

SB

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LEGAL SERVICES

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MEMORANDUM

March 19, 1997

SUBJECT: Sectional Summary of Work Order 0-LS0688, dated 3/4/97. (Moving expenses, compensatory time, and PERS compensation)

TO: Senator Drue Pearce
Attn: Llewellyn 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 amends the subjects that are not subject to bargaining under the Public Employment Relations Act (PERA) to exclude bargaining on moving expense payment for state employees and on eligibility for compensatory time, both of which are addressed by new sections enacted in bill section 2.

Sec. 2 adds provisions concerning moving expenses and compensatory time eligibility.

Sec. 39.20.340 prohibits the state from paying moving expenses for state employees in the classified service if the employee voluntarily transfers from one location to another unless the employee intends to stay for at least five years and promises to reimburse the state if the employee does not stay that long. There is an exception to the reimbursement requirement if the employee moves because of a certified medical necessity in the employee's family or if the state involuntarily transfers the employee.

Sec. 39.20.460 prohibits a state employee who is eligible to be paid overtime from receiving compensatory time for overtime hours unless receipt of compensatory time is consistent with a written agreement approved by the employee's appointing authority. For employees covered by a collective bargaining agreement, the compensatory time must also be consistent with the terms of the collective bargaining agreement.

Sec. 3 amends the definition of "compensation" for the Public Employees' Retirement System to exclude overtime pay.

TC:glc
97-198.glc

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.