

SB

151

SFIN

FILE

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

No. 2
BILL 1 Bill Version: SB 151
 (S) Publish Date: 4-4-97

Revision Date: _____
 Title: Public Employment Labor Relations

 Sponsor: Senate Finance
 Requestor: Senate State Affairs

Department Affected: Labor
 BRU: Office of the Commissioner
 Component: Commissioner's Office

COMPONENT SERIAL NO. 342

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	108.4	88.2	88.2	88.2	88.2	88.2
TRAVEL	8.9	3.4	3.4	3.4	3.4	3.4
CONTRACTUAL	77.5	69.3	69.3	69.3	69.3	69.3
SUPPLIES	2.0	1.6	1.6	1.6	1.6	1.6
EQUIPMENT	7.0	0.5	0.5	0.5	0.5	0.5
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	203.8	163.0	163.0	163.0	163.0	163.0

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

CHANGE IN REVENUE FUND SOURCE #						
--	--	--	--	--	--	--

FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	203.8	163.0	163.0	163.0	163.0	163.0
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other						
TOTAL	203.8	163.0	163.0	163.0	163.0	163.0

POSITIONS:

FULL-TIME	2.0	2.0	2.0	2.0	2.0	2.0
PART-TIME						
TEMPORARY						

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

ANALYSIS: (Attach a separate page if necessary)

See attached

Prepared by: Ed Flanagan, Deputy Commissioner Phone: 465-2700
 Division: Commissioner's Office Date: 4/1/97
 Approved by Commissioner: Tom Cashen, Commissioner
 Agency: Department of Labor Date: 4/1/97

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information call the Governor's Legislative Office

*2

ALASKA DEPARTMENT OF LABOR
FISCAL NOTE

Senate Bill 151 Analysis

The bill's proposed reporting and disclosure requirements are substantial. Some of the sections are modeled after the federal reporting requirements in the Labor Management Reporting and Disclosure Act. See, e.g., 29 U.S.C. § 431(a).

The bill would necessitate the need for increased funding to the Alaska Department of Labor to monitor and enforce the bill's reporting and disclosure requirements. Additional funding for legal representation would also be required to file actions in superior court to enforce Article 4.

Proposed AS 23.40.400(a) requires a labor organization to adopt a constitution and bylaws and to file copies of them with the Commissioner of Labor. In addition, a report must be signed by an officer of the labor organization and filed with the commissioner that contains: (1) the addresses of the organization; (2) names and titles of the union officers; (3) the amount of an initiation fee or fees; (4) the amount of regular dues and service fees; and (5) detailed statement concerning the organization's qualifications for membership, levying of assessments, participation in insurance or other benefit plans, authorization for disbursement of funds, regular and special meeting procedures, election procedures, discipline procedures, authorization for bargaining demands, ratification of contract terms, authorization for strike, and the issuance of work dispatches.

Under AS 23.40.200(b), the labor organization is required to report any changes to the information required by section (a) in its annual financial report to the commissioner.

Subsection (c) requires the filing of annual financial reports with the commissioner. The reports must contain detailed statements relating to the unions' (1) assets and liabilities; (2) receipts; (3) salary, allowances and disbursements to each officer, employee, consultant and contractor of more than \$1,000 annually; (4) loans to members, employers and officers; (5) loans to businesses; (6) "any payment of money or other things of value and any expenditures; and (7) other disbursements and the purpose of those disbursements.

Subsection (d) requires labor organizations subject to the reporting requirements to maintain the information in this state and make it available to all its members and fee payers without cost.

Section 23.40.410 imposes reporting requirements for officers and employees of labor organizations. All income or other benefits with monetary value to the officer or employee of a labor organization including an individual's spouse, spousal equivalent,

42

or minor child derived directly or indirectly from a public employer, must be reported except permanent fund dividends. Included are grants, contracts or loans from a public employer whose employees are represented by the labor organization or whose employees the labor organization is actively seeking to represent. Payments made by the individual or the individual's spouse, spousal equivalent or child to an elected or appointed official of a public employer or a candidate for public officer must also be reported.

Subsection (b) and (c) list the exceptions to the reporting requirements. An officer or an employee does not have to report investment income from securities.

Section 23.40.420 requires public officers of a public employer to report payments, loans, or other benefits made to employees and agents of a labor organization and to the labor organization itself.

Section 23.40.440 makes the reports and documents filed with the commissioner "public records" and requires them to be maintained for a period of five years.

Section 23.40.450 contains criminal provisions for persons who intentionally violate the reporting requirements by making false statements or destroying or withholding the reports. An individual who signs the report is personally responsible for filing the information and for any false statements contained in the report.

Section 23.40.460 provides for civil enforcement and injunctive relief by the commissioner for violations of AS 23.40.400-470.

Section 23.40.470 requires auditing companies or accounting services that prepare reports to file annual reports with the commissioner listing the company's experience, credentials, payments, and expenses.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

No. 3
BILL | Bill Version: SB 151
 (S) Publish Date: 4-4-97

Revision Date: _____
 Title: Public Employment Labor Relations
 Sponsor: Senate Finance
 Requestor: Senate State Affairs

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	88.2	88.2	88.2	88.2	88.2	88.2
TRAVEL	8.9	3.4	3.4	3.4	3.4	3.4
CONTRACTUAL	146.7	135.3	135.3	135.3	135.3	135.3
SUPPLIES	2.0	1.6	1.6	1.6	1.6	1.6
EQUIPMENT	24.3	0.5	0.5	0.5	0.5	0.5
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	270.1	229.0	229.0	229.0	229.0	229.0

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

CHANGE IN REVENUE						
FUND SOURCE #						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	270.1	229.0	229.0	229.0	229.0	229.0
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other						
TOTAL	270.1	229.0	229.0	229.0	229.0	229.0

POSITIONS:

FULL-TIME	2.0	2.0	2.0	2.0	2.0	2.0
PART-TIME						
TEMPORARY						

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

ANALYSIS: (Attach a separate page if necessary)

See attached

Prepared by: Jan Hart DeYoung, Hearing Examiner Phone: 269-4895
 Division: Alaska Labor Relations Agency Date: 4/1/97
 Approved by Commissioner: Tom Cashen, Commissioner
 Agency: Department of Labor Date: 4/1/97

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information call the Governor's Legislative Office

SB 151 fiscal note analysis:

An impact on the operation of this agency is foreseen. AS 23.40.090 prohibits this agency from finding a bargaining unit appropriate if certain job classifications of employees are combined. A substantial number of existing state and political subdivision bargaining units combine prohibited job classifications. We anticipate many petitions for hearings to clarify or redefine bargaining units to meet the new criteria for appropriate units.

AS 23.40.100(d) would result in a modest increase in the number of elections performed because affected employees could request an election to determine majority support when an employer agrees to recognize a labor organization as the employees' representative. (Estimate is one additional election per fiscal year.)

AS 23.40.110 expands the conduct that can be an unfair labor practice and would increase the number of complaints filed requiring a hearing. (The changes involving service fees are expected to be the source of most of the additional workload).

AS 23.40.170 would require the upgrade of our current non-attorney hearing officer position to an attorney hearing examiner because of the requirement that all agency proceedings be conducted under the Administrative Procedure Act, which requires an attorney hearing officer. AS 44.62.350. Currently only unfair labor practice hearings require an attorney and a non-attorney hearing officer hears unit clarification and election petitions.

AS 23.40.210 would increase workload by requiring the agency to adopt regulations concerning eligibility for the cost of living differential in state collective bargaining agreements.

AS 23.40.640 & 650 expand the jurisdiction of this agency to investigate complaints by labor organization members that their organization's constitution or by-laws does not adequately address removal of union officers and to investigate internal labor organization election challenges. If probable cause is found after investigation, the agency refers the complaint to the Department of Law for civil prosecution. A court can order the agency to conduct internal labor organization elections. The agency also acquires the duty to adopt regulations establishing minimum standards for labor organization elections to remove officers.

The anticipated increase in unfair labor practice and unit clarification hearings requires an upgrade of the non-attorney hearing officer position to an attorney hearing examiner. Because the hearing caseload is expected to increase and the agency is assigned additional investigative duties, an Investigator II is needed. An Administrative Clerk I is required to assist with the anticipated increase in office clerical work.

Associated non-personal services funding would also be required including one time funds for travel costs for the Investigator to attend training, contractual costs for office construction/modification, tuition and equipment such as computers, desks, file cabinets,

office equipment, and a copier capable of handling the increased volume.

On-going non-personal services costs would include travel to hold hearings, basic office expenses, leased space costs and minor equipment replacement. In addition, funding is being requested to support the cost of an attorney with the department of Law to handle legal matters for the Agency.

POSITION INFORMATION HAS BEEN UPDATED AND FUNDING HAS BEEN UPDATED.

03/28/97	Position Information Inquiry/Update	Prior	11:50:27
		Pr Actual	Budgeted
Position: [REDACTED]	Project: 0	Salary: 59,052	20,791.26
Comp: 07-06-07-01-05-00	Region: _	Benefits: 17,461	10,657.86
Scenario: 2	FY: 98 COLA %: 1.500	Total: 76,513	31,449.12

Actuals from Payroll (Status: FILLED) FLSA: Y | Retirement Code: A

F	Step: A for 12.0 months & Step: B for _0.0 months (total: 12.00)
97/05/16	Merit Date; use merit defaults? N (0.0 @ & 0.0 @)
0	Class/Sched Prefix: 0 Schedule: AA (actual: AA)
EE	Bargaining Unit: EE Range: 07 (actual: 21)
EBA	Location Code: EBA Place: ANCHORAGE
P1925 ?	Job Class Code: P1133 Title: ADMINISTRATIVE CLERK I_____
F	Seasonal Indic.: F Type: FACL - FULL TIME / OMB AUTH

Optional Override Salary Rates:

Monthly Rate: 0.00_____ for _0.0 months & rate of 0.00_____ for _0.0 months
 Hourly Rate: 0.00_____ for _0.0 months Frozen at this rate? (Y/N): N

Press ENTER to update record; enter # or use PF key to go to another screen:
 1=Premium pay info 2=Funding info 4=Code Translations 6=Calculations
 8=Detail Report 12=Exit w/o update Selection: 0_

POSITION INFORMATION HAS BEEN UPDATED AND FUNDING HAS BEEN UPDATED.
03/28/97 Position Information Inquiry/Update

	Prior	15:01:30
Position: ██████████	Yr Actual	Budgeted
Project: 0	59,052	38,976.00
Comp: 07-06-07-01-05-00	Benefits: 17,461	15,240.41
Region: _	Total: 76,513	54,216.41
Scenario: 2		
FY: 98		
COLA %: 1.500		

Actuals from Payroll (Status: FILLED) FLSA: Y Retirement Code: A

```

F          Step: C for 12.0 months & Step: D for _0.0 months (total: 12.00 )
97/05/16  Merit Date; use merit defaults? N      ( 0.0 @ & 0.0 @ )
0          Class/Sched Prefix: 0                Schedule: AA (actual: AA )
EE         Bargaining Unit: EE                  Range: 16 (actual: 21 )
EBA        Location Code: EBA Place: ANCHORAGE
P1925 ?   Job Class Code: P7767 Title: INVESTIGATOR II
F          Seasonal Indic.: F Type: FACL - FULL TIME / OMB AUTH

```

Optional Override Salary Rates:

Monthly Rate: 0.00 for _0.0 months & rate of 0.00 for _0.0 months
Hourly Rate: 0.00 for _0.0 months Frozen at this rate? (Y/N): N

Press ENTER to update record; enter # or use PF key to go to another screen:
1=Premium pay info 2=Funding info 4=Code Translations 6=Calculations
8=Detail Report 12=Exit w/o update Selection: 0_

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

No. 4
Bill Version: SB 151
(S) Publish Date: 4-4-97

Revision Date: _____ Dept. Affected: Department of Law
Title: "An Act relating to public employment labor BRU: Civil Division
relations:... _____ Component: General Legal Services
Sponsor: Senate Finance
Requester: Senate State Affairs COMPONENT SERIAL NO. 2087

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	215.0	215.0	215.0	215.0	215.0	215.0
TRAVEL	5.8	5.8	5.8	5.8	5.8	5.8
CONTRACTUAL	39.0	39.0	39.0	39.0	39.0	39.0
SUPPLIES	4.2	4.2	4.2	4.2	4.2	4.2
EQUIPMENT	13.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	277.0	264.0	264.0	264.0	264.0	264.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	277.0	264.0	264.0	264.0	264.0	264.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	277.0	264.0	264.0	264.0	264.0	264.0

Estimate of any current year (FY97) cost: \$ 0.0

POSITIONS

FULL-TIME	2.0	2.0	2.0	2.0	2.0	2.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The Department of Law will need two additional attorneys to deal with the new cases that will result from the bill's creation of a right to appeal grievance arbitration awards to the superior court under AS 44.62. Presently such arbitration awards are subject to only limited court review.

The full-time equivalent cost estimate is based on the department's standard attorney cost schedule (\$127,000) and includes clerical support, communications, space, supplies, data processing, and other normal overhead expenses. Case specific costs and one-time equipment purchases are not included in the rate, and so are added separately.

Prepared by: Fred Fisher *Fred Fisher* Phone: 465-3673
Division: Administrative Services Division Date: 4/1/97
Approved by Commissioner: Bruce M. Botelho, Attorney General *Fred Fisher for* Date: 4/1/97
Agency: Department of Law

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

RECEIVED

STATE OF ALASKA
1997 LEGISLATIVE SESSION

No. 1
Bill Version: SB 151
(S) Publish Date: 4-4-97

Revision Date: _____
Title: An Act relating to public employr. .nt labor relations
Sponsor: Sen Finance Committee
Requestor: Sen. State Affairs

Department Affected: Administration
BRU: Personnel
Component: Labor Relations
COMPONENT SERIAL NO. 57

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	290.7	388.3	272.9	272.9	272.9	272.9
TRAVEL	16.2	14.4	10.8	7.2	7.2	7.2
CONTRACTUAL	18.3	22.5	15.0	15.0	15.0	15.0
SUPPLIES	.9	1.2	.8	.8	.8	.8
EQUIPMENT	19.0	9.5	0	0		
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	345.1	435.9	299.5	295.9	295.9	295.9

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	345.1	435.9	299.5	295.9	295.9	295.9
1005 GF/Program Receipts						
1037 GF/Mental Health						
TOTAL	345.1	435.9	299.5	295.9	295.9	295.9

Estimate of any current year (FY 97) cost: \$ 0

POSITIONS:

FULL-TIME	2.0	4.0	4.0	4.0	4.0	4.0
PART-TIME						
TEMPORARY	2.5	2.0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.) Strict application of AS 23.40.090(c) as proposed by Section 5 of CSSB 151(SA) would require the creation of up to nine additional bargaining units for the executive branch. (The impact on the quasi-public corporations and the University of Alaska is not considered in this analysis.) The new units would be required by separating from existing units those combinations of employees prohibited by this subsection. The potential new units would be created by: separating supervisory employees from the nonsupervisory employees in the licensed deck marine transportation unit; separating supervisory employees from the nonsupervisory employees in the licensed engine room marine transportation unit; separating supervisory employees from the nonsupervisory employees in the unlicensed marine transportation unit; separating class 1 correctional officers (in addition to the new unit currently proceeding to election) from the general government unit; separating class 1 youth counselors from the general government unit; separating supervisory confidential employees from nonsupervisory confidential employees; separating supervisory state troopers from the supervisory unit; separating supervisory

Prepared by: Beverly Reaume *Beverly Reaume*
Division: Division of Personnel

Phone: 465-4429

Date: _____

Approved by Commissioner: Mark Bove *Mark Bove*
Agency: Department of Administration

Date: 4/3/97

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. CSSB151 (SA) 81

ANALYSIS: (Continued) youth counselors from the supervisory unit; separating supervisory correctional officers from the supervisory unit. The ultimate outcome could be somewhat different if petitioners convince the labor relations agency to create a unit that might combine some of these, for example a unit of all class 1 supervisory employees. (We note that the combination of this legislation and the legislation creating an Alaska Marine Highway Authority would require up to 11 bargaining units for the Authority).

The public policy of requiring bargaining units to be as large as reasonable and avoiding unnecessary fragmentation as contained in the statute section to which subsection (c) is added by Section 5 of CSSB 151(AS), is not addressed by this fiscal note.

Two kinds of work are required by the "employer's representative" by Section 5. The first is work required by the creation of units. This included responding to petitions filed with the labor relations agency for creation of bargaining units, units clarification petitions to the labor relations agency, and election activities directed and supervised by the labor relations agency. Based on current experience with the carving out of the correctional officers unit, we estimate the need for the equivalent of six staff months of work for each potential new unit. We would hope that all the work would be completed within two years. This fiscal note therefore reflects 2.5 temporary positions for the first year and 2.0 temporary positions for the second year for this purpose.

The second kind of work is contract negotiations and contract administration for the new units. Because the new units will be smaller (in fact all units will be smaller. The number of employees will be unchanged, but the number of units and their exclusive representative will be greater and, based on experience, will aggressively assert membership rights in competition with other representatives or to fulfill campaign promises.) we would hope to fulfill the employer's obligations under PERA with one staff person for each two units. We project bringing two staff on board in the first year to deal with four new units, and two more in the second year to deal with four more new units. If more than eight units are created, we will be asking for additional staff in future years.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. CSSB 151(STA)

Revision Date: _____
 Title: Public Employment Labor Relations
 Sponsor: Senate Finance
 Requestor: Senate State Affairs

Department Affected: Labor
 BRU: Office of the Commissioner
 Component: Commissioner's Office
COMPONENT SERIAL NO. 340

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	108.4	88.2	88.2	88.2	88.2	88.2
TRAVEL	8.9	3.4	3.4	3.4	3.4	3.4
CONTRACTUAL	77.5	69.3	69.3	69.3	69.3	69.3
SUPPLIES	2.0	1.6	1.6	1.6	1.6	1.6
EQUIPMENT	7.0	0.5	0.5	0.5	0.5	0.5
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	203.8	163.0	163.0	163.0	163.0	163.0

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

CHANGE IN REVENUE						
FUND SOURCE #						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	203.8	163.0	163.0	163.0	163.0	163.0
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other						
TOTAL	203.8	163.0	163.0	163.0	163.0	163.0

POSITIONS:

FULL-TIME	2.0	2.0	2.0	2.0	2.0	2.0
PART-TIME						
TEMPORARY						

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

ANALYSIS: (Attach a separate page if necessary)

See attached

Not Adopted

Prepared by: Ed Flanagan, Deputy Commissioner Phone: 465-2700
 Division: Commissioner's Office Date: 4/3/97
 Approved by Commissioner: Tom Cashen, Commissioner
 Agency: Department of Labor Date: 4/3/97

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information call the Governor's Legislative Office

50151

**ALASKA DEPARTMENT OF LABOR
FISCAL NOTE**

CSSB 151(FIN) Analysis

The bill's proposed reporting and disclosure requirements are substantial. Some of the sections are modeled after the federal reporting requirements in the Labor Management Reporting and Disclosure Act. See, e.g., 29 U.S.C. § 431(a).

The bill would necessitate the need for increased funding to the Alaska Department of Labor to monitor and enforce the bill's reporting and disclosure requirements. Additional funding for legal representation would also be required to file actions in superior court to enforce Article 4.

Proposed AS 23.40.400(a) requires a labor organization to adopt a constitution and bylaws and to file copies of them with the Commissioner of Labor. In addition, a report must be signed by an officer of the labor organization and filed with the commissioner that contains: (1) the addresses of the organization; (2) names and titles of the union officers; (3) the amount of an initiation fee or fees; (4) the amount of regular dues and service fees; and (5) detailed statement concerning the organization's qualifications for membership, levying of assessments, participation in insurance or other benefit plans, authorization for disbursement of funds, regular and special meeting procedures, election procedures, discipline procedures, authorization for bargaining demands, ratification of contract terms, authorization for strike, and the issuance of work dispatches.

Under AS 23.40.200(b), the labor organization is required to report any changes to the information required by section (a) in its annual financial report to the commissioner.

Subsection (c) requires the filing of annual financial reports with the commissioner. The reports must contain detailed statements relating to the unions' (1) assets and liabilities; (2) receipts; (3) salary, allowances and disbursements to each officer, employee, consultant and contractor of more than \$1,000 annually; (4) loans to members, employers and officers; (5) loans to businesses; (6) "any payment of money or other things of value and any expenditures; and (7) other disbursements and the purpose of those disbursements.

Subsection (d) requires labor organizations subject to the reporting requirements to maintain the information in this state and make it available to all its members and fee payers without cost.

Section 23.40.410 imposes reporting requirements for officers and employees of labor organizations. All income or other benefits with monetary value to the officer or employee of a labor organization including an individual's spouse, spousal equivalent, or minor child derived directly or indirectly from a public employer, must be reported except permanent fund dividends. Included are grants, contracts or loans from a public employer whose employees are represented by the labor organization or whose employees the labor organization is actively seeking to represent. Payments made by the individual or the individual's spouse, spousal equivalent or child to an elected or appointed official of a public employer or a candidate for public officer must also be reported.

Subsection (b) and (c) list the exceptions to the reporting requirements. An officer or an employee does not have to report investment income from securities.

Section 23.40.420 requires public officers of a public employer to report payments, loans, or other benefits made to employees and agents of a labor organization and to the labor organization itself.

Section 23.40.440 makes the reports and documents filed with the commissioner "public records" and requires them to be maintained for a period of five years.

Section 23.40.450 contains criminal provisions for persons who intentionally violate the reporting requirements by making false statements or destroying or withholding the reports. An individual who signs the report is personally responsible for filing the information and for any false statements contained in the report.

Section 23.40.460 provides for civil enforcement and injunctive relief by the commissioner for violations of AS 23.40.400-470.

Section 23.40.470 requires auditing companies or accounting services that prepare reports to file annual reports with the commissioner listing the company's experience, credentials, payments, and expenses.

POSITION INFORMATION HAS BEEN UPDATED

04/03/97

Position Information Inquiry/Update

Prior 09:59:15
Yr Actual Budgeted

Position: ██████████	Project: 0____	Salary: 59,052	38,976.00
Comp: 07-06-07-01-05-00	Region: _	Benefits: 17,461	15,240.41
Scenario: 2	FY: 98	COLA %: 1.500	Total: 76,513
			54,216.41

Actuals from Payroll (Status: FILLED) FLSA: Y ; Retirement Code: A

F		Step: C for 12.0 months & Step: D for _0.0 months (total: 12.00)
97/05/16		Merit Date; use merit defaults? N (0.0 @ & 0.0 @)
0		Class/Sched Prefix: 0 Schedule: AA (actual: AA)
EE		Bargaining Unit: EE Range: 16 (actual: 21)
EBA ?		Location Code: AWA Place: JUNEAU
P1925 ?		Job Class Code: P7767 Title: INVESTIGATOR II_____
F		Seasonal Indic.: F Type: FACL - FULL TIME / OMB AUTH

Optional Override Salary Rates:

Monthly Rate: 0.00____ for _0.0 months & rate of 0.00____ for _0.0 months
 Hourly Rate: 0.00____ for _0.0 months Frozen at this rate? (Y/N): N

Press ENTER to update record; enter # or use PF key to go to another screen:
 1=Premium pay info 2=Funding info 4=Code Translations 6=Calculations
 8=Detail Report 12=Exit w/o update Selection: 0_

POSITION INFORMATION HAS BEEN UPDATED

04/03/97

Position Information Inquiry/Update

Prior Yr Actual 10:19:21
Budgeted

Position: ██████████	Project: 0_____	Salary: 59,052	38,976.00
Comp: 07-06-07-01-05-00	Region: _____	Benefits: 17,461	15,240.41
Scenario: 2	FY: 98	COLA %: 1.500	Total: 76,513
			54,216.41

Actuals from Payroll (Status: FILLED) FLSA: Y ; Retirement Code: A

F		Step: C for 12.0 months & Step: D for _0.0 months (total: 12.00)
97/05/16		Merit Date; use merit defaults? N (0.0 @ & 0.0 @)
0		Class/Sched Prefix: 0 Schedule: AA (actual: AA)
EE		Bargaining Unit: EE Range: 16 (actual: 21)
EBA ?		Location Code: AWA Place: JUNEAU
P1925 ?		Job Class Code: P1212 Title: ACCOUNTING TECH III_____
F		Seasonal Indic.: F Type: FACL - FULL TIME / OMB AUTH

Optional Override Salary Rates:

Monthly Rate: 0.00_____ for _0.0 months & rate of 0.00_____ for _0.0 months
Hourly Rate: 0.00_____ for _0.0 months Frozen at this rate? (Y/N): N

Press ENTER to update record; enter # or use PF key to go to another screen:
1=Premium pay info 2=Funding info 4=Code Translations 6=Calculations
8=Detail Report 12=Exit w/o update Selection: 0_

FISCAL NOTE

REPORTED OUT OF
SFC ~~APR 16 1997~~

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. CSSB 151(STA)

Revision Date: _____

Department Affected: Labor

Title: Public Employment Labor Relations

BRU: Office of the Commissioner

Component: Alaska Labor Relations Agency

Sponsor: Senate Finance

Requestor: Senate State Affairs

COMPONENT SERIAL NO. 1200

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	85.7	85.7	85.7	85.7	85.7	85.7
TRAVEL	5.2	3.4	3.4	3.4	3.4	3.4
CONTRACTUAL	146.7	135.3	135.3	135.3	135.3	135.3
SUPPLIES	2.0	1.6	1.6	1.6	1.6	1.6
EQUIPMENT	24.3	0.5	0.5	0.5	0.5	0.5
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	263.9	226.5	226.5	226.5	226.5	226.5

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

CHANGE IN REVENUE FUND SOURCE #						
--	--	--	--	--	--	--

FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	263.9	226.5	226.5	226.5	226.5	226.5
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other						
TOTAL	263.9	226.5	226.5	226.5	226.5	226.5

POSITIONS:

FULL-TIME	2.0	2.0	2.0	2.0	2.0	2.0
PART-TIME						
TEMPORARY						

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

ANALYSIS: (Attach a separate page if necessary)

See attached

Prepared by: Jan Hart DeYoung, Hearing Examiner

Phone: 269-4895

Division: Alaska Labor Relations Agency

Date: 4/3/97

Approved by Commissioner: Tom Cashen, Commissioner

Agency: Department of Labor

Date: 4/3/97

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
For further distribution information call the Governor's Legislative Office

CSSB 151(FIN) fiscal note analysis:

An impact on the operation of this agency is foreseen. AS 23.40.090 prohibits this agency from finding a bargaining unit appropriate if certain job classifications of employees are combined. A substantial number of existing state and political subdivision bargaining units combine prohibited job classifications. We anticipate many petitions for hearings to clarify or redefine bargaining units to meet the new criteria for appropriate units.

AS 23.40.100(d) would result in a modest increase in the number of elections performed because affected employees could request an election to determine majority support when an employer agrees to recognize a labor organization as the employees' representative. (Estimate is one additional election per fiscal year.)

AS 23.40.110 expands the conduct that can be an unfair labor practice and would increase the number of complaints filed requiring a hearing. (The changes involving service fees are expected to be the source of most of the additional workload).

AS 23.40.210 would increase workload by requiring the agency to adopt regulations concerning eligibility for the cost of living differential in state collective bargaining agreements.

AS 23.40.640 & 650 expand the jurisdiction of this agency to investigate complaints by labor organization members that their organization's constitution or by-laws does not adequately address removal of union officers and to investigate internal labor organization election challenges. If probable cause is found after investigation, the agency refers the complaint to the Department of Law for civil prosecution. A court can order the agency to conduct internal labor organization elections. The agency also acquires the duty to adopt regulations establishing minimum standards for labor organization elections to remove officers.

Because the hearing caseload is expected to increase in unfair labor practice and unit clarification hearings, and the agency is assigned additional investigative duties, an Investigator II is needed. An Administrative Clerk I is required to assist with the anticipated increase in office clerical work.

Associated non-personal services funding would also be required including one time funds for travel costs for the Investigator to attend training, contractual costs for office construction/modification, tuition and equipment such as computers, desks, file cabinets, office equipment, and a copier capable of handling the increased volume.

On-going non-personal services costs would include travel to hold hearings, basic office expenses, leased space costs and minor equipment replacement. In addition, funding is being requested to support the cost of an attorney with the department of Law to handle legal matters for the Agency.

POSITION INFORMATION HAS BEEN UPDATED AND FUNDING HAS BEEN UPDATED.

04/03/97

Position Information Inquiry/Update

Prior

09:29:39

Yr Actual

Budgeted

Position: ██████████	Project: 0	Salary:	59,052	38,976.00	
Comp: 07-06-07-01-05-00	Region: _	Benefits:	17,461	15,240.41	
Scenario: 2	FY: 98	COLA %: 1.500	Total:	76,513	54,216.41

Actuals from Payroll (Status: FILLED) FLSA: Y ; Retirement Code: A

F | Step: C for 12.0 months & Step: D for _0.0 months (total: 12.00)
97/05/16 | Merit Date; use merit defaults? N (0.0 @ & 0.0 @)
0 | Class/Sched Prefix: 0 Schedule: AA (actual: AA)
EE | Bargaining Unit: EE Range: 16 (actual: 21)
EBA | Location Code: EBA Place: ANCHORAGE
P1925 ? | Job Class Code: P7767 Title: INVESTIGATOR II
F | Seasonal Indic.: F Type: FACL - FULL TIME / OMB AUTH

Optional Override Salary Rates:

Monthly Rate: 0.00___ for _0.0 months & rate of 0.00___ for _0.0 months
Hourly Rate: 0.00___ for _0.0 months Frozen at this rate? (Y/N): N

Press ENTER to update record; enter # or use PF key to go to another screen:
1=Premium pay info 2=Funding info 4=Code Translations 6=Calculations
8=Detail Report 12=Exit w/o update Selection: 0_

POSITION INFORMATION HAS BEEN UPDATED

04/03/97

Position Information Inquiry/Update

Prior

09:29:08

Position: ██████████	Project: 0	Salary: 59,052	Yr Actual	Budgeted
Comp: 07-06-07-01-05-00	Region: _	Benefits: 17,461		20,791.26
Scenario: 2	FY: 98	COLA %: 1.500	Total: 76,513	10,657.86
				31,449.12

Actuals from Payroll (Status: FILLED) FLSA: Y ; Retirement Code: A

F | Step: A for 12.0 months & Step: B for _0.0 months (total: 12.00)
 97/05/16 | Merit Date; use merit defaults? N (0.0 @ & 0.0 @)
 0 | Class/Sched Prefix: 0 Schedule: AA (actual: AA)
 EE | Bargaining Unit: EE Range: 07 (actual: 21)
 EBA | Location Code: EBA Place: ANCHORAGE
 P1925 ? | Job Class Code: P1133 Title: ADMINISTRATIVE CLERK I _____
 F | Seasonal Indic.: F Type: FACL - FULL TIME / OMB AUTH

Optional Override Salary Rates:

Monthly Rate: 0.00 for _0.0 months & rate of 0.00 for _0.0 months
 Hourly Rate: 0.00 for _0.0 months Frozen at this rate? (Y/N): N

Press ENTER to update record; enter # or use PF key to go to another screen:
 1=Premium pay info 2=Funding info 4=Code Translations 6=Calculations
 8=Detail Report 12=Exit w/o update Selection: 0_

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. SB 151

Revision Date: _____
Title: Public Employment Labor Relations

Dept. Affected: Alaska Court System
BRU: Trial Courts

Sponsor: Senate Finance

Component: _____

Requestor: _____

COMPONENT SERIAL NO. 768

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	14.7	14.7	14.7	14.7	14.7	14.7
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	14.7	14.7	14.7	14.7	14.7	14.7
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()						

Fund Source (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	14.7	14.7	14.7	14.7	14.7	14.7
1005 GF/Program Receipts						
1007 GF/Mental Health						
Other						
TOTAL	14.7	14.7	14.7	14.7	14.7	14.7

Estimate of any current year (FY 97) cost: None

Positions

Full-Time						
Part-Time	2.0	2.0	2.0	2.0	2.0	2.0
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached fiscal analysis.

Prepared by: C. S. Christensen III, Staff Counsel
 Agency: Alaska Court System

Phone: 264-8228
 Date: 04/10/97

Approved by: Stephanie J. Cole, Acting Administrative Director
 Agency: Alaska Court System

Date: 04/10/97

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

Alaska Court System
Fiscal Analysis
SB 151

SB 151 makes numerous changes to AS 23.40, the Public Employment Relations Act (PERA). These changes include an expansion of the rights of public employees who are subject to collective bargaining, an expansion of the duties of public sector labor organizations, and the creation of criminal penalties and civil remedies enforceable against public sector labor organizations by the state and/or by individual public employees.

The impact of most of these new penalties and remedies on the courts is highly speculative, and accordingly this note does not reflect costs for these matters. Should actual experience with these new criminal and civil actions result in significant costs to the court system, we may need to return to the legislature for funding at a later date. Proposed statutes with potential impact include the following: AS 23.40.450, which makes certain violations of AS 23.40.400 - 23.40.470 a class A misdemeanor; AS 23.40.460, which authorizes the commissioner of the Department of Labor to bring a civil action alleging violations of AS 23.40.400 - 23.40.470; AS 23.40.500, which creates a new class A misdemeanor; AS 23.40.520, which makes certain violations of AS 23.40.500 - 23.40.540 a class A misdemeanor, and which also authorizes a labor organization member to bring a civil action alleging violations under those sections; AS 23.40.650, which authorizes the Labor Relations Agency to bring a civil action against a labor organization following a complaint from a member of the organization alleging a violation of AS 23.40.600 - 23.40.660; AS 23.40.710, which authorizes a member of a labor organization to bring a civil action alleging violation of duties declared in AS 23.40.700(a); AS 23.40.730, which creates a new class A misdemeanor; and AS 23.40.740, which creates a new class A misdemeanor.

The Department of Law has estimated the need for two additional attorneys to handle cases generated by section 27 of SB 151, which amends AS 23.40.210. Currently, an arbitrator's decision in both compulsory and voluntary grievance arbitration procedures is reviewable by the superior court only under very limited circumstances; the standard for review is "gross error" by the arbitrator. PSEA v. State, 902 P.2d 1335 (Alaska 1995). Partly as a result, very few grievance arbitration decisions are appealed to court. Section 27 makes grievance arbitration decisions appealable under standards set by AS 44.62.560 - 44.62.570 (the "arbitrary and capricious" standard). This lesser standard of review gives the court more latitude to reject or modify an arbitrator's decision. As a result, Law anticipates that public employees will appeal unfavorable rulings from arbitrators far more frequently.

Administrative appeals are heard by a superior court judge sitting without a jury. The judge may decide the case on the existing record, may augment the existing record, or may consider the issues de novo. This note assumes that most cases will be decided on the record, limiting the amount of judicial time and in-court clerk time spent on a typical case.

Alaska Court System
Fiscal Analysis
SB 151

Personal Services

<u>Position</u>	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Pro Tem Superior Court Judge, Anchorage, permanent part-time, 1 1/2 months	\$7,319	\$4,450	\$11,769
In-Court Clerk, 12A, Anchorage, permanent part-time, 1 month	2,375	612	<u>2,987</u>
Total Estimated Costs			<u>\$14,750</u>

SENATE FINANCE COMMITTEE REPORT

REPORTED OUT OF

DATE: 4/4/97

FURTHER: ~~SFC~~ ~~APR 10 1997~~

DATE TURNED
IN TO OFFICE: _____

Finance Committee considered SENATE BILL NO. 151

PUBLIC EMPLOYMENT LABOR RELATIONS

and recommends:

be replaced with _____ CS SB 151 (FIN)

adopt previous _____ CS _____ (_____)

attached amendment(s)

adopt Letter of Intent by _____ Committee

further referral to the _____ Committee

Senate Bill:
 same title
 new title
House Bill:
 same title
 technical change
 new: SCR# _____

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
		<i>Roll F. Hill</i>	✓		
		<i>Ad. Adams</i>		X	
		<i>Sean P. Quinnell</i>	✓		
		<i>John Logun</i>	✓		
		<i>Donna Dewley</i>		✓	
Co-Chair: <i>Pearce</i>	✓	Co-Chair:			
Co-Chair:		Co-Chair: <i>John Logun</i>	✓		

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

LABOR	4/3		263.9
COURTS	4/10		14.7
forthcoming FN's requested: Labor (340) Admin (57)			

AP note

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

#4 LAW	4/1		277.0

*include fiscal notes accompanying Governor's bill

SENATE FINANCE
COMMITTEE

Pearce moved
Sharp object / UD
ADOPTED

Amendment Number: 1
Bill Number: CSSB 151(SIA)
Sponsor: PEARCE Date: 4-15-97
Logged In By: PJ

0-LS0675\F.9
Cramer
4/15/97

A M E N D M E N T

OFFERED IN THE SENATE

TO: CSSB 151(STA)

- 1 Page 11, line 6:
- 2 Delete ", and (3)"
- 3 Insert "(3) employees of juvenile detention facilities who are responsible for the
- 4 physical security of the facility or of minors incarcerated in the facility, and (4)"

SENATE FINANCE
COMMITTEE

PEARCE MOVED
w/o obj -
ADOPTED

Amendment Number: 2 0-LS0675\F.8 ✓
Bill Number: _____
Sponsor: PEARCE Date: 4-15-97 Cramer
Logged In By: PJ 4/15/97

A M E N D M E N T

OFFERED IN THE SENATE
TO: CSSB 151(STA)

- 1 Page 20, line 23, following ";":
- 2 Insert "or"

- 3 Page 20, lines 24 - 25:
- 4 Delete all material.

- 5 Renumber the following paragraph accordingly.

SENATE FINANCE
COMMITTEE

PEARCE MOVED
SHARP OBJ. / WD
ADOPTED

Amendment Number: 3

0-LS0675\F.10 ✓

Bill Number: _____

Cramer

Sponsor: PEARCE Date: 4-15-97

4/15/97

Logged In By: Pj

AMENDMENT

OFFERED IN THE SENATE

TO: CSSB 151(STA)

1 Page 51, following line 4:

2 Insert a new bill section to read:

3 **** Sec. 55.** Notwithstanding the provisions of AS 23.40.090(c) and (d), enacted by sec. 5
4 of this Act, a bargaining unit in effect on the effective date of this Act that is composed of
5 employees of a political subdivision of the state does not become invalid because of the
6 enactment of this Act. However, if the composition of a bargaining unit of employees of a
7 political subdivision is challenged on or after the effective date of this Act, the Labor
8 Relations Agency shall apply AS 23.40.090 as amended by this Act to the resolution of the
9 challenge."

SENATE FINANCE
COMMITTEE

*Adams Moved
Sharp obj. / WD
Adopted w/o obj.*

Amendment Number: 7 0-LS0675VF.14

Bill Number: _____ Cramer

Sponsor: Adams Date: 4-15-97 4/15/97

Logged In By: PK

AMENDMENT

OFFERED IN THE SENATE

TO: CSSB 151(STA)

- 1 Page 35, line 16:
- 2 Delete "and copy"

SHARP MOVED
11/21/97 08:51 / WD

SENATE FINANCE COMMITTEE ADOPTED

CONCEPTUAL AMENDMENT

Amendment Number: 15
Bill Number: _____
Sponsor: _____ Date: 4-16-97
Logged In By: BJ

OFFERED IN THE SENATE

BY SENATOR SHARP

TO: CSSB 151(STA)

Page 3, Line 17, following "employees"

INSERT "voting":

Page 3, Line 18, following "bargaining unit"

INSERT "election":

The purpose of this amendment is to require a majority of the employees voting in an election -- rather than a majority of the membership -- to certify an exclusive representative.

*Sharp Moved
Finance obj, Admins obj*

SENATE FINANCE COMMITTEE *ADOPTED 6/1*

Amendment Number: 16

Bill Number: _____

Sponsor: _____ Date: 4-16-97

Logged In By: PS

CONCEPTUAL AMENDMENT

OFFERED IN THE SENATE

BY SENATOR SHARP

TO: CSSB 151(STA)

Page 26, Line 9, after "organization"

INSERT "paid more than \$250 in a calendar year":

*other than reimbursement for actual expenses. Am to Am by Dunlap
Adopted w/o obj.*

The purpose of this amendment is to exclude unpaid volunteers, including job stewards and chapter representatives, and those paid less than \$250 per year from these reporting requirements.

Sharp moved
ADOPTED W/O OBJ.

SENATE FINANCE
COMMITTEE

Amendment Number: 17

Bill Number: _____

Sponsor: _____ Date: 4-16-97

Logged In By: PJ

CONCEPTUAL AMENDMENT

OFFERED IN THE SENATE

BY SENATOR SHARP

TO: CSSB 151(STA)

Page 27, Line ¹⁴~~17~~, following "value"

INSERT "greater than \$100":

Page 27, Line 17, following "public office"

INSERT "in a state or local jurisdiction":

The purpose of this amendment is to exempt

- (a) political contributions of \$100, or less, to state and local campaigns
- (b) all contributions to candidates for federal elections

from these reporting requirements.

SENATE FINANCE
COMMITTEE

*Pearce moved
Adopted w/o dissent*

Amendment Number: 18 0-LS0675\F.16
Bill Number: CSSB 151(BTA) Cramer -
Sponsor: Pearce Date: 4-16-97 4/16/97
Logged In By: PJ

AMENDMENT

OFFERED IN THE SENATE

BY SENATOR PEARCE

TO: CSSB 151(STA) (Draft dated 4/1/97)

1 Page 6, line 31, following "activities":

2 Insert "including the adjustment of grievances"

3 Page 25, line 8:

4 Delete "A"

5 Insert "Except as provided in (e) of this section, a"

6 Page 26, following line 6:

7 Insert a new subsection to read:

8 "(e) A labor organization that has established the amount of its service fee as
9 a result of the decision or order of an impartial arbitrator or court may comply with
10 the reporting requirements set out in (c) of this section by annually filing a copy of
11 the order or decision with the commissioner."

12 Page 26, line 9, following "(c)":

13 Insert "and (d)"

14 Page 27, following line 29:

15 Insert a new subsection to read:

16 "(d) An officer or employee of a labor organization that has established the
17 amount of its service fee as a result of the decision or order of an impartial arbitrator
18 or court and is complying with the reporting requirements of AS 23.40.400(c) by
19 filing a copy of that decision or order is not required to file the report required by this
20 section."

*Pearce moved
ADOPTED w/ OBJ.*

SENATE FINANCE
COMMITTEE

Amendment Number: 13
Bill Number: CSSB 151(SFA)
Sponsor: Pearce Date: 4-16-97

0-LS0675\F.16
Cramer
4/16/97

AMENDMENT Logged In By: Pg

*Replaced w/
original version
Pg*

OFFERED IN THE SENATE

BY SENATOR PEARCE

TO: CSSB 151(SFA) (Draft dated 4/1/97)

- 1 Page 6, line 31, following "activities":
- 2 Insert ", including the adjustment of grievances"

- 3 Page 25, line 8:
- 4 Delete "A"
- 5 Insert "Except as provided in (e) of this section, a"

- 6 Page 26, following line 6:
- 7 Insert a new subsection to read:
- 8 "(c) A labor organization that has established the amount of its service fee as
- 9 a result of the decision or order of an impartial arbitrator or court may comply with
- 10 the reporting requirements set out in (c) of this section by annually filing a copy of
- 11 the order or decision with the commissioner."

- 12 Page 26, line 9, following "(c)":
- 13 Insert "and (d)"

- 14 Page 27, following line 29:
- 15 Insert a new subsection to read:
- 16 "(d) An officer or employee of a labor organization that has established the
- 17 amount of its service fee as a result of the decision or order of an impartial arbitrator
- 18 or court and is complying with the reporting requirements of AS 23.40.400(c) by
- 19 filing a copy of that decision or order is not required to file the report required by this
- 20 section."

SENATE FINANCE
COMMITTEE
Amendment Number: 4
Bill Number: _____
Sponsor: Adams Date: 4-15-97
Logged In By: TX

ADAMS MOVED
SHARP, PEARCE OBJ.
FAILED 3/3
0-LS0675VF.11 -
Cramer
4/15/97

A M E N D M E N T

OFFERED IN THE SENATE

TO: CSSB 151(STA)

- 1 Page 3, line 16:
- 2 Delete "new subsections"
- 3 Insert "a new subsection"

- 4 Page 3, line 24, through page 4, line 25:
- 5 Delete all material.

NOT
Adopted

SENATE FINANCE
COMMITTEE

Amendment Number: 5

Bill Number: _____

Sponsor: Adams Date: 4-15-97

Logged In By: PJ

ADAMS MOVED
PEARCE OBJ.
FAILED. 3/3

0-LS0675VF.12

Cramer

4/15/97

A M E N D M E N T

OFFERED IN THE SENATE

TO: CSSB 151(STA)

1 Page 1, line 6, through page 2, line 19:

2 Delete all material.

3 Page 2, line 20:

4 Delete "Sec. 2"

5 Insert "Section 1"

6 Renumber the following bill sections accordingly.

7 Page 50, line 16:

8 Delete "sec. 37"

9 Insert "sec. 36"

10 Page 50, line 28:

11 Delete "sec. 37"

12 Insert "sec. 36"

SENATE FINANCE
COMMITTEE

ADAMS MOVED
PEACE OBJECT
FAILED 3/3

Amendment Number: 6

0-LS0675\F.13-

Bill Number: _____

Cramer

Sponsor: Adams Date: 4-15-97

4/15/97

Logged In By: BJ

A M E N D M E N T

OFFERED IN THE SENATE

TO: CSSB 151(STA)

1 Page 1, lines 1 - 4:

2 Delete "; relating to the protection of the rights of public employees under the
3 Public Employment Relations Act; establishing ethical standards for union
4 representatives of public employees; and establishing disclosure requirements for public
5 employee labor organizations"

6 Page 5, lines 26 - 30:

7 Delete all material.

8 Renumber the following bill sections accordingly.

9 Page 13, lines 24 - 26:

10 Delete "However, a labor organization that has failed to file the reports required
11 by AS 23.40.400 may not petition the labor relations agency to enforce an agreement
12 under this section."

13 Page 16, lines 23 - 24:

14 Delete "Except as otherwise provided in AS 23.40.900, in this chapter [IN"
15 Insert "In this chapter ["

16 Page 17, lines 13 - 14:

17 Delete all material.

18 Renumber the following paragraphs accordingly.

- 1 Page 18, lines 4 - 14:
- 2 Delete all material.

- 3 Renumber the following paragraphs accordingly.

- 4 Page 20, lines 4 - 10:
- 5 Delete all material.

- 6 Renumber the following paragraph accordingly.

- 7 Page 20, lines 17 - 28:
- 8 Delete all material.

- 9 Renumber the following bill sections accordingly.

- 10 Page 21, line 1, through page 47, line 15:
- 11 Delete all material.

- 12 Renumber the following bill sections accordingly.

- 13 Page 50, line 15, through page 51, line 4:
- 14 Delete all material.

SENATE FINANCE
COMMITTEE

Amendment Number: 8

Bill Number: _____

Sponsor: Adams Date: 4-15-97

Logged In By: PJ

A M E N D M E N T

*Adams moved
Place Obj.
3/3 FAILED*

0-LS0675\F.15-

Cramer

4/15/97

OFFERED IN THE SENATE

TO: CSSB 151(STA)

1 Page 14, lines 22 - 25:

2 Delete "and the extension or modification of an agreement, including an award
3 by an arbitrator acting under AS 23.40.200, if the extension or modification affects in
4 any way the monetary terms of an agreement."

5 Page 14, line 30, through page 15, line 27:

6 Delete all material.

7 Renumber the following bill sections accordingly.

8 Page 50, line 14:

9 Delete "23.40.215(c),"

10 Page 50, line 16:

11 Delete "sec. 37"

12 Insert "sec. 35"

13 Page 50, line 28:

14 Delete "sec. 37"

15 Insert "sec. 35"

Not offered

SENATE FINANCE
COMMITTEE

0-LS0675VF.1

Amendment Number: 9

Cramer

Bill Number: _____

4/10/97

Sponsor: _____ Date: 4-14-97

Logged In By: PS

AMENDMENT

OFFERED IN THE SENATE

BY SENATOR ADAMS

TO: CSSB 151(STA)

- 1 Page 3, line 16:
- 2 Delete "new subsections"
- 3 Insert "a new subsection"

- 4 Page 3, line 24, through page 4, line 25:
- 5 Delete all material.

NOT OFFERED

SENATE FINANCE
COMMITTEE

0-LS0675\F.2

Amendment Number: 10

Cramer
4/10/97

Bill Number: _____

Sponsor: _____ Date: 4-14-97

Logged In By: BR

A M E N D M E N T

OFFERED IN THE SENATE
TO: CSSB 151(STA)

BY SENATOR ADAMS

- 1 Page 1, line 6, through page 2, line 19:
- 2 Delete all material.

- 3 Page 2, line 20:
- 4 Delete "Sec. 2"
- 5 Insert "Section 1"

- 6 Renumber the following bill sections accordingly.

- 7 Page 50, line 16:
- 8 Delete "sec. 37"
- 9 Insert "sec. 36"

- 10 Page 50, line 28:
- 11 Delete "sec. 37"
- 12 Insert "sec. 36"

Not Offered

SENATE FINANCE
COMMITTEE

0-LS0675\F.3
Cramer
4/10/97

Amendment Number: 11

Bill Number: _____

Sponsor: _____ Date: 4-14-97

~~A M E N D M E N T~~ PL

OFFERED IN THE SENATE
TO: CSSB 151(STA)

BY SENATOR ADAMS

1 Page 1, lines 1 - 4:

2 Delete "; relating to the protection of the rights of public employees under the
3 Public Employment Relations Act; establishing ethical standards for union
4 representatives of public employees; and establishing disclosure requirements for public
5 employee labor organizations"

6 Page 5, lines 26 - 30:

7 Delete all material.

8 Renumber the following bill sections accordingly.

9 Page 13, lines 24 - 26:

10 Delete "However, a labor organization that has failed to file the reports required
11 by AS 23.40.400 may not petition the labor relations agency to enforce an agreement
12 under this section."

13 Page 16, lines 23 - 24:

14 Delete "Except as otherwise provided in AS 23.40.900, in this chapter [IN"
15 Insert "In this chapter ["

16 Page 17, lines 13 - 14:

17 Delete all material.

18 Renumber the following paragraphs accordingly.

- 1 Page 18, lines 4 - 14:
- 2 Delete all material.

- 3 Renumber the following paragraphs accordingly.

- 4 Page 20, lines 4 - 10:
- 5 Delete all material.

- 6 Renumber the following paragraph accordingly.

- 7 Page 20, lines 17 - 28:
- 8 Delete all material.

- 9 Renumber the following bill sections accordingly.

- 10 Page 21, line 1, through page 47, line 15:
- 11 Delete all material.

- 12 Renumber the following bill sections accordingly.

- 13 Page 50, line 15, through page 51, line 4:
- 14 Delete all material.

Not offered

SENATE FINANCE
COMMITTEE

0-LS0675VF.4

Amendment Number: 12

Cramer

Bill Number: _____

4/10/97

Sponsor: _____ Date: 4-14-97

AMENDMENT Logged In By: [Signature]

OFFERED IN THE SENATE
TO: CSSB 151(STA)

BY SENATOR ADAMS

- 1 Page 35, line 16:
- 2 Delete "and copy"

Not offered

SENATE FINANCE
COMMITTEE

0-LS0675VF.5
Cramer
4/10/97

Amendment Number: 13

Bill Number: _____

Sponsor: _____ Date: 4-14-97

A M E N D M E N T Logged In By: BT

OFFERED IN THE SENATE
TO: CSSB 151(STA)

BY SENATOR ADAMS

1 Page 14, lines 22 - 25:

2 Delete "and the extension or modification of an agreement, including an award
3 by an arbitrator acting under AS 23.40.200, if the extension or modification affects in
4 any way the monetary terms of an agreement,"

5 Page 14, line 30, through page 15, line 27:

6 Delete all material.

7 Renumber the following bill sections accordingly.

8 Page 50, line 14:

9 Delete "23.40.215(c),"

10 Page 50, line 16:

11 Delete "sec. 37"

12 Insert "sec. 35"

13 Page 50, line 28:

14 Delete "sec. 37"

15 Insert "sec. 35"

SENATE FINANCE
COMMITTEE

Amendment Number: 14

Bill Number: _____

Sponsor: _____ Date: 4-14-97

Logged In By: PJ

A M E N D M E N T

Adams Movel / WD
Perma obj.
Adams Movel Perma obj.
0-LS0675F.7
Cramer: *2/4 PAUSD*
4/10/97

OFFERED IN THE SENATE

BY SENATOR ADAMS

TO: CSSB 151(STA)

1 Page 12, lines 11 - 21:

2 Delete "However, if an impasse or deadlock is reached in collective bargaining
3 negotiations between a municipal school district, a regional educational attendance area, or
4 the state boarding school and its employees, the parties shall submit to advisory arbitration
5 before the employees may engage in a strike. The arbitrator selected to conduct the advisory
6 arbitration must be a member of the American Arbitration Association Panel of Labor
7 Arbitrators or the Federal Mediation and Conciliation Service. In selecting the arbitrator, the
8 parties shall request a list of arbitrators who have knowledge of and recent experience in the
9 local conditions in the school district, regional educational attendance area, or state boarding
10 school. A list containing at least five nominees who meet the qualifications of this subsection
11 is a complete list for the purpose of striking names and selecting the arbitrator."

12 Insert "[HOWEVER, IF AN IMPASSE OR DEADLOCK IS REACHED IN
13 COLLECTIVE BARGAINING NEGOTIATIONS BETWEEN A MUNICIPAL SCHOOL
14 DISTRICT, A REGIONAL EDUCATIONAL ATTENDANCE AREA, OR THE STATE
15 BOARDING SCHOOL AND ITS EMPLOYEES, THE PARTIES SHALL SUBMIT TO
16 ADVISORY ARBITRATION BEFORE THE EMPLOYEES MAY ENGAGE IN A STRIKE.
17 THE ARBITRATOR SELECTED TO CONDUCT THE ADVISORY ARBITRATION MUST
18 BE A MEMBER OF THE AMERICAN ARBITRATION ASSOCIATION PANEL OF
19 LABOR ARBITRATORS OR THE FEDERAL MEDIATION AND CONCILIATION
20 SERVICE. IN SELECTING THE ARBITRATOR, THE PARTIES SHALL REQUEST A
21 LIST OF ARBITRATORS WHO HAVE KNOWLEDGE OF AND RECENT EXPERIENCE
22 IN THE LOCAL CONDITIONS IN THE SCHOOL DISTRICT, REGIONAL
23 EDUCATIONAL ATTENDANCE AREA, OR STATE BOARDING SCHOOL. A LIST
24 CONTAINING AT LEAST FIVE NOMINEES WHO MEET THE QUALIFICATIONS OF
25 THIS SUBSECTION IS A COMPLETE LIST FOR THE PURPOSE OF STRIKING NAMES

1 AND SELECTING THE ARBITRATOR.]"

2 Page 18, lines 28 - 29:

3 Delete ";

4 (B) [OR] superintendents of schools"

5 Insert "[OR SUPERINTENDENTS OF SCHOOLS]"

6 Reletter the following subparagraphs accordingly.

7 Page 19, lines 10 - 11:

8 Delete "school district, regional educational attendance area,"

9 Insert "[SCHOOL DISTRICT, REGIONAL EDUCATIONAL ATTENDANCE
10 AREA,]"

11 Page 19, lines 24 - 28:

12 Delete

13 "(17) [(8)] "regional educational attendance area" means an educational
14 service area in the unorganized borough that may or may not include a military
15 reservation [,] and that contains one or more public schools of grade levels K - 12 or
16 any portion of those grade levels that are to be operated under the management and
17 control of a single regional school board;"

18 Insert

19 "[(8) "REGIONAL EDUCATIONAL ATTENDANCE AREA"
20 MEANS AN EDUCATIONAL SERVICE AREA IN THE UNORGANIZED
21 BOROUGH THAT MAY OR MAY NOT INCLUDE A MILITARY
22 RESERVATION, AND THAT CONTAINS ONE OR MORE PUBLIC SCHOOLS OF
23 GRADE LEVELS K - 12 OR ANY PORTION OF THOSE GRADE LEVELS THAT
24 ARE TO BE OPERATED UNDER THE MANAGEMENT AND CONTROL OF A
25 SINGLE REGIONAL SCHOOL BOARD;]"

26 Renumber the following paragraphs accordingly.

1 Page 47, following line 15:

2 Insert a new bill section to read:

3 **** Sec. 38.** AS 23 is amended by adding a new chapter to read:

4 **Chapter 43. Public School Employment Relations.**

5 **Sec. 23.43.070. Declaration of policy.** The legislature finds that joint
6 decision-making is the modern way of administering government. If employees of the
7 public schools have been granted the right to share in the decision-making process
8 affecting wages and working conditions, they have become more responsive and better
9 able to exchange ideas and information on operations with their administrators.
10 Accordingly, government is made more effective. The legislature further finds that
11 the enactment of positive legislation establishing guidelines for public employment
12 relations is the best way to harness and direct the energies of employees of public
13 schools eager to have a voice in determining their conditions of work, to provide a
14 rational method for dealing with disputes and work stoppages, to strengthen the merit
15 principle where civil service is in effect, and to maintain a favorable political and
16 social environment. The legislature declares that it is the public policy of the state
17 to promote harmonious and cooperative relations between public schools and their
18 employees and to protect the public by assuring effective and orderly operations of
19 government. These policies are to be effectuated by

20 (1) recognizing the right of public school employees to organize for
21 the purpose of collective bargaining;

22 (2) requiring those employers to negotiate with and enter into written
23 agreements with employee organizations on matters of wages, hours, and other terms
24 and conditions of employment;

25 (3) maintaining merit-system principles among public school
26 employees.

27 **Sec. 23.43.075. Items not subject to bargaining.** The parties may not
28 negotiate terms contrary to the

29 (1) reemployment rights of the organized militia under AS 26.05.075;

30 (2) authority of the Department of Health and Social Services under
31 AS 47.27.035 to assign Alaska temporary assistance program participants to a work
32 activity considered appropriate by the Department of Health and Social Services; or

1 (3) authority for agencies to create temporary positions under
2 AS 47.27.055(c).

3 **Sec. 23.43.080. Rights of public school employees.** Public school employees
4 may self-organize and form, join, or assist an organization to bargain collectively
5 through representatives of their own choosing, and engage in concerted activities for
6 the purpose of collective bargaining or other mutual aid or protection.

7 **Sec. 23.43.090. Collective bargaining unit.** The labor relations agency shall
8 decide in each case, in order to assure to employees the fullest freedom in exercising
9 the rights guaranteed by this chapter, the unit appropriate for the purposes of
10 collective bargaining, based on such factors as community of interest, wages, hours,
11 and other working conditions of the employees involved, the history of collective
12 bargaining, and the desires of the employees. Bargaining units shall be as large as
13 is reasonable, and unnecessary fragmenting shall be avoided.

14 **Sec. 23.43.100. Representatives and elections.** (a) The labor relations
15 agency shall investigate a petition if it is submitted in a manner prescribed by the
16 labor relations agency and is

17 (1) by an employee or group of employees or an organization acting
18 in their behalf alleging that 30 percent of the employees of a proposed bargaining unit

19 (A) want to be represented for collective bargaining by a labor
20 or employee organization as exclusive representative; or

21 (B) assert that the organization that has been certified or is
22 currently being recognized by the public employer as bargaining representative
23 is no longer the representative of the majority of employees in the bargaining
24 unit; or

25 (2) by the public employer alleging that one or more organizations
26 have presented to it a claim to be recognized as a representative of a majority of
27 employees in an appropriate unit.

28 (b) If the labor relations agency has reasonable cause to believe that a
29 question of representation exists, it shall provide for an appropriate hearing upon due
30 notice. If the labor relations agency finds that there is a question of representation,
31 it shall direct an election by secret ballot to determine whether or by which
32 organization the employees desire to be represented and shall certify the results of the

1 election. Nothing in this section prohibits the waiving of hearings by stipulation for
2 the purpose of a consent election in conformity with the regulations of the labor
3 relations agency or an election in a bargaining unit agreed upon by the parties. The
4 labor relations agency shall determine who is eligible to vote in an election and shall
5 establish rules governing the election. In an election in which none of the choices on
6 the ballot receives a majority of the votes cast, a runoff election shall be conducted,
7 the ballot providing for selection between the two choices receiving the largest and
8 the second largest number of valid votes cast in the election. If an organization
9 receives the majority of the votes cast in the election, it shall be certified by the labor
10 relations agency as exclusive representative of all the employees in the bargaining
11 unit.

12 (c) An election may not be held in a bargaining unit or in a subdivision of a
13 bargaining unit if a valid election has been held within the preceding 12 months.

14 (d) Nothing in this chapter prohibits recognition of an organization as the
15 exclusive representative by a public school by mutual consent.

16 (e) An election may not be directed by the labor relations agency in a
17 bargaining unit in which there is in force a valid collective bargaining agreement,
18 except during a 90-day period preceding the expiration date. However, a collective
19 bargaining agreement may not bar an election upon petition of persons in the
20 bargaining unit but not parties to the agreement if more than three years have elapsed
21 since the execution of the agreement or the last timely renewal, whichever was later.

22 **Sec. 23.43.110. Unfair labor practices.** (a) A public employer or an agent
23 of a public employer may not

24 (1) interfere with, restrain, or coerce an employee in the exercise of
25 the employee's rights guaranteed in AS 23.43.080;

26 (2) dominate or interfere with the formation, existence, or
27 administration of an organization;

28 (3) discriminate in regard to hire or tenure of employment or a term
29 or condition of employment to encourage or discourage membership in an
30 organization;

31 (4) discharge or discriminate against an employee because the
32 employee has signed or filed an affidavit, petition, or complaint or given testimony

1 under this chapter;

2 (5) refuse to bargain collectively in good faith with an organization
3 which is the exclusive representative of employees in an appropriate unit, including
4 but not limited to the discussing of grievances with the exclusive representative.

5 (b) Nothing in this chapter prohibits a public employer from making an
6 agreement with an organization to require as a condition of employment

7 (1) membership in the organization which represents the unit on or
8 after the 30th day following the beginning of employment or on the effective date of
9 the agreement, whichever is later; or

10 (2) payment by the employee to the exclusive bargaining agent of a
11 service fee to reimburse the exclusive bargaining agent for the expense of representing
12 the members of the bargaining unit.

(c) A labor or employee organization or its agents may not

14 (1) restrain or coerce

15 (A) an employee in the exercise of the rights guaranteed in
16 AS 23.43.080; or

17 (B) a public employer in the selection of the employer's
18 representative for the purposes of collective bargaining or the adjustment of
19 grievances;

20 (2) refuse to bargain collectively in good faith with a public employer
21 if it has been designated in accordance with the provisions of this chapter as the
22 exclusive representative of employees in an appropriate unit.

23 **Sec. 23.43.120. Investigation and conciliation of complaints.** If a verified
24 written complaint by or for a person claiming to be aggrieved by a practice prohibited
25 by AS 23.43.110, or a written accusation that a person subject to this chapter has
26 engaged in a prohibited practice, is filed with the labor relations agency, it shall
27 investigate the complaint or accusation. If it determines after the preliminary
28 investigation that probable cause exists in support of the complaint or accusation, it
29 shall try to eliminate the prohibited practice by informal methods of conference,
30 conciliation, and persuasion. Nothing said or done during this endeavor may be used
31 as evidence in a subsequent proceeding.

32 **Sec. 23.43.130. Complaint and accusation.** If the labor relations agency

1 fails to eliminate the prohibited practice by conciliation and obtain voluntary
2 compliance with this chapter, or, before it attempts conciliation, it may serve a copy
3 of the complaint or accusation upon the respondent. The complaint or accusation and
4 the subsequent procedures shall be handled in accordance with the administrative
5 adjudication portion of AS 44.62 (Administrative Procedure Act).

6 **Sec. 23.43.140. Orders and decisions.** If the labor relations agency finds that
7 a person named in the written complaint or accusation has engaged in a prohibited
8 practice, the labor relations agency shall issue and serve on the person an order or
9 decision requiring the person to cease and desist from the prohibited practice and to
10 take affirmative action which will carry out the provisions of this chapter. If the labor
11 relations agency finds that a person named in the complaint or accusation has not
12 engaged or is not engaging in a prohibited practice, the labor relations agency shall
13 state its findings of fact and issue an order dismissing the complaint or accusation.

14 **Sec. 23.43.150. Enforcement by injunction.** The labor relations agency may
15 apply to the superior court in the judicial district in which the prohibited practice
16 occurred for an order enjoining the prohibited acts specified in the order or decision
17 of the labor relations agency. Upon a showing by the labor relations agency that the
18 person has engaged or is about to engage in the practice, an injunction, restraining
19 order, or other order that is appropriate may be granted by the court and shall be
20 without bond.

21 **Sec. 23.43.160. Power to investigate and compel testimony.** (a) For the
22 purpose of the investigations, proceedings, or hearings that the labor relations agency
23 considers necessary to carry out the provisions of this chapter, the labor relations
24 agency may issue subpoenas requiring the attendance and testimony of witnesses and
25 the production of relevant evidence.

26 (b) The labor relations agency may administer oaths, examine witnesses, and
27 receive evidence.

28 (c) The attendance of witnesses and the production of evidence may be
29 required from any place in the state at any designated place of hearing.

30 (d) If a person refuses to obey a subpoena issued under this chapter, the
31 superior court in the district in which the person resides or is found may, upon
32 application by the labor relations agency, issue an order requiring the person to

1 comply with the subpoena.

2 **Sec. 23.43.170. Regulations.** The labor relations agency may adopt
3 regulations under AS 44.62 (Administrative Procedure Act) to carry out the provisions
4 of this chapter.

5 **Sec. 23.43.180. Penalty for violation of order or decision.** A person who
6 violates a provision of an order or decision of the labor relations agency is guilty of
7 a misdemeanor and is punishable by a fine of not more than \$500.

8 **Sec. 23.43.190. Mediation.** If, after a reasonable period of negotiation over
9 the terms of a collective bargaining agreement, a deadlock exists between a public
10 employer and an organization, the labor relations agency may appoint a competent,
11 impartial, disinterested person to act as mediator in a dispute either on its own
12 initiative or on the request of one of the parties to the dispute. The parties may also
13 select a mediator by agreement or mutual consent. It is the function of the mediator
14 to bring the parties together voluntarily under such favorable auspices as will tend to
15 effectuate settlement of the dispute, but neither the mediator nor the labor relations
16 agency has a power of compulsion in mediation proceedings.

17 **Sec. 23.43.200. Arbitration and the right to strike.** (a) If an impasse or
18 deadlock is reached in collective bargaining negotiations, the parties shall submit to
19 advisory arbitration before the employees may engage in a strike. The arbitrator
20 selected to conduct the advisory arbitration must be a member of the American
21 Arbitration Association Panel of Labor Arbitrators or the Federal Mediation and
22 Conciliation Service. In selecting the arbitrator, the parties shall request a list of
23 arbitrators who have knowledge of and recent experience in the local conditions in the
24 school district, regional educational attendance area, or state boarding school. A list
25 containing at least five nominees who meet the qualifications of this subsection is a
26 complete list for the purpose of striking names and selecting the arbitrator. After
27 advisory arbitration, public school employees may engage in a strike if a majority of
28 the employees in a collective bargaining unit vote by secret ballot to do so.

29 (b) Notwithstanding the provisions of (a) of this section, the employees with
30 the concurrence of the employer may agree in writing to submit a dispute arising from
31 interpretation or application of a collective bargaining agreement to arbitration.

32 (c) The parties to a collective bargaining agreement may provide in the

1 agreement a contract for arbitration to be conducted solely according to AS 09.43.010
2 - 09.43.180 (Uniform Arbitration Act) if the Act is incorporated into the agreement
3 or contract by reference.

4 **Sec. 23.43.205. Family leave.** Notwithstanding any provision of this chapter
5 to the contrary, an agreement between the employer subject to AS 23.10.500 -
6 23.10.550 and an employee bargaining organization that does not contain benefit
7 provisions at least as beneficial to the employee as those provided by AS 23.10.500 -
8 23.10.550 shall be considered to contain the benefit provisions of those statutes.

9 **Sec. 23.43.210. Agreement.** Upon the completion of negotiations between
10 an organization and a public employer, if a settlement is reached, the employer shall
11 reduce it to writing in the form of an agreement. The agreement may include a term
12 for which it will remain in effect, not to exceed three years. The agreement shall
13 include a grievance procedure that shall have binding arbitration as its final step.
14 Either party to the agreement has a right of action to enforce the agreement by
15 petition to the labor relations agency.

16 **Sec. 23.43.215. Funding and approval.** The monetary terms of an agreement
17 entered into under this chapter are subject to funding through legislative appropriation.

18 **Sec. 23.43.220. Labor or employee organization dues and employee**
19 **benefits, deduction, and authorization.** Upon written authorization of a public
20 school employee within a bargaining unit, the public employer shall deduct from the
21 payroll of the public school employee the monthly amount of dues, fees, and other
22 employee benefits as certified by the secretary of the exclusive bargaining
23 representative and shall deliver it to the chief fiscal officer of the exclusive bargaining
24 representative.

25 **Sec. 23.43.225. Exemption based on religious convictions.** Notwithstanding
26 the provisions of AS 23.43.220, a collective bargaining settlement reached, or
27 agreement entered into, under AS 23.43.210 that incorporates union security
28 provisions, including but not limited to a union shop or agency shop provision or
29 agreement, shall safeguard the rights of nonassociation of employees having bona fide
30 religious convictions based on tenets or teachings of a church or religious body of
31 which an employee is a member. Upon submission of proper proof of religious
32 conviction to the labor relations agency, the agency shall declare the employee exempt

1 from becoming a member of a labor organization or employee association. The
2 employee shall pay an amount of money equivalent to regular union or association
3 dues, initiation fees, and assessments to the union or association. Nonpayment of this
4 money subjects the employee to the same penalty as if it were nonpayment of dues.
5 The receiving union or association shall contribute an equivalent amount of money
6 to a charity of its choice not affiliated with a religious, labor, or employee
7 organization. The union or association shall submit proof of contribution to the labor
8 relations agency.

9 **Sec. 23.43.235. Public involvement in school district negotiations.** Before
10 beginning bargaining, the school board of a city or borough school district or a
11 regional educational attendance area shall provide opportunities for public comment
12 on the issues to be addressed in the collective bargaining process. Initial proposals,
13 last-best-offer proposals, tentative agreements before ratification, and final agreements
14 reached by the parties are public documents and are subject to inspection and copying
15 under AS 09.25.110 - 09.25.140.

16 **Sec. 23.43.250. Definitions.** In this chapter, unless the context otherwise
17 requires,

18 (1) "collective bargaining" means the performance of the mutual
19 obligation of the public employer or the employer's designated representatives and the
20 representative of the employees to meet at reasonable times, including meetings in
21 advance of the budget making process, and negotiate in good faith with respect to
22 wages, hours, and other terms and conditions of employment, or the negotiation of an
23 agreement, or negotiation of a question arising under an agreement and the execution
24 of a written contract incorporating an agreement reached if requested by either party,
25 but these obligations do not compel either party to agree to a proposal or require the
26 making of a concession;

27 (2) "election" means a proceeding conducted by the labor relations
28 agency in which the employees in a collective bargaining unit cast a secret ballot for
29 collective bargaining representatives, or for another purpose specified in this chapter;

30 (3) "labor relations agency" means the Alaska labor relations agency
31 established in AS 23.05.360;

32 (4) "monetary terms of an agreement" means the changes in the terms

1 and conditions of employment resulting from an agreement that will require an
2 appropriation for their implementation or will result in a change in state revenues or
3 productive work hours for public school employees;

4 (5) "organizaion" means a labor or employee organization of any kind
5 in which employees participat and that exists for the primary purpose of dealing with
6 employers concerning grievances, labor disputes, wages, rates of pay, hours of
7 employment, and conditions of employment;

8 (6) "public employer" means a school district, regional educational
9 attendance area, or the Department of Education with respect to employees of the state
10 boarding school, and a person designated by the public employer to act in its interest
11 in dealing with public school employees;

12 (7) "public school" means a school operated by publicly elected or
13 appointed school officials in which the program and activities are under the control
14 of those officials and that is supported by public funds;

15 (8) "public school employce" or "employee" means an employee of a
16 public school, whether or not in the classified service of the public emp'oyer, except
17 elected or appointed officials or superintendents of schools;

18 (9) "regional educational attendance area" means an educational service
19 area in the unorganized borough that may or may not include a military reservation
20 and that contains one or more public schools of grade levels K - 12 or a portion of
21 those grade levels that are to be operated under the management and control of a
22 single regional school board;

23 (10) "state boarding school" means the state boarding school
24 established under AS 14.16;

25 (11) "terms and conditions of employment" means the hours of
26 employment, the compensation and fringe benefits, and the employer's personnel
27 policies affecting the working conditions of the employees, but does not mean the
28 general policies describing the function and purposes of a public employer.

29 **Sec. 23.43.260. Short title.** This chapter may be cited as the Public School
30 Employment Relations Act."

31 Renumber the following bill sections accordingly.

1 Page 50, line 14, after "23.40.215(c),":

2 Insert "23.40.235"

3 Page 50, line 16:

4 Delete "sec. 37"

5 Insert "sec. 38"

6 Page 50, line 28:

7 Delete "sec. 37"

8 Insert "sec. 38"

SENATE FINANCE COMMITTEE

SB 151 PUBLIC EMPLOYMENT LABOR RELATIONS

Please Sign-In Below

✓ NAME: Mike McMullen
Co./Dept/Title: Administration Phone: 465-1431
Address: P.O. Box 110201 Jamaica Zip: 99811
Do you wish to testify? Yes No Respond to Questions

✓ NAME: John Cyr CYR
Co./Dept/Title: NEA-AK Phone: 586-3090
Address: _____ Zip: _____
Do you wish to testify? Yes No Respond to Questions

✓ NAME: Vernon Marshall
Co./Dept/Title: Ex Dir. Phone: _____
Address: 114 2nd St. Zip: _____
Do you wish to testify? Yes No Respond to Questions

✓ NAME: Willie Anderson
Co./Dept/Title: Lobbyist Phone: 586-3090
Address: 114 Second St Jamaica Zip: 99801
Do you wish to testify? Yes No Respond to Questions

NAME: Ed Flanagan

Co./Dept/Title: DOL Dep. Comm. Phone: 2700

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond to Questions

NAME: Don Etheridge

Co./Dept/Title: AK LABORERS Phone: 5863709

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond to Questions

NAME: _____

Co./Dept/Title: _____

Address: _____

Do you wish to testify? _____

NAME: _____

Co./Dept/Title: _____

Address: _____

Do you wish to testify? _____

NAME: _____

Co./Dept/Title: _____

Address: _____

Do you wish to testify? Yes NO respond to questions

DON ETHERIDGE SIGNED UP WHEN THE BILL WAS SCHEDULED BEFORE.

I DON'T THINK HIS NAME IS ON YOUR LIST BUT I THINK HE IS IN THE ROOM NOW...

SENATE FINANCE COMMITTEE

SB 151 PUBLIC EMPLOYMENT LABOR RELATIONS

(1)

Please Sign-In Below

NAME: Ed Flanagan ✓
Co./Dept/Title: DOL - Dep. Com Phone: _____
Address: _____ Zip: _____

Do you wish to testify? Yes No Respond to Questions

NAME: John Cyr CYR ✓
Co./Dept/Title: NEA - AK Phone: 586-3090
Address: _____ Zip: _____

Do you wish to testify? Yes No Respond to Questions

NAME: Denton Marshall ✓
Co./Dept/Title: EXEC. DIRECTOR Phone: 586 3090
Address: 114 2ND STREET Zip: _____

Do you wish to testify? Yes No Respond to Questions

NAME: Willie Anderson ✓
Co./Dept/Title: _____ Phone: 586-3090
Address: _____ Zip: _____

Do you wish to testify? Yes No Respond to Questions

NAME: Mike McMullen ✓

Co./Dept/Title: Div of Personnel Phone: 465-4431

Address: P.O. Box 110201 JunEAU ~~PA~~ Zip: 99811

Do you wish to testify? Yes No Respond to Questions
Re: DOT Fiscal Note

(2)

NAME: BRUCE LUDWIG ✓

Co./Dept/Title: APPA/AFT Phone: 586-2334

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond to Questions

NAME: Mary Graham ✓

Co./Dept/Title Myself state employee Phone: 586-4938

Address: 235 5th St #2 JunEAU Zip: 99801

Do you wish to testify? Yes No Respond to Questions

NAME: Linda Gohl ✓

Co./Dept/Title: STATE Employee Phone: 180-6819

Address: 5875 Glacier Hwy #29 JunEAU Zip: 99801

Do you wish to testify? Yes No Respond to Questions

NAME: Hal Clark ✓

Co./Dept/Title: DOT Phone: 465-4517

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond to Questions

SB 151

NAME: AL Tracy

Co./Dept/Title: HSS - MHDD Phone: 465-3370

Address: PO Box 33996 Zip: 99803

Do you wish to testify? Yes No Respond to Questions

3

NAME: Robert J. Welton Jr.

Co./Dept/Title: SOA / DOT Phone: 465-1778

Address: POB 22704 Juneau Zip: 99802

Do you wish to testify? Yes No Respond to Questions

NAME: RICHARD ESETT

Co./Dept/Title: SELF (STATE EMPLOYEE) Phone: 989-5714

Address: POB 33773 - JUNEAU, AK Zip: 99803

Do you wish to testify? Yes No Respond to Questions

NAME: Kristina Ewing

Co./Dept/Title: DOC - Probation Officer II Phone: 465-3182

Address: 123 4th St. Suite 312 Zip: _____

Do you wish to testify? Yes No Respond to Questions

NAME: _____

Co./Dept/Title: _____ Phone: _____

Address: _____ Zip: _____

Do you wish to testify: Yes No Respond to Questions

04/14/97

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM

LTN1150

18:18:46

PARTICIPANT LIST (ALL PARTICIPANTS)

BY:FBX

TCN:70639 SCHEDULED FOR:04/14/97 18:00 TO 21:00

~~FOR:FBX~~

PUBLIC HEARING

SENATE FINANCE

LOCATION:FAIRBANKS

T	SB 151	MR. CRAIG PERSSON	PUB. SAFETY EA	TESTIFY
T	SB 151	MR. BILL BJORK	FBX EDUC. ASSOC	TESTIFY
T	SB 151	MR. RICHARD SEWARD	AFL-CIO	TESTIFY
T		MR. JIM SAMPSON	FBX North Star Borough	

04/14/97

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM

LTN1150

18:08:03

PARTICIPANT LIST (ALL PARTICIPANTS)

BY:KEN

TCN:70639 SCHEDULED FOR:04/14/97 18:00 TO 21:00

FOR:KEN

PUBLIC HEARING

SENATE FINANCE

LOCATION:KENAI LIO

T SB 151	MS.	KAREN	MAHURIN	KPESA	TESTIFY
SB 151	MR.	BILL	PARKER	SELF	TESTIFY
SB 151	MR.	DON	OBERG	NEA-AK	TESTIFY

04/14/97

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM

LTN1150

17:56:44

PARTICIPANT LIST (ALL PARTICIPANTS)

BY:SIT

TCN:70639

SCHEDULED FOR:04/14/97 18:00 TO 21:00

FOR:SIT

PUBLIC HEARING

SENATE FINANCE

LOCATION:SITKA

SB 151

RICK

ROHLMAN

SITKA COMM. ASSO.

TESTIFY

04/14/97 17:58:17 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1120
MESSAGE FROM: LIOCJAS IN ANCHORAGE JNU

RE TCN: 70639 SCHEDULED FOR:04/14/97 18:00 TO 21:00
SPONSOR: SENATE FINANCE PURPOSE: PUBLIC HEARING

MESSAGE TEXT: ON LINE--KEN / MAT / DJT / SIT /
NO PARTS. IN ANCH_YET

04/14/97 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150

17:58:23 PARTICIPANT LIST (ALL PARTICIPANTS) BY:MAT

TCN:70639 SCHEDULED FOR:04/14/97 18:00 TO 21:00 FOR:MAT

PUBLIC HEARING SENATE FINANCE

LOCATION:MATSU

SB 151 MS KATHLEEN WIGHT-MURPHY TESTIFY

04/14/97

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM

LTN1150

18:15:39

PARTICIPANT LIST (ALL PARTICIPANTS)

BY:KEN

TCN:70639 SCHEDULED FOR:04/14/97 18:00 TO 21:00

FOR:KEN

PUBLIC HEARING

SENATE FINANCE

LOCATION:KENAI LIO

T SB 151	MS.	NANCY	MACVIE	KPESA	TESTIFY
T SB 151	MR.	BILL	PARKER	SELF	TESTIFY
T SB 151	MR.	DON	CBERG	NEA AK	TESTIFY

04/14/97

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM

LTN1150

17:49:35

PARTICIPANT LIST (ALL PARTICIPANTS)

BY:DJT

TCN:70639 SCHEDULED FOR:04/14/97 18:00 TO 21:00

FOR:DJT

PUBLIC HEARING

SENATE FINANCE

LOCATION: DELTA JCT.

T SB 151

MS.

JACKIE

NELSON-LIZARDI

PRESIDENT,

TESTIFY

*Edna Sapp
R. Mitchell Assoc.*

Ladies and Gentlemen:

Thank you for the opportunity to testify. Unfortunately, the nearest L.I.O. is closed and there is no teleconference hookup available to me.

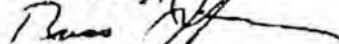
I have several concerns about this bill, but I will address only one, the financial reporting requirements. (Section 23.40.410) As I read this bill, it would require even minor officers of a labor organization to report income from their public employer. Requirements are in (a)(1), (a)(5) and (a)(6).

In the case of NEA, there are principal officers and there are minor officers such as building and site representatives. Nearly all of us are unpaid volunteers. **The question is, given the extensive reporting requirements for the labor organization in Sec. 23.40.400, why is it necessary for such minor officers to have to duplicate that reporting?** In fact, it's a double duplication because our income is public record already. Further, I wonder what the need is for a minor officer (for example, I represent only 10 people here in my village) to have to report personal donations to candidates for public office (in Sec. 23.40.410(a)(6)) ?

It seems that double reporting of public information is unnecessary and would take up the time of both the teachers at every school in Alaska who are represented by a labor organization as well as the time of the appropriate state agency which will have to handle and check all the reports. **I know that teachers are first and foremost concerned with the quality of education they are providing to children in their care. Anything which demands their time unnecessarily detracts from that purpose.**

May I suggest a quick fix for this? Insert a principal officer and delete "an officer" from Sec. 23.40.410 and in any other appropriate places in the bill to clarify that the labor organization need not report the same information in more than one way. Thank you for your consideration of my testimony.

Sincerely,



Russ Josephson

Teacher in Kiana, Alaska

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 4
To FIN	From KENAI LIO	
Co. Continental Oil	Co.	
Dept. SB151	Phone #	
Fax #	Fax #	

Nancy Macvie
P.O. Box 1356
Kenai, Alaska 99611

April 14, 1997

Dear Members of Senate Finance:

Thank you for this opportunity to share some concerns regarding SB 151.

You have heard or will hear, I'm sure, many points of concern regarding lack of grievance procedure, lack of representation for part time employees, the fact that one person can request a decertification election, etc. While these provision of SB 151 appear to be immensely undemocratic, I will let others address those issues.

My concerns are mainly questions for you as a committee.

1. What prompted this revision of PERA.
2. Where did the \$10,000 come from to pay Art Chance for his services in writing this bill.
3. Which legislator on Senate Finance actually requested this bill to be written.
4. This bill adds a statement that reiterates the legislature's support for collective bargaining, but adds statements about the need for all participants to adhere to the highest ethical standards and that these standards have been disregarded and require legislative protection. What standards have been disregarded and by whom - I need to hear specifics.
5. Are you aware that if you pass this bill as written it will affect pending cases that are now before the Alaska Labor Relations Board - cases the State is involved in.
6. If you limit a union to only collect from fee payers the costs of at table bargaining expenses, will you remove the legal responsibilities that we have to represent all employees in the arena of rights, terms and conditions of employment etc.
7. Are you aware that the hearing caseload before the Alaska Labor Relation Agency is currently shared between an attorney hearing examiner and a non-attorney hearing examiner. This bill would require that hearing officers be members of the bar for 2 years. Wouldn't this increase the payroll ?
8. This bill would limit grievance arbitration to only the Federal Mediation and Conciliation Service Panel - what are the reasons to omit the American Arbitration Association?

Actually, Sena^r rs, I could go on and on, but I will honor the time constraints of 2 minutes.

In closing I ask you - why was this bill written. It appears to me that the contracted author of this bill addressed issues that the State has lost - either in court or before the Labor Board. Is that reason to rewrite an entire bill to change the entire arena or labor and managment in Alaska?

PERA works and is working - why change the rules, and why change them to be so unfair and unjust. Under PERA, labor and management, know the rules - we come together to bargain, to work out problems through the grievance procedure, and to allow for fair reporting by unions. SB 151 appears to be punitive and grossly unfair to unions.

I would appreciate your reconsidering and voting no on this bill as written - there are too many unanswered questions and, I believe, no sound facts on which to change the way we are curretly doing business.

Thank you for your time and attentiion.

Sincerely,

Nancy M. Macvie

Nancy Macvie
Kenai Peninsula Educational Support
Association (KPESA)

Testimony : SB J51...teleconference April 14, Kenai, AK

I am Don Oberg - staff member of NEA-Alaska assigned to work as an NEA-Alaska representative with the Kenai Peninsula educational employees the KPEA and the KPESA as well as AVECTA the Employee Association for the Ak Voc. School in Seward. I am also a 33 year resident of the Kenai Peninsula.

Thank you for holding this teleconference prior to making a determination as to the future of this legislation.

It appears that the goal of the proposed legislation is to fix some problems which may not exist with the current Public Employee Relations process.

I am convinced that this legislation would do more harm than good and certainly would not fix what ever seems to be broken with the current law.

It most certainly could cost far more to implement this legislation than fixing what ever small problems might exist would warrant.

Tonight I deal with just two concerns although there are many more which I have.

The KPEA, KPESA, And AVECTA support the concept of providing members and non-members (fee payers) with the correct information as to cost of bargaining and the cost of enforcement of the Negotiated Agreements.

In fact we are proud that we have provided that information readily in the form of a Hudson Notice which is provided every non-member every fall.

Over the past few years the Federal and Alaska Courts have made that determinations as to what are chargeable costs for a bargaining unit fair share very clear while clearly protecting the rights of non-members to pay only the proper fairshare amount to the bargaining agent.

This legislation seems to lack clarity and or definition as to what is chargeable. If this bill passes as written I predict a great deal of confusion and very likely court challenges over costs already determined to be fair and unfair. That confusion alone could cost a great deal to sort out the meaning of the legislation.

Let me make it clear for instance that any time I spend working on this testimony is not chargeable to the non-member. I am required by my administrators to mark anytime used for political activities as non-chargeable to fee payers.

Don Oberg
907-283-4233

Careful records are kept to see to it that only costs relative to the bargaining unit such as planning for and actual bargaining costs and enforcement of the contract are listed as costs. Be aware that the costs of policing the Agreement providing protection for all members of the bargaining unit - NEA member or not - can be very high. Yet without that enforcement there is no reason for a Negotiated Agreement.

Along with the NEA and NEA-Alaska we provide audited budgeted figures for all non-NEA Alaska members who benefit from the bargaining unit activities. Those figures are subject to arbitration and to my knowledge have never been found to be overstated by a neutral arbitrator.

In addition, although the federal court in Anchorage ruled in favor of both the KPEA and KPESA regarding a recent legal challenge of our agency fee requirements, that ruling has been challenged by the original litigants and the case is being argued in the 9th Circuit.

We are confident we will prevail since we have met any and all requirements of the law. In fact, we believe we have gone the extra mile to protect the rights of non-members to the correct up to date information so that each can make his/her determination as to what actions to take.

Contrary to what some may have said, our books are open and we invite you as legislators to examine them if you feel that by so doing you can better make a wise decision as to the future of this bill.

There is much misunderstanding of the role of the bargaining unit which needs clarification. For instance there have been unfortunate statements by some politicians that KPEA and KPESA contribute membership dues money to political candidates.

That is simply false. No membership dues money nor and fee payer money is contributed to any political candidate or party and our audits will show that to be true. All political contributions are strictly voluntary.

Until the Senators are aware or what the purpose of S.B. 151 is....and what needs to be fixed, if anything, I urge each of you to be very cautious and thoughtful and oppose S.B.151 in its current form.

**Summary Of Proposed Changes And Additions To The
Public Employment Relations Act**

The proposed legislation has two purposes and discussion will be divided into two parts. First, the existing law is amended to incorporate the lessons of twenty-five years of collective bargaining in Alaska and to comply with a line of U.S. Supreme Court cases concerning union dues issues in public employment. Second, extensive additions are made to the Act to reflect the provisions of the federal National Labor Relations Act as amended. These provisions regulate the organizational structure of public employee labor organizations and the conduct of union officers and employees as well as officers, elected and appointed officials and certain employees and contractors of public employers. The legislation covers only public employee unions and public employers and does not regulate the conduct of private sector labor unions or councils and federations that do not directly engage in collective bargaining between public employee unions and public employers.

To further understanding of the changes one should know a bit about the history of the PERA. Prior to 1972 only ferry system employees had bargaining rights. These were articulated in Article 1 of AS 23.40 and gave the Commissioner of the, then, Department of Highways authority to bargain. The authorization had no regulatory language. In the late sixties there were several proposals for a general public employee bargaining law, none of which passed the Legislature. A comprehensive proposal was made 1971 that was based on the National Labor Relations Act which also failed.

PERA was introduced as a committee substitute for an inconsequential bill having to do with workers' compensation reporting in the Senate Judiciary Committee. In that committee it was amended to exclude school employees there were no other amendments and no recorded debate. A session law, not a part of PERA, was enacted allowing certain political subdivisions to opt out from coverage of the Act.

The law is considered by the courts to have no legislative history as to its purposes or intentions. I interviewed former Senator Joe Josephson who was one of the architects of the bill that became law. He reported that the initial

Senate Finance Committee
Senate Bill 151

draft came from then AFL-CIO President Duane Carlson and was modeled on then pending legislation in Hawaii. The law is similar in some respects to the original bargaining law in Hawaii and Rhode Island. Both those laws have since been extensively amended. PERA has little in common with other state's collective bargaining laws.

The law as enacted was essentially the 1935 version of the National Labor Relations Act, commonly called the Wagner Act. Virtually the only recognition afforded to the fact that the law controlled bargaining by government employees was Section 200 which prohibited strikes by police officers and certain other vital employees and which limited strikes by other employees by allowing injunctions. Bargaining units were formed and the first agreements were entered into in 1974. The ferry unions sued claiming they were not covered by the new act, but rather continued to bargain under their old authority to bargain with the Commissioner of the, by that time, Department of Transportation and Public Facilities. The Supreme Court decided against them in 1978 and since that time it has been clear that all public employees not specifically excluded bargained under PERA. (See, IBU v. Hafling)

The law was amended in 1978 to require a cost of living differential in agreements authorized by the Act due to perceived residency abuses in the ferry units. A Blue Ribbon Committee was formed in the late seventies to study problems in implementing the Act. In 1984 the Act was amended at the behest of the Blue Ribbon Committee to provide a scheme of Legislative oversight which itself has proven to be a source of considerable litigation. In 1993 the law was amended to cover teachers and school district employees.

In the twenty-five years since enactment there have been over 200 formal adjudications before the Alaska Labor Relations Agency, many hundreds more which did not reach formal hearing and many, many more before the now abolished State Labor Relations Agency which had jurisdiction over political subdivisions. There have been dozens of suits in the Superior Courts, more than a dozen to the State Supreme Court and several to the federal courts challenging various provisions of the Act.

This bill seeks to incorporate the teachings of the adjudication under PERA in the State courts and Labor

Senate Finance Committee
Senate Bill 151

Relations Agency and over sixty years of federal experience, including thousands of adjudications, under the parent law, the National Labor Relations Act. Particularly, the legislation seeks to incorporate the teachings of Langill, et al v. Alaska State Employees Association et al decided in February of 1997 in the federal District Court of Alaska wherein ASEA and the State admitted that ASEA's collection of agency fees failed to comply with the constitutional requirements articulated in Teachers Local 1 v. Hudson, a U.S. Supreme Court decision. All the changes in the law are predicated on the regulations and decisions of the Alaska Labor Relations Agency and the decisions of State and federal courts. The regulatory portions of the legislation are based directly upon the 1947 and 1959 amendments to the federal National Labor Relations Act which were not incorporated when PERA was originally adopted and essentially impose upon public employee labor organizations the same requirements as are imposed upon private sector unions and employers bargaining under federal law.

Major changes to the existing Act:

Sec. 2 Provides that parties may not negotiate terms contrary to a statute except if such terms are specifically made subject to bargaining by the Act. (See, APEA v. State)

Sec. 3 Provides that public employers retain managerial rights and prerogatives and that limitations on such rights are to be narrowly construed by arbitrators, the labor relations agency and the courts.

Sec. 5 Incorporates Alaska Labor Relations Agency (ALRA) regulations and decisions regarding composition of bargaining units and adds definitions of supervisory, confidential and law enforcement employees based on ALRA decisions.

Requires that peace officers, including Correctional Officers, must be in separate bargaining units from employees who are not peace officers. This provision mirrors the guards unit language in federal law.

Sec. 6 Reflects ALRA decisions and federal law in permitting public employers to challenge the composition of a bargaining unit and to question the majority status of a union.

Senate Finance Committee
Senate Bill 151

Sec. 9 makes it an unfair labor practice for a public employer to contribute financial or other support to a union mirroring federal law.

Allows a public employer to confer with its employees over work related matters without incurring unfair labor practice charges. This is predicated on the National Labor Relations Board's decision in the Electromation Corp. case that prohibited such management techniques as quality circles and work teams. There have been complaints filed under this case with the ALRA, but none have been finally decided.

Eliminates the current law's authorization of compulsory union membership while retaining the authorization for compulsory fees for collective bargaining services. This is based on a long line of Supreme Court cases holding that an employee may not be compelled to contribute to a union's social, political and fraternal activities as a condition of employment. The current provision would probably be found unconstitutional under both the State and federal constitutions. (See, *Abood v. Detroit Board, Teachers Local 1 v. Hudson, Beck v. Communications Workers, Langill, et al v. Alaska State Employees Association, et al* among others)

Prohibits a union from involving a secondary employer in a labor dispute, e.g., picketing, boycotting or otherwise interfering with a private employer as the result of a dispute with a public employer. This is based on federal secondary boycott and hot cargo provisions.

Prohibits a union from charging a service fee not reasonably related to the cost of providing representation and provides that an employee may bring such charges to the ALRA. This is based on court cases, principally Teachers Local 1 v. Hudson and Beck v. Communications Workers, as well as Langill et al v. Alaska State Employees Association et al holding that fee payers may only be compelled to pay for the costs of collective bargaining and grievance adjustment.

Prohibits a public employee union and public employer from agreeing to refrain from doing business with another employer. This also is based on federal secondary boycott and hot cargo provisions.

Senate Finance Committee
Senate Bill 151

Sec. 10 Provides that statements by legislators, judges and certain municipal officials may not constitute unfair labor practices so long as that person is not specifically responsible for relations with employees. (See generally, Local 71 v. State and underlying ALRA proceeding)

Sec. 19 Narrows the scope of employees prohibited from striking (Class One) and, thus, subject to interest arbitration.

Sec. 20 Narrows the scope of employees who can be enjoined from striking (Class Two) and, thus, subject to interest arbitration. Adds a class of residential care employees to reflect changes in Pioneer Home mission to assisted living. Previously, all were considered Class One hospital employees, a classification that could not withstand scrutiny. Removes post-secondary education employees from this class to Class Three employees mirroring K-12 teachers and other school employees.

Sec. 21 Reflects recent court holding that ferry system employees are Class Three employees. (See, IBU v. State, Superior Ct., 1997, citation omitted)

Provides that employees may only lawfully strike after impasse in bargaining. (See, APEA and Local 71 v. State)

Sec. 22 Provides a reliable means of selecting arbitrators for interest arbitrations and requires that they have Alaska or Pacific Northwest experience.

Sec. 24 Prohibits agreements longer than three years and automatic renewal clauses.

Provides that employees may resort to binding grievance arbitration only under the terms of an agreement.

Prohibits a labor organization that has failed to file required financial reports from enforcing an agreement.

Requires that the ALRA rather than the Commissioner of Administration will promulgate regulations governing residency based pay differentials in recognition of the fact that the PERA applies to all public employers, not just the State.

Senate Finance Committee
Senate Bill 151

Sec. 27 Establishes arbitrator selection criteria for binding grievance arbitration and requires Alaska or Pacific Northwest experience.

Sec. 29 - 31 Increases Legislative oversight authority over collective bargaining by:

Defining monetary terms to include extensions, modifications and interest arbitrator's awards.
(See, PSEA v. State)

Specifically empowering the legislative body of a political subdivision to review and approve the monetary terms of an agreement. (Superior Ct. case involving City of Fairbanks, affirmed by SC, citation not known)

Providing that no monetary term is effective or enforceable until approved by the Legislature or the legislative body of a political subdivision.

Requiring the parties to resume negotiations in the event of disapproval.

Requiring the Commissioner of Administration to report all State agreements, settlements and arbitrators' awards costing over \$10.0 to the Legislative Budget and Audit Committee for review.

Requiring the Commissioner of Administration to report all agreements, settlements and arbitrators' awards that substantively modify the reported terms to the Legislature for approval.

Empowering the legislative bodies of political subdivisions to promulgate approval procedures.

Sec. 32 Prohibits irrevocable dues checkoffs for periods longer than one year and provides explicitly that checkoff authorizations must be voluntary and renewed annually.

Sec. 33 Prohibits checkoffs from service fee payers outside the term of an agreement and includes the same irrevocability provisions.

Senate Finance Committee
Senate Bill 151

Requires affirmative notice on the checkoff form that employees may not be required as a condition of employment to be or become a member of the union nor to contribute financial support to its social, political and fraternal activities. Based on the Supreme Court's Beck decision.

Sec. 34 Clarifies the definition of "monetary terms" to include changes from the predecessor agreement or statutory terms which will require the expenditure of public money.

Exempts certain types of employees from the Act's coverage including: temporary or nonpermanent employees, part-time employees who work less than 20 hours per week, Legislative employees, employees responsible for certain collective bargaining activities and certain employees of the legislative bodies of political subdivisions and of the courts.

Includes employer groups in the definition of public employer.

Major Additions to the Act:

These additions are modeled on the Taft-Hartley and Landrum-Griffin amendments to the National Labor Relations Act and are essentially identical to the requirements imposed on private sector unions bargaining under that act.

Article 2, Sec. 37 Articulates the rights of union members to participate democratically in the operation of the union.

Requires that service fee payers be allowed to vote in contract ratification elections and other elections or referenda which might effect a fee payer's terms and conditions of employment. Currently, they are not allowed to vote.

Requires that dues may only be increased in a democratic, secret ballot election.

Prohibits union restrictions on a member's right to sue the union and to participate in other forms of adjudication.

Prohibits employers from surreptitiously participating in suits against a union.

Senate Finance Committee
Senate Bill 151

Prohibits arbitrary discipline of members by the union and provides for due process.

Requires public employee unions to make available in the State copies of all collective agreements without charge to members and fee payers and makes agreements a public record.

Requires public employee unions to inform members of their rights under the Act.

Article 4 Requires public employee unions to register with the Commissioner of Labor and report their structure and finances. Currently, most are merely State chartered non-profit corporations subject to little or no regulation.

Requires annual financial reports by public employee unions categorized in such a manner as to permit the identification of costs associated with social, political and fraternal activities.

Requires disclosure of all expenditures made for the purpose of influencing the outcome of an election, a ballot proposition or the passage or defeat of legislation.

Requires that such report be maintained in the State and made available to members and fee payers at no cost.

Requires public employee union officers, agents and employees, including spouses, cohabitants and minor children, to report their income or other financial dealings with any employer which their organization has a collective bargaining relationship.

Requires similar reporting of financial dealings by an officer with the union itself.

Requires disclosure by officers, agents and employees of all payments or exchanges the intent of which is to influence the outcome of an election.

Provides certain exceptions for PFDs and other routine business transactions.

Sec. 23.40.420 and following: Requires similar reporting by officers and elected and appointed officials of public

Senate Finance Committee
Senate Bill 151

employers of their financial dealings with labor organizations and employees.

Makes all such reports a public record.

Exempts attorney-client and certain deliberative communications from reporting and disclosure.

Makes violation of reporting requirements a Class A misdemeanor.

Article 5 Establishes criteria for establishing trusteeship of a public employee labor organization.

Provides processes for removal of public employee union officers for certain misconduct.

Article 6 Establishes criteria for democratic election of public employee union officers.

Prohibits use of dues money to influence the outcome of a union election.

Establishes standards of fiduciary responsibility of union officers and employees.

Requires bonding of certain officers and employees.

Specifically makes embezzlement from a union a crime.

Prohibits felons and certain misdemeanants from holding union office or acting in a labor relations capacity for a public employer.

Article 8 Prohibits certain financial transactions, including contribution to political campaigns, between officers, agents and employees of unions and officers and officials of public employers where the intent is to influence the exercise by employees of their rights under the Act, or to influence the outcome of an adjudication or negotiation. Makes violation a Class A misdemeanor.

Requires that any employee benefit trust be a joint employer-union trust. Currently, all State trust arrangements have no State involvement though the State contributes millions.

Senate Finance Committee
Senate Bill 151

Sec. 51 Repeals all pre-PERA bargaining authorization.



RECEIVED
APR 17 1997

STATE of ALASKA

Delta Junction Legislative Information Office

P.O. Box 1189
Room 210, Jarvis Office Center
Delta Junction, AK 99737
(907) 895-4236

Fax: (907) 895-5017

April 14, 1997

TO: Senate Finance Committee

Please accept the enclosed originals of written testimony for the Senate Finance Committee hearing that was scheduled on 4/14/97.

Copies of this testimony were transmitted by fax on 4/14/97.

Thank you,

A handwritten signature in cursive script that reads "E. A. Sarver".

Elizabeth A. Sarver
Information Officer

Enclosures: 5

MAR-04-1997 09:02

LIC DELTA JCT

POST 895 5010 P.02



Alaska State Legislature

Please enter into the record my testimony to the Senate Finance
 committee on SB 151, dated 4/14/97
 bill/subject Personnel Assoc.

Signed:

Jackie Nelson-Lizardi

Testifier

Delta - Truly Educational Support

Representing (Optional)

HC 60 BK 4180 Delta Jct., AK

Address

895-4217

1083

Jackie Nelson-Lizardi
Delta-Greely Educational Support Personnel Association
HC 60 Box 4180
Delta Jct., Alaska 99737

April, 1997

Dear Senate Finance Committee Member ,

Please **VOTE NO** on **SB151**. I am an educational support person (**ESP**) and have worked in Alaskan schools since 1979. I am one of over 20,000 esp in the state. Until 1989, before we came under **PERA (Public Employee Relations Act)**, and were allowed the right to negotiate without specific school board permission, we had very few rights under the law, and were constantly told by vindictive and irresponsible administrators that we had **NO** rights. We were "**controlled**" by a District Employee Policy Manual that used immeasurable and vague guidelines that were interpreted arbitrarily and capriciously at the whim of a vindictive, overbearing administrator. That Policy Manual and the philosophy behind it; represented **total control and no respect!** It was **biased** on the side of management and **punitive** in nature, just like **SB151!** Morale was at a constant low as employees never knew where and how the next attack on their livelihood was going to be dealt

There was no system of appeal in place other than the same system and individuals who made the initial ruling. **SB151** has gone several steps further by allowing us to believe there is a viable recourse through the established and locally negotiated grievance procedure which is unilaterally pulled from the grasp of the public employee upon the expiration of the collective bargaining agreement. As many school district administrators are masters of "stalling", **SB151** has allotted them a home-court advantage while disallowing a "grandfather" protection to the employee who has been aggrieved and who has invested significantly of his/her time and efforts.

As you can probably imagine, such a "**dictatorial**" local system did not provide an atmosphere conducive to professional camaraderie or development. It did not encourage a "teamwork" approach to sharing and learning. With **PERA** we were finally able to provide input and reach consensus through the negotiation process that enabled us to focus our attentions positively on the growth and development of ourselves, our professions, our students, our district and our community. We know now that if a judgment is made against our character and/or job performance, we have the inalienable right to a **negotiated** "grievance process" which provides for mediation and arbitration and a "**Just Cause**" standard.

SB151! has **bastardized** the **grievance process**, **due process**, the **bargained agreement**, and **equal rights** afforded public employees under the **Constitution** in one fell swoop, all while under the **guise** of fair and just **legislation**. The premise of "**Just Cause**" has disappeared as elusively as **freedom**, **privacy**, the **right to unyoke ourselves from the oppression of tyrants**, **equity** and **respect!**

The members of our association include secretaries, teacher-aides, custodians, food-service workers, maintenance workers, and other clerical staff. We work day-in and day-out in a partnership mode with the teachers and building administrators of our

2 of 3

district and can not see a single, positive, fair, or constructive component of **SB151!**

This bill is a vicious and **punitive** attack on the rights of public employees and does nothing to ensure improvement of quality in education. It demonstrates a **lack** of concern for maintaining the continuity and integrity of instructional programs and environments. It has been my experience over the past 18 years working in Alaska Schools, that when the negotiated agreements, and the agreed upon evaluation systems and plans of improvement were adhered to by professional and responsible administrators, there were no battles being waged that diminished morale. On the contrary, administrative professionalism begat staff professionalism. As the folks who work with children every day, we can tell you from experience, "that children learn by what they see". The established system works! I would pray that you do not allow **SB151** to represent what this state's legislation and legislators are all about. Our children need strong, moral and uncorrupted models to learn from. Remember, "children learn by what they see." Would you truly wish to reside in a state whose leaders (the children of today) represent the biased, unjust and punitive totalitarianism modeled throughout this "bad", and regressive bill? It gives me chills to even contemplate the possibility. I was only fourteen when I read J. Edgar Hoover's book, **The Masters of Deceit**, and yet the fear and trepidation I felt at that reading revisited me upon reading this "**dreadful**" bill.

I, my fellow esp, and the majority of the teachers I work with and have met across the state are constantly, year-after-year providing for their own professional growth and development far beyond the limited parameters of their specific job and profession. They do this because they care about their jobs, their co-workers, and especially the children who are our future, and the reason we do what we do. The education of our children will truly suffer as a result of this attack on public employees. School and staff progressiveness and development will be relegated to a back burner while employee and management efforts will be focused on the legislative and legal battles ahead. The goal of ensuring that we keep **qualified** and **innovative** education employees in the schools through improved, **locally, negotiated** evaluation procedures is **not** achieved through **SB151**.

Please, **do not** cheapen and disregard our hard-won right to organize and bargain with our employers. As someone who had to live and work without these rights, who had to fight to get and keep these rights, I fear and dread the step back into the "**Dark Ages**" that this Legislation would be taking with the passage of this "**bad**" bill. We are in the age of technological enlightenment, don't put out the light of a good public education system with this "**special interest**" bill. We have been taught that **Justice** is "**blind**", but I have always believed that it was "**blind**" to the inequalities and or prejudices unjustly attached to a person's race, sex, color, religion, creed, age, national origin, marital status, socioeconomic/cultural background and political affiliation. **NOT** to a basic right that is **FAIR, JUST** and **EQUITABLE**, as provided under **PERA!** The intent of this bill rewrites that definition, by singling out public employees for this discriminatory treatment! Please do not let this twentieth legislature be known for reintroducing such a politically motivated attack on the rights of a select group of voters under the guise of **SB151!** **If you offer justice at a price no one can afford, is it still justice?** Please vote **NO on SB151!** Thank you for your consideration of my concerns with **SB151**.

3 of 3



Alaska State Legislature

Please enter into the record my testimony to the Senate Finance
 committee on SB 151, dated 4/14/97
 bill/ subject committee name

Please vote NO on SB 151. This bill has bastardized the grievance process, due process, the bargained agreement and equal rights afforded public employees under the Constitution. As a long time teacher in the state of Alaska and a parent, I find the bill an unjust, punitive attack on the rights of a targeted group of people living, working and contributing to this great state. Public employees do not deserve to have rights taken away, to have privacy violated and to be shoved back into the Dark Ages. Again, vote NO on SB 151.

Thank you
 Debra Fortune
 Teacher
 Delta/Greely School District.

Signed: Debra Fortune, Debra Fortune
 Testifier
myself
 Representing (Optional)
P.O. Box 1083 Delta AK 99737
 Address
907-895-4040
 Phone No



Alaska State Legislature

Please enter into the record my testimony to the Senate Finance Committee
committee on SB 151, dated 4/14/97
bill/ subject committee name

SB 151 clearly represents "union busting" tactics.
Please DO NOT pass this BAD BILL. Vote
no on SB 151.

It would take away collective bargaining rights
from employees who have enjoyed the security of those
rights for about 7 years and up to approx. 25 years.
What is WRONG?

PERA fosters and promotes the welfare of public
employees around the state.

~~It is quite evident that the state~~
It is quite evident that the enactment of this BAD
bill could precipitate numerous unfair labor practice
charges which would necessitate a significant
increase in the work loads of various parties and/or
departments.

The RIGHT to collective bargain is deserved by
ALL employees. Please drop these Bolshevik ideas,
You folks smack of Communism!!!!

Signed:

Anne L. Yates
Testifier

Representing (Optional)
PO Box 444 Delta
Address
895-4281
Phone No.

124F-04-1997 05:32

LTD DELTA JCT

907 895 5017 F.03



Alaska State Legislature

Please enter into the record my testimony to the Senate Finance Committee
 committee on SB 151 , dated 4/4/97 .
committee name
bill/ subject

please do not pass
 SB 151 out of committee.
 The Public Employees
 Regulation's act was adopted
 because the legislature felt
 it was good public policy.
 This act has ensured labor
 peace and better service
 to Alaska's citizens and
 students, because it provides
 us the public school employees,
 a voice.

Signed:

Barbara Parker
 Testifier

Representing (Optional)
PO Box 1035, Delta Jct.

Address
Delta 895-1032

MCF-04-1997 03:32

L10 DELTA JCT

987 595 5817 P.03



Alaska State Legislature

Please enter into the record my testimony to the Senate Finance
 committee on SB 151, dated 4-14-97
committee name
bill/ subject

I urge you to vote NO on SB 151. This bill is unfair to public employees! Why are only public employees being targeted? I have been in public education for almost 19 years and have never seen such a destructive bill being discussed by elected officials. Please use your common sense and good hearts when voting on this legislation. Vote NO on SB 151

Signed:

Cheryl Cooper

Testifier

Teacher

Representing (Optional)

HC 60 Box 3530 Delta Jct, AK 99737

Address

(907) 895-4577

RECEIVED

APR 18 1997



Alaska State Legislature

Please enter into the record my testimony to the Senate Finance
committee name

committee on SB 157, dated Apr. 3 '97
bill/subject

This bill is a shameless assault on children's services. It would be less painful to simply shut schools down than to dismantle them brick by brick. Our children need more support than ever, better educational programs than ever. Please don't play political games at the expense of Alaskan children.

Signed: [Signature]
Testifier

Representing (Optional)
HC 32 BX 6536A Wasilla
Address
7415 - 7465
Phone No.

Testimony : SB 151...teleconference April 14, Kenai, Ak

I am Don Oberg - staff member of NEA-Alaska assigned to work as an NEA-Alaska representative with the Kenai Peninsula educational employees the KPEA and the KPESA as well as AVECTA the Employee Association for the Ak Voc. School in Seward. I am also a 33 year resident of the Kenai Peninsula.

Thank you for holding this teleconference prior to making a determination as to the future of this legislation.

It appears that the goal of the proposed legislation is to fix some problems which may not exist with the current Public Employee Relations process.

I am convinced that this legislation would do more harm than good and certainly would not fix what ever seems to be broken whith the current law.

It most certainly could cost far more to implement this legislation than fixing what ever small problems might exist would warrant.

Tonight I deal with just two concerns although there are many more which I have.

The KPEA, KPESA, And AVECTA support the concept of providing members and non-members (fee payers) with the correct information as to cost of bargaining and the cost of enforcement of the Negotiated Agreements.

In fact we are proud that we have provided that information readily in the form of a Hudson Notice which is provided every non-member every fall.

Over the past few years the Federal and Alaska Courts have made that determinations as to what are chargeable costs for a bargaining unit fair share very clear while clearly protecting the rights of non-members to pay only the proper fairshare amount to the bargaining agent.

This legislation seems to lack clarity and or definition as to what is chargeable. If this bill passes as written I predict a great deal of confusion and very likely court challenges over costs already determined to be fair and unfair. That confusion alone could cost a great deal to sort out the meaning of the legislation.

Let me make it clear for instance that any time I spend working on this testimony is not chargeable to the non-member. I am required by my administrators to mark anytime used for political activities as non-chargeable to fee payers.

Don Oberg
907-283-4233

Careful records are kept to see to it that only costs relative to the bargaining unit such as planning for and actual bargaining costs and enforcement of the contract are listed as costs. Be aware that the costs of policing the Agreement providing protection for all members of the bargaining unit - NEA member or not - can be very high. Yet without that enforcement there is no reason for a Negotiated Agreement.

Along with the NEA and NEA-Alaska we provide audited budgeted figures for all non-NEA Alaska members who benefit from the bargaining unit activities. Those figures are subject to arbitration and to my knowledge have never been found to be overstated by a neutral arbitrator.

In addition, although the federal court in Anchorage ruled in favor of both the KPEA and KPESA regarding a recent legal challenge of our agency fee requirements, that ruling has been challenged by the original litigants and the case is being argued in the 9th Circuit.

We are confident we will prevail since we have met any and all requirements of the law. In fact, we believe we have gone the extra mile to protect the rights of non-members to the correct up to date information so that each can make his/her determination as to what actions to take.

Contrary to what some may have said, our books are open and we invite you as legislators to examine them if you feel that by so doing you can better make a wise decision as to the future of this bill.

There is much misunderstanding of the role of the bargaining unit which needs clarification. For instance there have been unfortunate statements by some politicians that KPEA and KPESA contribute membership dues money to political candidates.

That is simply false. No membership dues money nor and fee payer money is contributed to any political candidate or party and our audits will show that to be true. All political contributions are strictly voluntary.

Until the Senators are aware of what the purpose of S.B. 151 is....and what needs to be fixed, if anything, I urge each of you to be very cautious and thoughtful and oppose S.B.151 in its current form.

Post-It™ brand fax transmittal memo 7671		# of pages	4
To	FIN		
From	KENAI LIO		
Co.			
Dept.	SB 151		
Phone #			
Fax #			

Nancy Macvie
P.O. Box 1356
Kenai, Alaska 99611

April 14, 1997

Dear Members of Senate Finance:

Thank you for this opportunity to share some concerns regarding SB 151.

You have heard or will hear, I'm sure, many points of concern regarding lack of grievance procedure, lack of representation for part time employees, the fact that one person can request a decertification election, etc. While these provision of SB 151 appear to be immensely undemocratic, I will let others address those issues.

My concerns are mainly questions for you as a committee.

1. What prompted this revision of PERA.
2. Where did the \$10,000 come from to pay Art Chance for his services in writing this bill.
3. Which legislator on Senate Finance actually requested this bill to be written.
4. This bill adds a statement that reiterates the legislature's support for collective bargaining, but adds statements about the need for all participants to adhere to the highest ethical standards and that these standards have been disregarded and require legislative protection. What standards have been disregarded and by whom - I need to hear specifics.
5. Are you aware that if you pass this bill as written is will affect pending cases that are now before the Alaska Labor Relations Board - cases the State is involved in.
6. If you limit a union to only collect from fee payers the costs of at table bargaining expenses, will you remove the legal responsibilities that we have to represent all employees in the arena of rights, terms and conditions of employment etc.
7. Are you aware that the hearing caseload before the Alaska Labor Relation Agency is currently shared between an attorney hearing examiner and a non-attorney hearing examiner. This bill would require that hearing officers be members of the bar for 2 years. Wouldn't this increase the payroll ?
8. This bill would limit grievance arbitration to only the Federal Mediation and Conciliation Service Panel - what are the reasons to omit the American Arbitration Association?

Actually, Senators. I could go on and on, but I will honor the time constraints of 2 minutes.

In closing I ask you - why was this bill written. It appears to me that the contracted author of this bill addressed issues that the State has lost - either in court or before the Labor Board. Is that reason to rewrite an entire bill to change the entire arena or labor and management in Alaska?

PERA works and is working - why change the rules, and why change them to be so unfair and unjust. Under PERA, labor and management, know the rules - we come together to bargain, to work out problems through the grievance procedure, and to allow for fair reporting by unions. SB 151 appears to be punitive and grossly unfair to unions.

I would appreciate your reconsidering and voting no on this bill as written - there are too many unanswered questions and, I believe, no sound facts on which to change the way we are currently doing business.

Thank you for your time and attention.

Sincerely,

Nancy M. Macvie

Nancy Macvie
Kenai Peninsula Educational Support
Association (KPESA)

SB/51

RECEIVED

AFTER

4:30 PM

4/14/97



Alaska State Legislature

Please enter into the record my testimony to the Senate Finance
 committee name
 committee on SB151 , dated _____
 bill/subject

I urge you to vote no
 on S.B. 151. This bill is
 totally unfair and undermines
 those of us who have chosen
 valuable professions in Alaska.
 This will ~~create~~ make Alaska a
 less attractive place for professional people!

Signed: Mae Banta
 Testifier

Representing (Optional)
5235 Chignik Court Upernivik, AK
 Address 99654
907-373-6400
 Phone No.

8/86 Legislative Information Office



Alaska State Legislature

Please enter into the record my testimony to the State Finance
 committee name
 committee on SB151, dated _____
 bill/subject

I urge you to vote NO on SB 151. I ask you to oppose it because it weakens the collective bargaining process, and that process has been working well for school districts and communities for many years. It moves decision-making strength from School Boards to Borough Assemblies. It limits membership in the Association - people who have to abide by the contracts will not be allowed to participate in writing the contracts. I think it is an unfair and inefficient bill.

Signed: J. Clark
 Testifier
MSFA
 Representing (Optional)
PO box - 870395
 Address
370-9576
 Phone No.

9/86 Legislative Information Office



Alaska State Legislature

Please enter into the record my testimony to the Senate Finance
committee name

committee on SB 151, dated _____
bill/subject

I urge you to vote no on this bill. I am very opposed to this because it restricts topics that can be bargained and allows a Borough Assembly to void a collective bargaining agreement by ordinance. It allows non-members to vote on the union's policies even though they may not be knowledgeable about it or affected directly by it.

Signed: Terry Slaven
Testifier

Representing (Optional)
159 Campbell Court, Palmer
Address
745-2130
Phone No.

9/88 Legislative Information Office



Alaska State Legislature

Please enter into the record my testimony to the Senate Finance
committee name
 committee on SB 151 . dated 4/16/97
bill/subject

I oppose this Senate bill,
 please take into consideration
 the detrimental effect this
 would have.

Signed: Eliabeth Crowley
Testifier

Representing (Optional)
P.O. Box 2593 Palmer, AK 99645
Address
746-3408
Phone No.

886 Legislative Information Office

AUTOMATIC COVER SHEET

DATE: APR-14-97 MON 16:34

TO:

FAX #: 19074652070

FROM: MAT-SU EDUCATION ASSOC

FAX #: 907 373 5194

05 PAGES WERE SENT

(INCLUDING THIS COVER PAGE)

April 12, 1997

To Members of the Senate Finance Committee,

We oppose SB 151. We feel it is harmful to the process of dialog exchange between public officials and public employees. This on-going and non-threatening dialog is necessary to insure effective compromise and problem solving for continued high standards in our Alaskan Public Schools. Please vote against Senate Bill 151.

Sincerely,

Richard J. Davis
Claudia Douglas
Felicie Ferguson
Hori Chase
Ginette Finstad
Katharine Weber-Baker

1042 Lathrop Street
Fairbanks, Ak. 99701

P.O. Box 870634
Wasilla, AK 99687
April 7, 1997

Senator Lyda Green
Room 423, State Capitol
Juneau, AK 99801-1182

Dear Senator Green, *and Senate Finance Committee*

I am writing to you to express my concern about SB 151 which is going to its last committee of referral, Senate Finance, on Thursday. I know that you are not on this committee but I am urging you to speak with your colleagues about my concerns.

The content of this bill seems to serve no good purpose but to be mean-spirited and vindictive. Therefore, my first thought was to wonder what good it would do to express my dismay. If a body would go to the expense and effort of writing such a mean-spirited bill, what hopes do I have that it would listen to reason or logic? However, I promised myself that I would contact you with my concerns because you seemed sincere in your request for input when you spoke this fall at the Wasilla Town Meeting. And, as you requested, I'm not just going to tell you the bill's terrible and I don't like it. Even though it is and I don't. The following is what I believe most needs to be changed in the bill:

1. **The stipulation that every officer, shop steward, and their spouses file a financial report with the Department of Labor.** If this is really necessary, surely it doesn't need to involve more than officers or employees at the state level, not those in each local association. It is my understanding that this would cost a half of a million dollars to deal with the paperwork! I have no problem with increased standards, guidelines, and paperwork to assure that we have qualified teachers and high standards for our students. I think most of your constituents would have a problem with spending a half a million dollars to require financial reports of the teachers who volunteer to support their organization.

2. **The stipulation that grievance procedures and monetary agreements die at the expiration date of a negotiated agreement.** It seems that this stipulation would be no different than not having collective bargaining. What incentive would there be for an employer to reach an agreement if all they need to do is prolong negotiations until the expiration date of the previous agreement? If bargaining parties are bargaining in good faith, the previously agreed upon language should remain in place until the process can be completed.

3. **The stipulation that requires an annual renewal of membership.** Newly hired teachers are not automatically members. They must choose to enroll. Requiring members who have chosen to enroll to renew annually would necessitate burdensome paperwork, effort, and costs. This would not only burden the association but it would also be a drain on the school district's limited resources. Let us use our limited resources to more productive gains. Wouldn't this time be better spent in developing teacher mentor programs, inservice training, and improving education for our students?

Please let your colleagues on the House Finance Committee know of these concerns. Also let me know what you think of SB 151 and whether you support it. I'd be happy to discuss this with you. You can reach me at school between 7:30 and 8:50 a.m. (373-5955) or at home in the evening (376-9425). Thank you for listening.

Sincerely,

Lucy Bikulics

Lucy Bikulics

FROM: MAT-SU EDUCATION ASSOC

Pension Svcs Ltd.

Pension Svcs. Ltd.,
1205 E. Int'l Airport Rd.
Suite 205
Anchorage, AK 99518-1409

Phone: (907) 562-1930
Fax: (907) 562-1366

Facsimile RECEIVED
APR -- 9 1997

To: Llewellyn @ Senator Pearce's Office
@Fax: 1-907-465-3872
From: A.L. Tamagni, Sr.
Date: 04/09/97
Re: SB 151
Pages: 1, including this

I am writing in regards to the above bill and the upcoming hearing on 04/10/97 at 5:00 P.M. I currently serve as Board Chairman and I would like to suggest some slight Modifications as follows:

1. The hearing caseload is currently handled by an attorney and a non attorney, both of whom perform excellent work. **I would recommend a change not requiring attorney hearing officers** under the administrative procedures act. This is in **section 17 & 18.**

2. **Section 21, 22 & 27: The American Arbitration Association Panel of Labor Arbitrators or the Federal Mediation and Conciliation Service** is listed in Section 21, but omitted in Sections 22, 27 and possibly others. It should be changed for consistency to allow both entities.

In the event the committee would request our being available for the hearing at 5:00 by phone please advise by calling Jan Hart-DeYoung at the Labor Relations Office in Anchorage Thursday. She will then contact myself. Her number is 907-269-4895.

Thanks:

4/10/97

To: Members of the Senate Finance Committee

I am contacting each of you to express my extreme concern and opposition to SB 151 which is up for a vote today. I am president of the Ketchikan Education Association and speak for our membership of over 160 people. Our right to fairly bargain and to be guaranteed 'due process' is part of our rights in a democratic society. This bill is not only anti-union, it is undemocratic. It would be destructive to people and to their ability to participate actively in procuring their own livelihood. It would also be destructive to the economy of our state. I urge you to vote 'NO' on SB 151.

*Karen Eakes
636 Main St.
Ketchikan, Alaska
99901*

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 4
To: JIN	From: KENAI LIO	
cc: testimony of	Co.	
Dept. SB151A	Phone #	
Fax #	Fax #	

Nancy Macvie
 P.O. Box 1356
 Kenai, Alaska 99611

April 14, 1997

Dear Members of Senate Finance:

Thank you for this opportunity to share some concerns regarding SB 151.

You have heard or will hear, I'm sure, many points of concern regarding lack of grievance procedure, lack of representation for part time employees, the fact that one person can request a decertification election, etc. While these provisions of SB 151 appear to be immensely undemocratic, I will let others address those issues.

My concerns are mainly questions for you as a committee.

1. What prompted this revision of PERA.
2. Where did the \$10,000 come from to pay Art Chance for his services in writing this bill.
3. Which legislator on Senate Finance actually requested this bill to be written.
4. This bill adds a statement that reiterates the legislature's support for collective bargaining, but adds statements about the need for all participants to adhere to the highest ethical standards and that these standards have been disregarded and require legislative protection. What standards have been disregarded and by whom - I need to hear specifics.
5. Are you aware that if you pass this bill as written it will affect pending cases that are now before the Alaska Labor Relations Board - cases the State is involved in.
6. If you limit a union to only collect from fee payers the costs of at table bargaining expenses, will you remove the legal responsibilities that we have to represent all employees in the arena of rights, terms and conditions of employment etc.
7. Are you aware that the hearing caseload before the Alaska Labor Relation Agency is currently shared between an attorney hearing examiner and a non-attorney hearing examiner. This bill would require that hearing officers be members of the bar for 2 years. Wouldn't this increase the payroll ?
8. This bill would limit grievance arbitration to only the Federal Mediation and Conciliation Service Panel - what are the reasons to omit the American Arbitration Association?

Actually, Senators, I could go on and on, but I will honor the time constraints of 2 minutes.

In closing I ask you - why was this bill written. It appears to me that the contracted author of this bill addressed issues that the State has lost - either in court or before the Labor Board. Is that reason to rewrite an entire bill to change the entire arena or labor and management in Alaska?

PERA works and is working - why change the rules, and why change them to be so unfair and unjust. Under PERA, labor and management, know the rules - we come together to bargain, to work out problems through the grievance procedure, and to allow for fair reporting by unions. SB 151 appears to be punitive and grossly unfair to unions.

I would appreciate your reconsidering and voting no on this bill as written - there are too many unanswered questions and, I believe, no sound facts on which to change the way we are currently doing business.

Thank you for your time and attention.

Sincerely,

Nancy M. Macvie
ncx
Nancy Macvie
Kenai Peninsula Educational Support
Association (KPESA)

**Summary Of Proposed Changes And Additions To The
Public Employment Relations Act**

The proposed legislation has two purposes and discussion will be divided into two parts. First, the existing law is amended to incorporate the lessons of twenty-five years of collective bargaining in Alaska and to comply with a line of U.S. Supreme Court cases concerning union dues issues in public employment. Second, extensive additions are made to the Act to reflect the provisions of the federal National Labor Relations Act as amended. These provisions regulate the organizational structure of public employee labor organizations and the conduct of union officers and employees as well as officers, elected and appointed officials and certain employees and contractors of public employers. The legislation covers only public employee unions and public employers and does not regulate the conduct of private sector labor unions or councils and federations that do not directly engage in collective bargaining between public employee unions and public employers.

To further understanding of the changes one should know a bit about the history of the PERA. Prior to 1972 only ferry system employees had bargaining rights. These were articulated in Article 1 of AS 23.40 and gave the Commissioner of the, then, Department of Highways authority to bargain. The authorization had no regulatory language. In the late sixties there were several proposals for a general public employee bargaining law, none of which passed the Legislature. A comprehensive proposal was made 1971 that was based on the National Labor Relations Act which also failed.

PERA was introduced as a committee substitute for an inconsequential bill having to do with workers' compensation reporting in the Senate Judiciary Committee. In that committee it was amended to exclude school employees there were no other amendments and no recorded debate. A session law, not a part of PERA, was enacted allowing certain political subdivisions to opt out from coverage of the Act.

The law is considered by the courts to have no legislative history as to its purposes or intentions. I interviewed former Senator Joe Josephson who was one of the architects of the bill that became law. He reported that the initial

Senate Finance Committee
Senate Bill 151

draft came from then AFL-CIO President Duane Carlson and was modeled on then pending legislation in Hawaii. The law is similar in some respects to the original bargaining law in Hawaii and Rhode Island. Both those laws have since been extensively amended. PERA has little in common with other state's collective bargaining laws.

The law as enacted was essentially the 1935 version of the National Labor Relations Act, commonly called the Wagner Act. Virtually the only recognition afforded to the fact that the law controlled bargaining by government employees was Section 200 which prohibited strikes by police officers and certain other vital employees and which limited strikes by other employees by allowing injunctions. Bargaining units were formed and the first agreements were entered into in 1974. The ferry unions sued claiming they were not covered by the new act, but rather continued to bargain under their old authority to bargain with the Commissioner of the, by that time, Department of Transportation and Public Facilities. The Supreme Court decided against them in 1978 and since that time it has been clear that all public employees not specifically excluded bargained under PERA. (See, IBU v. Hafling)

The law was amended in 1978 to require a cost of living differential in agreements authorized by the Act due to perceived residency abuses in the ferry units. A Blue Ribbon Committee was formed in the late seventies to study problems in implementing the Act. In 1984 the Act was amended at the behest of the Blue Ribbon Committee to provide a scheme of Legislative oversight which itself has proven to be a source of considerable litigation. In 1993 the law was amended to cover teachers and school district employees.

In the twenty-five years since enactment there have been over 200 formal adjudications before the Alaska Labor Relations Agency, many hundreds more which did not reach formal hearing and many, many more before the now abolished State Labor Relations Agency which had jurisdiction over political subdivisions. There have been dozens of suits in the Superior Courts, more than a dozen to the State Supreme Court and several to the federal courts challenging various provisions of the Act.

This bill seeks to incorporate the teachings of the adjudication under PERA in the State courts and Labor

Senate Finance Committee
Senate Bill 151

Relations Agency and over sixty years of federal experience, including thousands of adjudications, under the parent law, the National Labor Relations Act. Particularly, the legislation seeks to incorporate the teachings of Langill, et al v. Alaska State Employees Association et al decided in February of 1997 in the federal District Court of Alaska wherein ASEA and the State admitted that ASEA's collection of agency fees failed to comply with the constitutional requirements articulated in Teachers Local 1 v. Hudson, a U.S. Supreme Court decision. All the changes in the law are predicated on the regulations and decisions of the Alaska Labor Relations Agency and the decisions of State and federal courts. The regulatory portions of the legislation are based directly upon the 1947 and 1959 amendments to the federal National Labor Relations Act which were not incorporated when PERA was originally adopted and essentially impose upon public employee labor organizations the same requirements as are imposed upon private sector unions and employers bargaining under federal law.

Major changes to the existing Act:

Sec. 2 Provides that parties may not negotiate terms contrary to a statute except if such terms are specifically made subject to bargaining by the Act. (See, APEA v. State)

Sec. 3 Provides that public employers retain managerial rights and prerogatives and that limitations on such rights are to be narrowly construed by arbitrators, the labor relations agency and the courts.

Sec. 5 Incorporates Alaska Labor Relations Agency (ALRA) regulations and decisions regarding composition of bargaining units and adds definitions of supervisory, confidential and law enforcement employees based on ALRA decisions.

Requires that peace officers, including Correctional Officers, must be in separate bargaining units from employees who are not peace officers. This provision mirrors the guards unit language in federal law.

Sec. 6 Reflects ALRA decisions and federal law in permitting public employers to challenge the composition of a bargaining unit and to question the majority status of a union.

Senate Finance Committee
Senate Bill 151

Sec. 9 makes it an unfair labor practice for a public employer to contribute financial or other support to a union mirroring federal law.

Allows a public employer to confer with its employees over work related matters without incurring unfair labor practice charges. This is predicated on the National Labor Relations Board's decision in the Electromation Corp. case that prohibited such management techniques as quality circles and work teams. There have been complaints filed under this case with the ALRA, but none have been finally decided.

Eliminates the current law's authorization of compulsory union membership while retaining the authorization for compulsory fees for collective bargaining services. This is based on a long line of Supreme Court cases holding that an employee may not be compelled to contribute to a union's social, political and fraternal activities as a condition of employment. The current provision would probably be found unconstitutional under both the State and federal constitutions. (See, *Abood v. Detroit Board, Teachers Local 1 v. Hudson, Beck v. Communications Workers, Langill, et al v. Alaska State Employees Association, et al* among others)

Prohibits a union from involving a secondary employer in a labor dispute, e.g., picketing, boycotting or otherwise interfering with a private employee as the result of a dispute with a public employer. This is based on federal secondary boycott and hot cargo provisions.

Prohibits a union from charging a service fee not reasonably related to the cost of providing representation and provides that an employee may bring such charges to the ALRA. This is based on court cases, principally Teachers Local 1 v. Hudson and Beck v. Communications Workers, as well as Langill et al v. Alaska State Employees Association et al holding that fee payers may only be compelled to pay for the costs of collective bargaining and grievance adjustment.

Prohibits a public employee union and public employer from agreeing to refrain from doing business with another employer. This also is based on federal secondary boycott and hot cargo provisions.

Senate Finance Committee
Senate Bill 151

Sec. 10 Provides that statements by legislators, judges and certain municipal officials may not constitute unfair labor practices so long as that person is not specifically responsible for relations with employees. (See generally, Local 71 v. State and underlying ALRA proceeding)

Sec. 19 Narrows the scope of employees prohibited from striking (Class One) and, thus, subject to interest arbitration.

Sec. 20 Narrows the scope of employees who can be enjoined from striking (Class Two) and, thus, subject to interest arbitration. Adds a class of residential care employees to reflect changes in Pioneer Home mission to assisted living. Previously, all were considered Class One hospital employees, a classification that could not withstand scrutiny. Removes post-secondary education employees from this class to Class Three employees mirroring K-12 teachers and other school employees.

Sec. 21 Reflects recent court holding that ferry system employees are Class Three employees. (See, IBU v. State, Superior Ct., 1997, citation omitted)

Provides that employees may only lawfully strike after impasse in bargaining. (See, APEA and Local 71 v. State)

Sec. 22 Provides a reliable means of selecting arbitrators for interest arbitrations and requires that they have Alaska or Pacific Northwest experience.

Sec. 24 Prohibits agreements longer than three years and automatic renewal clauses.

Provides that employees may resort to binding grievance arbitration only under the terms of an agreement.

Prohibits a labor organization that has failed to file required financial reports from enforcing an agreement.

Requires that the ALRA rather than the Commissioner of Administration will promulgate regulations governing residency based pay differentials in recognition of the fact that the PERA applies to all public employers, not just the State.

Senate Finance Committee
Senate Bill 151

Sec. 27 Establishes arbitrator selection criteria for binding grievance arbitration and requires Alaska or Pacific Northwest experience.

Sec. 29 - 31 Increases Legislative oversight authority over collective bargaining by:

Defining monetary terms to include extensions, modifications and interest arbitrator's awards. (See, PSEA v. State)

Specifically empowering the legislative body of a political subdivision to review and approve the monetary terms of an agreement. (Superior Ct. case involving City of Fairbanks, affirmed by SC, citation not known)

Providing that no monetary term is effective or enforceable until approved by the Legislature or the legislative body of a political subdivision.

Requiring the parties to resume negotiations in the event of disapproval.

Requiring the Commissioner of Administration to report all State agreements, settlements and arbitrators' awards costing over \$10.0 to the Legislative Budget and Audit Committee for review.

Requiring the Commissioner of Administration to report all agreements, settlements and arbitrators' awards that substantively modify the reported terms to the Legislature for approval.

Empowering the legislative bodies of political subdivisions to promulgate approval procedures.

Sec. 32 Prohibits irrevocable dues checkoffs for periods longer than one year and provides explicitly that checkoff authorizations must be voluntary and renewed annually.

Sec. 33 Prohibits checkoffs from service fee payers outside the term of an agreement and includes the same irrevocability provisions.

Senate Finance Committee
Senate Bill 151

Requires affirmative notice on the checkoff form that employees may not be required as a condition of employment to be or become a member of the union nor to contribute financial support to its social, political and fraternal activities. Based on the Supreme Court's Beck decision.

Sec. 34 Clarifies the definition of "monetary terms" to include changes from the predecessor agreement or statutory terms which will require the expenditure of public money.

Exempts certain types of employees from the Act's coverage including: temporary or nonpermanent employees, part-time employees who work less than 20 hours per week, Legislative employees, employees responsible for certain collective bargaining activities and certain employees of the legislative bodies of political subdivisions and of the courts.

Includes employer groups in the definition of public employer.

Major Additions to the Act:

These additions are modeled on the Taft-Hartley and Landrum-Griffin amendments to the National Labor Relations Act and are essentially identical to the requirements imposed on private sector unions bargaining under that act.

Article 2, Sec. 37 Articulates the rights of union members to participate democratically in the operation of the union.

Requires that service fee payers be allowed to vote in contract ratification elections and other elections or referenda which might effect a fee payer's terms and conditions of employment. Currently, they are not allowed to vote.

Requires that dues may only be increased in a democratic, secret ballot election.

Prohibits union restrictions on a member's right to sue the union and to participate in other forms of adjudication.

Prohibits employers from surreptitiously participating in suits against a union.

Senate Finance Committee
Senate Bill 151

Prohibits arbitrary discipline of members by the union and provides for due process.

Requires public employee unions to make available in the State copies of all collective agreements without charge to members and fee payers and makes agreements a public record.

Requires public employee unions to inform members of their rights under the Act.

Article 4 Requires public employee unions to register with the Commissioner of Labor and report their structure and finances. Currently, most are merely State chartered non-profit corporations subject to little or no regulation.

Requires annual financial reports by public employee unions categorized in such a manner as to permit the identification of costs associated with social, political and fraternal activities.

Requires disclosure of all expenditures made for the purpose of influencing the outcome of an election, a ballot proposition or the passage or defeat of legislation.

Requires that such report be maintained in the State and made available to members and fee payers at no cost.

Requires public employee union officers, agents and employees, including spouses, cohabitants and minor children, to report their income or other financial dealings with any employer which their organization has a collective bargaining relationship.

Requires similar reporting of financial dealings by an officer with the union itself.

Requires disclosure by officers, agents and employees of all payments or exchanges the intent of which is to influence the outcome of an election.

Provides certain exceptions for PFDs and other routine business transactions.

Sec. 23.40.420 and following: Requires similar reporting by officers and elected and appointed officials of public

Senate Finance Committee
Senate Bill 151

employers of their financial dealings with labor organizations and employees.

Makes all such reports a public record.

Exempts attorney-client and certain deliberative communications from reporting and disclosure.

Makes violation of reporting requirements a Class A misdemeanor.

Article 5 Establishes criteria for establishing trusteeship of a public employee labor organization.

Provides processes for removal of public employee union officers for certain misconduct.

Article 6 Establishes criteria for democratic election of public employee union officers.

Prohibits use of dues money to influence the outcome of a union election.

Establishes standards of fiduciary responsibility of union officers and employees.

Requires bonding of certain officers and employees.

Specifically makes embezzlement from a union a crime.

Prohibits felons and certain misdemeanants from holding union office or acting in a labor relations capacity for a public employer.

Article 8 Prohibits certain financial transactions, including contribution to political campaigns, between officers, agents and employees of unions and officers and officials of public employers where the intent is to influence the exercise by employees of their rights under the Act, or to influence the outcome of an adjudication or negotiation. Makes violation a Class A misdemeanor.

Requires that any employee benefit trust be a joint employer-union trust. Currently, all State trust arrangements have no State involvement though the State contributes millions.

Senate Finance Committee
Senate Bill 151

Sec. 51 Repeals all pre-PERA bargaining authorization.

LEGAL SERVICES

SB 151

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

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

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

MEMORANDUM

March 11, 1997

SUBJECT: Sectional Summary of Work Order 0-LS0675\E dated 3/4/97. (Public employment labor relations)

TO: Senator Drue Pearce, Co-Chair
Senate Finance Committee
Attn: J. Jewellyn Lutchansky

FROM: Teresa B. Cramer *TBC*
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, 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 adds AS 23.40.011, containing a statement of findings, purposes, and policy for the Public Employment Relations Act (PERA).

Section 2 amends AS 23.40.075 to include the terms of a statute or municipal ordinance in the list of items that are not subject to bargaining under PERA. There is an exception if the subject matter of the statute or ordinance is made subject to bargaining under PERA.

Section 3 adds a new subsection to AS 23.40.075 concerning the public employer's managerial rights, prerogatives, and functions.

Section 4 amends AS 23.40.090 to substitute reference to "this chapter" for reference to AS 23.40.070 - 23.40.260, the statutes that currently make up PERA, to reflect the additions and repeals made by the bill.

Section 5 adds a new subsection to AS 23.40.090 making the representative chosen by the majority of the members in a bargaining unit the exclusive representative of employees in the unit. Subsection (c) places limits on the make-up of bargaining units. Subsection (d) prohibits a labor organization that represents peace officers from representing other kinds of public employees. Subsection (e) defines "confidential employee," "peace officer," and "supervisory employee" for purposes of AS 23.40.090.

Section 6 amends AS 23.40.100 to add to the reasons that an employer may require the labor relations agency to investigate a petition from the employer concerning the makeup of a bargaining unit or the representative of employees in the unit.

Section 7 amends AS 23.40.100(d) to provide that when a labor organization has been recognized by mutual consent, a member of the bargaining unit may petition the labor relations agency to hold an election to determine if the unit is appropriate or if the labor organization is in fact the representative of the majority of employees in the unit.

Section 8 adds a new subsection to AS 23.40.100 to prohibit the labor relations agency from investigating a petition filed by a labor organization if the organization has not filed all of the reports required by AS 23.40.400, which is set out in bill section 37 on page 24 of the bill.

Section 9 amends AS 23.40.110. The amendment to paragraph (a)(2) prohibits employers from contributing financial or other support to labor organizations but permits the employer to confer with employees concerning matters of mutual concern during working hours. The amendment to subsection (b) removes authorization for collective bargaining agreements to contain a clause requiring, as a condition of employment, membership in the labor organization. The amendment also adds a limitation on the amount of a service fee that may be imposed. Paragraph(c)(2) substitutes reference to "this chapter" for reference to AS 23.40.070 - 23.40.260.

Paragraph(c)(3) prohibits labor organizations from engaging in a strike or refusal to handle goods or perform services, or from encouraging individuals to do so, for any of the four reasons listed in subparagraphs (A) through (D). Under subparagraph (A), the conduct is forbidden if the goal is to force an employer to join a labor organization or an employer organization or to enter into an agreement prohibited by Sec. 23.40.110(e), which is added by sec. 10 of the bill. Under subparagraph (B), the conduct is forbidden if the object is to force someone to stop dealing in a product of a third party. Under subparagraph (C), a labor organization cannot use a strike to force an employer to bargain with a particular labor organization if another labor organization has already been recognized as the exclusive representative of those employees. Under subparagraph (D), the labor organization cannot strike to force an employer to assign work to employees in a particular organization, or a particular trade, craft, or class.

Under paragraph (c)(4), a labor organization may not require employees to pay an excessive or unreasonable service fee in lieu of membership dues. Under paragraph (c)(5), a labor organization may not cause a public employer to pay for work that is not actually performed for the public employer. Under paragraph (c)(6), a labor organization may not picket an employer unless the organization represents the employer's employees, to force the employer to recognize a labor organization or to force the employees to accept the labor organization as their representative.

Senator Drue Pearce

March 11, 1997

Page 3

Section 10 adds several subsections to AS 23.40.110. Subsection (d) states that the expression of opinions is not evidence of an unfair labor practice so long as the expression is not a threat or a bribe. Subsection (e) makes it an unfair labor practice for a labor organization and a public employer to agree that the public employer will cease doing business with another employer. That part of an agreement that purports to require a public employer to do so is unenforceable and void. Subsection (f) states that a statement or action of a member of the legislature or a municipal assembly or a judge may not be considered an unfair labor practice so long as it is within the person's normal duties and unless the individual is designated to act as the agent of the employer in collective bargaining or in the adjustment of a grievance.

Section 11 amends AS 23.40.120 to substitute reference to "this chapter" for reference to AS 23.40.070 - 23.40.260.

Section 12 amends AS 23.40.130 to substitute reference to "this chapter" for reference to AS 23.40.070 - 23.40.260 and to add a citation to the administrative adjudication portion of the Administrative Procedure Act.

Section 13 amends AS 23.40.140 to substitute reference to "this chapter" for reference to AS 23.40.070 - 23.40.260.

Section 14 amends AS 23.40.150 to permit the labor relations agency to apply to any superior court in the state for an order enjoining an act prohibited by order of the agency.

Section 15 amends AS 23.40.160(a) to substitute reference to "this chapter" for reference to AS 23.40.070 - 23.40.260.

Section 16 amends AS 23.40.160(d) to substitute reference to "this chapter" for reference to AS 23.40.070 - 23.40.260.

Sections 17 and 18 amend AS 23.40.170 to substitute reference to "this chapter" for reference to AS 23.40.070 - 23.40.260 and to add a new subsection making the Administrative Procedure Act apply to adjudicative proceedings held under PERA.

Section 19 amends AS 23.40.200(b) to narrow the description of employees who are placed in Class C.1e and prohibited from striking. Only those police, jail, prison, and other correctional institution employees who hold positions requiring certification from the Alaska Police Standards Council may be included in the class. Fire fighters continue to be included. The hospital employees who are included are limited to those who are licensed health care providers. Licensed health care providers at correctional facilities are added. The amendment also permits the labor relations agency to apply to any superior court in the state for an order if employees are about to engage in a prohibited strike. The selection of an arbitrator is governed by bill sec. 22.

Senator Drue Pearce

March 11, 1997

Page 4

Section 20 amends AS 23.40.200(c) to add residential care facility employees and employees of hospitals other than licensed health care providers to Class Two. Class Two employees are permitted to strike after mediation, but only for a limited time. Education employees (those of the University of Alaska) are removed from this class. (Public school employees are already included in Class Three.) The selection of an arbitrator is governed by bill sec. 22.

Section 21 amends AS 23.40.200(d) to specifically include employees of the Alaska Marine Highway System in Class Three and to clarify that public employees may engage in a strike only after impasse or deadlock is reached in collective bargaining.

Section 22 adds new subsections to AS 23.40.200. Subsection (g), which is referred to in bill sections 19 and 20, sets out how an arbitrator is to be selected. Subsection (h) provides that arbitration under this statute is open to the public and the decision and award are public records.

Section 23 amends AS 23.40.205 to substitute reference to "this chapter" for reference to AS 23.40.070 - 23.40.260.

Section 24 amends AS 23.40.210(a) to prohibit collective bargaining agreements from containing terms for automatic renewal and to prohibit labor organizations that have not filed reports required under AS 23.40.400, enacted by bill sec. 37, from gaining the assistance of the labor relations agency in enforcing the collective bargaining contract.

Sections 25 and 26 amend AS 23.40.210(c) and (d) to give the labor relations agency authority to adopt regulations concerning the cost-of-living differential for out-of-state employees in place of the commissioner of administration and to substitute reference to "this chapter" for reference to AS 23.40.070 - 23.40.260.

Section 27 adds new subsections to AS 23.40.210. Subsection (f) addresses selection of an arbitrator to conduct arbitrations under a collective bargaining contract. Subsection (g) makes the decision and award in an arbitration a final administrative adjudication under the Administrative Procedure Act, subject to appeal as an administrative agency decision.

Section 28 amends AS 23.40.212(a) to substitute reference to "this chapter" for reference to AS 23.40.070 - 23.40.260.

Sections 29 and 30 amend AS 23.40.215(a) and (b) to substitute reference to "this chapter" for reference to AS 23.40.070 - 23.40.260 and to require that extensions or modifications of a collective bargaining contract and arbitrators awards are subject to funding by the legislature (or other appropriate legislative body, in the case of a political subdivision) and are not effective or enforceable until funding and approval has occurred. Under the amendments to AS 23.40.215(b), if the legislature (or other legislative body) declines to fund

an agreement, the parties are required to resume negotiations. Subsection (b) also clarifies that the University and public corporations of the state are included in the subsection.

Section 31 adds new subsections to AS 23.40.215. Subsection (d) sets out requirements to permit legislative review of an agreement, resolution, settlement, or arbitrator's award that will cost the state \$10,000 or require the state to forego repayment of money owed to the state and prohibits an agreement, resolution, settlement, or arbitrator's award that "substantially modifies" monetary terms from taking effect until after legislative approval and funding. "Substantially modifies" is not defined.

Section 32 amends AS 23.40.220 to provide that an authorization for the employer to deduct union dues from an employee's compensation may not be made irrevocable for longer than one year.

Section 33 adds new subsections to AS 23.40.220. Subsection (b) requires an employer, at the request of an employee, to deduct the monthly amount of the service fee or other employee benefits from the employee's compensation. The secretary of the labor organization must certify the monthly amount of the fee. The authorization for the deduction may not last longer than the termination date of the collective bargaining agreement and may not be made irrevocable for longer than one year.

Section 34 amends AS 23.40.250, the definition section of PERA, and adds new definitions, many of which are made necessary by the new provisions contained in bill section 37. The definition of "monetary terms" is changed to include any change that requires the expenditure of public money whether or not a new appropriation is necessary.

The definition of "public employee" is amended to specifically include individuals who are on strike or who are locked out because of a labor dispute, an unfair labor practice, or who have been expelled from a union, and to exclude temporary employees, part-time employees, legislative branch employees, employees involved in policy making in the area of collective bargaining, and confidential employees who assist members of a legislative body of a political subdivision or a judge.

The definition of "public employer" is amended to include an employee who primarily formulates, effectuates, or determines the public employer's labor relations policies.

Section 35 adds a new subsection to AS 23.40.250 to address when a labor organization is subject to PERA. If the organization is connected with public employees in any of the five ways listed in the subsection, it is subject to PERA.

Section 36 amends AS 23.40.260 to substitute reference to "this chapter" for reference to AS 23.40.070 - 23.40.260.

Section 37 adds several new articles to PERA.

Article 3. Rights of Members of Labor Organizations.

Sec. 23.40.300 sets out the rights of members of labor organizations and bargaining units with respect to elections and attendance and participation in meetings. Subsection (d) makes clear that a labor organization can adopt and enforce reasonable rules of conduct.

Sec. 23.40.310 limits the rates of dues and initiation fees charged members of labor organizations and local labor organizations. Subsection (c) sets out procedures for increasing dues or fees or imposing assessments.

Sec. 23.40.320 prohibits labor organizations from limiting the rights of members to bring a court suit or an administrative agency proceeding or from appearing as a witness, petitioning the legislature, or communicating with a legislator. Under subsection (b), a labor organization may require a member to exhaust administrative procedures, so long as the procedures do not last longer than two months. Subsection (c) prohibits employers from financing, encouraging, appearing in, or participating in (except as a party) a court suit or administrative proceeding under subsection (a).

Sec. 23.40.330 requires a labor organization, before imposing discipline on a member, to serve the member with written charges, offer reasonable time for a defense to be prepared, and afford the member a fair hearing.

Sec. 23.40.340 requires labor organizations to make copies of the collective bargaining agreement available to employees covered by the agreement. Subsection (b) makes the agreement a public record.

Sec. 23.40.350 requires labor organizations to inform members of the provisions of PERA. Note that there is a drafting error in the caption to the section, which should refer to the "Public Employment Relations Act" not the "Public Employees Relations Act."

Article 4. Reporting by Labor Organizations and Employers.

Sec. 23.40.400 requires labor organizations to report information about the structure, organization, and financial situation of the organization as listed in subsection (a) to the commissioner of labor. Under subsection (c), the labor organization must file an annual financial report. Under subsection (d), the information contained in the report must be available to all members and fee payers without cost.

Sec. 23.40.410 requires officers and employees of labor organizations to file financial statements concerning their own and their families' finances with the commissioner of labor. Subsection (a) exempts clerical and custodial employees from the requirement to file the

reports. Subsection (b) exempts employees from having to report transactions in securities traded on a national securities exchange. Subsection (c) exempts an employee who has not held an interest, received income or other benefit, or engaged in a transaction described in subsection (a) from the requirement of filing a report.

Sec. 23.40.420 requires officers and elected or appointed officials of a public employer to file a financial report if the individual made a payment, loan, expenditure, promise, agreement, or other transaction listed in the section. Generally, the transactions involve dealings with a labor organization or an officer, agent, shop steward, or other representative of a labor organization, or an employee of a labor organization; payments to a public employee made to cause the employees to persuade other employees to exercise rights under PERA; expenditures made to affect the exercise of rights under PERA; and agreements with an independent contractor to affect the rights of public employees under PERA or to supply information to the public employer when there is a labor dispute (but information directly related to a proceeding is permitted).

Sec. 23.40.430 exempts attorney-client communications from information that must be disclosed under AS 23.40.400 - 23.40.470. Subsection (b) makes deliberative communications confidential and privileged, and exempt from any public records disclosure.

Sec. 23.40.440 makes the reports filed under this article public records and sets deadlines for filing reports.

Sec. 23.40.450 makes an intentional violation of this article or a knowing false statement of material fact in a document required by this article a class A misdemeanor.

Sec. 23.40.460 permits the commissioner of labor to bring a civil action against a person who has violated the reporting requirements in this article.

Sec. 23.40.470 requires auditing and accounting firms and individual auditors who help prepare the reports required by this article to file an annual report that includes information on the company's credentials, the payments received for the reports, the expenses of preparing them, and other information required by the commissioner of labor.

Article 5. Trusteeships.

Sec. 23.40.500 requires a labor organization that has acquired a trusteeship over another labor organization to file a report within 30 days of assuming the trusteeship and semiannually thereafter. The report must contain information concerning the trusteeship. Under subsection (b), financial information must be included in the initial report. Subsections (c) and (d) are criminal provisions.

Sec. 23.40.510 limits the purpose of a trusteeship to correcting corruption or financial malpractice, assuring the performance of collective bargaining agreements or other duties of a bargaining representative, restoring democratic procedures, and other legitimate objects of a labor organization.

Sec. 23.40.520 provides that the votes of delegates from a subordinate labor organization that is in trusteeship may not be counted unless the delegates were chosen by secret ballot and prohibits transferring to the organization money of the subordinate body except the normal payments made by subordinate bodies not in trusteeship. Subsection (c) sets out criminal penalties. Subsection (d) permits members to file complaints.

Sec. 23.40.530 addresses the duration of a trusteeship. After 18 months, the need for the trusteeship is presumed to have expired.

Sec. 23.40.540 permits the commissioner of labor to file a complaint concerning a trusteeship. In that event, the jurisdiction of the superior court in which the complaint is filed is exclusive.

Article 6. Labor Organization Elections and Removal of Officers.

Sec. 23.40.600 requires labor organizations representing or seeking to represent public employees to elect officers at least every five years, either by secret ballot or at a convention by delegates chosen by secret ballot. Local labor organizations must elect officers at least every three years. Under subsection (c), candidates must be given an opportunity to distribute campaign literature to members of the labor organization and the labor organization may not support one candidate over another with respect to use of membership lists.

Sec. 23.40.610 requires that officers of general committees of labor organizations or similar bodies be elected at least every four years by secret ballot or by representatives chosen by secret ballot.

Sec. 23.40.620 sets out procedures for elections by secret ballot.

Sec. 23.40.630 requires that when officers are chosen by a convention, the convention shall be conducted in accordance with the constitution and bylaws of the labor organization to the extent that those documents do not conflict with this article.

Sec. 23.40.640 prohibits labor organizations from using dues or assessments or money received from a public employer to promote the candidacy of a person in an election covered by this article. There is an exception for factual information concerning issues not involving candidates and for the expense of holding the election.

Sec. 23.40.650 permits the labor relations agency to authorize the removal of an elected officer of a labor organization who is guilty of serious misconduct if the constitution and bylaws of the labor organization do not provide an adequate procedure for the removal of the officer. If the labor relations agency makes the required findings, then the members of the labor organization can remove the officer by secret ballot.

Sec. 23.40.660 permits a member of a labor organization to file a complaint with the labor relations agency concerning a violation of the provisions of this article. The member must first exhaust remedies available under the labor organization constitution and bylaws, but there must be a final decision under the constitution and bylaws within three months after the member invokes them. The election that is being challenged is presumed to be valid, and the officers continue to act for the labor organization (unless the constitution or bylaws of the organization provide otherwise). The labor relations agency is required to bring a civil action in superior court to set aside the election if it finds there is probable cause. The court can declare the election void and direct that a new election be held if it finds a violation.

Sec. 23.40.670 prohibits requiring a labor organization to have more frequent elections than required by its own constitution and bylaws and this article and states that the article does not affect rights and remedies concerning elections under those documents. However, the remedy provided in the article for challenging an election that has already been held is made exclusive.

Article 7. Safeguards for Labor Organizations.

Sec. 23.40.700 states that officers, agents, shop stewards, and other representatives of a labor organization occupy positions of trust and owe a duty to act accordingly, as set out in the section.

Sec. 23.40.710 allows a member of a labor organization who believes that a representative of the organization has violated his or her fiduciary duty to sue the representative in superior court to recover damages for the benefit of the labor organization.

Sec. 23.40.720 provides that an officer or employee who embezzles from a labor organization is guilty of a class A misdemeanor.

Sec. 23.40.730 requires that representatives and employees of a labor organization or of a trust in which a labor organization is interested who handle money or property of the organization or trust must be bonded.

Sec. 23.40.740 prohibits a labor organization from making a loan to an officer or employee of the organization if the debt of the officer or employee to the organization exceeds \$2,000. Subsection (b) prohibits a labor organization from paying a fine imposed on an officer or employee for intentional violation of this article.

Sec. 23.40.750 prohibits persons convicted of a felony or a misdemeanor involving abuse of employment for a public employer or in a labor organization from holding certain positions in a labor organization or with a public employer, including serving as an officer in, being employed by, or serving as a consultant or advisor to a labor organization or from serving as a labor relations consultant or advisor to a public employer. The prohibition lasts for 13 years after conviction or the end of imprisonment, whichever is longer, unless the period is shortened by the court as provided in subsections (b) and (c).

Sec. 23.40.790 defines "representative of a labor organization" for the article.

Article 8. Restrictions on Financial Transactions.

Sec. 23.40.800 prohibits a public employer, an elected or appointed official or a labor relations advisor to a public employer to pay, lend, or deliver anything of value, including money, to certain entities listed in subsection (a), including representatives of employees, certain labor organizations, public employees if the purpose is to influence rights under PERA, or to officers or employees of a labor organization if the purpose is to influence actions taken as a representative of employees. There is an exception for normal compensation of employees. Under subsection (c), a labor organization or representative or employee of the organization is prohibited from (1) demanding or accepting anything of value from a public official as a fee for refraining from pursuing a labor claim; and (2) offering or delivering public officials anything of value as a campaign contribution if the purpose is to affect labor relations proceedings or disputes between the public employer and the labor organization.

Subsection (d) lists exceptions to the prohibitions. Note that the payment of permanent fund dividends and the granting of other benefits that are generally available to people in the state under a variety of public programs (local property tax exemptions for home improvements, for example) are not included in the list of exceptions.

Subsection (e) sets out the requirements for qualifying as a trust to which money may be paid without violating the section.

Article 9. Miscellaneous Provisions.

Sec. 23.40.840 states that the chapter does not reduce or limit the responsibility of a labor organization or representative of the organization under state law or take away a right or bar a remedy of a member of a labor organization unless the chapter explicitly does so.

Sec. 23.40.850 states that service of process on an officer or agent of a labor organization constitutes service on the labor organization.

Senator Drue Pearce

March 11, 1997

Page 12

Section 53 provides that if a labor organization has assumed a trusteeship over a subordinate before the bill takes effect, the first trusteeship report is due within 30 days after the bill takes effect.

Section 54 provides that the first report required from a labor organization under AS 23.40.400 must be filed within 30 days after the bill takes effect.

TC:jdr

97-162.jdr

The Public Employee's Bill of Rights

- Will require that public employee unions register with the Department of Labor and file their constitution and bylaws, list their officers and qualifications for office, publish their dues and service fee structures, qualifications for voting in election of union officers and other vital information.
- Will require that all members of the bargaining unit, not just members, can vote on contract ratifications and amendments to contracts.
- Will establish rules for open, secret ballot elections for union office and other union business.
- Will require all union officers and employees to disclose their financial dealings with public employers, elected and appointed officials and candidates for office.
- Will require unions disclose their financial dealings in sufficient detail to determine expenditures for social, political and fraternal activities.
- Will require public employers, elected and appointed officials and other employer agents to disclose their financial dealings with unions.
- Will prohibit payments, business dealings or contributions by unions to public officials if the intent is to influence the outcome of a negotiation, grievance or arbitration.
- Will prohibit payments, business dealings or contributions by public employers to unions if the intent is to influence union activities or to interfere with an employee's rights guaranteed by PERA.
- Will prohibit compulsory employee payments to unions for social, political and fraternal activities while still allowing agreements to pay for the actual cost of representation in negotiations and grievance adjustment.
- Will establish rules governing national or international unions' taking over local unions through trusteeship.
- Will establish rules for fiduciary responsibility of union officers and employees.

Public Employment Relations Act Modernization

- The 1972 Legislature found that joint decision making is the modern way for an employer to deal with its employees. This is even more true today than then. However, the bargaining law is now 25 years old and is based on a sixty-year-old federal law.
- The amendments incorporate the experience of the Executive Branch and the Legislature over the last 25 years as well as the federal experience over 60 years.
- Protects employees from compulsory participation in union social, fraternal and political activities while allowing agreements that require payment of reasonable service fees for the union's representation services in negotiations and grievance adjustment.
- Requires that employees with law enforcement authority be in separate unions to avoid conflicts of interest.
- Prohibits supervisors and high-level managers from participation in bargaining units with subordinate employees.
- Enhances employee participation in management decisions by allowing focus groups, quality circles and other joint employee-employer committees.
- Protects private employers from becoming embroiled in disputes between public employers and public employee unions.
- Protects employees from being compelled to pay fees not reasonably related to the cost of representation.
- Streamlines and clarifies the rules for selecting an arbitrator to settle contract disputes with employees who are prohibited from striking.
- Ensures that Pioneer Home employees can be enjoined back to work should a strike threaten the welfare of residents.
- Requires that all collective bargaining agreements be written and must have a fixed expiration date.
- Requires that the Alaska Labor Relations Agency make regulations governing collection of pay differentials based on residency.
- Ensures legislative oversight over all costs of collective bargaining.
- Ensures the oversight authority of the legislative bodies of political subdivisions over the costs of collective bargaining.
- Requires that public employees working under an agreement that requires the payment of dues or fees are given notice of their right to pay only for the costs of collective bargaining.



NEA-ALASKA

Affiliated with the National Education Association

Position Statement SB 151

SB 151 "An Act relating to public employment labor relations; relating to the protection of the rights of public employees under the Public Employment Relations Act; establishing ethical standards for union representatives of public employees; and establishing disclosure requirements for public employee labor organizations."

NEA-Alaska opposes Senate Bill 151 for the following reasons. We believe that SB 151 will:

- * Create an expensive, unneeded, cumbersome, bureaucratic maze for public employees.
- * Cause the grievance procedure to die at the expiration of the collective bargaining agreement.
- * Establish financial reporting requirements for building representatives and officers along with their spouses and establishes criminal penalties for failure to report.
- * Add over a half-million dollars in additional state costs to administer the program - not counting the added cost to school districts.
- * Allow a Borough Assembly to void a collective bargaining agreement by ordinance.
- * Allow one member to ask for the decertification of a collective bargaining unit.
- * Deny 1/2 time employees membership in a union - they can't bargain or grieve.
- * Allow non-members to vote on all policy decisions of the union.
- * Restrict topics that can be bargained.
- * Restrict reps ability to use the telephone, FAX, bulletin boards, use conference rooms and other routine services and facilities.

- * Require that the Borough Assembly agree to any arbitration award over \$10,000.
- * Require a Borough Assembly to approve a collective bargaining agreement between the school district and employees.
- * Allow employers to conduct union avoidance campaigns with impunity.
- * Mandate the publication of the names and addresses of union members.
- * Restrict a union's ability to select arbitrators.

Beyond the reasons listed we believe that the bill is founded on a faulty premise. Section one of the bill states "...there have been instances of disregard for the rights of individual employees and failures to observe high standards of responsibility and ethical conduct." This section then goes on to state that "the legislation is necessary to prevent improper practices on the part of labor organizations, public employers, and their officers and representatives..."

NEA-Alaska does not believe that this premise for the legislation is founded in reality. The vast preponderance of our officers and representatives are volunteers who are working to make public education better for the children of Alaska. To suggest that they are unethical or that they do not possess high standards is to slap the faces of countless Alaskans who work for a better future for the children of Alaska.



Alaska State Legislature

Please enter into the record my testimony to the Senate Finance
 committee on SB 151 , dated 4-14-97
 bill/ subject committee name

I urge you to vote NO on SB 151. This bill is unfair to public employees! Why are only public employees being targeted?

I have been in public education for almost 19 years and have never seen such a destructive bill being discussed by elected officials.

Please use your common sense and good hearts when voting on this legislation. Vote NO on SB 151

Signed:

Cheryl Cooper
 Testifier
Teacher
 Representing (Optional)
HC 60 Box 3530 Delta Jet, AK 99737
 Address
(907) 895-4577



Legislative Affairs Agency
Division of Administrative Services
Delta Junction Legislative Information Office
P.O. Box 1189
Delta Jct., AK 99737
Phone: (907) 895-4236 Fax: (907) 895-5017

Official Business

To: Senate Finance
Fax: 465-2187 Phone: 465-3753

Date Sent: 4/14/97 No. of Pages Including Cover Sheet: 2

Thank You,
Liz
Elizabeth A. Sarver
Information Officer

APR-14-97 MON 15:24
APR-14-97 MON 16:34

KENAI LIO
CENTRAL OFFICE KPBSD

FAX NO. 2833075
FAX NO. 907 262 9645

P. 01
P. 01

To Senate Finance Committee, regarding SB 151

I feel it is totally unfair and unnecessary to target school employees with SB 151.

It would remove some hard earned worker's rights. Rights that you would certainly want if you were a school employee. It's not broke, so don't try to fix it.

Please don't pass SB 151. Thank you



Dennis Spindler
Box 2364
Soldotna AK 99669

Alaska State employees are your most valuable asset and yet you are under-mining their morale, their future, and their ability to get the job done.

SB150 - Some State jobs are seasonal or part-time. These employees should keep their right to union representation.
IT'S ONLY FAIR!

SB150 - Seasonal employees, part-time employees, and over-time hours worked by permanent full-time employees are hours worked to fill a need of the State of Alaska. Those hours should be recognized in the employees pension program.
IT'S ONLY FAIR!

SB151 should be totally rejected! It is un-needed! It guts PERA! Alaska State employees need and deserve the full support and protection of their unions!
IT'S ONLY FAIR!

COLA? - Majority Leaders gave their word last year to honor the 2.5% COLA for State workers this year. Their word is no good when they attempt to renege on that decision! KEEP YOUR WORD!
IT'S ONLY FAIR!

This political climate demonstrates how badly State employees need responsible legislators and more union voice, not less, to defend against the political machine!
IT'S ONLY FAIR!


1446 West Cross Drive
Anchorage, Alaska

I oppose the union-busting Senate Bill 151.

Lynne Franklin
212 Slater Drive West
Fairbanks, AK 99701

To the Senate Finance Committee members:

I emphatically oppose the union busting efforts contained in Senate Bill 151.

This is another attempt by this Legislature to disempower state workers in particular by taking away our rights as union members to collectively and fairly bargain for fair wages and working conditions. This will not only affect state workers but all unions in the state who want a means and voice to obtain hard fought contracts.

Please see that if this bill is passed workers in this state will take a step backwards in being able to bargain with management for what is justly theirs. Please stop this bill before it goes any further.

Barbara Maillelle

These comments are in regard to SB 150 and 151:

I oppose the passage of both of these bills. These are union busting bills that have been prepared as a vendetta against unions by the legislature. Legislators need to stop wasting time and money on their personal vengeance! agendas and start the work that we sent them to Juneau to do. They need to be preparing bills that will help the people of this State. Removing union voices is a terrible abuse of power.

Janice Wagner
557 Longspur Loop
Fairbanks, Ak 99709
479-3415

April 14, 1997

TO: Senate Finance Committee Members
RE: SB 151

Dear Committee Members:

This bill is one of the most outrageous bills I have seen come out of Juneau in a long time. I have an eight year old son and a young baby who would need to "register" with Big Brother Government if I should want to serve as a union steward at my job site. What is the next requirement you will come up with for union workers? Yellow stars to be worn on the outside of our clothing at all times? What happened to the concept of a leaner more efficient government? Who are you going to hire to provide oversight for this new requirement? More government workers? Will they be union members? Will they register with themselves?

Come on; get real. We have more important issues in this state. We have actual problems that need to be solved. It's time to stop expressing your personal vendettas through useless legislation that only serves to reduce the rights of workers in Alaska. I urge you to vote against SB 151.

Sincerely,


Laura Noland

659 Weller Ct.
Fairbanks, Alaska 99712

2721 Horsetail Trail
Fairbanks, AK 99709
April 14, 1997

Re: SB 151

Senate Finance Committee,
Drue Pearce, Co-Chair
Bert Sharp, Co-Chair
Al Adams
Dave Donley
Sean Parnell
Randy Phillips
John Tongerson

Honorable Senators:

Please reconsider SB 151 which you introduced. Our 25 year old labor relations act is still an excellent law and it works well. What you are trying to introduce now is a big hodgepodge of changes that will ultimately hurt those you say you are trying to protect.

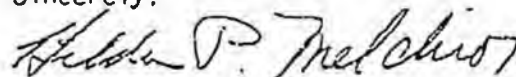
There may be some places where problems have arisen in labor relations but most of these have been addressed in other existing laws. Problems and disagreements should be worked with face to face mediation and consensus building. They should NOT be "solved" by making punitive laws which would kill the opposition. It's like tying the hands behind state workers, then kicking them down, and telling them to hurry and get to work.

With the budget cuts over the past several years, I have seen fellow employees take on additional work, and more additional work, and more additional work as fellow workers are leaving or retiring and the vacant positions are not filled. These folks take their jobs seriously, to serve the public, and have tried their best to keep serving the public. But they get discouraged with this additional work load. The constant anti state-worker propaganda verbalized by the legislature, the Administration, the oil companies, newspapers, etc., over the last 10 to 12 years, with all the distortions and lies is unfair to all of us. On top of all this you now want to weaken a law which is there to protect these state workers.

Do you realize what this is doing to the work force? You better qualified employees are looking for jobs else where (some have already left). Is this what your aim is - to have a second class work force? How can that serve Alaska?

This law should never be revised when there is so much animosity between the legislature and state workers. It would be a disservice to the people of the State of Alaska to do this. I sincerely urge you to look at the our Labor-Management committee, that is dealing with Health Insurance problems, as an example of how working together is far better than fighting each other.

Sincerely,



Hilda P. Melchior

Grantham, Linda

To: Kathy Dietrich
Subject: SB 151

Attention: Senate Finance Committee

Subject: SB 151

This is the most blatant example of a Union busting bill I have ever seen. The State has given us the right to have unions, yet now you want to cripple them to the point of extinction. HOW DARE YOU!!

This is an attempt on your part to create an administrative nightmare by requiring annual membership renewals, and members filing their own grievances. The system will be so backed up nothing will be accomplished.

Membership intimidation by requiring financial disclosure statements from it's stewards is another goal you seem to have in mind.

You want to be able to disregard any part of a contract at any time. Of course we have already seen this in action with our negotiated pay raises.

And the list of atrocities goes on.....

You have given us the right to have a union, yet you want to strip them of the ability to do what they were established for.....to ensure fair labor practices for it's membership.

We do not have the corruption seen on TV.....our unions provide counselling and support, as well as protecting our backs against unfair labor practices initiated by politically motivated legislators.

Honor your agreements and let the Unions do the jobs for which they were established. Don't let this bill go any further!! This bill is garbage and should be disposed of in a proper manner.

Linda J. Grantham
Fairbanks

Erna Sturmann
POB 83686
Fairbanks AK 99708-3686

April 14, 1997

To the Senate Finance Committee Members

The Public Employee Retirement Act has worked for the last 25 years!

There is no need to change it now!

Cordially,

Erna Sturmann

Erna Sturmann
(907) 451-2876



Alaska State Legislature

Please enter into the record my testimony to the Senate Finance
committee name

committee on SB 151, dated 4/10/97
bill/subject

Thank you for hearing my view: I am very concerned and dismayed with the contents and intent of SB151. This is an obvious "hit" on the educational employee community, with a direction to eliminate public schools altogether. I am very concerned with dismantling school districts, who (such as Mat-Su) have managed their finances better than the Borough Assembly (as proven by audit), and turning over budgetary and employee issues to the bureaucracy that does not even employ the teachers.

I'm very dismayed and concerned that my rights as an employee can be jeopardized by one ^{dissenting} person, when I have chosen to have my professional organ →

Signed: Mary J. Gregory
Testifier

Proxy: Lucy Nope (or designee)
Representing (Optional)

P.O. Box 3804, Palmer, AK 99645
Mailing Address
373-6196
Phone No.

investment toward the future.

(MSEA)

ization, represent me in bargaining for my rights and contract with my employer (the Mat-Su School District). (I have never so far in all my teaching years had any employer provide the best working conditions for the job. All the good we teachers have done, ^{or gotten} is through our efforts, and we have had to strongly advocate and bargain to get where we are. I have never felt so disrespected by a state legislature as I have these last 5 years or so.)

This SB151 comes across as very tyrannical and dictatorial — almost comparable to how the Nazis stripped the Jews of their rights, but this time in the name of conservatism.

The Borough Assemblies already have far too much to deal with and will not have time to ~~consider~~ what's good and best and safe for students and their teachers. The Assemblies are not responsive to our communities when parents are willing to pay taxes for their kids' to have the best education.

True leadership is reflected in treating employees well to encourage greater work production. SB151 does not reflect good leadership.

I don't see a long-range thinking. I don't see a long-range defeat of this bill as a bad thing. I don't see a long-range defeat of this bill as a bad thing. I don't see a long-range defeat of this bill as a bad thing.



Alaska State Legislature

Please enter into the record my testimony to the Senate Finance
committee name
committee on SB 151, dated _____
bill/subject

I strongly urge you to vote
No on SB151.

Signed:

Patricia J. Gukin
Testifier

Representing (Optional)

P.O. Box 871304, Wasilla, Ak 99687

Address

907-373-4717

Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Senate Finance Committee
committee name

committee on Senate Bill 151, dated 4-9-97
bill/subject

I strongly object to this
Bill. Please Vote NO
on this Bill

Signed: Sharon Lea J. Kilbourne
Testifier

Representing (Optional)
Hc 30 Box 5455 - Wasilla AK
Address 99654

907-376-4434
Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Senate Finance Comm
committee name
 committee on SB151 , dated 4/8/97
bill/subject

Please VOTE NO
 on this Senate Bill -
 We need to keep these
 rights - they are basic
 to our survival.

Signed: Chyl Albright
Testifier

Chyl

Represent to (Optional)

HC34 Box 2056R - Wasilla 99654

Address

376-2714

Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Senate Finance
committee name

committee on SB #151, dated April 9, 1997.
bill/subject

It appears to me that certain portions of this bill unilaterally and arbitrary reduce the rights of teachers and school district support staff to organize and bargain. Additionally, it appears to place ^{an} undue burden of additional paperwork costing time and money for our Borough Government and School District Administration.

As a concerned constituent of the Mat-Su Borough and a staunch supporter of every aspect of education, I strongly urge you ^{to} ~~as~~ vote no on SB #151.

Signed: Glenn C. Jacob
Testifier

Self

Representing (Optional)

P.O. Box 359 Palmer, AK 99645

Address

907-745-4163 or FAX 745-4164

Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Senate Finance committee name

committee on SB 151, dated 4/10/97
bill/subject

I urge this committee to vote NO on SB 151 in committee. This Bill is very regressive. It takes away control of bargaining from local control, the school boards & local employees associations, & even more politicizes education. It restricts topics to be bargained. It allows the Borough Assembly to void collective bargaining agreements. It requires B. Assemblies to approve collective bargaining agreements. What positive result could this have? It will only usurp school board authority & pit them against B. Assemblies. It will create a micro-management of the school district by people who don't necessarily have all pertinent information & insight into issues.

This Bill also erodes grievance procedures. →

Signed: Yvonne Wright-Murphy
Testifier

Representing (Optional)
P.O. Box 876166, Fairbanks, AK 99787
Address
373-0984
Phone No.

This clearly harms school districts (school boards) as well as employees. These procedures to process grievances work currently. They provide a fair structure to solve problems. One of the benefits of collective bargaining is to provide orderliness in filing grievances. Without having a procedure in which grievances are processed through a knowledgeable committee, the school district will be confronted with many more grievances in costly & disorganized fashion.

This Bill also requires the financial reporting of building representatives & officers along with their spouses & establishes criminal penalties for failure to report. What point is this?! This is definitely punitive in nature, with the apparent goal of this Bill to discourage member involvement. It also implies current improper conduct, which there is none!

You have all our elections based on the philosophy of local control. This Bill weakens local control. It diminishes the responsibility of school boards to govern their districts & shifts powers to the legislature & assemblies. It also weakens the positive implications of HB 5 (Ch. 31) on Teacher Tenure/Evaluation. Please vote to strengthen Public Education in our state by voting No on the bill. (pg 2 on K. Wight-Murphy)

376-6180



Alaska State Legislature

Please enter into the record my testimony to the Finance
 committee name
 committee on SB 151, dated 4-10-97
 bill/subject

*I am adamantly opposed to HB 151
 I urge you to vote no on this bill.
 This bill will be seriously damaging
 to the school, community relationship.
 We need to enhance and encourage educational
 partnerships. This bill destroys so much
 we have established in AK's young history!*

Post-it® Fax Note	7671	Date	4-10-97	# of pages	1
To	L10	From	E. Forstner		
Co./Dept.		Co.			
Phone #	376 6180	Phone #	373 7646		
Fax #	376 6180	Fax #	373 3649		

Signed: Emily Forstner (Forstner)
 Testified

Representing (Optional)
P.O. B. 3942 Palmer, AK
 Address
373 - 7646
 Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Senate Finance
 committee name
 committee on SB 151, dated 4-10-97
 bill/subject

Collective Bargaining should be a right granted to all workers in the United States of America not just Alaska.

section 5 — let workers themselves decide who they are represented by. Peace officers should not be limited to a lesser # of bargaining units just because of who they are.

As I read through this bill and the summary some items may be good for both the state and its employees but much is very negative. I take that as an attack on the right of workers and thus cannot support any of these changes to the Public Employees Relations Act. Public employees work for a living --- for their families in communities all over our great state. The majority of us are hard working and do care about the people we serve! I think we have just as much right to fair and honest protection by a union as any other worker in this state. I am sure many of you have seen and experienced positive results from a union if you ever worked for someone. Please leave PERA alone!

Signed: Carol Compton
 Testifier

Representing (Optional)

HC 31 Box 5175-V, Wasilla

Address

(907) 373-2319

Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Senate Finance
committee name
committee on SB 151, dated April 10, 1997.
bill/subject

I encourage you to drop any action on SB151. I believe all workers in The United States of America have the right to representation by a union to work in their behalf in any work place. In so many situations over the years it has been a true protector to workers.

This bill is a direct attack toward worker protection even if it is against state employees — whom the Republican majority thinks are worthless burns leaching off the state treasury! You know we really are just like you. Well, maybe not. Most of us care about the people we serve and we want to be able to help them within the statutes that your body passes. We drive ratty old cars, make house payments, have doctor bills and other bills just like everyone else in this state. At a range 12 I don't make a lot of money. Neither do my co-workers at Range 8, 10, 12 & 14's. The Public Employees Relations Act has worked for us all for many years. Our right to collective bargaining takes care of the rest.

Signed: Carol Compton
Testifier

Representing (Optional)

HC 31 Box 5175-V, Wasilla 99654

Address

(907) 373-2319

Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Senate Finance
committee name
committee on SB 150, dated April 10, 1997
bill/subject

I would encourage you to drop SB150 which makes amendments to The Public Employees Relations Act. I believe all workers in the United States of America have the right to representation by a union to speak in their behalf in any work place. It is a right that has protected workers over and over again throughout the years. State employees should all have a right to representation of a union of their choice as any other worker. The state Public Employees Relations Act is adequate as is. Specific issues are more appropriately settled in collective bargaining agreements which include moving expenses and compensation time.

Signed: Carol Compton
Testifier

Representing (Optional)

HC 31 Box 5175-V, Wasilla 99654

Address

(907) 373-2319

Phone No.



Alaska State Legislature

Please enter into the record my testimony to the _____ committee name

committee on SB 151, dated 4-10-97
bill/subject

I encourage you to drop SB 151 as it is a direct attack on fair and honest representation for workers! Unions have been in the country for many years and are still essential in America today. Any worker in this great country of ours deserves the right to be fairly represented. Your attack on part time employees is truly disheartening. They have families and lives too!

All items of worker/management concerns should be bargained. Workers need to have fair ways to protect their wages, work environments and how management treats them. When you allow union rebargaining at the drop of a hat you break the workers right to a long term organization. The financial reporting requirements of a worker goes a bit too far. I think much of this belongs within a collective bargaining agreement. If you were a "worker" and not an employer I would think you would have some understanding of how important fair representation is to us "workers"

Signed: Carol Compton
Testifier

Representing (Optional)

HC31 Box 5175-V Wasilla AK 99654

Address

(907) 373-2319

Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Drue Pearce
committee name
 committee on SB 151 , dated Apr. 10, 1996
bill/subject

Please vote no on SB 151.

I, an Alaskan/US citizen should have the right to collective bargaining. Topics to be bargained for should not be restricted.

Non-union members should not have the right to vote on all union policy decisions. The "privacy act" should not permit the publication of my name and address as a union member.

Please
Vote No
on
SB 151

Signed: Jane Ann Aldrich
Testifier

Mat Su School Dist.

Representing (Optional)

P.O. Box 876 329 Wasilla, AK

Address

(907) 376-5852

Phone No.

99687



Alaska State Legislature

Please enter into the record my testimony to the Drue Pearce
 committee name
 committee on Bill SB 151 . dated April 9, 1997
 bill/subject

Bill SB 151 is of great concern to me. It will cost the State and School Districts a great deal of money and to be perfectly honest the whole thing sounds as if some one with socialistic tendencies wrote it.

Signed: William Kessler
 Testifier

Representing (Optional)
PO Box 872274 Wasilla Alaska
 Address 99687-2274
(907) 376-6584
 Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Drue Pearce
 committee name
 committee on SB151 dated 4-9-97
 bill/subject

Bill SB 151 I am very unimpressed with. There are many areas that concern me but one that stuck with me was #2... it is NO ones business what a persons space makes. It is not right to give access to financial reports that belong to someone's space. This is personal and needs to remain there. A Buddy Rep is a volunteer position... The financial reports in my family are NO bodies business but my own.

Signed: Glenda R. Thorne
 Testifier

Representing (Optional)
P.O. Box 571058
 Address
376-2197
 Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Senate Finance committee name

committee on SB151 , dated 4-9-97
bill/subject

I urge all members of your committee to vote NO on SB151 for the following reasons:

- 1) Collective bargaining is a right, not a privilege that a Borough Assembly can revoke arbitrarily.
- 2) Our negotiated contracts are a mutual agreement between members and the school district. The Borough Assembly does not participate in this process and certainly should not have any input or control.
- 3) Publishing names and addresses of union members is an invasion of privacy and serves no purpose I can think of.
- 4) Building reps and officers are volunteers! Why should anyone have the right to know their AND their spouses' financial situation?
- 5) Part-time employees are affected directly by the negotiated agreement and have every right to be members. Why would you revoke that right but give nonmembers the right to vote? →

Signed: Jill Bottomley
Testifier

Representing (Optional)
310 E. Eagle Ave. Palmer, AK 99645
 Address
746-6541
 Phone No.

- b) The Borough Assembly has no right to interfere in any way with a mutually agreed upon contract between members and the school district - especially grievances, arbitration awards, approval or disapproval of a contract that does not affect them in any way!
- 7) Restriction of topics?!? Since when is censorship an acceptable attitude?

I cannot imagine what motivated the writing of this bill or why our elected legislators would even consider wasting our limited education budgets in this manner. We could certainly use these monies in more appropriate ways that would benefit our students (and future voters). Perhaps Madame Curie would like to explain to the 1200+ school district employees in Mat-Su - current voters! - the benefits of this bill. I am sure the thousands of school district employees - AND VOTERS - in Anchorage would be equally as interested in the rationale behind this nonsense.



Alaska State Legislature

Please enter into the record my testimony to the Senate Finance Committee
committee name

committee on SB 151, dated April 10, 1997
bill/subject

Please do not pass this Bill through
Comittee without major revisions. This
takes local school decisions out of the
hands of the School Boards and gives them
to a Borough Assembly. It will also be
one more unfunded mandate to School Districts
who will be saddled with reporting, etc.
that is unnecessary. Please consider
these issues carefully.

Signed: Lela Ayers Lela Ayers
Testifier

Representing (Optional)
523 Quicksilver Circle, Palmer, AK 99645
Address
907-745-0103
Phone No.

Senator Pearce
State Capitol (MS3101)
Juneau, AK 99801-1182

Dear Senator Pearce:

I am so appalled and angry that Senate Bill 151 is being proposed. I resent having to spend my evenings writing to you about such bills, after teaching 40 kindergartners all day, working from 8:00 a.m. to 5:30 p.m., and coming home totally exhausted. (I have papers to correct this evening.) You are suppose to be our representative, standing up for the good of the people.

How can you propose:

that the grievance procedure die at the expiration of the collective bargaining agreement,

that the Borough Assembly void the collective bargaining agreement by ordinance.

that non-members may vote on all policy decisions,

that the Borough Assembly agree to any arbitration over \$10,000,

that the Borough Assembly approve any collective bargaining agreement between the school district and employees,

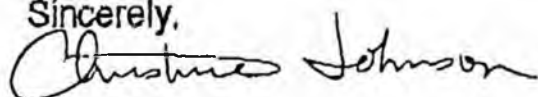
etc., etc.?

Yes, I am upset! Yes, I resent having to stay up nights writing letters to keep Senators from hacking up our negotiated rights.

As a Republican, I am a Conservative on many issues, but Senate Bill 151, I feel, is stripping the rights of educators to bargain and organize.

PLEASE VOTE IN OPPOSITION TO SENATE BILL 151. Thank you for reading my concerns on this issue.

Sincerely,

A handwritten signature in cursive script that reads "Christine Johnson". The signature is written in black ink and is positioned above the typed name.

Christine Johnson

P.O.Box 876773

Wasilla, Alaska 99687

(907) 745-2236



Alaska State Legislature

Please enter into the record my testimony to the Senate Finance
 committee name
 committee on SB 151, dated 4-10-97
 bill/subject

I urge Senators Pearce, Sharp, Souley, Parnell, Phillips, Adams, and Tongerson to vote no on this bill. It is harmful specifically to teachers unions and all other unions and collective bargaining in general. First there was HB 164 attacking teachers and now it is SB 151 would someone please show me in the current hunting regulations where it hits the season length and bag limits on teachers?

Signed: Don Campbell
 Testifier

Representing (Optional)
P.O. Box 871045 Wasilla
 Address
907-376-2261
 Phone No.



Alaska State Legislature

Please enter into the record my testimony to the SENATE FINANCE COMMITTEE
 committee name
 committee on S.B. 151, dated APRIL 10, 1997
 bill/subject

Please vote no on Senate Bill 151. This bill appears to deny due process rights and to add to the work load of Borough assemblies.

Signed: _____

Testifier

KRISTEN HEALY

Representing (Optional)

1320 IVY CIRCLE WASILLA AK 99654

Address

373-0165

Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Senate Finance
committee name
 committee on SB 151, dated 4/10/97
bill/subject

I am very opposed to SB 151. We do not need this bill. It will not improve education, but will add an additional level of bureaucracy and will add to the distrust of government v.s. School Employees.

We need to work together to improve education, not in opposition to one another. This bill punishes school employees by eroding our rights, and adds confusing requirements and language that can only add costs to government and teachers.

Again, let's work together. 99% of the employees I know are working for kids & families to better education.

Signed: Carol Taylor
Testifier

Representing (Optional)
P.O. Box 875391 Wasilla, AK 99687
Address
(907) 746-4106
Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Senate Finance Com
committee name
committee on SB151, dated 4/8/97
bill/subject

The rights that are being attacked
in SB151 will limit our ability to
act as a team and will ultimately
harm Alaska's future students.
Please vote no for Senate Bill 151.

Signed: Carlith Smith
Testifier
Self
Representing (Optional)
328 E Eagle Palmer AK 99645
Address
907-745-4506
Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Senate Finance Comm.
committee name
 committee on SB 151, dated 4-8-97
bill/subject

No restrictions are needed that
 this bill will cause for the right
 to bargain. Don't let the state
 get involved in local issues!

Signed: Lawrence Ouellette
Testifier
self
Representing (Optional)
Box 871431; Wasilla, AK
Address
373 1821
Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Senate Finance Committee
 committee name
 committee on SB 151, dated 4-9-97
 bill/subject

I am opposed to the passage of SB 151. Workers need the right to collective bargaining and this bill is too restrictive!

Signed: *Jinda Heller*
 Testifier

Representing (Optional)
675 W. Broad Drive, Wasilla, AK 99654
 Address
376-5119
 Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Senate Finance Committee
 committee name
 committee on HB 151, dated April 9, 1997
 bill/subject

I am strongly opposed to the passage of this bill. This is a direct attack on the right to organize & communicate in a union!

VOTE NO... don't deny education the right to bargain.

Signed: _____
 Testifier Kathleen C. Hall
 Representing (Optional) _____
4400 Merrill Circle
 Address Wasilla, AK - 99654 - 8645
(907) 373 - 5711
 Phone No. _____



Alaska State Legislature

Please enter into the record my testimony to the Finance Comm.
 committee name
 committee on SB 151, dated 4-10-97
 bill/subject

Vote no on SB 151. This
 bill would deny union members
 true & fair representation.

What an obvious anti-union bill!
 Get ready represent fairness!

Signed: Kathy Foxon
 Testifier

Representing (Optional)
Ac 32 Box 6631 Wasilla 99654
 Address

376-3182
 Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Finance Committee
 committee name
 committee on SB 151, dated 4/10/97
 bill/subject

*Vote No on SB 151. This bill is
 ridiculous and takes away peoples
 fundamental rights to unions.*

Signed: Carol M Ryan - Amb
 Testifier

Representing (Optional)
PO Box 877245 Wasilla AK 99687
 Address

907-376-8378
 Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Finance Committee
committee name
committee on SB 151, dated 4/10/97
bill/subject

Please allow unions to represent
the people they are suppose to.
Union Representation is a fundamental
right for all people.
Vote against SB 151
Thank you.

Signed: William G. Orr
Testifier

Representing (Optional)
PO Box 877245 Wasilla AK 99687
Address
907-376-8328
Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Senate Finance
committee name

committee on SB 151, dated 4/10/97
bill/subject

Thank you for hearing my concerns. My understanding of this Bill is that the state is attempting to make it more difficult for local areas to mutually agree to wages and working conditions. This is government control at it's worst as I view it. I restricts items employees and employees can discuss. It denies part time employee representation. It gives individuals no recourse in dispute resolution through grievance and arbitration. The bill's effect will be to force confrontation and dispute which will drive many of us from this profession. The appearance is that the "Majority" is dismantling public education which will in my opinion destroy our economy, democracy and life style.

As a teacher or school employee a person in our area has bargained wage sweater about 6 of the past 12 years. Don't fix what is not Broken. We can work out our own problems "locally".

Signed: Dennis A. Gregory Dennis A. Gregory
Testifier

MSEA
Representing (Optional)
PO Box 3804 Palmer AK 99645
Address
373-6196
Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Senate Finance Comm.
committee name

committee on SB-151, dated 4/10/97
bill/subject

Please do not pass this bill! Part-time workers need the right to bargain and grieve. If you pass this, 120 employees will be disenfranchised in our school district.

The fiscal note on this bill is huge and it's going to cause an undue financial burden to the districts and local governments.

Allowing one member to ask for decertification is going to create more problems than it solves.

The law was passed to protect workers from arbitrary and capricious treatment and it is working! It does not need to be changed - especially not at the expense of working men + women!

Signed: Bill Munro
Testifier

Representing (Optional)

2950 Mariann's Place Wasilla

Address

376-4269 H 376-0806 WK.

Phone No.

Senator Pearce
State Capitol (MS3101)
Juneau, AK 99801-1182

Dear Senator Pearce:

I am so appalled and angry that Senate Bill 151 is being proposed. I resent having to spend my evenings writing to you about such bills, after teaching 40 kindergartners all day, working from 8:00 a.m. to 5:30 p.m., and coming home totally exhausted. (I have papers to correct this evening.) You are suppose to be our representative, standing up for the good of the people.

How can you propose:

that the grievance procedure die at the expiration of the collective bargaining agreement,

that the Borough Assembly void the collective bargaining agreement by ordinance.

that non-members may vote on all policy decisions.

that the Borough Assembly agree to any arbitration over \$10,000.

that the Borough Assembly approve any collective bargaining agreement between the school district and employees,

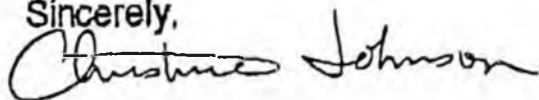
etc., etc.?

Yes, I am upset! Yes, I resent having to stay up nights writing letters to keep Senators from hacking up our negotiated rights.

As a Republican, I am a Conservative on many issues, but Senate Bill 151, I feel, is stripping the rights of educators to bargain and organize.

PLEASE VOTE IN OPPOSITION TO SENATE BILL 151. Thank you for reading my concerns on this issue.

Sincerely,



Christine Johnson

P.O.Box 876773

Wasilla, Alaska 99687

(907) 745-2236

**PUBLIC SAFETY EMPLOYEES ASSOCIATION
"REPRESENTING ALASKA'S FINEST"**

4300 Boniface Parkway, #116
Anchorage, AK 99504-4387
(907)337-1979 FAX.(907)337-1753

Senate Finance Committee
State Capitol
Juneau, AK 99801-1182

April 14, 1997

Dear Senate Finance Committee members:

The Public Safety Employees Association opposes Senate Bill 151. This bill re-writes the Public Employees Relations Act (PERA).

PERA has been effectively working for 25 years. Members of PSEA have not had complaints about their Association in regards to elections or unethical behavior. This bill completely over-regulates how public employee unions operate. SB151 tries to solve a problem that is not there.

Also, this bill is an anti-worker right to work piece of legislation. The sections which contain phrases such as "voluntary dues deduction" leads one to believe that the sponsor(s) of this bill are out to decimate public employee organized labor.

Lastly this bill is very costly. With a fiscal note of more than one million dollars for fiscal year 98 this legislation will ultimately cost Alaskans more than 20 million dollars over the next 20 years.

I urge each and every one of you to not pass SB151 out your committee. SB151 is too costly and an unnecessary piece of legislation which only adds more regulation and bureaucracy to our state government.

Sincerely,



Craig Persson
PSEA Vice President

END

April 12, 1997

To each member of the Senate Finance Committee,

I am shocked at some of the items in SB 151. As a 24 year teacher in this state, I believe firmly that the quality of education for my children and all children in our district have been promoted by the active involvement of our local FEA. It takes strong dialog and compromise to bring about the best solutions.

When I became a single parent in my 6th year of teaching, my salary was so low I qualified for public assistance in daycare!! That would NOT have changed without a professional union that felt higher salaries would attract and keep stronger teachers. We now have in our new-hire pool, better candidates than ever with high academic credentials, background experience and mature work ethics.

With the increased demands on the classroom teacher and the increased number of hours needed to do the job effectively (I personally have spent 55 to 60 hours a week on classroom matters for over two decades), we need to have a work environment that offers us input and say in our classrooms. We need a professional union that has the latitude to listen and support our needs. During the last negotiations, we were strongly urging more help in disciplinary matters through the district guidelines.

I firmly believe that not allowing our professional union to function without intimidation (financial records?!?- come on) will negatively impact my children's education and that of the community's children. Why does the Borough Assembly need to approve a collective bargaining agreement? More bureaucracy and, it takes away power from the School Board that has been elected to focus all their energies to make their decisions on one subject, schools, unlike the borough assembly that handles matters concerning all areas of borough management.

Some people argue that unions have had too much power. To swing the pendulum back to eliminating any power is archaic. Compromise from two strong entities improves all situations. Domination by one party will not improve the quality of our schools. Education needs more support not less. Allowing the professional union to speak up freely with a voice and a vote will allow issues important to our public schools to be addressed for effective problem solving.

I urge you to reconsider this bill and vote NO. Thank you.

Sincerely,



Katharine Weber-Baker
P.O. Box 72112
Fairbanks, Alaska 99709

**PUBLIC SAFETY EMPLOYEES ASSOCIATION
"REPRESENTING ALASKA'S FINEST"**

4300 Boniface Parkway, #116
Anchorage, AK 99504-4387
(907)337-1979 FAX:(907)337-1753

Senate Finance Committee
State Capitol
Juneau, AK 99801-1182

April 14, 1997

Dear Senate Finance Committee members:

The Public Safety Employees Association opposes Senate Bill 151. This bill re-writes the Public Employees Relations Act (PERA).

PERA has been effectively working for 25 years. Members of PSEA have not had complaints about their Association in regards to elections or unethical behavior. This bill completely over-regulates how public employee unions operate. SB151 tries to solve a problem that is not there.

Also, this bill is an anti-worker right to work piece of legislation. The sections which contain phrases such as "voluntary dues deduction" leads one to believe that the sponsor(s) of this bill are out to decimate public employee organized labor.

Lastly this bill is very costly. With a fiscal note of more than one million dollars for fiscal year 98 this legislation will ultimately cost Alaskans more than 20 million dollars over the next 20 years.

I urge each and every one of you to not pass SB151 out your committee. SB151 is too costly and an unnecessary piece of legislation which only adds more regulation and beaurocracy to our state government.

Sincerely,



Craig Persson
PSEA Vice President

END

district and can not see a single, positive, fair, or constructive component of **SB151!**

This bill is a vicious and **punitive** attack on the rights of public employees and does nothing to ensure improvement of quality in education. It demonstrates a **lack** of concern for maintaining the continuity and integrity of instructional programs and environments. It has been my experience over the past 18 years working in Alaska Schools, that when the negotiated agreements, and the agreed upon evaluation systems and plans of improvement were adhered to by professional and responsible administrators, there were no battles being waged that diminished morale. On the contrary, administrative professionalism begat staff professionalism. As the folks who work with children every day, we can tell you from experience, "that children learn by what they see". The established system works! I would pray that you do not allow **SB151** to represent what this state's legislation and legislators are all about. Our children need strong, moral and uncorrupted models to learn from. Remember, "children learn by what they see." Would you truly wish to reside in a state whose leaders (the children of today) represent the biased, unjust and punitive totalitarianism modeled throughout this "bad", and regressive bill? It gives me chills to even contemplate the possibility. I was only fourteen when I read J. Edgar Hoover's book, **The Masters of Deceit**, and yet the fear and trepidation I felt at that reading revisited me upon reading this "dreadful" bill.

I, my fellow asp, and the majority of the teachers I work with and have met across the state are constantly, year-after-year providing for their own professional growth and development far beyond the limited parameters of their specific job and profession. They do this because they care about their jobs, their co-workers, and especially the children who are our future, and the reason we do what we do. The education of our children will truly suffer as a result of this attack on public employees. School and staff progressiveness and development will be relegated to a back burner while employee and management efforts will be focused on the legislative and legal battles ahead. The goal of ensuring that we keep qualified and innovative education employees in the schools through improved, locally, negotiated evaluation procedures is **not** achieved through **SB151**.

Please, **do not** cheapen and disregard our hard-won right to organize and bargain with our employers. As someone who had to live and work without these rights, who had to fight to get and keep these rights, I fear and dread the step back into the "**Dark Ages**" that this Legislation would be taking with the passage of this "bad" bill. We are in the age of technological enlightenment, don't put out the light of a good public education system with this "**special interest**" bill. We have been taught that justice is "**blind**", but I have always believed that it was "**blind**" to the inequalities and or prejudices unjustly attached to a person's race, sex, color, religion, creed, age, national origin, marital status, socioeconomic/cultural background and political affiliation. **NOT** to a basic right that is **FAIR, JUST and EQUITABLE**, as provided under **PERA!** The intent of this bill rewrites that definition, by singling out public employees for this discriminatory treatment! Please do not let this twentieth legislature be known for reintroducing such a politically motivated attack on the rights of a select group of voters under the guise of **SB151!** **If you offer justice at a price no one can afford, is it still justice?** Please vote **NO on SB151!** Thank you for your consideration of my concerns with **SB151**.

3 of 3

Jackie Nelson-Lizardi
Delta-Greeley Educational Support Personnel Association
HC 60 Box 4180
Delta Jct., Alaska 99737

April, 1997

Dear Senate Finance Committee Member ,

Please **VOTE NO** on **SB151**. I am an educational support person (**ESP**) and have worked in Alaskan schools since 1979. I am one of over 20,000 esp in the state. Until 1989, before we came under **PERA (Public Employee Relations Act)**, and were allowed the right to negotiate without specific school board permission, we had very few rights under the law, and were constantly told by vindictive and irresponsible administrators that we had **NO** rights. We were "controlled" by a District Employee Policy Manual that used immeasurable and vague guidelines that were interpreted arbitrarily and capriciously at the whim of a vindictive, overbearing administrator. That Policy Manual and the philosophy behind it; represented **total control and no respect!** It was **biased** on the side of management and **punitive** in nature, just like **SB151!** Morale was at a constant low as employees never knew where and how the next attack on their livelihood was going to be dealt.

There was no system of appeal in place other than the same system and individuals who made the initial ruling. **SB151** has gone several steps further by allowing us to believe there is a viable recourse through the established and locally negotiated grievance procedure which is unilaterally pulled from the grasp of the public employee upon the expiration of the collective bargaining agreement. As many school district administrators are masters of "stalling", **SB151** has allotted them a home-court advantage while disallowing a "grandfather" protection to the employee who has been aggrieved and who has invested significantly of his/her time and efforts.

As you can probably imagine, such a "dictatorial" local system did not provide an atmosphere conducive to professional camaraderie or development. It did not encourage a "teamwork" approach to sharing and learning. With **PERA** we were finally able to provide input and reach consensus through the negotiation process that enabled us to focus our attentions positively on the growth and development of ourselves, our professions, our students, our district and our community. We know now that if a judgment is made against our character and/or job performance, we have the inalienable right to a negotiated "grievance process" which provides for mediation and arbitration and a "Just Cause" standard.

SB151 has bastardized the grievance process, due process, the bargained agreement, and equal rights afforded public employees under the Constitution in one fell swoop, all while under the guise of fair and just legislation. The premise of "Just Cause" has disappeared as elusively as freedom, privacy, the right to unyoke ourselves from the oppression of tyrants, equity and respect!

The members of our association include secretaries, teacher-aides, custodians, food-service workers, maintenance workers, and other clerical staff. We work day-in and day-out in a partnership mode with the teachers and building administrators of our

2083

**PUBLIC SAFETY EMPLOYEES ASSOCIATION
"REPRESENTING ALASKA'S FINEST"**

4300 Bonifac Parkway, #116
Anchorage, AK 99504-4387
(907)337-1979 FAX:(907)337-1753

Senate Finance Committee
State Capitol
Juneau, AK 99801-1182

April 14, 1997

Dear Senate Finance Committee members:

The Public Safety Employees Association opposes Senate Bill 151. This bill re-writes the Public Employees Relations Act (PERA).

PERA has been effectively working for 25 years. Members of PSEA have not had complaints about their Association in regards to elections or unethical behavior. This bill completely over-regulates how public employee unions operate. SB151 tries to solve a problem that is not there.

Also, this bill is an anti-worker right to work piece of legislation. The sections which contain phrases such as "voluntary dues deduction" leads one to believe that the sponsor(s) of this bill are out to decimate public employee organized labor.

Lastly this bill is very costly. With a fiscal note of more than one million dollars for fiscal year 98 this legislation will ultimately cost Alaskans more than 20 million dollars over the next 20 years.

I urge each and every one of you to not pass SB151 out your committee. SB151 is too costly and an unnecessary piece of legislation which only adds more regulation and bureaucracy to our state government.

Sincerely,



Craig Persson
PSEA Vice President

END

**PUBLIC SAFETY EMPLOYEES ASSOCIATION
"REPRESENTING ALASKA'S FINEST"**

4300 Boniface Parkway, #116
Anchorage, AK 99504-4387
(907)337-1979 FAX:(907)337-1753

Senate Finance Committee
State Capitol
Juneau, AK 99801-1182

April 14, 1997

Dear Senate Finance Committee members:

The Public Safety Employees Association opposes Senate Bill 151. This bill re-writes the Public Employees Relations Act (PERA).

PERA has been effectively working for 25 years. Members of PSEA have not had complaints about their Association in regards to elections or unethical behavior. This bill completely over-regulates how public employee unions operate. SB151 tries to solve a problem that is not there.

Also, this bill is an anti-worker right to work piece of legislation. The sections which contain phrases such as "voluntary dues deduction" leads one to believe that the sponsor(s) of this bill are out to decimate public employee organized labor.

Lastly this bill is very costly. With a fiscal note of more than one million dollars for fiscal year 98 this legislation will ultimately cost Alaskans more than 20 million dollars over the next 20 years.

I urge each and every one of you to not pass SB151 out your committee. SB151 is too costly and an unnecessary piece of legislation which only adds more regulation and bureaucracy to our state government.

Sincerely,



Craig Persson
PSEA Vice President

Penslon Svcs Ltd.

Penslon Svcs. Ltd.,
1205 E. Int'l Airport Rd.,
Suite 205
Anchorage, AK 99518-1409

Phone (907) 562-1938
Fax (907) 562-1366

Facsimile RECEIVED
APR - 9 1997

To: Llewellyn @ Senator Pearce's Office
@Fax: 1-907-465-3872
From: A.L. Tamagni, Sr.
Date: 04/09/97
Re: SB 151
Pages: 1, including this

I am writing in regards to the above bill and the upcoming hearing on 04/10/97 at 5:00 P.M. I currently serve as Board Chairman and I would like to suggest some slight Modifications as follows:

1. The hearing caseload is currently handled by an attorney and a non attorney, both of whom perform excellent work. I would recommend a change not requiring attorney hearing offices under the administrative procedures act. This is in section 17 & 18.

2. Section 21, 22 & 27: The American Arbitration Association Panel of Labor Arbitrators or the Federal Mediation and Concillation Service is listed in Section 21, but omitted in Sections 22, 27 and possibly others. It should be changed for consistency to allow both entities.

In the event the committee would request our being available for the hearing at 5:00 by phone please advise by calling Jan Hart-DeYoung at the Labor Relations Office in Anchorage Thursday. She will then contact myself. Her number is 907-269-4895.

Thanks:

Senator Sharp
State Capitol (MS3101)
Juneau, AK 99801-1182

Dear Senator Sharp:

I am so appalled and angry that Senate Bill 151 is being proposed. I resent having to spend my evenings writing to you about such bills, after teaching 40 kindergartners all day, working from 8:00 a.m. to 5:30 p.m., and coming home totally exhausted. (I have papers to correct this evening.) You are suppose to be our representative, standing up for the good of the people.

How can you propose:

that the grievance procedure die at the expiration of the collective bargaining agreement,

that the Borough Assembly void the collective bargaining agreement by ordinance,

that non-members may vote on all policy decisions,

that the Borough Assembly agree to any arbitration over \$10,000,

that the Borough Assembly approve any collective bargaining agreement between the school district and employees,

etc., etc?

Do you have any idea how many hours of negotiations have been spent for educators to gain these rights? How much has been given up to fight for these rights as an association?

P. 02


APR-10-97 THU 21:28

Yes, I am upset! Yes, I resent having to stay up nights writing letters to keep Senators from hacking up our negotiated rights.

As a Republican, I am a Conservative on many issues, but Senate Bill 151, I feel, is stripping the rights of educators to bargain and organize.

PLEASE VOTE IN OPPOSITION TO SENATE BILL 151. Thank you for reading my concerns on this issue.

Sincerely,



Christine Johnson

P.O. Box 876773

Wasilla, Alaska 99687

(907) 745-2236



Alaska State Legislature

Please enter into the record my testimony to the Senate Finance
 committee name
 committee on SB 151, dated 4-10-97
 bill/subject

I urge Senators Pearce, Sharp, Donley, Parnell, Phillips, Adams, and Torgerson to vote no on this bill. It is harmful specifically to teachers unions and all other unions and collective bargaining in general. First there was HB 164 attacking teachers and now it is SB 151. Would someone please show me in the current hunting regulations where it lists the season length and bag limits on teachers?

Signed: Don Campbell
 Testifier

Representing (Optional)
P.O. Box 871045 Wasilla
 Address
907 - 376 - 2261
 Phone No.



Alaska State Legislature

Please enter into the record my testimony to the SENATE FINANCE COMMITTEE
 committee name
 committee on S.B. 151 dated APRIL 10, 1997
 bill/subject

Please vote no on Senate Bill 151. This bill appears to deny due process rights and to add to the work load of Borough assemblies.

Signed: _____

Testifier

KRISTEN HEALY

Representing (Optional)

1320 IVY CIRCLE, WASILLA, AK 99654

Address

373-0165

Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Senate Finance
committee name
 committee on SB 151 . dated 4/10/97
bill/subject

I am very opposed to SB 151. We do not need this bill. It will not improve education, but will add an additional level of bureaucracy and will add to the distrust of government v.s. School Employees.

We need to work together to improve education, not in opposition to one another. This bill punishes school employees by eroding our rights, and adds confusing requirements and language that can only add costs to government and teachers.

Again, let's work together. 99% of the employees I know are working for kids & families to better education.

Signed: Carol Taylor
Testifier

Representing (Optional)
P.O. Box 875391 Wasilla, AK 99687

Address
(907) 746-4106
Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Senate Finance Com
committee name
 committee on SB151, dated 4/8/97
bill/subject

The rights that are being attacked in SB151 will limit our ability to act as a team and will ultimately harm Alaska's future students. Please vote no for Senate Bill 151.

Signed: Calvin Smith
Testifier
Self
Representing (Optional)
328 E Eagle Pedmar AK 99645
Address
907-745-4506
Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Senate Finance Comm.
committee name
 committee on SB 151 . dated 4-8-97
bill/subject

*No restrictions are needed that
 this bill will cause for the right
 to bargain. Don't let the state
 get involved in local issues!*

Signed: Lawrence Ouellette
Testifier
self
Representing (Optional)
Box 871431; Wasilla, AK
Address
373 1821
Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Senate Finance Committee
 committee name
 committee on SB 151 , dated 4-9-97
 bill/subject

I am opposed to the passage of SB 151. Workers need the right to collective bargaining and this bill is too restrictive!

Signed: *Jinda Soller*
 Testifier

Representing (Optional)
675 W. Grand Drive, Wasilla, AK 99654

Address
376-5119

Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Senate Finance Committee
 committee name
 committee on HB 151, dated April 9, 1997
 bill/subject

I am strongly opposed to the passage of this bill. This is a direct attack on the right to organize & communicate as a union!

VOTE NO... don't deny education the right to bargain.

Signed: _____
 Testifier Kathleen C. Hall
 Representing (Optional) _____
4400 Merrill Circle
 Address _____
Wainilla, AK 99654-8645
(907) 373-5711
 Phone No. _____



Alaska State Legislature

Please enter into the record my testimony to the Finance Comm.
 committee name
 committee on SB 151, dated 4-10-97
 bill/subject

Vote no on SB 151. This
 bill would deny union members
 true & fair representation.

What an obvious anti-union bill!
 Get real & represent fairness!

Signed: Kathy Jarvis
 Testifier

Representing (Optional)
Ac 32 Box 61031 Wasilla 99654

Address
376-3182
 Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Finance Committee
committee name
 committee on SB 151, dated 4/10/97
bill/subject

*Vote No on SB 151. This bill is
 ridiculous and takes away peoples
 fundamental rights to unions.*

Signed: Carol M Ryan - Amb
Testifier

Representing (Optional)
PO Box 877245 Wasilla AK 99687
Address
907-876-8378
Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Senate Finance
committee name

committee on SB 151 dated 4/10/97
bill/subject

Thank you for hearing my view. I am very concerned and dismayed with the contents and intent of SB151. This is an obvious "hit" on the educational employee community, with a direction to eliminate public schools altogether. I am very concerned with dismantling school districts, who (such as Mat-Su) have managed their finances better than the Borough Assembly (as proven by audit), and turning over budgetary and employee issues to the bureaucracy that does not even employ the teachers.

I'm very dismayed and concerned that my rights as an employee can be jeopardized by one ^{dissenting} person, when I have chosen to have my professional organization.

Signed: Mary J. Gregory
Testifier

Proxy: Lucy Nope (or designee)
Representing (Optional)

P.O. Box 3804, Palmer, AK 99645
Mailing Address

373-6196
Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Finance Committee
committee name
 committee on SB 151 , dated 4/10/97
bill/subject

Please allow unions to represent
 the people they are suppose to.
 Union Representation is a fundamental
 right for all people.
 Vote against SB 151
 Thank you.

Signed: William G. Orr
Testifier

Representing (Optional)
PO Box 872245 Wasilla AK 99687
Address
907-376-8328
Phone No.

(MSEA)

ization, represent me in bargaining for my rights and contract with my employer (the Nat-Su School District). (I have never so far in all my teaching years had any employer provide the best working conditions for the job. All the good we teachers have done, ^{or gotten} is through our efforts, and we have had to strongly advocate and bargain to get where we are. I have never felt so disrespected by a state legislature as I have these last 5 years or so.)

This SB 151 comes across as very tyrannical and dictatorial — almost comparable to how the Nazis stripped the Jews of their rights, but this time in the name of conservatism.

The Borough Assemblies already have far too much to deal with and will not have time to ~~consider~~ what's good and best and safe for students and their teachers. The Assemblies are not responsive to our communities when parents are willing to pay taxes for their kids' to have the best education.

True leadership is reflected in treating employees well to encourage greater ^{teacher} leadership. SB 151 does not reflect good

even ~~will~~ or long-range thinking. I repeat of this bill as a job

P 16



Alaska State Legislature

Please enter into the record my testimony to the Senate Finance
committee name

committee on SB 151 . dated _____
bill/subject

I strongly urge you to vote
No on SB151.

Signed: Patricia J. Matzen
Testifier

Representing (Optional)
P.O. Box 871304 Wasilla, Ak 99687
Address
907-373-4717
Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Senate Finance Committee
committee name
 committee on Senate Bill 151 . dated 4-9-97
bill/subject

I strongly object to this
 Bill. Please Vote No
 on this Bill

Signed: Sharon Lea J. Kilbourne
Testifier

Representing (Optional)
HC 30 Box 5455 - Wasilla AK
Address 99654
907-376-4434
Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Senate Finance Comm.
committee name
 committee on SB151 . dated 4/8/97
bill/subject

Please VOTE NO
 on this Senate Bill -
 We need to keep these
 rights - they are basic
 to our survival.

Signed: Chyl Albright
Testifier

Alf

Representing (Optional)

HC-34 Box 2056R - Wasilla 99654

Address

376-2714

Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Senate Finance
committee name
 committee on SB #151 , dated April 9, 1997
bill/subject

It appears to me that certain portions of this bill unilaterally and arbitrarily reduce the rights of teachers and school district support staff to organize and bargain. Additionally, it appears to place ^{an} undue burden of additional paperwork costing time and money for our Borough Government and School District Administration.

As a concerned constituent of the Mat-Su Borough and a staunch supporter of every aspect of education, I strongly urge you ^{to} ~~as~~ vote no on SB #151.

Signed: Glenn C. Jacob
Testifier

Self
Representing (Optional)

P.O. Box 359 Palmer, AK 99645
Address

907-745-4163 or FAX 745-4164
Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Senate Finance
 committee name
 committee on SB 151, dated 4/16/97
 bill/subject

Thank you for hearing my concerns. My understanding of this Bill is that the state is attempting to make it more difficult for local areas to mutually agree to wages and working conditions. This is government control at it's worst as I view it. I restricts items employee and employer can discuss. It denies part time employee representation. It gives individuals no recourse in dispute resolution through grievance and arbitration. The bill's effect will be to force confrontation and dispute which will drive many of us from this profession. The appearance is that the "Majority" is dismantling public education which will in my opinion destroy our economy, democracy and life style.

As a teacher or school employee a person in our area has bargained wage, since about 6 of the past 12 years. Don't fix what is not Broken. We can work out our own problems "locally".

Signed: Dennis A. Gregory *Dennis A. Gregory*
 Testifier

MSEA

Representing (Optional)

PO Box 3804 Palmer AK 99645

Address

373-6196

Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Senate Finance Com.
committee name

committee on SB-151 , dated 4/10/97
bill/subject

Please do not pass this bill! Part-time workers need the right to bargain and grieve. If you pass this, 120 employees will be disenfranchised in our school district.

The fiscal note on this bill is huge and it's going to cause an undue financial burden to the districts and local governments.

Allowing one member to ask for decertification is going to create more problems than it solves.

The law was passed to protect workers from arbitrary and capricious treatment and it is working! It does not need to be changed - especially not at the expense of working men + women!

Signed: Bill Munro
Testifier

Representing (Optional)

2950 Mariann's Place Wasilla
Address

376-4269 H 376-0806 WK.
Phone No.

To: Senator Drue Pearce Fax #465-3872
Senator Bert Sharp Fax #465-2070
Senator Dave Donley Fax #465-6595
Senator Sean Parnell Fax #465-6592
Senator Randy Phillips Fax #465-4979
Senator John Torgerson Fax #465-4779
Senator Al Adams Fax #465-4821

From: Judy Mowery-Ingle Fax #842-4313
P.O. Box 48
Dillingham, Alaska

Date: April 10, 1997

Re: SB 151

I am appalled at the language of SB 151. It is "Union Busting" at its best! It is totally ludicrous legislation.

Creating criminal penalties for my spouse was the best part...perhaps he should divorce me now!

Also, what happened to the 1st Amendment rights as guaranteed by the United States Constitution? Restrict topics to be bargained? Restrict reps ability to use the telephone, FAX, bulletin boards...is the loss of my bathroom time, which I have a total of 5 minutes per morning, next? Oh, I forgot. That has already been tried in legislation last year!

Please, honorable Senators, let this bill die a peaceful death and do not pass it out of Senate Finance. Surely there is more constructive legislation that you can come up with rather than this negative, restrictive legislation.

I also want to add that being a teacher and a union member does not make me an enemy of anyone. I actually love my job and am good at it. I want to be a teacher, even with this hateful attitude coming out of Juneau. The children are worth the effort and time. Why are these hostile feelings continuing? Can't you get over your basic hatred of Alaskan teachers and get on with constructive legislation for Alaska?

Yours respectfully,

Judy Mowery-Ingle

4/10/97

To: Members of the Senate Finance Committee

I am contacting each of you to express my extreme concern and opposition to SB 151 which is up for a vote today. I am president of the Ketchikan Education Association and speak for our membership of over 160 people. Our right to fairly bargain and to be guaranteed 'due process' is part of our rights in a democratic society. This bill is not only anti-union, it is undemocratic. It would be destructive to people and to their ability to participate actively in procuring their own livelihood. It would also be destructive to the economy of our state. I urge you to vote 'NO' on SB 151.

Karen Eakes
636 Main St.
Ketchikan, Alaska
99901



Alaska State Legislature

Please enter into the record my testimony to the Senate Finance Committee
 committee on SB 151, dated 4/4/97
 bill/subject committee name

please do not pass
 SB 151 out of committee.
 The Public Employees
 Regulation's act was adopted
 because the legislature felt
 it was good public policy.
 This act has ensured labor
 peace and better service
 to Alaskas citizens and
 students, because it provides
 us the public school employees,
 a voice.

Signed:

Barbara Packer
 Testifier

Representing (Optional)
DO Box 1035, Delta Jct.

Address
~~Box~~ 895-1032



Alaska State Legislature

Please enter into the record my testimony to the Senate Finance Committee
 committee on SB 151, dated 4/14/97
 bill/subject committee name

SB 151 clearly represents "union busting" tactics.
 Please DO NOT pass this BAD BILL. Vote
 no on SB 151.

It would take away collective bargaining rights
 from employees who have enjoyed the security of those
 rights for about 7 years and up to approx. 25 years.
 What is WRONG?

PERA fosters and promotes the welfare of public
 employees around the state.

~~It is quite evident that the enactment of this BAD~~
 It is quite evident that the enactment of this BAD
 bill could precipitate numerous unfair labor practice
 charges which would necessitate a significant
 increase in the work loads of various parties and/or
 departments.

The RIGHT to collective bargain is deserved by
 All employees. Please drop these Bolshevik ideas.
 You folks smack of Communism!!!!

Signed:

Anne L. Yates
 Testifier

 Representing (Optional)
PO Box 444 Delta
 Address
895 - 4281
 Phone _____



Alaska State Legislature

Please enter into the record my testimony to the Senate Finance
committee name
 committee on SB 151, dated 4/14/97
bill/ subject

Please vote NO on SB 151. This bill has bastardized the grievance process, due process, the bargained agreement and equal rights afforded public employees under the Constitution. As a long time teacher in the state of Alaska and a parent, I find the bill an unjust, punitive attack on the rights of a targeted group of people living, working and contributing to this great state. Public employees do not deserve to have rights taken away, to have privacy violated and to be shoved back into the Dark Ages. Again, vote NO on SB 151.

Thank you
 Debra Fortune
 Teacher
 Delta/Greely School District.

Signed: Debra Fortune, Debra Fortune
Testifier
myself
Representing (Optional)
P.O. Box 1083 Delta AK 99737
Address
907-895-4040
Phone No