

HB

124

(7)

Date Referred to Committee: February 12, 1997

FURTHER REFERRALS:

Judiciary

Date of Committee Action: 3/11/97

The STATE AFFAIRS Committee considered:

HB 124

HOUSE BILL NO. 124

PERA: LOCAL EXEMPTION/NONNEGOTIABLE ITEMS

"An Act relating to items not subject to collective bargaining and to application of the Public Employment Relations Act to municipalities and other political subdivisions."

recommends it be replaced with the following committee substitute _____ [] the same title [] a new title

[] additional referral to _____ Committee [] attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____

[] fiscal note(s) _____ [] fiscal note(s) _____

[] zero fiscal note(s) Labor, Admin. [] zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Jeannette James</i>			-	
<i>[Signature]</i>		✓		
<i>[Signature]</i>		✓		
<i>[Signature]</i>	✓			
<i>[Signature]</i>			✓	
<i>[Signature]</i>	✓			
<i>[Signature]</i>			✓	

CHAIR'S SIGNATURE *Jeannette James*

Alaska State Legislature

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Representative Al Vezey

HB 124 SPONSOR STATEMENT

HB 124 makes two modifications to the Public Employment Relations Act (PERA).

Section 1 of HB 124 exempts from collective bargaining state services that are contracted out or privatized.

Section 2 of HB 124 will provide a democratic means for the municipalities of Alaska to vote to be covered by the Public Employment Relations Act (PERA) or if covered by PERA, a democratic means to opt out of PERA.

Existing legislation as interpreted by the courts has put local governing bodies in a position where one governing body can obligate all future governing bodies. HB 124 would place the decision making process back into the hands of local governing officials and the people.

HB 124 will strengthen the ability of municipalities to represent the citizens of their communities.

From
Lezey's
office

Collective bargaining is not eliminated by repealing PERA.

Collective bargaining is the negotiations between an employer and a group of employees that determine the conditions of employment.

Mr. Cyr of the NEA stated in his testimony before State Affairs on March 11, 1997 that Anchorage is opted out of PERA but does a good job of negotiating with their employees.

Mandatory PERA participation by municipalities in an unfunded mandate:

Unfunded mandates by the federal government have forced communities to raise taxes and reduce necessary services. Not allowing municipalities and school districts to opt from PERA is clearly an unfunded mandate the State has imposed. The ability of local governments to represent the interests of their citizens, make local decisions on funding, and participate in the collective bargaining process must be reinstated. Public policy should not be made by a third party.

Mandatory PERA participation by municipalities is a violation of the National Labor Relations Act:

The National Labor Relations Act (NLRA) is the principle law governing collective bargaining. In 29 U.S.C. 7.141(b), Congress declared the purpose and policy of the National Labor Relations Act (NLRA):

"It is the purpose and policy of this chapter, in order to promote the full flow of commerce, to prescribe the legitimate rights of both employees and employers in their relations affecting commerce, to provide orderly and peaceful procedures for preventing the interference by either with the legitimate rights of the other, to protect the rights of individual employees in their relations with labor organizations whose activities affect commerce, to define and proscribe practices on the part of labor and management which affect commerce and are inimical to the general welfare, and to protect the rights of the public in connection with labor disputes affecting commerce."

As is evident from the text of 29 U.S.C.7.141(b), when the State mandated that municipalities are automatically opted into PERA, the state infringed upon the legitimate rights of the employers and quite possibly employees of that municipality. In the case of local governments and employees, the public is the employer. Forcing binding arbitration dictates that public policy will be decided by a third party. Public employees should not be able to take away from the public what they have already paid for.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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Mail Stop 3101


130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

February 10, 1997

SUBJECT: Sectional Summary of HB 124. (Application of PERA to municipalities and other political subdivisions; right to privatize government services)

TO: Representative Al Vezey
Attn: Rynniva Moss

FROM: Teresa B. Cramer 
Legislative Counsel

You have requested a sectional summary of the above-described bill. Please note that a sectional 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.

Section 1 amends AS 23.40.075 to provide that the right of the employer to contract out services or functions is not subject to the requirement of collective bargaining under the Public Employment Relations Act (PERA).

Sec. 2 adds AS 23.40.085 to PERA to set out a mechanism for municipalities and other political subdivisions to use in deciding whether or not PERA should apply to employment relations in the municipality or political subdivision. The voters in the municipality or political subdivision can decide to accept or reject coverage under PERA.

Sec. 3 repeals two temporary law sections.

Section 4, ch. 113, SLA 1972 provides that PERA applies to "organized boroughs and political subdivisions of the state, home rule or otherwise, unless the legislative body of the political subdivision, by ordinance or resolution, rejects having its provisions apply."

Section 11, ch. 1, SLA 1992 provides that a municipal school district or regional educational attendance area cannot reject coverage under PERA.

Sec. 4 provides that the Act does not terminate or modify the terms of a collective bargaining agreement in effect on the effective date of the Act.

TC:glc
97-085.glc

Alaska State Legislature

Legislative Research Agency



130 Seward Street, Suite 218
Juneau, Alaska 99801-2196

Phone: (907) 463-3991
Fax: (907) 463-3351

AUG 16 1993

July 8, 1993

MEMORANDUM

TO: Representative Al Vezey

FROM: Carol R. Vandor *CRV*
Legislative Analyst

RE: Public Employment Relations Act (PERA)
Research Request 93.232

You asked about the number of state political subdivisions covered by the Public Employment Relations Act (PERA). Title 23, chapter 40 of the Alaska statutes governs PERA. There is no requirement for a political subdivision to report its status under PERA; therefore, the only way of knowing whether a political subdivision is covered under PERA or has opted-out is if a hearing has been held by the Alaska Labor Relations Agency or a suit has been filed in the courts. Following is a brief discussion of PERA and the Alaska Labor Relations Agency followed by a list of the 15 political subdivisions that are known to be covered by PERA and the 11 that have opted-out of PERA.

Public Employment Relations Act

In June 1972 the State of Alaska enacted the Public Employment Relations Act. The PERA confers upon public employees the right to organize and to bargain collectively with their employers (AS 23.40.080). The Declaration of Policy, set forth in AS 23.40.070, states in part:

The legislature declares that it is the public policy of the state to promote harmonious and cooperative relations between government and its employees and to protect the public by assuring effective and orderly operations of government. These policies are to be effectuated by recognizing the right of public employees to organize for the purpose of collective bargaining; (2) requiring public employers to negotiate with and enter into written agreements with employee organizations on matters of wages, hours, and other terms and conditions of employment; and (3) maintaining merit-system principles among public employees.

Representative Vezey

July 8, 1993

Page 2

Alaska Statute 23.40.250 defines public employer and public employee as used in the Declaration of Policy as follows:

"public employer" means the state or a political subdivision of the state, including without limitation, a municipality, district, school district, regional educational attendance area, board of regents, public and quasi-public corporation, housing authority, or other authority established by law, and a person designated by the public employer to act in its interest in dealing with public employees.

"public employee" means any employee of a public employer, whether or not in the classified service of the public employer, except elected or appointed officials or superintendents of schools.

An appointed official, defined in 2 AAC 10.220, is a person who exercises significant responsibilities for the public employer in the area of collective bargaining policy formulation and implementation.

The interpretation of PERA as it applies to political subdivisions has been litigated on several occasions since PERA was enacted. The most recent decision, *Kodiak Island Borough v State of Alaska*, Supreme Court File No. S-4891, (June 1993) addressed the issue of the right of public employees to organize for the purpose of collective bargaining under PERA, and the right of a political subdivision to exempt itself. In this case, the borough had adopted an opt-out resolution in 1980 after it became aware of substantial organizational activities by its employees. The court ruled that a political subdivision may not opt-out of PERA after becoming aware of organizational activity by employees. A copy of the decision is attached.

Alaska Labor Relations Agency

For many public employees in Alaska, the Alaska Labor Relations Agency provides enforcement of PERA. The agency is comprised of three members appointed by the governor and confirmed by the legislature. It serves as the labor relations agency under the Public Employment Relations Act and carries out the functions specified in that act. Under Title 23, the agency has the authority to enter into labor management matters when certain situations exist. The agency has several responsibilities, one of which is the investigation and resolution by conciliation of unfair labor practices committed by either employers or employees. The decisions can be enforced by an injunction to cause the prohibited practice to cease and desist. The agency also decides the unit appropriate for the purpose of

collective bargaining and schedules representation elections and settles issues regarding clarifications of the appropriate unit.

PERA Status

According to the Alaska Labor Relations Agency employees of 15 political subdivisions are known to be covered under PERA and 11 political subdivisions have opted-out. PERA status is pending in three political subdivisions.

Covered	Opted-Out
City of Wainier	City of Ketchikan
Bristol Bay Borough	Wrangell
City of Fairbanks	Seward
Fairbanks North Star Borough	North Pole
Ketchikan Gateway Borough	North Slope Borough
Nome	City and Borough of Juneau
City of Seldovia	Municipality of Anchorage
Unalaska	Sitka
Petersburg	Mat-Su Borough
Haines Borough	City of Kodiak
Thomas Bay Power Authority	City of Homer
City of Dillingham	
City of Cordova	
City of Hoonah	
Kodiak Island Borough	

Status Dispute Pending - *update:*

City of Bethel *not sure*

City of Kotzebue *opt out was effective*

City of Haines *opt out upheld by AK Labor Relations Agency (under sec)*

I hope this information is useful to you. If we may be of further assistance, please contact this office.

Attachments



NEA-ALASKA

Affiliated with the National Education Association

NEA-ALASKA POSITION PAPER

HB 124 - Relating to Collective Bargaining
March 11, 1997

House State Affairs Committee

NEA-Alaska opposes HB 124. The bill will allow municipalities or other political subdivisions including school districts to conduct an election to determine if employees are to continue to bargain under the provisions of AS 23.40.070 - 23.40.260.

Since the early 1970's, state policy extended the statutory right to bargain to public employees. School employees struggled for over ten years to establish their rights under PERA. The schools and school employees have developed a successful pattern of bargaining under PERA for nearly six years.

Bargaining provides public employees a good participatory way to influence decisions that affect the work place. At the bargaining table public employees share in the decision-making process affecting wages and working conditions. They have become more responsive and better able to exchange ideas and information on school operations with their administrators. Successful businesses are moving to management models designed to involve employees in a meaningful participatory role. Studies have shown that successful school reform occurs in school districts where mature bargaining relationships exist.

If HB 124 were to become law, labor relations between school districts and school employees would be disrupted. Good faith bargaining would give way to politics. Management and school boards would have greater latitude to delay and forestall the bargaining process. Some school districts could submit the question of continuance under PERA to voters annually or during each round of bargaining. In effect local governments could use this bill to become "right to work" employers. School, municipal, borough or state employees will lose. Inconsistency between units and school districts would occur. The bargaining process would be weakened and in some instances destroyed.

The bill calls for a vote of the people. Who pays for the election? Will the election activate adversarial clashes between the special anti-labor groups with agendas opposed to working people?

Representatives are elected to make decisions for their constituency in view of the public good. HB 124 proposes a poor approach to decision making. The issue of inclusion of school employees under PERA has been debated on the state level. A majority of the legislature, after weighing carefully the facts and information, decided it is good policy. In its declaration of policy, Sec. 23.40.070, "the legislature finds that joint decision-making is the modern way of administering government"

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RECEIVED
JUN 07 1993
Alaska Labor Relations Agency

THE SUPREME COURT OF THE STATE OF ALASKA

KODIAK ISLAND BOROUGH,)
)
 Appellant,)
)
 v.)
)
 STATE OF ALASKA, DEPARTMENT)
 OF LABOR, LABOR RELATIONS)
 AGENCY; and the INTERNATIONAL)
 BROTHERHOOD OF ELECTRICAL)
 WORKERS, LOCAL 1547,)
)
 Appellees.)
)

Supreme Court File No. S-489
Superior Court File No.
3AN-90-4512 Civil

O P I N I O N

[No. 3965 - June 4, 1993]

Appeal from the Superior Court of the State of Alaska, Third Judicial District, Anchorage, Karen L. Hunt, Judge.

Appearances: Paul H. Cragan, Hughes, Thorsness, Gantz, Powell & Brundin, Fairbanks, for Appellant. Toby N. Steinberger, Assistant Attorney General, Anchorage, and Charles E. Cole, Attorney General, Juneau, for State of Alaska, Department of Labor, Labor Relations Agency and William F. Morse, Associate General Counsel, IBEW LOCAL UNION 1547, for Brotherhood of Electrical Workers, Local 1547, Appellees.

Before: Moore, Chief Justice, Rabinowitz, Burke, Matthews and Compton, Justices.

COMPTON, Justice.
BURKE, Justice, concurring.
MATTHEWS, Justice, concurring.

This case arises out of the Department of Labor, Labor Relations Agency's (DOL) ruling that the Kodiak Island Borough's (Borough) 1980 resolution opting out of the Public Employment Relations Act (PERA) AS 23.40.070-.260 was invalid. On appeal to the superior court, Judge Karen Hunt affirmed the DOL ruling. The Borough appeals. We affirm.

I. FACTUAL AND PROCEDURAL BACKGROUND

The material facts are not disputed. In June 1972 the State of Alaska enacted PERA. PERA confers upon public employees the right to organize and to bargain collectively with their employers. However, Section 4 of PERA also permits the legislative body of any political subdivision of the state to reject PERA, preventing its application to the public employees of that subdivision. Section 4 reads:

This Act is applicable to organized boroughs and political subdivisions of the state, home rule or otherwise, unless the legislative body of the political subdivision, by ordinance or resolution, rejects having its provisions apply.

Ch. 113, § 4, SLA 1972. PERA became effective on September 5, 1972.

In 1977 the Borough enacted personnel rules and regulations governing relations with its employees. These rules do not require the Borough to recognize an employees' union nor do the rules expressly reject PERA. In 1979 Kodiak Island Borough Employees' Association (KIBEA) submitted a petition to DOL requesting that KIBEA be recognized as the bargaining

representative for the Borough's general government employees. KIBEA later withdrew its petition for certification in favor of a petition submitted by the Alaska Public Employees Association (APEA).

After becoming aware of this organizing activity, the Borough enacted Resolution No. 79-5-R, rejecting the application of PERA. DOL concluded that the Borough had not validly opted out of PERA. It sought to conduct a representation election under PERA. The Borough refused to allow the election to proceed. As a result DOL filed a lawsuit against the Borough in superior court.

The superior court granted DOL's motion for summary judgment, holding that the Borough had not validly opted out of PERA. DOL then held the certification election. APEA did not secure the requisite number of votes to be certified by DOL as the bargaining representative for the Borough employees.

On January 22, 1980, twelve days after DOL announced the results of the election, the Borough again attempted to reject PERA by adopting Resolution No. 80-5-R. The 1980 resolution is identical to the 1979 resolution:

Resolution No. 80-5-R, exempting Kodiak Island Borough from the Alaska Public Employment Act, Whereas, the assembly believes that the public interest is best served by administration of borough employee relations at the local level, and Whereas, the State Public Employee Relations Act applies to municipalities unless the governing body rejects application of its provisions; Now, therefore, the Kodiak Island Borough Assembly resolves: Pursuant to Section 4, Chapter 113 SLA 1972, the Kodiak Island Borough rejects application of Section 2, Chapter 113, [SLA] 1972, codified as

AS 23.40.070 et. seq., and commonly known as the Alaska Public Employment Relations Act.

In 1989 Borough employees again attempted to organize. The International Brotherhood of Electrical Workers, Local Union 1547 (IBEW), filed a petition with DOL to be recognized as the exclusive bargaining agent for the Borough employees. The Borough objected to the petition, claiming that it had "opted out" of PERA by its 1980 resolution. IBEW asserted that the 1980 opt out resolution was not valid and that DOL had proper jurisdiction.

DOL held a hearing on IBEW's petition for certification and the Borough's objections. DOL ruled that the Borough did not validly opt out of PERA in 1980. The Borough appealed this ruling to the superior court pursuant to AS 22.10.020(d) and Appellate Rule 602(a). The superior court affirmed DOL's decision. It held the 1980 resolution was untimely, since the Borough enacted the resolution after it was aware of organizational activities of its employees.

II. STANDARD OF REVIEW

The superior court was sitting as an intermediate appellate court. Accordingly, its decision is not entitled to deference. Tesoro Alaska Petroleum Co. v. Kenai Pipe Line Co., 746 P.2d 896, 903 (Alaska 1987). DOL held a formal adjudicatory hearing before a neutral hearing officer. Both parties were represented by counsel, examined and cross-examined witnesses and introduced evidence. The hearing officer rendered formal findings of fact and conclusions of law, which were adopted by DOL as its

decision. As to questions of law which do not involve agency expertise we apply the substitution of judgment standard of review. Union Oil Co. of California v. State, 804 P.2d 62, 64 (Alaska 1990). The primary task in this case is to construe two seemingly inconsistent sections of the same statutory scheme. The interpretation of this statute is a question of law to which we will apply our independent judgment.

To the extent that facts are necessary to the determination of the legal question, we will adopt DOL's findings of fact if they are supported by substantial evidence. Commercial Fisheries Entry Comm'n v. Baxter, 806 P.2d 1373, 1374 (Alaska 1991).

III. DISCUSSION

KODIAK ISLAND BOROUGH'S RESOLUTION EXEMPTING THE BOROUGH FROM THE PUBLIC EMPLOYMENT RELATIONS ACT IS NOT VALID

The question presented by this case involves the interplay between the right of public employees to organize for the purpose of collective bargaining under PERA,¹ and the right of a

-
1. Alaska Statute 23.40.070 states in relevant part:

Declaration of policy. . . . The legislature declares that it is the public policy of the state to promote harmonious and cooperative relations between government and its employees and to protect the public by assuring effective and orderly operations of government. These policies are to be effectuated by

(continued...)

political subdivision to exempt itself pursuant to section 4 of PERA. We previously examined these two provisions together in State v. City of Petersburg, 538 P.2d 263 (Alaska 1975). In Petersburg, the city's electrical workers signed cards authorizing IBEW to act as their collective bargaining representative. The city council then held a special meeting to exempt the city from the provisions of PERA. Id. at 264. At the time of this meeting the members of the city council were aware of employees' activities concerning the formation of a collective bargaining unit. Id.

In Petersburg we looked for the point beyond which the right of the city to reject PERA became subordinated to the rights of the employees to organize. We concluded that "the analysis must turn on both the substantiality of the organizational activities undertaken by the employees and the extent of the City's awareness of those activities." Id. at 267. The city's rejection of PERA after becoming aware of the organizational activities constituted "a gross and impermissible interference with the employees' freedom to choose which collective bargaining association should represent them. . . . [t]he City's prerogative to reject the Act is not to be used as a de facto veto against particular unions" Id. We noted that the city had requested that the employees form their own union rather than join IBEW. Id. We concluded such

1. (...continued)

(1) recognizing the right of public employees to organize for the purpose of collective bargaining.

maneuvering was an attempt to interfere with the employees' rights under PERA. Id.

In this case the Borough contends that DOL and the superior court erred by interpreting Petersburg too broadly. The Borough notes that section 4 expressly allows political subdivisions of the state to reject PERA. It argues that the Petersburg limitation on the employer's right to exempt itself should only apply to situations in which employee PERA rights are being interfered with by favoring one union over another. But, if the employer rejects PERA totally, refusing to deal with any union, section 4 applies.

The Borough thus argues that Petersburg should be read narrowly, prohibiting local government only from favoring one union over another. The Borough claims it engaged in no such favoritism. Rather, the Borough made the decision to avoid collective bargaining in order to manage its employment relations in a way that was beneficial and appropriate to the overall needs, abilities and resources of the community. Since the Borough did not interfere with any specific organizing efforts, it concludes that its election to reject PERA should be upheld.

DOL and IBEW argue that the Petersburg analysis should invalidate any rejection of PERA after employees have exercised their PERA rights. In 1979 Borough employees prevailed in a lawsuit which permitted them to exercise their PERA rights and to decide if a majority of the employees wanted to be represented by APEA. DOL and IBEW argue the Borough's attempt to reject PERA is

invalid because it occurred after the employees exercised their PERA rights.

In City & Borough of Sitka v. International Bhd. of Elec. Workers, Local Union 1547, 653 P.2d 332 (Alaska 1982), we held the opt out from PERA valid even though there had been prior employee organizing efforts. However, we distinguished Petersburg because the employees in Sitka had attempted to organize prior to the passage of PERA. From the time PERA was enacted until Sitka exempted itself there had been no organizing activities. The employees could not have organized in reliance on their PERA rights because PERA had not yet become the law. City & Borough of Sitka, 653 P.2d at 335.

By contrast, in this case Borough employees have already relied upon their PERA rights. The Borough's attempt in 1979 to stop the employees from organizing was an attempt, as in Petersburg, to deny employees their statutory right to organize. The fact that the resolution was passed just twelve days after the employee vote indicates the Borough was still attempting to thwart employee efforts to organize under PERA.²

In Petersburg we limited a local government's ability to exempt itself from PERA once the local government became aware of

2. We reject the Borough's contention that organizing activity had ceased after the election because there were no organizing efforts in the twelve day period preceding the Borough's rejection of PERA. We note that PERA requires employees to wait for one full year following a valid election before they can hold another election. AS 23.40.100. As the organizational hiatus during the twelve day period was consistent with PERA, the lack of organizational activity did not terminate the employees' PERA rights.

substantial steps taken by employees to exercise their PERA rights. Although this holding limits the freedom of political subdivisions to opt out of PERA, we concluded that this result was consistent with the legislature's intent. 538 P.2d at 268. "[A]pplicability of PERA is the rule, exemption the exception." Id. We reaffirm that political subdivisions may not reject PERA after becoming aware of substantial organizational activity by employees.³

IV. CONCLUSION

The Borough's rejection of PERA after it became aware of substantial organizational activity is invalid. The decision of the superior court affirming DOL's determination that the Borough's 1980 resolution was ineffective in rejecting PERA is AFFIRMED.

3. In Anchorage Mun. Employees Ass'n v. Municipality of Anchorage, 618 P.2d 575, 579 (Alaska 1980), we wrote "a public employer which chooses to opt out of PERA must do so promptly, rather than at its leisure" Because we conclude that Kodiak Island Borough's rejection of PERA after it became aware of substantial organizational activity was invalid, we do not reach the question of whether PERA can be rejected seven years after it was enacted.

BURKE, Justice, concurring.

I concur because I am bound by the decision of the court in State v. City of Petersburg, 538 P.2d 263 (Alaska 1975).

Alaska State Legislature

House of Representatives

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LATER
in March

Session Address:
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Official Business

State Capitol
Juneau, AK. 99801-1182

Representative Al Vezey

February 13th, 1997

PERA

Rep. Jeannette James, Chairman
House State Affairs Committee
State Capitol, Room 107
Juneau, AK 99801-1182

Dear Rep. James:

I am requesting that HB 124, "An Act relating to items not subject to collective bargaining and to application of the Public Employment Relations Act to municipalities and other political subdivisions" be scheduled for hearing in the House State Affairs Committee.

Attached is the sponsor statement I have prepared.

Sincerely,

A handwritten signature in cursive script, appearing to read "Al Vezey".

Rep. Al Vezey

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 124

Revision Date: _____
 Title: PERA: Local exemption/nonnegotiable
 Items
 Sponsor: Representative Vezey
 Requestor: House STA

Department Affected: Labor
 BRU: Office of the Commissioner
 Component: _____
 Alaska Labor Relations Agency
 COMPONENT SERIAL NO. 1200

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
----------------	--	--	--	--	--	--

CHANGE IN REVENUE						
FUND SOURCE #						

FUNDING: (Thousands of Dollars)

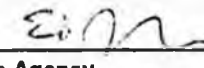
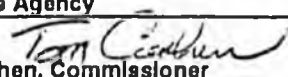
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY97) impact: \$ None

ANALYSIS: (Attach a separate page if necessary)
 HB 124 adds privatization or contracting out to the items not subject to bargaining under the Public Employment Relations Act (PERA) and would exclude political subdivisions from coverage under PERA unless the political subdivision, after election among voters, opts to be covered. The bill would also permit the rejection of PERA by election of the voters. The bill would remove a number of employers from the jurisdiction of the Alaska Labor Relations Agency (ALRA). This change might ultimately reduce the workload of ALRA, however the transition and initial disruptions will delay the decrease, if any, long past the effective date of the law. Should the bill result in frequent movements into and out of PERA, the representation workload and attendant petitions or complaints could actually increase agency workload.

Prepared by: Jan Hart DeYoung  Phone: 269-4895
 Division: Alaska Labor Relations Agency Date: 3/10/97
 Approved by Commissioner: Tom Cashen, Commissioner 
 Agency: Department of Labor Date: 3/10/97

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 124

Revision Date: _____
Title: An Act relating to item not subject to collective bargaining
Sponsor: Vezey
Requestor: House State Affairs Committee

Department Affected: Administration
BRU: Personnel
Component: Labor Relations
COMPONENT SERIAL NO. 58

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL EXPENDITURES	0	0	0	0	0	0
CHANGE IN REVENUES ()	0	0	0	0	0	0

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0	0	0	0	0	0

Estimate of any current year (FY 96) cost: \$ 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

ANALYSIS: (Attach a separate page if necessary.)

The changes to the Public Employment Relations Act contained in this bill will have an insignificant program impact on the Labor Relations Section. It will eliminate one additional topic from all the possible subjects of bargaining over the wages, hours and other terms and conditions of employment.

Prepared by: Beverly Reaume
Division: Division of Personnel

Phone: 465-4429
Date: _____

Approved by Commissioner: Mark Boyer
Agency: Department of Administration

Date: 3/10/97

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