

H B



3/29

# COMMITTEE REPORT HOUSE

Health, Education and  
Social Services

( 7 )

FURTHER: Finance

1/18/85

Date: \_\_\_\_\_

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

\_\_\_\_\_

*Mike Dennis*

\_\_\_\_\_

*D/B [unclear]*

\_\_\_\_\_

*[unclear]*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

*NO*

*[unclear]*

*Debra Stanley do not pass*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

CHAIRMAN

HB 90 File Contents

- 1) Bill Summary -- Legislative Reporting Service
- 2) Sectional Analysis & Position Statement -- Dept. of Labor
- 3) Overview -- L & C Staff
- 4) Fiscal Note -- Dept. of Education
- 5) Fiscal Note & Fiscal Analysis -- Dept. of Labor
- 6) Fiscal Note -- Dept. of Administration (forthcoming)
- 7) Written Testimony -- Rep. Koponen, sponsor
- 8) Statutory References AS 23.40

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February 25, 1985 additions:

- 9) Briefing paper, HB 90 -- Dept. of Labor

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March 21, 1985 additions:

- 10) Revised Draft Fiscal Note -- Supplied by Dept. of Labor  
at request of L & C Committee.

# STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

## DEPARTMENT OF LABOR

OFFICE OF THE COMMISSIONER

P.O. BOX 1149  
JUNEAU, ALASKA 99802  
PHONE: (907) 465-2700

March 21, 1985

Roger Poppe  
Professional Assistant  
Labor and Commerce Committee  
House of Representatives  
Pouch V  
Juneau, AK 99811

Dear Roger,

In accordance with your request, following are the costs that would be incurred if House Bill No. 90 could be implemented with a one-half time Wage and Hour Investigator II and one-half time Clerk Typist III instead of the three full-time positions detailed in the Department's February 15, 1985 fiscal note:

Personal Services	\$ 37.7
Travel	12.1
Contractual	71.0
Supplies	.8
Equipment	3.2
Total	\$124.8

I would reaffirm the Department's concern with such a reduced funding proposal. We feel certain that organized labor will "make a run" on nearly every unrepresented school district in the state during the first year or so. The Labor Relations Agency would be required to investigate the representation petitions, determine the appropriate units for collective bargaining purposes, and monitor the representation elections for at least 45 school districts--an impossible task for a part-time investigator.

If we may provide any additional information that would be of assistance, please let me know.

Sincerely,

  
Eileen Plate  
Special Assistant

EP:kmc  
08001

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

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
<b>OPERATING</b>						
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	39.1	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
500 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0</b>	<b>248.5</b>	<b>255.3</b>	<b>180.1</b>	<b>188.5</b>	<b>197.9</b>

<b>CAPITAL</b>						
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<b>REVENUE</b>						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	248.5	255.3	180.1	188.5	197.9
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>0</b>	<b>248.5</b>	<b>255.3</b>	<b>180.1</b>	<b>188.5</b>	<b>197.9</b>

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.  
 Division: Labor Standards and Safety  
 Approved by Commissioner: Jim Robison  
 Agency: Labor

Phone: 465-4870  
 Date: 2/15/85  
 Date: 2/15/85

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--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 2B	BARG. UNIT GGU	FORM 12 PAGE/LINE	COV.	APPROV.	DISAPP.	
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anch	ELECTION DISTRICT	LEG.			
3.	CONTINUATION LEVEL				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 1028									
21.		Other									

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.

FOR BSM USE ONLY  
4A KEY NUMBER

13 REQUEST FOR  
NEW POSITION

AGENCY Department of Labor

PROGRAM Public Protection

BRU Labor Standards and Safety

COMPONENT Wage and Hour Administration

FY 36

Page 1 of 3

Revised Date

1.	POSITION TITLE Wage and Hour Investigator II				RANGE/STEP 18A	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DIS/SP
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								
15.		Federal Receipts 1002								
17.		G.F. Match 1003								
18.		General Funds 1004		71,335						
19.		I-A Receipts 1005								
20.		Program Receipts 1026								
21.		Other								
FOR BSM 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

FY 86

Page 2 of 3

1.	POSITION TITLE Wage and Hour Investigator II				RANGE/STEP 18A	BARG. UNIT GGII	FORM 12 PAGE/LINE	COV.	APPROV.	DISCIP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anch	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE			AMOUNT						
	1			2		3				
	PERSONAL SERVICES									
5.	Salary		37,356							
6.	Benefits		6,224							
7.	Supplemental Benefits		2,290							
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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 BSM USE ONLY 4A KEY NUMBER _____										

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AGENCY Department of Labor

PROGRAM Worker Protection

BRU Labor Standards and Safety

Y 86

13 REQUEST FOR  
NEW POSITION

Page 3 of 3

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February 25, 1985 additions:

- 9) Briefing paper, HB 90 -- Dept. of Labor

BRIEFING PAPER  
HOUSE BILL No.90

Under this bill, the Department of Labor would act as the labor relations agency for 53 separate school districts involving approximately 4,400 non-certified employees. The Department would be responsible for investigating representation petitions, determining appropriate units for collective bargaining purposes, conducting elections, investigating unfair labor practices, conducting preliminary hearings and formal hearings under the Administrative Procedure Act, mediating labor disputes, strike action, resolving grievances, acting as a mediation and conciliation service subsequent to impasse during collective bargaining negotiations, and acting as an arbitration tribunal for the formal resolution of grievances pursuant to a collective bargaining agreement being entered into between school districts and labor organizations.

There are a number of employee groups and labor organizations that have indicated an interest in organizing this sizable group of public employees. Except for the four larger school districts in the state (Juneau, Anchorage, Kenai, and Fairbanks) which are loosely organized, virtually all other school districts are unorganized and unaffiliated. It would be necessary for the labor relations agency to determine community of interest groups, to hold representational elections, and to respond to unfair labor practice charges and related disputes.

Other states which have enacted PERA laws to cover this class of employees have advised the Department that during the first few years the laws were in effect, management or employee representatives of 50 percent of the covered school districts filed unfair labor practice charges which resulted in hearings before the labor relations agency. The hearings typically last from one to five days. Assuming that our experience would be comparable to that of other states, we would expect that approximately 26 of the school districts would generate unfair labor practice charges requiring hearings before the labor relations agency. Under PERA, such hearings are required to be heard by an attorney hearing officer using the Administrative Procedure Act guidelines.

In addition to unfair labor practice proceedings, we expect approximately 50 percent of the 53 school districts to be involved in employee organizing during the first year the new law is in effect. In each case, the Department would be responsible for determining the appropriate unit for collective bargaining, based upon such factors as community of interest, wages, hours, and other working conditions of the employees involved, and the history of collective bargaining and the desires of the employees.

Our experience with political subdivisions shows that the average representation/certification proceeding spans a period of two months. The proceeding begins with the filing of a petition by a labor organization with the agency which demonstrates a showing of a community of interest within the employee group to be represented.

The Department must then examine employer records to determine the accuracy of the information listed in the petition and whether or not a showing of a community of interest actually represents a minimum of 30 percent of the work force required for an election to be conducted. Once the community of interest has been verified, the petition is then posted for a period of 15 days to allow sufficient time for the employer or other interested persons to file objections to the conduct of an election or for intervention by other labor organizations. The 15-day posting period is also used to respond to inquiries generated by the petition and to prepare ballots, mailers, and other documents required by statute.

After the 15-day posting period, there is then a period of about two to three weeks when the agency will schedule hearings to resolve objections or challenges to the conduct of an election, to clarify the community of interest, and to make investigations into the right of an intervener to appear on the ballot. Once these issues have been resolved, the election can proceed. Two persons are required to conduct an election at the polling place to ensure that the persons voting are so entitled, that there is no tampering with the secret ballot process, and that electioneering is not conducted within the restricted limits of the polling place. After polling is completed, the ballots must be counted and notification given to all parties, who may challenge the conduct of the election, challenge any ballot, call for recount, or challenge the right to vote of any member of the community of interest. Once the election challenges have been resolved, a bargaining unit is then certified or representation is denied, based upon the vote of the majority. After certification, the agency acts as mediator if the parties reach an impasse during collective bargaining negotiations or acts as an arbitration tribunal to resolve formal grievances under the executed collective bargaining agreement.

Based on past experience, the Department anticipates that coverage of non-certified school employees will require substantial time and resources. Even though many of the employees covered by this legislation are in communities accessible by road, the majority of the school districts are located in the rural areas of Alaska and are accessible only by air travel, ferry, or charter aircraft. Typically, it would require two days of travel to conduct pre-election hearings, and two days of travel to conduct post-election hearings and certification. Moreover, if unfair labor practice charges are generated during the organizational activities or as a result of pre-election campaign interference, this would increase costs significantly. Hearings on unfair labor practice charges require an attorney hearing officer and are conducted under the formal rules of the Administrative Procedure Act. Such hearings are required whenever mediation or conciliation fails to resolve the unfair labor practice complaints or objections to the conduct of an election.

To illustrate the costs associated with representation/certification proceedings, the Department acting as a labor relations agency was recently involved in a lengthy and complex case involving 253 employees in the City of Fairbanks. This situation came about when the City of Fairbanks opted back into PERA in September of 1983. The size and composition of the unit would be equivalent to one medium-sized school district. The Department expended over 1,200 manhours to resolve the issues and certify the bargaining units. The personal services cost of these manhours which include clerical support,

investigators, hearing officers, and board member activities was \$34,000; travel and per diem was \$3,600; transcription cost was \$2,900; mailing, postage, and phone costs were \$300; the total cost of this activity was over \$41,000.

Other examples of the magnitude and complexity of labor relations activity related to school districts and PERA include the following:

- A. The State of Florida by legislative act recently transferred Labor Relations activity for school districts to their public employees relations board. The board's estimated cost for the initial hearings for each school district to clarify communities of interest, appropriateness of bargaining units, and intervention was approximately \$1,500 per day including transcription of the record but exclusive of travel and per diem costs. Hearings for small school districts usually required only one day. The larger districts, however, took several days. The Florida board estimates the cost of an onsite election for their school districts at \$5.00 per employee. Their largest district has 800 workers and cost \$4,000 for the election proceedings alone.
- B. The State of Oregon Public Employee Relations Board has an annual budget of \$1.25 million. They carry an annual case load of 300 matters including elections, unfair labor practices, petitions, and de-certifications. Sixty (60) cases deal with representation, which is about 1/5 of their case load. They allot \$250,000 each year to this type of activity. This figure is slightly larger than what the Department expects with 53 school districts in Alaska.

In summary, the Department believes that our first-year costs are comparable to those of other states. Moreover, in consideration of the higher cost of doing business in Alaska, particularly travel costs, we do not believe that the fiscal note associated with this legislation is extraordinary.

Without adequate funding, the Department would be unable to comply with the statutory mandate of this legislation and could well find itself explaining to a Superior Court judge why it is unable to hold hearings, conduct elections, and otherwise carry out its duties. The end result could be similar to the litigation that occurred a few years ago when the Workers' Compensation Division was unable to get the decisions out on time.

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- 7) Written Testimony -- Rep. Koponen, sponsor
- 8) Statutory References AS 23.40

Bill No. House Bill No. 90

Date February 15, 1985

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

Contact: Eileen Plate - 465-2700  
Bob Bacolas - 465-4870

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

Under this bill, the Department of Labor would become the labor relations agency for 53 separate school districts (including REAA's) involving approximately 4,400 noncertificated employees. The Department would be responsible for investigating representation petitions; determining appropriate units for the purpose of collective bargaining; conducting elections; investigating unfair labor practices; conducting preliminary hearings and formal hearings under the Administrative Procedures Act; mediating labor disputes; monitoring strike actions; resolving grievances; and mediating and arbitrating disputed issues subsequent to impasse during collective bargaining negotiations.

- Section 1: Amends AS 23.40.100(b) to 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: Amends AS 23.40.200(c) to permit noncertificated employees of a school board to engage in a strike.
- Section 3: Adds a new section to AS 23.40 to prohibit a school board or municipality from rejecting having the provisions of the PERA apply to its relations with its noncertificated school employees.
- Section 4: Amends AS 23.40.250(6) to define public employees to include noncertificated employees of school boards and to exclude certificated employees.
- Section 5: Amends AS 23.40.250(7) to define a public employer to include school boards.
- Section 6: Amends AS 23.40.250 by adding a new paragraph to define a school board as including a regional education attendance area.
- Section 7: Provides for existing collective bargaining units, agreements, and recognized bargaining representatives to 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 4,400 noncertificated employees.

POSITION PAPER/Department of Labor

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.

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.

The Department's fiscal note is attached.

APPROVED:



Jim Robison, Commissioner  
Department of Labor

January 25, 1985

TESTIMONY IN SUPPORT OF HOUSE BILL 90

In 1972 the Alaska State Legislature established the Public Employment Relations Act. The Legislators recognized the benefits of joint decision making, the need for established guidelines and the necessity for a rational method to resolve disputes.

The Declaration of Policy states: 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.

This statute determined the rights of public employees and employers. Then it singled out the classified employees of school districts, for reasons unknown to us, and denied those established rights.

The bill before you, H.B. 90, seeks to amend the Public Employment Relations Act and rectify this injustice.

The inequity created by the lack of legislation has had far reaching effects. There are many specific incidents where the classified employees of the Fairbanks North Star Borough School District have suffered from this disparity. At this time I would like to relate just a few of those incidents to you in an effort to illustrate the pressing need for this legislation.

In 1976 the sense of responsibility by individual employees was the only element that prevented the school district from being totally disrupted by internal union problems. At that time the employees and the School Board found themselves caught in the middle of a representation struggle between APEA and the Teamsters with no where to turn for help. The lack of legislation is also the absence of guidelines to be followed for representation elections. The employees were not guaranteed their freedom of choice nor were they assured that their choice would be honored by the School Board. This was a frightening situation that we do not wish to repeat. What we left to chance in 1976 we now seek to be guaranteed by H.B. 90.

For all other public employees the current statute defines and provides relief for unfair labor practices. That is the section our organization would have looked to when the district imposed a new interpretation of a currently negotiated clause in response to the membership vote to increase dues. Except for classified employees, that type of interference in the administration of an organization is not tolerated by Alaska State Law.

Nor may public employees other than school districts restrain or coerce an employee in the exercise of guaranteed rights. Yet we contend that has been the case several times in our district. An employee who filed a grievance over working conditions found herself involuntarily discharged-fired, within nine days, and just three days before her probationary period was to end.

Another employee of our district found it necessary to contact her building representative with questions about her evaluation. From that point on the employee was faced with intense harrassment forcing her to resign. At the ensuing grievance hearing the employee testified that her supervisor had promised that if she would resign he would destroy her evaluations and attempt to secure for her a teacher's aide position. In order to receive that position she was also instructed not to go to her building representative or to the union business agent for help. That employee decided to exercise her rights, discovered that she had none and is now no longer a Fairbanks North Star Borough School District employee.

The need for this legislation is shown every time we enter negotiations with the school district. After six months at the table we have been told that a settlement must be reached. If agreement had not been reached the School Board would have ceased to recognize us as the exclusive bargaining representative for noncertified employees. Our fringe benefits would cease, and we would be placed under a unilaterally imposed personnel system. Because we are not recognized under the Public Employment Relations Act, the School Board could do as threatened. There is no protection from this type of bad faith bargaining nor do we have access to an agency to assist in rectifying such situations.

That single episode illustrates two things: Recognition is strictly voluntary and tenuous at best; and employee concerns are not taken seriously. The School Board was only willing to go through the motions of bargaining.

Needless to say we folded and reached agreement by the imposed deadline, but quickly found ourselves unable to enforce the provisions of the negotiated agreement in a critical situation. The School Board bargained to include school crossing guards in the contract. Seeking enforcement of that agreement we began the grievance process. In order to avoid satisfying the grievance the School Board contracted out those positions and caused the individual employees not only to be cut in salary, but also to lose all fringe benefits, including membership in the Public Employees Retirement System, and to sacrifice their right of representation. We do not question the right of management to contract for services but to seek relief from the use of this tactic to circumvent a negotiated agreement.

The need of the classified employees to come under the auspices of the Public Employment Relations Act is great. The lack of legislation not only allows but encourages injustices to continue, and until classified employees have a forum for resolution of disputes arising from representation elections, the collective bargaining process, and the administration of a negotiated agreement, we will continue to feel the low morale and distrust of the system shared by all second class citizens.

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

**REQUEST**

Bill/Resolution No.: HR-90  
 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
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0

<b>CAPITAL</b>						
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<b>REVENUE</b>						
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**FUNDING: (Thousands of Dollars)**

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	0	0	0	0	0	0

**POSITIONS:**

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:** Attach a separate page if necessary

This bill has no fiscal impact on the department.

Prepared By: Steve Hoto 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)

INTRODUCTION OF BILLS, (House)(cont'd)

HB 88, (cont'd)

Section 26

Section 26 of this bill makes two changes. First, AS 47.35.070(a) is amended to bring this statute into conformity with the criminal code by making violations of child care licensing statutes and regulations a class B misdemeanor. Second, subsec. (b) adds language that gives statutory authority to the Department of Health and Social Services to establish a system of civil enforcement (including the levy of up to \$200 daily in civil penalties) for violations of its licensing statutes and regulations.

This authority will provide the department with a valuable regulatory tool. Presently, the department has only two choices with respect to licensees who violate statutes and regulations. The department can either revoke the license or do nothing. While the department can require the licensee to establish a plan of correction for violations, its only lever to enforce this requirement is the authority to revoke the license. If a system of civil penalties existed, the department would have the additional tool of fining licensees for minor violations of regulations and statutes. The new language makes it clear that imposition of a civil penalty would not preclude criminal prosecution in appropriate circumstances.

Section 27

New AS 12.40.050, contained in sec. 5 of this bill, allows the introduction under certain circumstances of hearsay evidence of a child's statement in grand jury proceedings for sexual offenses against children. Section 28 indicates that this would have the effect of altering a court rule of criminal procedure. A two-thirds vote of each house is thus required on this section of the bill, under art. IV, sec. 15 of the Alaska Constitution.

Section 28

This section states that the changes proposed in sec. 20 of the bill would amend Alaska Rules of Evidence 504, 505, and 506 by preventing the application of the physician-patient privilege and the husband-wife privilege, and by limiting the application of the clergyman privilege, in civil or criminal proceedings arising from reports of abuse made under AS 47.17. A two-thirds vote of each house is required for passage of this section.

The problems related to the protection of children are among the most serious facing our society. Therefore, I urge your prompt, thoughtful, and favorable consideration of this measure.

Appropriation  
(special)  
(Anch. health  
center)

HOUSE BILL NO. 89, by Reps. Uehling, Clocksin & Gruenberg. Makes a special appropriation in the amount of \$100,000 to the Anchorage Neighborhood Health Center. Appropriation to be disbursed in accordance with laws governing grants to named recipients. Takes effect immediately.

On January 18 Rep. Rieger was added as a co-sponsor.

Introduced January 18 and referred to Health, Education & Social Services and Finance.

Labor  
Relations  
(school boards  
& pub. emps.)

HOUSE BILL NO. 90, by Rep. Koponen. Amends laws governing labor relations between school boards and other public employees and their employers. Would require that in an initial election for labor representation for public employees, one of the choices on the ballot be "no representation" (amends AS 23.40.100, Representatives and Elections). Would remove noncertificated employees of school boards from the class of public employees that may engage in a strike after mediation, for a

INTRODUCTION OF BILLS, (House)(cont'd)

SB 90, (cont'd)

limited time. They would be included in the class of employees that may strike for unlimited periods of time.

A new section is added to AS 23.40 (Labor Organizations) stating a school board or municipality may not reject having the provisions of the Public Employment Relations Act apply to its relations with its noncertificated school employees. Does not provide for an effective date (takes effect 90 days after Governor's signature).

Introduced January 18 and referred to Labor & Commerce, Health, Education & Social Services, then Finance.

Retirement  
Credit for  
Unused Sick  
Leave

HOUSE BILL NO. 91, by Reps. Koponen and Grussendorf. See SB 36, page 15, identical.

Introduced January 18 and referred to State Affairs, then to Finance.

Child &  
Spousal Support

HOUSE BILL NO. 92, by the Rules Committee by Request of the Governor. Relates to child support enforcement (see accompanying letter). Takes effect immediately.

Introduced January 18 and referred to Health, Education & Social Services, Judiciary, then Finance.

In his letter accompanying the bill, Governor Sheffield stated:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to child support enforcement. This bill is intended to ensure that Alaska Statutes are in compliance with the federal Child Support Enforcement Amendments of 1984, PL 98-378, which strengthens enforcement techniques of state agencies. It is essential that these provisions be in effect by October 1, 1985, in order for the state to continue to obtain federal funding of 70 percent for support enforcement. Other provisions of the bill strengthen the remedies presently available by amending AS 47.23 and AS 09.65.132.

Sections 1 and 3 of the bill are necessitated by Sec. 466 of PL 98-378, which mandates that each state must have in effect a law that will permit the establishment of the parentage of a child at any time before the child's 18th birthday. Section 1 adds new AS 09.13.095, which acts as a statute of limitation. Section 3 amends AS 25.20.050, relating to establishment of paternity, to specify that such an action must be permitted until the child is 18. As a statute of limitation, a child's right to bring such an action would toll during his minority, so an action could still be maintained until age 20. AS 25.20.050 would not prohibit an action at that time, but simply reflects the federal mandate that parentage actions be permitted at least until the child reaches age 18.

Section 2 amends AS 09.65.132 to conform to federal requirements relating to income withholding orders. The use of the term "income withholding order" in substitution for "income assignment order" will provide for consistency in state and federal statutes. PL 98-378 requires that collections be deposited and distributed by a public agency designated by the state. In this case, the agency is the child support enforcement division of the Department of Revenue (referred to as the "agency"). Since the agency will be required to administer any income withheld, and will be accountable for collection and distribution, the bill also requires that all applications for income withholding orders be filed through the agency. The effectiveness of AS 09.65.132 as an enforcement tool is strengthened by requiring an automatic procedure to trigger withholding without court intervention if an obligor does

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

**REQUEST**

Bill/Resolution No.: HR-90  
 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
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0

<b>CAPITAL</b>						
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<b>REVENUE</b>						
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**FUNDING: (Thousands of Dollars)**


GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	0	0	0	0	0	0

**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 Hoto  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)

7/1/84

M E M O R A N D U M

TO: All Members, House Labor and Commerce Committee

FROM: Committee Staff - Roger Poppe

DATE: February 18, 1985 Monday

SUBJECT: Overview, HB 90

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On Monday, February 18, 1985, at 1:15-2:45 pm in Room 102 Capitol Building, a statewide teleconference was held on HB 90: "An Act relating to labor relations between school boards and other public employers and their employees."

Last year, an identical bill was submitted on this issue in the House as HB 216, which never passed out of House Labor and Commerce Committee. This year, there is a companion piece of legislation to this bill, SB 129 by Senator Ray.

In previous legislation that was passed to give collective bargaining rights to public employees in general, the non-certified employees of public schools were overlooked. This bill would extend collective bargaining rights to them, and in addition allow them the right to strike without the restrictions imposed on other educational employees. There is variation from School District to School District, but generally this group includes janitors, custodians, cafeteria workers, secretaries, and in some districts bus drivers and school nurses.

In actuality, this sub-group would be covered in the new legislation proposed by HB 130, and so if HB 130 passes both houses and becomes law, this legislation will not be necessary. A basic difference however, is that under HB 130, non-certificated employees will be tied like all other public school employees, to binding arbitration rather than being allowed to strike, which is what HB 90 would allow.

The Dept. of Labor feels that this bill as it stands would be costly because they would be directly involved in the bargaining process. If that power were relegated to the local level, the fiscal impact would change to zero.

TESTIMONY

for

H.B. 90

The legislature, in passing the Public Employment Relations Act, recognized the right of public employees to organize for the purpose of collective bargaining. In so doing, the legislature found 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, and to maintain a favorable political and social environment.

Although it is the public policy of the State of Alaska to promote harmonious and cooperative relations between government and its employees, noncertificated school district employees have not been included in this legislative intent. The passage of H.B. 90 by this august body and subsequently the House (barring no gubernatorial veto) would give this group of employees equity with other public employees throughout the State of Alaska.

Joint decision-making has been found to raise employee responsiveness and morale. It provides for a better exchange of ideas and information. The establishment of guidelines for employer-employee relations is highly necessary in order to achieve equality at the negotiations table and to provide a method for dealing with disputes arising from representative elections, collective

bargaining, and administration of the consummated agreement. H.B. 90 will achieve these objectives.

This legislation will provide a basis for orderly, equitable and sensible resolution of the basic and subsidiary issues raised in a dispute over representation. These can be especially delicate in situations where there are two or more organizations competing for status as the negotiation representative and the school board (absent legal guidelines) finds itself in the middle.

If the representative election is truly to reflect noncertificated school district employees' free choice, and if the system of collective negotiations is to be conducted properly, it is essential that the rights of noncertificated school district employees to organize, to participate in collective negotiations through a representative of their own choosing and to engage in activities related to the negotiation process be guaranteed by statute. Abridgement by denial of permanent job status, discriminatory transfers, adverse performance ratings and all other repressive devices which are sometimes resorted to by employers in the exercise of power over their employees are injustices which must be remedied and employee rights protected. Again, H.B. 90 will meet these needs.

More specifically, and speaking to the above, noncertificated school district employees feel strongly the need for mandatory recognition of their organizations. The following reasons address the need:

1. Status of current recognition is tenuous at best without a mandatory provision of law.
2. Lack of equality at the bargaining table due to the absence of guidelines as to what is "good faith" bargaining.
3. No labor relations agency to which to turn for the purpose of resolving disputes over collective bargaining or organizational representation.
4. Inability to enforce the provisions of the negotiated agreement in critical situations.

In summary, noncertificated school district employees are seeking inclusion under the Public Employment Relations Act for the purpose of securing equality at the bargaining table, equity with other public employees and enforceable contract administration.

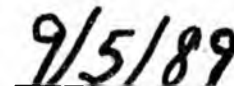


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Signature of Camera Operator

  
Date