

HB 68

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CSHB 68 (HES)

Revision Date: January 23, 1992
 Title: "An Act including public school employees in the Public
 Employment Relations Act. . . ."
 Sponsor: Boyer
 Requestor: House HESS Committee

Department Affected: Administration
 BRU: Personnel/OEEO
 Component: Labor Relations

COMPONENT SERIAL NO.

0	0	5	8
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Maintaining the current provisions for another three years will not require an additional appropriation.

Prepared by: R. H. King
 Division: Personnel/OEEO

Phone: 465-4430
 Date: January 31, 1992

Approved by Commissioner: Nancy Bear Usara *NBU*
 Agency: Administration

Date: 1/31/92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. HB 68

Revision Date: 1/17/92 Department Affected: Education
 Title: Including public school employees BRU: K-12 Support
 in the Public Relations Act as class (a) (3) Component: Foundation
 Sponsor: Reyer
 Requestor: House HESS COMPONENT SERIAL NO.

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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
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REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
FUND SOURCE:						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None to DOE, however it could be considerable to the districts.

ANALYSIS: (Attach a separate page if necessary.) The Department will provide technical assistance for striking districts, contingent upon district reimbursement of travel and per diem. There will be no impact to the foundation program because funding is based on average daily membership (ADM) not the number of days in session. The impact to districts could be considerable, but undetermined, based on the length of the strike.

Prepared By: Mike Maher Phone: 465-2800
 Division: Commissioner's Office Date: 1/17/92
 Approved by Commissioner: Mike Maher Jerry Covey
 Agency: Education Date: 1/17/92

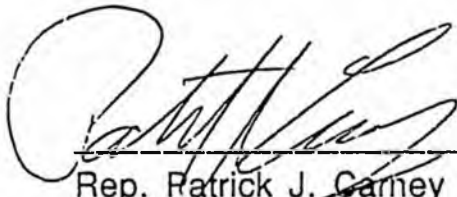
January 28, 1992

By the Health, Education and Social Services Committee

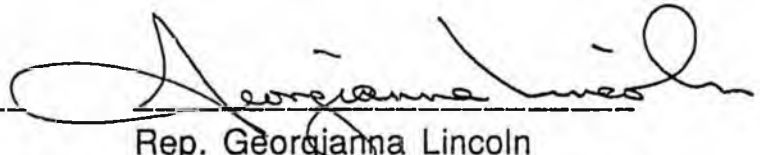
HB 68

Letter of Intent

It is the intent of the legislature that nothing in this act shall be construed as either adding or deleting negotiable items between public school employees and their employers during the collective bargaining process.



Rep. Patrick J. Carney
Co-Chair, House HESS Committee



Rep. Georgianna Lincoln
Co-Chair, House HESS Committee

Alaska State Legislature

REPRESENTATIVE
MARK BOYER

VICE-CHAIRMAN
HOUSE FINANCE COMMITTEE



House of Representatives

FAIRBANKS

1098 LAKEVIEW TERRACE
FAIRBANKS, ALASKA 99701
(907) 456-6473

JUNEAU

P.O. BOX V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3466

MEMORANDUM

TO: Rep. Mike Navarre, Co-Chair
Rep. Eileen MacLean, Co-Chair
House Finance Committee

FROM: Rep. Mark Boyer *MB*

DATE: January 28, 1992

RE: HB 68, Public School Employees in PERA

I would like to request that HB 68 be scheduled for a hearing in the Finance Committee early in the week of February 3. A committee substitute was reported from the Health, Education and Social Services Committee today.

As you are aware, legislation passed two years ago temporarily provided a mechanism to assure finality for educators and school boards in the collective bargaining process. The provisions of that bill are due to expire. HB 68, as originally drafted, would make the inclusion of public school employees in PERA permanent and maintain the status quo. The HESS committee substitute would add an additional three years to the sunset.

Thank you.

FAIRBANKS 20B



NEA-ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

ANCHORAGE REGIONAL OFFICE

1411 W. 33RD AVENUE
ANCHORAGE, ALASKA 99503
(907) 274-0536
FAX: (907) 274-0551

JUNEAU OFFICE

105 MUNICIPAL WAY, SUITE 302
JUNEAU, ALASKA 99801
(907) 586-3090
FAX: (907) 586-2744

FAIRBANKS REGIONAL OFFICE

2118 CUSHMAN STREET
FAIRBANKS, ALASKA 99701
(907) 456-4435
FAX: (907) 456-2159

January 22, 1992

TEACHER COLLECTIVE BARGAINING IN ALASKA UNDER PERA 1991-92

<u>Bargaining Unit</u>	<u>Status</u>	<u>Percent Change in Base Salary Over 1990-91</u>
Adak	S	3.0
Alaska Gateway	B	
Aleutian East	TA	0.0
Aleutian Region	?	
Anchorage	A	
Annette	S	3.0
Bering Strait	M	
Bristol Bay	S	1.3
Centralized Correspondence	S	6.7
Chatham	S	2.0
Chugach	S	6.0
Copper River	S	-1.0
Cordova	S	2.0
Craig	S	2.0
Delta/Greely	M	
Dillingham	S	4.0
Fairbanks	S	3.5
Galena	?	
Haines	S	-5.0
Hoonah	S	4.5
Hydaburg	S	-5.5
Iditarod	S	2.0
Juneau	S	2.0
Kake	S	5.0
Kashunamiut	?	
Kenai	S	7.7
Ketchikan	TA	2.0
Klawock	S	2.0
Kodiak	A	
Kuspuk	?	
Lake and Peninsula	S	1.6
Lower Kuskokwim	S	2.0
Lower Yukon	S	2.0
Matanuska-Susitna	S	5.8
Mount Edgecumbe	S	5.0
Nenana	S	2.5

Nome	S	3.5
North Slope	S	5.1
Northwest Arctic	S	-4.5
Pelican	S	3.0
<u>Petersburg</u>	<u>S</u>	<u>5.0</u>
Pribilofs	S	0.0
Railbelt	S	0.0
St.Mary's	S	0.0
Sitka	S	1.5
<u>Skagway</u>	<u>B</u>	
Southeast Island	S	2.5
Southwest Region	S	2.7
Tanana	S	0.0
Unalaska	S	3.1
<u>Valdez</u>	<u>S</u>	<u>2.0</u>
Wrangell	S	2.5
Yakutat	S	3.0
Yukon Flats	A	
Yukon-Koyukuk	S	2.0
<u>Yuniit</u>	<u>?</u>	
AVERAGE:		2.2

Source: NEA-Alaska Research

P Preparing	0
B Bargaining	2
M Mediation	2
A Arbitration	3
SK Strike	0
PA Post-Arbitration	0
TA Tentative Agreement	2
S Settled	42
? Status Unknown	5

IM02/Bargatus/dl

FAIRBANKS NORTH STAR BOROUGH BOARD OF EDUCATION

Resolution 91-25

Right to Strike Legislation

WHEREAS, legislation passed in 1989 giving teachers and other school district employees the right to strike is scheduled to sunset in 1992, and

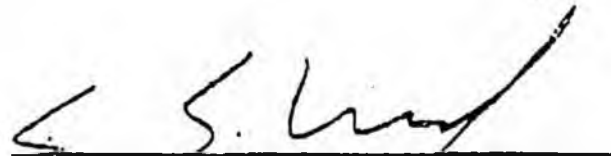
WHEREAS, the school district had successfully negotiated contracts providing competitive compensation for its employees during periods when they did not have the right to strike, and

WHEREAS, having the right to strike substantially tips the balance of power in contract negotiations to the employee bargaining groups, and

WHEREAS, a strike would cause irreparable damage to public education in Fairbanks,

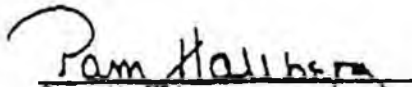
NOW, THEREFORE, BE IT RESOLVED that the Fairbanks North Star Borough Board of Education opposes its employees having the right to strike and supports the sunseting of the right to strike legislation.

PASSED AND APPROVED SEPTEMBER 17, 1991.



Andy Warwick, President
Board of Education

ATTEST:



Pam Hallberg
Secretary to the Board

HB 68 & SB 16



SETTING THE FOCUS ON LEARNING FOR LIFE



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1991/92**

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Oskema, AK 99741
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426 Rogers Road
Kenai, AK 99611
1-866-476-3636

**AAESP EXECUTIVE BOARD MEETING
JANUARY 18, 1992**

Position Statement

HB 68," Employees right to strike"

The Alaska Association of Elementary School Principals supports the idea of finality in the bargaining process and recommend that the sunset clause on the current law authorizing strikes be extended for one year. During that time period, a task force appointed by the legislature should be formed to examine alternatives to the question of finality in the bargaining process and bring recommendations back to the legislature for their consideration and action.



ALASKA ASSOCIATION OF SCHOOL ADMINISTRATORS

326 Fourth Street • Suite 408 • Juneau, Alaska 99801 • (907) 586-9702

LEADERSHIP
FOR LEARNING

Position Statement

HB 68 School Employees Right to Strike

The Alaska Association of School Administrators passed a resolution at their October conference in opposition to the removal of the sunset clause.

Rationale:

We believe that a strike will have a devastating effect on the education of the children in the community which the strike occurs.

We believe that in the age of state and national education reform movements where site based management, shared decision making, strategic planning and collaborative negotiations are becoming the norm and not the exception, the resolution of conflict is becoming more and more possible without the threat of strike.

We further believe that collective bargaining and employee relations have not been enhanced by this statutory change.

We believe that a strike is not in the best interest of children and education, therefore it should not be a part of the negotiations process.

ASSOCIATION OF ALASKA SCHOOL BOARDS

316 West 11th Street, Juneau, Alaska 99801-1510 • Tel. (907) 586-1083 • Fax (907) 586-2995

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In Support of Sunset of SB 15 (In Opposition to HB 68—Reauthorizing strike law)

The Economic Argument

The Association of Alaska School Boards (AASB)—the representative agency of the 332 locally elected officials who serve on Alaska's school boards—supports the sunset of SB 15, and therefore opposes HB 68 (which permanently grants school employees the right to strike).

AASB believes granting school employees the right to strike is poor public policy and does not serve the best interest of students.

The right-to-strike legislation (SB 15) permeates every facet of labor relations in education and cannot be dealt with in isolation from other education statutes, mandates, and requirements that comprise Alaska's educational system.

School boards are publicly elected officials charged with the responsibility of providing a locally appropriate educational program that reflects the desires of the local citizenry. School boards accept that responsibility. And while AASB recognizes the Legislature's authority to mandate the rules under which schools will be governed, as well as their authority to appropriate adequate levels of funding to carry out that charge, we believe that the prohibitive cost of some of these mandates—a Cadillac of a retirement system, tenure laws that grant lifetime employment, and laws that make it virtually impossible to layoff employees for economic reasons—have outrun the ability of the system to pay.

A major concern of school boards is that inadequate levels of funding will not allow school districts to meet the demands of employee groups, thus rendering districts unable to avert a strike situation.

In the absence of adequate levels of funding (witness Alaska's 5-year moratorium on increased education funding) and due to numerous legislative mandates, locally elected officials are held accountable for a system over which they have little or no control. Conditions that lead to a strike situation could well be conditions over which a school board has little control.

The Association of Alaska School Boards respectfully requests that SB 15 be allowed to sunset so that school labor relations may once again be placed under Title 14 education statutes, under which Alaska's teachers have achieved and maintained the highest average salary in the nation.

1/22/92

January 27, 1992

The North Slope Borough School District Board of Education strongly opposes House Bill 68. This Bill gives teachers the right to strike and thus considerable influence over the economic decisions that school districts have to make. This comes at a time when revenues for Alaska school districts are diminishing and when there is considerable pressure nation-wide for significant reforms in the educational system. Giving teachers the right to walk away from their classrooms clearly is not in the best interest of improving student achievement.

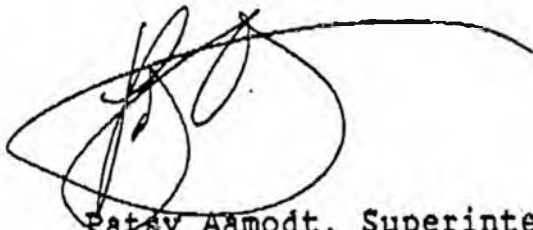
It is our position that House Bill 68 will also make it difficult for locally elected school boards to exercise their management rights and will provide an increased opportunity for local teacher unions to make further in-roads into management rights. Local control of schools and the right to manage schools is essential to meeting the demands for school reform and improvement.

The Title 14 statutes have served schools and teachers well. Alaska has maintained the highest teacher salaries in the nation. It has been difficult for all school districts in the State to maintain programs that benefit our children while

trying to keep salaries and benefits for teachers at the present level. House Bill 68 does not look at the best interest of the students. It threatens the right of students to receive an uninterrupted education, free from stress they should not even have the potential of experiencing.

We urge you to defeat House Bill 68 and allow Senate Bill 15 to sunset, returning control of schools to locally elected school boards who know best how to meet the needs and demands of their constituents.

Thank you.

A handwritten signature in black ink, appearing to read 'Patsy Aamodt', with a long horizontal flourish extending to the right.

Patsy Aamodt, Superintendent

North Slope Borough School District

27 Jan 92

Dear Legislators

I would like to speak to SB16 and HB 68. The right to strike is not needed to provide an equitable negotiating atmosphere in our district. Fairbanks teachers are the highest paid in the country with one of the best benefit packages going. This was all accomplished without the right to strike clause. I believe this demonstrates that all parties can negotiate in good faith past and future. Any strike would prove very disruptive to the education of our Fairbanks children - a disruption which can not be justified or condoned. Teachers as professional public servants, have a higher responsibility to our children - the right to strike is not warranted. These bills represent a cure for a non-existent problem, please remove the right to strike from future negotiations.

Sincerely,

Jonathan Ewig

Jonathan Ewig

Pg. 1 of 2 (HB 68)
(SB 16)
"Right to Strike"

Dear Public Servants in the Legislature,

A collective bargaining process is highly important and my husband's grandfather was instrumental in the formation of unions in Michigan during a time period when there were "company mining towns". He served extensively in the legislature in Lansing.

The school board (management) certainly needs to consider all groups when making decisions. Unions are one way of insuring that special needs are considered through negotiations that might otherwise be overlooked, such as benefits or working conditions and, in some cases, increases in salary.

I arrived in Fairbanks in 1972 to teach junior and senior high mathematics. After a year I got married and continued to teach. I was appointed Mathematics Department Head at a junior high. I was active in the National Education Association (NEA) during the time I taught and also served on the Faculty Senate of a junior-senior high school. After eight years I retired to become a mother and then served in the PTA as treasurer where our children attended school.

Over the years the NEA leadership consistently placed salary increases and benefits at the top of their negotiating list when bargaining here with the North Star Borough school board. As a result my starting salary was \$10,700 twenty years ago and the starting salary at present is \$30,700. Benefits when I started teaching were full payment of all medical and dental bills without my having to pay into the system. Benefits today are still excellent. I know of no other workers with benefits nearly comparable to these. The administrators, secretaries, and custodians have been able to receive good benefits and increases in salary regularly with the efforts of the NEA leaders creating the pressure enabling these other groups to model the persuasion techniques used with the school board. School principals earn a wage of \$75,000 not counting their benefits! The university intellectuals and other school districts in the state have been able to "piggy back" off of the wage increases here in order to get their own wages raised. For example, if the superintendent in Fairbanks gets a raise of \$10,000 then "the superintendent in Anchorage ought to get a raise of at least that much" or vice versa. A family could live on the fringe benefits alone of our superintendent up here (\$35,000). (The superintendent's wage is \$110,000 and that is far beyond public servant status.)

Because of the process of bargaining we have prospered in this field (education) to the point of losing track of our obligation as public servants. Along with the privilege of being able to collectively bargain is the responsibility we have to the community through the school board and to the students to do the job that we are paid to do. We are not deprived and do not have the ethical or moral right to intimidate a community with threats of strikes, or to bankrupt it by striking, because we want more money or more "freebies". Our "boss" should still have the final decision since they pay us. I would venture to guess that most workers in most work fields want more money but it is not necessarily fiscally sound to

give it out just because we want it. It takes self-control and practice to accomplish our goals with the amount of money we have been allocated to work with in each case. I oppose HB 68 and SB 16 because striking would be like holding my breath until I turn blue to get my way. It would give a message that I have no desire to ignore my natural inclination not to set limits on myself, that I refuse to use self control and responsible fiscal planning but I want more money instead--I am entitled to all of the money that I ask for at any time that I ask. This does not help my responsibility to encourage my own fiscal growth. It does not address my responsibility to get along and compromise with others or my responsibility to straighten up and give more of my talent and not demand to be able to "rip-off" the taxpaying public and the students. Disrupting the educational process is not what the taxpaying community pays special interest groups such as NEA, ESSA or administrators' unions to do.

At present 70% of the money budgeted for the school district goes to teacher/administrator wages and an additional 16% goes to fringe benefits. I doubt that the taxpaying public would sympathize with unions that want to strike when they already use up 86% of the school district budget!! What about the children???

People in the education profession definitely have difficulty at this time seeing themselves as deserving any less than what a lawyer or a doctor earns because we are "professionals and educated". Because of our affluence we expect to travel out of state at least twice each year, own two or three cars and have a mansion-like home. Many of us are insulted when a demeaning term such as "public servant" is applied to us in our occupation. Whether we like it or not and whether we are affluent or not, we ARE public servants and should respond to the community as such instead of trying to bankrupt it and the state by strikes.

When money is excessively available we tend to expect more and be corrupted by the easy availability of it. If the unions strike it will be over money and a compulsion to acquire more power.

HB 68 and SB 16 will be a disservice to the voting public including far more than fifty teachers up here who have expressed opposition to it and who continue to remind me (and others) to help oppose it. Rank and file teachers do not have an interest in striking but feel the pressure to comply with the militant and intimidating leadership. The idea of "strike" is coming from the top down without consideration of the rank and file teacher opposition to it. (It will be natural for the union leadership to deny the above facts....)

Throw away this selfish bill so that we can get back on track educating the children instead of trying to manipulate the community at the expense of the children for reasons having nothing to do with our responsibility. For the sake of our state and our future attitudes, we need to be willing to work with the taxpaying public and families instead of alienating them through strikes.

Respectfully,

Ruth E. Ewig

Ruth E. Ewig 1/23/92

2325-30th Avenue, Fairbanks, Alaska 99701

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microfilm top
page only

DOCUMENTS WHICH HAVE NOT BEEN
FILMED BUT ARE AVAILABLE IN THE
ORIGINAL FILE INCLUDE:

- Legislative Audit Report - Nov. 21, 1991
Impact of PER Act on Local School Districts

ALASKA STATE LEGISLATURE

LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Audit



P. O. Box W
Juneau, AK 99811-3300
(907) 465-3830
FAX (907) 465-2347

November 21, 1991

SUMMARY OF: A Report on the Impact of the Public Employment Relations Act on Local School Districts, November 8, 1991.

PURPOSE OF THE REPORT

In accordance with a Legislative Budget and Audit Committee special request and the provisions of Title 24 of the Alaska Statutes, we conducted a review of the effects of Senate Bill 15, Chapter 180, SLA 1990 on the State's local school districts. This legislation made public school employees subject to the provisions of the Public Employment Relations Act (PERA), AS 23.40, Article 2. Public school employees were classified as (a)(3) workers. Under PERA, class (a)(3) employees are given the legal right to strike; whereas, previously when public school employees were covered by Title 14, the Alaska Supreme Court determined that they had no legal right to strike.

REPORT CONCLUSIONS

Our review evaluated the impact of PERA on a variety of aspects of labor relations between public school employees and the State's 54 school districts. Our report conclusions are based on the information that was gathered through interviews with education organization groups, school district administrators, and members of local unions representing both certificated and noncertificated staff. We also relied on the results of a questionnaire we mailed to 51 school districts. We had a response from 38 or 75% of districts polled.

In summary, we conclude the following:

1. The length of time involved in negotiations has generally remained unchanged.
2. Legal service costs at the district level generally have not been affected.
3. Use of professional negotiators has remained about the same.

4. The major difference involving PERA are the issues being negotiated. With the passage of PERA, there is a lot of uncertainty on the part of both administrators and unions about what can be negotiated in collective bargaining.

The National Education Association of Alaska (NEA-Ak) say that they have no plan to push for reconsideration of the issues dealt with by the courts under Title 14. However, individual local unions told us that they were raising previously non-negotiable items in their contract talks. These reports were substantiated by school districts in their survey responses. The most commonly addressed previously non-negotiable item being discussed is class size.

5. The role of the Alaska Labor Relations Agency (ALRA) has not been as timely and has been less extensive than originally envisioned. ALRA has had lesser of a role than anticipated with education-related issues due primarily to two factors. One, the agency's current organization was formed only nine days after the effective date of Chapter 180, SLA 1990. Two, with a change in administrations, there was a change in the make-up of the board which contributed to further adjudicatory delays.
6. ALRA has received favorable comments for its advisory role and mediation function. In spite of the frustration over delays in issuing decisions on unfair labor practices (ULPs), there have been many positive comments about ALRA. Union members and school district administrators who have contacted ALRA report that there is a considerable body of knowledge about labor relations at the agency. They have found ALRA to be a reliable, unbiased source of information. The comment was also frequently made that despite the length of delay at ALRA, it is still a faster alternative than going to court to get a decision. It is significant to note that ULPs can be, and are being, filed by school districts almost as often as by unions.
7. ALRA's 15 education cases involve union certifications, regulations, and ULPs. The report contains a table summarizing ALRA's 15 education related cases.

FINDINGS AND RECOMMENDATIONS

1. Public school employees should remain under the provisions of the Public Employment Relations Act (PERA), classified as (a)(3) employees.
2. If certificated public school employees remain subject to the provisions of PERA, the legislature should consider adopting legislation to clarify what issues are negotiable.