

HOUSE
COMMITTEE REPORT

2/24

(7)
Date referred: 1/24/86

FURTHER REFERRALS: FINANCE

(HESS WAIVED 1/24)

DATE: 2-21-86

The COMMUNITY &
REGIONAL AFFAIRS

Committee has considered

HB 90

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

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with _____ same title
- replace with _____ new title

and recommends _____

further referral to the _____ Committee

- and attaches:
- letter of intent
 - first fiscal note
 - new fiscal note *sup 90*
 - zero fiscal note

SIGNING TO PASS: *new*

SIGNING OTHER RECOMMENDATIONS:

[Signature]

Reed Bell

[Signature]

[Signature]

AUM Marrow Do Not Pass

OVERSEES LOCAL ELECTED SCHOOL BOARDS

F. Kofrowski Do Not Pass

[Signature]

Chairman

3/27

COMMITTEE REPORT HOUSE

Health, Education and
Social Services

(7)

FURTHER: Finance

1/18/85

Date: March 22, 1985

The Committee on Labor and Commerce has had HB 90

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

under consideration and recommends:

- 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 *Sup 36*
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

**MEMBERS SIGNING
DO PASS**

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

NAVAREE Mike Navaree

DAVIS Mike Davis

BOUCHER [Signature]

KOPONEN Alto Koponen

COLLINS [Signature] *NO*

HANLEY Rayce Hanley No-Act-Pass

Mike Navaree
CHAIRMAN

Introduced: 1/18/85
Referred: Labor & Commerce, Health,
Education & Social Services and
Finance

1 IN THE HOUSE

BY KOPONEN

2 HOUSE BILL NO. 90

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to labor relations between school
7 boards and other public employers and their employ-
8 ees."

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

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

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

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

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

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

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

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

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

1 employees.

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

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

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

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

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

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

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

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

Page 1 of 5

REQUEST

Bill/Resolution No.: HB 90
Title: "An Act Relating to labor relations between school boards and . . ."

Sponsor: Koponen
Requestor: H. Labor and Commerce
Date of Request: 2/15/85

FISCAL DETAIL

Agency Affected: Labor
Program Category Affected: Public Protection and . . .

BRU, Program or Subprogram(s) Affected: Labor Standards and Safety
Wage and Hour Administration

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES	0	124.7	129.1	74.1	76.7	79.4
200 TRAVEL	0	27.9	29.6	19.5	20.1	21.3
300 CONTRACTUAL	0	89.1	94.5	85.1	90.2	95.6
400 SUPPLIES	0	2.0	2.1	1.4	1.5	1.6
500 EQUIPMENT	0	4.8	0	0	0	0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	248.5	255.3	180.1	188.5	197.9
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	248.5	255.3	180.1	188.5	197.9
FEDERAL FUNDS						
OTHER						
TOTAL	0	248.5	255.3	180.1	188.5	197.9

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

See attached.

Prepared By: Robert J. Bacolas, Sr. Phone: 465-4870
Division: Labor Standards and Safety Date: 2/15/85

Approved by Commissioner: Jim Robison Date: 2/15/85
Agency: Labor

Distribution (by Agency preparing fiscal note):

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

7/1/84

Fiscal Note Analysis

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

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

In addition to the costs associated with the two Wage and Hour Investigators and one clerical position, the fiscal note also includes costs to contract for a hearing officer on 26 occasions (\$24,000) and court reporting services including transcripts (\$12,700), plus printing (\$5,700) and legal costs (\$13,500). A total of \$6,800 has been included in travel for the hearing officer's transportation and per diem on ten trips of two days each (\$500 + \$180 x 10).

Line item costs for FY 86 are as follows:

Personal Services	\$124,700
Travel	27,900
Contractual Services	89,100
Commodities	2,000
Equipment	4,800
TOTAL	<u>\$248,500</u>

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

For FY 87 through FY 90, an inflation rate of 3.5 percent has been used for personal services costs, and 6 percent for the other line items.

It is anticipated that the labor relations activity will stabilize after two years. Accordingly, beginning in FY 88, the costs reflect a three-month reduction in the clerk typist position and a deletion of one investigator position.

Other assumptions:

- 1) Effective date of July 1, 1985.
- 2) Contracts of 26 school districts will come up for renegotiations each year.
- 3) Fifty percent of the school districts (equates to approximately 26) will file unfair labor practice charges requiring hearing before the labor relations board.

1.	POSITION TITLE Clerk Typist III			RANGE/STEP 8B	BARG. UNIT GGII	FORM 12 PAGE/LINE	COV.	APPROV.	DISAPP.
2.	TYPE OF POSITION FTT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anch	ELECTION DISTRICT	LEG.	
3.	CONTINUATION LEVEL			ADDITION	JUSTIFICATION				
4.	TYPE OF EXPENDITURE			AMOUNT					
	1	2	3						
	PERSONAL SERVICES*								
5.	Salary	20,136							
6.	Benefits	3,355							
7.	Supplemental Benefits	1,234							
8.	Fixed Benefits	2,732							
9.	TOTAL PERSONAL SERVICES	01	27,457						
10.	Travel	02	0						
11.	Contractual	03	13,016						
12.	Commodities	04	1,000						
13.	Equipment	05	1,600						
14.	Other								
15.	TOTAL COST		43,073						
	RECEIPT CODE	FUNDING SOURCE							
16.		Federal Receipts 1002							
17.		G.F. Match 1003							
18.		General Funds 1004		43,073					
19.		I-A Receipts 1005							
20.		Program Receipts 1020							
21.		Other							
FOR B311 USE ONLY									
4A KEY NUMBER _____									

This position will provide clerical support (typing, answering telephone, mail handling, etc.) for two wage and hour investigators.

Contractual costs include rent of \$3,600, indirect of \$2,416, and equipment rental and other average expenses of \$7,000.

Normal commodities of \$1,000 and a one-time equipment expense of \$1,600 are also included.

13 REQUEST FOR
NEW POSITION

AGENCY Department of Labor
PROGRAM Public Protection
BRU Labor Standards and Safety
COMPONENT Wage and Hour Administration

HB 90
Page 3 of 5
Revised Date _____

FY 86

1.	POSITION TITLE Wage and Hour Investigator II			RANGE/STEP 18A	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anch	ELECTION DISTRICT	LEG.	
3.	CONTINUATION LEVEL	ADDITION			JUSTIFICATION				
4.	TYPE OF EXPENDITURE			AMOUNT					
	1	2	3						
	PERSONAL SERVICES								
5.	Salary		37,356						
6.	Benefits		6,224						
7.	Supplemental Benefits		2,290						
8.	Fixed Benefits		2,732						
9.	TOTAL PERSONAL SERVICES	01		48,602					
10.	Travel	02		10,550					
11.	Contractual	03		10,083					
12.	Commodities	04		500					
13.	Equipment	05		1,600					
14.	Other								
15.	TOTAL COST			71,335					
	RECEIPT CODE	FUNDING SOURCE							
16.		Federal Receipts	1002						
17.		G.F. Match	1003						
18.		General Funds	1004	71,335					
19.		I-A Receipts	1005						
20.		Program Receipts	1028						
21.		Other							
FOR GCM 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.

Travel funds allow for 12 (four-day) trips, costing an average of \$539 for transportation and \$340 for per diem.

Contractual services costs include rent of \$3,600, indirect of \$4,483, and other average costs of \$2,000.

Normal commodities of \$500 and a one-time equipment expense of \$1,600 are also included.

13 REQUEST FOR
NEW POSITION

AGENCY Department of Labor

PROGRAM Worker Protection

BRU Labor Standards and Safety

COMPONENT

HB 90

FY 86

Page 4 of 5

Revised Date

1.	POSITION TITLE Wage and Hour Investigator II			RANGE/STEP 18A	BARG. UNIT GGII	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PET	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anch	ELECTION DISTRICT	LEG.	
3.	CONTINUATION LEVEL	ADDITION			JUSTIFICATION				
4.	TYPE OF EXPENDITURE			AMOUNT					
	1	2	3						
	PERSONAL SERVICES*								
5.	Salary	37,356							
6.	Benefits	6,224							
7.	Supplemental Benefits	2,290							
8.	Fixed Benefits	2,732							
9.	TOTAL PERSONAL SERVICES	01	48,602						
10.	Travel	02	10,550						
11.	Contractual	03	10,083						
12.	Commodities	04	500						
13.	Equipment	05	1,600						
14.	Other								
15.	TOTAL COST		71,335						
	RECEIPT CODE	FUNDING SOURCE							
16.		Federal Receipts	1002						
17.		G.F. Match	1003						
18.		General Funds	1004	71,335					
19.		I-A Receipts	1005						
20.		Program Receipts	1023						
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.

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Normal commodities of \$500 and a one-time equipment expense of \$1,600 are also included.

13 REQUEST FOR
NEW POSITION

AGENCY Department of Labor

HB 90

PROGRAM Worker Protection

FY 86

BRU Labor Standards and Safety

Page 5 of 5

COMPONENT

Revised Date

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

oe
3/27

Revision Date: _____

REQUEST

Bill/Resolution No.: HR-09
 Title: ...Labor relations... school boards, employees
 Sponsor: Koponen
 Requestor: House Labor and Commerce
 Date of Request: 2-15-85

FISCAL DETAIL

Agency Affected: Education
 Program Category Affected: Elementary and Secondary Education
 BRU, Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0		0	0	0

CAPITAL _____

REVENUE _____

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0			0	0	0

*copy prepared
"RHS Fin"
207. Original*

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

This bill has no fiscal impact on the department.

Prepared By: *Steve Holo* Phone: 465-2800
 Division: Commissioner's Office Date: 2-15-85
 Approved by Commissioner: *Harold Reynolds* Date: 2-15-85
 Agency: Education

Distribution (by Agency preparing fiscal note):

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

Cl
2/24 Sup 90

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Page 1 of 3

Revision Date: 2/19/86

REQUEST

Bill/Resolution No.: HB 90
 Title: "An Act relating to labor relations between school boards...."

Sponsor: Koponen
 Requestor: House Comm. & Regional Affairs
 Date of Request: 2/7/86

FISCAL DETAIL

Agency Affected: Labor
 BRU: Labor Standards & Safety

Components: Wage and Hour

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		43.7	43.7	43.7	43.7	43.7
TRAVEL		18.9	19.7	15.9	16.5	17.5
CONTRACTUAL		49.5	51.5	25.7	26.7	27.8
SUPPLIES		1.0	1.0	1.0	1.0	1.0
EQUIPMENT		2.0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	115.1	115.9		87.9	89.7

CAPITAL						
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REVENUE						
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*1 copy Louisa
" Reg. 7 in
29 Original*

FUNDING : (Thousands of Dollars)

GENERAL FUND	0	115.1	115.9	86.3	87.9	89.7
FEDERAL FUNDS						
OTHER						
TOTAL	0	115.1	115.9	86.3	87.9	89.7

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

Prepared by: ^{NS} *Robert J. Bacolas*
 Division: Labor Standards and Safety

Phone: 465-4870
 Date: 2/19/86

Approved by Commissioner: ^{NS} *Jim Robison*
 Agency: Labor

Date: 2/19/86

Distribution (by Agency preparing fiscal note):

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

Cl
2/24/86

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Page 1 of 3

Revision Date: 2/19/86

REQUEST

Bill/Resolution No.: HB 90
 Title: "An Act relating to labor relations between school boards...."
 Sponsor: Koponen
 Requestor: House Comm. & Regional Affairs
 Date of Request: 2/7/86

FISCAL DETAIL

Agency Affected: Labor
 BRU: Labor Standards & Safety
 Components: Wage and Hour

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		43.7	43.7	43.7	43.7	43.7
TRAVEL		18.9	19.7	15.9	16.5	17.5
CONTRACTUAL		49.5	51.5	25.7	26.7	27.8
SUPPLIES		1.0	1.0	1.0	1.0	1.0
EQUIPMENT		2.0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	115.1	115.9	86.3	87.9	89.7

CAPITAL						
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REVENUE						
----------------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND	0	115.1	115.9	86.3	87.9	89.7
FEDERAL FUNDS						
OTHER						
TOTAL	0	115.1	115.9	86.3	87.9	89.7

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

Prepared by: ^{NS} Robert J. Bacolas, Director
 Division: Labor Standards and Safety

Phone: 465-4870
 Date: 2/19/86

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

Date: 2/19/86

Distribution (by Agency preparing fiscal note):

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 90

Page 2 of 3

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

One investigator (located in Anchorage) is required to conduct the investigations, to monitor the elections, and to hold informal hearings.

In addition to the costs associated with the one Wage and Hour Investigator, the fiscal note also includes costs to contract for a hearing officer on 13 occasions (\$12,000) and court reporting services including transcripts (\$12,300), plus printing (\$7,200) and legal costs (\$7,000), and telephone and postage (\$9,000). A total of \$8,400 has been included in travel for the hearing officer's transportation and per diem - thirteen trips of two days each [(\$466 + \$180) x 13].

Total line item costs for FY 87 are as follows:

Personal Services	\$ 43,680
Travel	18,900
Contractual Services	49,500
Commodities	1,000
Equipment	2,000
TOTAL	<u>\$115,080</u>

Of these costs, only the equipment costs of \$2,000 are one-time items.

For FY 88 through FY 89, an inflation rate of 4.0 percent has been used for all line items except personal services.

Other Assumptions:

1. Effective date of July 1, 1986
2. There are 52 school districts in the state and contracts of 26 school districts will come up for renegotiation each year.
3. Twenty-five percent of the school districts which equates to approximately 13 per year for the first two years, will file unfair labor practice charges requiring hearing before the labor relations board. After the first two years the organizational activities will be completed and hearing officer costs for travel and professional fees will decline by 50%. Hence the reduced cost in FY 89 and forward.

ALASKA STATE LEGISLATURE

14th..... Legislature FIRST... Session

HOUSE ... **BILL** NO. 90.....

By .. **KOPONEN**

"An Act relating to labor re-
lations between school boards
and other public employers
and their employees."

Public Relations/School Boards

Introduced in the House ... 1/18..., 19..85

HISTORY IN THE HOUSE

1985
Jan. 18 Read first time and referred
to Committee on
L&C, HESS AND FINANCE

Reported back with
recommendation that

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed
Signed by Speaker
Sent to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19
Read first time and referred
to Committee on

Reported back with
recommendation that

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed
Signed by President
Returned to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19
Received from Senate

Concurred in Senate amendment
thus adopting:
VOTE

Failed to concur in Senate amend-
ment; asked Senate to recede
VOTE

Senate receded from amendment
VOTE

Senate failed to recede from
amendment
VOTE

CC appointed by House

CC appointed by Senate

CC adopted by House
VOTE

CC adopted by Senate
VOTE

To enrolling
Reported correctly enrolled
Sent to Governor

..... by Governor

Filed with Lt. Governor

Chapter No.

Introduced: 1/18/85
Referred: Labor & Commerce, Health,
Education & Social Services and
Finance

1 IN THE HOUSE

BY KOPONEN

2

HOUSE BILL NO. 90

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to labor relations between school
7 boards and other public employers and their employ-
8 ees."

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

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

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

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

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

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

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

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

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

1 employees.

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

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

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

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

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

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

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