either want APEA or someone else. Phones and telecommunications negate the need for excessive travel, and it does not seem likely that grievances will go to the Department of Labor. She further stated that it was APEA's experience that school districts want more than a one year contract.

Senator Mulcahy asked Cherie Shelley to prepare something on the pros and cons of Title 21 and Title 14.

Number 277

James Robison commented on "consent elections".

Number 306

Steve Hole, with the Department of Education, stated that the Department "doesn't have a position" and that the State Board did not have a chance to look at the measure. He said that the Board has never made a recommendation in the past, but that it is "our intent to recommend that they take action."

Senator Rodey moved that SB 104 be passed out with individual recommendations, his own being "Do Pass". There being no objection, it was so ordered. The meeting was adjourned.

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 23.40.10u(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.

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



Alaska Public  
Employees Association

**APEA**

State Headquarters: 340 N. Franklin, Juneau, AK 99801 (907) 586-2334

MEMORANDUM

TO: SENATOR RICHARD ELIASON

FROM: CHERIE SHELLEY  
EXECUTIVE DIRECTOR

SUBJECT: SB 104

DATE: February 16, 1983

Equal treatment of employees is the major concern addressed by SB 104. Long overdue, the measure grants collective bargaining rights to noncertificated employees of Alaska's public schools.

These employees are the only public employees excluded from collective bargaining.

They include teachers' aides, secretaries, and custodians. They are the lowest paid public employees in Alaska. They are the only employees in the education sector who absorb the economic backlash when school boards intimate the presence of financial problems.

SB 104 amends the Public Employment Relations Act to require that "no representation" be one of the ballot choices in all initial representation elections. This provision guarantees that each employee will have the opportunity to fully express his or her wishes on the question of representation.

The bill preserves all existing contracts, bargaining units, and bargaining representations. It establishes the groundrules under which collective bargaining can take place. School boards may not exclude their employees from the provisions of the Public Employment Relations Act.

APEA believes passage of SB 104 will promote better employer-employee relations by affording noncertificated school employees the same equal collective bargaining rights that are provided to teachers and all other public employees.

Fairbanks Field Office  
825-D College Road  
Fairbanks, AK 99701  
Telephone: (907) 456-5412

Anchorage Field Office  
333 Gambrell Street, Suite A  
Anchorage, AK 99501  
Telephone: (907) 274-1688

Juneau Field Office  
227 4th Street  
Juneau, AK 99801  
Telephone: (907) 586-6305

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  
DRU, 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 465-4270

cc: Budget and Management 33-001:4:9  
Prime Sponsor (First Legislator Named)

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.						
<b>TOTAL</b>		<b>99.0</b>	<b>105.4</b>	<b>115.8</b>	<b>127.5</b>	<b>140.1</b>

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 *Richard F. Lenciel*  
Nico Bus, Finance Officer  
 AGENCY Labor  
 PHONE 465-2720  
 Original: Legislative Finance  
 cc: Budget and Management  
Prime Sponsor (First Legislator Named)

I. REQUEST  
 Bill/Resolution No. Senate Bill 11 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	0	0	0	0
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)

# Thoughts on SB 104 - Labor Relations

Dept of Labor (original - I'm not sure they support it now) - support right to collective bargaining, but suggest in put in Title 14 which puts school board as labor relations agency. This arrangement is similar to teachers.

APEA - support Dept. of Labor as labor relations agency. They feel a neutral position is better. Sherie Shelley feels Dept of Labor's fiscal note is way too high. Small communities will organize themselves and will not require services of Dept. of Labor. When working with Fairbanks, APEA has used services of Dept of Labor only once in several years.

Dept of Labor - Have received many calls regarding this bill. Dept of Labor expects many request to form a union + anticipates the need of hiring 2 Wage + Hour Investigators plus 1 clerical person. The last 3 years the fiscal impact has gone as follows:

FY 82 - 84.7

FY 83 - 99.0

FY 84 - 237.7

NEA-Alaska- Through SB 78, NEA is attempting to place teachers under PERA. This bill mentions noncertificated employees, but doesn't mention teachers



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)

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.

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.		

TYPE OF EXPENDITURE		AMOUNT
1	2	3
PERSONAL SERVICES:		
SALARY	\$2,640	31,680
BENEFITS	.1721	5,452
FICA	.0613	1,808
HEALTH INS.	\$ 127 P/M	1,524
TOTAL PERSONAL SERVICES		40,464
TRAVEL		15,000
CONTRACTUAL		24,431
COMMODITIES		1,800
EQUIPMENT		3,000
OTHER		
TOTAL COST		84,695

JUSTIFICATION:

1. Personal Services: Salary Schedule effective 1/1/81.
2. Travel: \$15,000.
3. Contractual Services: \$24,431 includes Legal Services for Hearing Officers, word processing services, Telephone, Postage, and Office Copier Services.
4. Commodities: \$1,800 Supplies for ballots, letters, printed matter.
5. Equipment: \$3,000 Desk, Chairs, Filing Cabinet, Recorder, and Calculator.

CODE	FUNDING SOURCE	
15	FED RCPTS. 1002	
16	CF MATCH. 1003	
17	GEN. FUND 1004	84,695
18	I-A RCPTS. 1005	
19	PGM RCPTS 1006	
20	OTHER	

21	CONTINUATION		<b>FOR B&amp;M USE ONLY</b>
22	ADDITION	X	

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. 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.						
<b>TOTAL</b>		<b>99.0</b>	<b>105.4</b>	<b>115.8</b>	<b>127.5</b>	<b>140.1</b>

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		99.0	105.4	115.8	127.5	140.1
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
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)

# STATE OF ALASKA

## DEPARTMENT OF LABOR

JAY S. HAMMOND, GOVERNOR

BOX 1149 - JUNEAU 99811

February 18, 1982

The Honorable Tim Kelly  
Chairman  
Rules Committee  
Alaska State Senate  
Pouch V  
Juneau, AK 99811

Dear Senator Kelly:

On February 11, 1982 the Senate Finance Committee reported out CS for 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 (enclosed) and testified at a Finance Committee hearing requesting funding for one position.

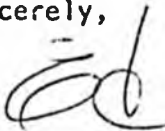
This legislation will make it mandatory for all school boards to enter into collective bargaining with their non-certificated employees under AS 23.40(PERA). CS for Senate Bill 64 will require the Department of Labor, Labor Relations Agency, to assume additional responsibilities without any attendant funding.

Collective bargaining in the public sector is a complicated and unique field of labor law. Our experience as a labor relations agency for all public employees, except State of Alaska employees, reflects that the Wage and Hour unit devotes an average of one-half of a position to that function each year in handling PERA matters for as few as four municipalities involving from two to four hundred employees. There are 52 school districts within the State of Alaska (including REAA'S) with approximately 3500 non-certificated employees. Based on the information we have from employee groups and other sources, the Department of Labor, Labor Relations Agency expects to receive petitions from at least 15 separate groups of school employees as soon as this act becomes law. As a result of those petitions, we will be required to conduct representational election to determine community of interest grouping and undoubtedly investigate and hold hearings on unfair labor practice charges filed by either or both parties to all of them.

The Honorable Tim Kelly  
February 18, 1982  
Page 2

The Department does not have the staff or financial resources to assume the duties or responsibilities inherent in CS for Senate Bill 64 without the funding requested in the fiscal note.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ed", written in dark ink.

Edmund N. Orbeck  
Commissioner

cc: Senator Bill Ray  
Members of the Rules Committee  
Members of the Finance Committee

1	POSITION TITLE Wage & Hour Investigator II			RANGE/STEP 18 A	BARG. UNIT. GGU	LOCATION Juneau	GOV.	APPROV.	DIBAPP.
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
4	PERSONAL SERVICES: SALARY \$ 2,838	34,056
5	BENEFITS .1592	5,422
6	SBS .0613	2,088
	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
		OTHER

21	CONTINUATION	
22	ADDITION	X

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4A KEY NUMBER \_\_\_\_\_ COLUMN NO. \_\_\_\_\_

AGENCY Labor PROGRAM Public Protection

DRU Wage and Hour

COMPONENT Wage & Hour

Page 1 of 1 REVISED DATE \_\_\_\_\_

**13** REQUEST FOR NEW POSITION.

FY 83

# STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

## DEPARTMENT OF LABOR

OFFICE OF THE COMMISSIONER

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	\$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 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.

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

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 REAR'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.