

**SB**

**16**

# HOUSE COMMITTEE REPORT

*file*

(11)

Date Referred: February 7, 1992

FURTHER REFERRALS:

Date of Committee Action:

*2/21/92*

The FINANCE Committee considered:

CSSB 16(L&C)

CS FOR SENATE BILL NO. 16 (L&C)

EDUCATION EMPLOYEE COLLECTIVE BARGAINING

"An Act including public school employees in the Public Employment Relations Act as class (a)(3) employees entitled to a right to strike after advisory arbitration; and providing for an effective date."

**RECOMMENDATIONS:**

be replaced with CSSB 16 (L&C)  the same title  a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

zero fiscal note DOE 10/31/91

zero fiscal note(s) DOA 1-29-92

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Mike Yavone</i> <sup>NAVARRE</sup>	✓	<i>Eileen P. Muehlen</i> <sup>MACLEAN</sup>			
<i>Mark Brown</i> / Bayer	X				
<i>Lan Braun</i> / BROWN	✓				
<i>ROD E. BEAL</i> / Phillips	✓				
<i>Bob Sharp</i> / sharp	✓				
<i>Ronald J. Larson</i> / Larson	X				

*Mike Yavone* <sup>NAVARRE</sup>      *Eileen P. Muehlen* <sup>MACLEAN</sup>  
 CO-CHAIRMAN'S SIGNATURE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO. SB 16

Revision Date: \_\_\_\_\_ Department Affected: Education  
 Title: Act providing advisory arbitration for school employees prior to striking. BRU: \_\_\_\_\_  
 Sponsor: Duncan Component: \_\_\_\_\_  
 Requestor: \_\_\_\_\_ 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	-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 FUND SOURCE:	-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 FUND SOURCE:	-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: none

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 and nature of the strike.

Prepared By: Harry Gamble Phone: 465-2300  
 Division: Commissioner's Office Date: 10/31/91  
 Approved by Commissioner: Jerry Covey, Commissioner  
 Agency: Education Date: 10/31/91

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO. SB 16

Revision Date: January 23, 1992  
 Title: Act providing advisory arbitration for school employees  
prior to striking.  
 Sponsor: Duncan  
 Requestor: Senate Labor and Commerce

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.)

The advisory arbitration provisions of this bill will affect only one State teacher bargaining unit (Mt. Edgecumbe). This fiscal note assumes that no advisory arbitrations will be required for this unit and that any additional negotiation workload will be absorbed by current staff.

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

Phone: 465-4430  
 Date: January 23, 1992

Approved by Commissioner: Nancy Bear Usura  
 Agency: Administration

Date: 1/23/92

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

CS FOR SENATE BILL NO. 16 (L&C)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 1/29/92  
Referred: Health, Education and Social Services

Sponsor(s): SENATORS DUNCAN, Zharoff

A BILL

FOR AN ACT ENTITLED

1 "An Act including public school employees in the Public Employment Relations Act as  
2 class (a)(3) employees entitled to a right to strike after advisory arbitration; and providing  
3 for an effective date."

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

5 \* Section 1. AS 14.16.050(a) is amended to read:

6 (a) The following provisions apply with respect to the operation and management of the  
7 state boarding school as if it were a school district:

8 (1) requirements relating to school district operations:

9 (A) AS 14.03.030 - 14.03.050 (defining the school term, day in session,  
0 and school holidays);

1 (B) AS 14.03.083 - 14.03.140 (miscellaneous provisions applicable to  
2 school district operations);

3 (C) regulations adopted by the board under authority of AS 14.07.020(a)  
that are applicable to school districts and their schools, unless the board specifically

1 (B) AS 14.30.360 - 14.30.370 (establishing health education program  
2 standards);

3 (C) AS 14.30.400 - 14.30.410 (relating to bilingual and bicultural  
4 education).

5 \* Sec. 2. AS 14.16.070 is amended to read:

6 Sec. 14.16.070. APPLICABILITY OF OTHER LAW. AS 23.40.070 - 23.40.260 (Public  
7 Employment Relations Act) apply to the employees of the state boarding school [WHO ARE  
8 NOT SUBJECT TO AS 14.20].

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

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

\* Sec. 4. AS 23.40.200(d) is amended to read:

(d) The class in (a)(3) of this section includes all other public employees who are not  
included in the classes in (a)(1) or (a)(2) of this section. Employees in this class may engage  
in a strike if a majority of the employees in a collective bargaining unit vote by secret ballot to  
do so. However, if an impasse or deadlock is reached in collective bargaining negotiations  
between a municipal school district, a regional educational attendance area, or the state  
boarding school and its employees, the parties shall submit to advisory arbitration before  
the employees may engage in a strike. The arbitrator selected to conduct the advisory

1 \* Sec. 11. Notwithstanding sec. 4, ch. 113, SLA 1972, a municipal school district or regional  
2 educational attendance area may not reject application of AS 23.40.070 - 23.40.260 to employment  
3 relations with public school employees.

4 \* Sec. 12. This Act takes effect immediately under AS 01.10.070(c).

AMENDMENT # 1

OFFERED IN THE HOUSE  
TO: CSSB 16(L&C)

BY REPRESENTATIVE MACLEAN

Page 1, line 5 through page 5, line 3:

Delete all material and insert:

\*\* Section 1. Section 2, ch. 180, SLA 1990, is amended to read:

Sec. 2. Section 1 of this Act is repealed on the date five [TWO] years after the effective date of this Act."

Renumber the remaining bill section accordingly.

# DIVISION OF LEGAL SERVICES

## LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

P.O. Box Y, Juneau, Alaska 99811  
(907) 465-3867 or 465-2450  
FAX (907) 465-2029

Deliveries to: 240 Main Street  
Court Plaza, Room 500  
Mail Stop 3101

### MEMORANDUM

October 28, 1991

**SUBJECT:** Sectional summary of SB 16 (Including public school employees in the Public Employment Relations Act)

**TO:** Senator Jim Duncan

**FROM:** Teresa B. Cramer *TBC*  
Legislative Counsel

You have requested a sectional summary of SB 16 which makes permanent the temporary inclusion of public school employees in the Public Employment Relations Act (PERA) enacted last legislature. As a preliminary matter, note that a sectional analysis or summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Sections 1 and 2 remove employees of the state boarding school from the education employee collective bargaining provisions in Title 14 and place them under PERA.

Sections 3 and 6 make changes to PERA to place both certificated and noncertificated employees of school districts regional educational attendance areas, and the state boarding school<sup>1/</sup>, other than school superintendents, within Class (a)(3) of PERA. Class (a)(3) employees may engage in strikes after an impasse is reached. Section 3 leaves employees of the University of Alaska within Class (a)(2) of PERA. Those employees have a limited right to strike.

Section 4 requires that, if an impasse or deadlock is reached in negotiations, public school employees and school districts must submit to advisory arbitration before the employees may engage in a strike.

Section 5 makes clear that the legislature does not need to approve the monetary terms of a collective bargaining agreement entered into by a school district.

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<sup>1/</sup>In this memo, I use the term "school district" to include municipal school districts, REAA's, and the state boarding school.

Senator Jim Duncan

October 28, 1991

Page 2

Section 6 amends the definition of "public employee" in PERA to include school district employees other than superintendents.

Section 7 amends the definition of "public employer" in PERA to include school districts. It also makes an editorial change by substituting "municipality" for "town, city, borough." Under AS 01.10.060(4), "municipality" is defined for the entire extent of Alaska Statutes as

a political subdivision incorporated under the laws of the state that is a home rule or general law city, a home rule or general law borough, or a unified municipality;

Section 8 adds a definition of "regional educational attendance area" to PERA.

Section 9 makes clear that this change in the law does not terminate or modify a collective bargaining unit determination, recognition of a collective bargaining representative, or a collective bargaining agreement if it was in effect on the effective date of this Act.

Section 10 repeals the provisions for educational employee collective bargaining that are found in Title 14.

Section 11 precludes municipalities and REAA's from opting out of PERA.

Section 12 is an immediate effective date provision.

If I may be of further assistance, please advise.

TBC:gc  
91-385.glc

# POSITION PAPER: DEPARTMENT OF EDUCATION

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**Bill No:** Senate Bill 16

**Date:** October 31, 1991

**Title:** "An Act including public school employees in the Public Employment Relations Act as Class (a) (3) employees entitled to a right to strike after advisory arbitration; and providing for an effective date."

**Contact:** Harry Gamble  
465-2821

Under the provisions of Senate Bill 16, the Public Employment Relations Act would continue to govern labor relations for certificated and non-certificated school employees in Alaska, as it has for the past two years.

These employees were placed under PERA by a previous Legislature. The original act included a two-year "sunset" limitation that takes effect in 1992.

The original act began as a binding arbitration bill that would allow a third party to decide terms and conditions of employment for school districts and their employees. The right-to-strike element was added by lawmakers as a compromise. It removed school district employees from the school labor laws of Title 14 and placed them under the PERA, Title 23.

However, the "opt out" provision of Title 23, which applies to municipalities, was deleted from the final version of this bill. The "opt out" clause would have allowed districts to develop their own bargaining system (as some municipalities have done) or revert back to Title 14 school labor laws.

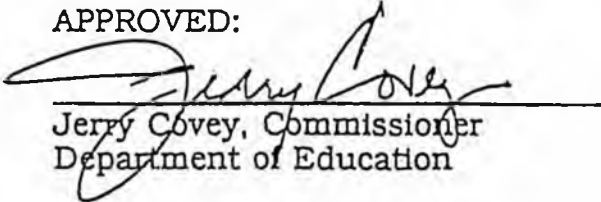
Under Senate Bill 16, the coverage of public school employers and employees under PERA would continue after 1992, and the Alaska Labor Relations Agency would continue to serve as their labor relations agency. The "opt out" clause in PERA, which applies to municipalities, would continue to be denied to school districts.

This bill would not expand the responsibilities of the Department of Education. It would have no fiscal impact as described in the attached fiscal note.

The Department opposes SB16 as not being in the best interest of Alaska education for the following reasons:

- Teacher strikes are not good for students.
- School boards have lost their authority to negotiate evenly with unions under Title 23.
- Teachers had achieved and maintained the highest average teacher salaries in the nation under Title 14 and excellent benefit packages.
- It is bad policy to tamper with a system (Title 14) that was working well.

APPROVED:

  
Jerry Covey, Commissioner  
Department of Education

Post-It™ brand fax transmittal memo 7671		# of pages ▶
To <i>Jim Duncan</i>	From <i>Willie</i>	
Co. <i>Dale</i>	Co.	
Dept.	Phone # <i>586-3090</i>	
Fax # <i>465-4748</i>	Fax # <i>586-2744</i>	

# IEA-ALASKA

ATED WITH THE NATIONAL EDUCATION ASSOCIATION

### ANCHORAGE REGIONAL OFFICE

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

### JUNEAU OFFICE

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JUNEAU, ALASKA 99801  
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FAX: (907) 566-2744

### 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
Petersburg	S	5.0
Pribilofs	S	0.0
Railbelt	S	0.0
St.Mary's	S	0.0
Sitka	S	1.5
Skagway	B	
Southeast Island	S	2.5
Southwest Region	S	2.7
Tanana	S	0.0
Unalaska	S	3.1
Valdez	S	2.0
Wrangell	S	2.5
Yakutat	S	3.0
Yukon Flats	A	
Yukon-Koyukuk	S	2.0
Yupit	?	
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

# Alaska State Legislature

REPRESENTATIVE  
MARK BOYER

VICE-CHAIRMAN  
HOUSE FINANCE COMMITTEE

FAIRBANKS

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

JUNEAU

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STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3466

## House of Representatives

### HB 68 EDUCATION EMPLOYEE COLLECTIVE BARGAINING

#### History:

Prior to passage of SB 15 in 1990 labor relations provisions for education employees, unlike all other public employees, were in Title 14 instead of the Public Employees Relations Act (PERA). Under Title 14 school districts could impose a contract if negotiations reached an impasse. This left no legal recourse for educators in their attempts to reach finality in the bargaining process.

For many years educators worked with the legislature attempting to bring finality to the process. Their preferred solution was inclusion in PERA as class (a)(2) employees which would allow for binding arbitration if an impasse were reached. School administrators strongly opposed binding arbitration so in 1990 a compromise was reached making education employees class (a)(3) employees with the right to strike. A further concession was made by including a two year sunset provision.

#### Today:

HB 68, as originally introduced, would have simply taken the provisions of Chapter 180, the temporary act passed in 1990 through SB 15, and placed them in the permanent statutes. The HESS Committee Substitute would extend the sunset for another three years.

## CS FOR HOUSE BILL NO. 68 (HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 1/27/92  
Referred: Finance

Sponsor(s): REPRESENTATIVES BOYER, Navarre, Donley, Ulmer, Koponen, B.Davis, Mackie, Bruckman

## A BILL

## FOR AN ACT ENTITLED

1 "An Act including, for three additional years, public school employees in the Public  
2 Employment Relations Act as class (a)(3) employees entitled to a right to strike after  
3 advisory arbitration; and providing for an effective date."

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

5 \* Section 1. Section 2, ch. 180, SLA 1990, is amended to read:

6           Sec. 2. Section 1 of this Act is repealed on the date five [TWO] years after the effective  
7           date of this Act.

8 \* Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

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

*Letter in opposition from:*  
*Skagway City School*

*Letters in support from:*  
*Mat-Su Dist. Classified Employee*  
*12 letters from Anchorage*  
*Educators Association*