

ALASKA LEGISLATURE

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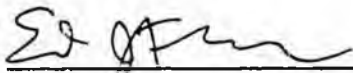
HOUSE and SENATE FINANCE COMMITTEE FILES, 1997-1998

challenges to its fee structure is also exempt. While other organizations might gain the exemption by adopting a similar procedure, that method might not be appropriate or necessary for other organizations to satisfy their Beck or Hudson obligations to service fee payers (severing the amount of dues attributable to social political or fraternal activities).

AS 23.40.420 states that reports to the commissioner must provide sufficient information and detail to be "verified, explained, or clarified, and checked for accuracy and completeness" which presupposes an audit function on the part of the department.

Article 6 contains the afore-mentioned exemption from reporting requirements under AS 23.40.300 - AS 23.40.500 for unions filing with USDOL under LMRDA.

Section 32 grandfathers existing political subdivision bargaining units from the fragmenting effects of proposed AS 23.40.090(c) and (d) in Section 4 of the Act. The viability of this exemption in future proceedings regarding unit clarification or challenges is unclear, since the Agency will presumably be obliged to adhere to the revised statute at that time.



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Ed Flanagan  
Deputy Commissioner

POSITION PAPER/Department of Labor

0-LS0675VP  
Cramer  
5/8/97

*Replaced*

*adopted 5/14/97 pm N/O*

**HOUSE CS FOR CS FOR SENATE BILL NO. 151( )**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTIETH LEGISLATURE - FIRST SESSION**

**BY**

**Offered:  
Referred:**

**Sponsor(s): SENATE FINANCE COMMITTEE**

**A BILL**

**FOR AN ACT ENTITLED**

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

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 \* **Section 1.** AS 23.40 is amended by adding a new section to read:

7 **Sec. 23.40.011. Declaration of findings and purposes.** (a) The legislature  
8 finds that

9 (1) in the public interest, it continues to be the responsibility of the state  
10 government to protect public employees' rights to organize, choose their own  
11 representatives, bargain collectively, and otherwise engage in concerted activities for  
12 their mutual aid or protection;

13 (2) the relations between public employers and labor organizations and  
14 the thousands of workers they represent have a substantial effect on the delivery of

1 needed goods and services to the people of the state; and

2 (3) in order to accomplish the objectives of the maintenance of  
3 harmonious and cooperative relations between public employees and employers and  
4 to ensure the orderly and effective operations of government, it is essential that labor  
5 organizations, public employers, and their officials adhere to the highest standards of  
6 responsibility and ethical conduct in administering the affairs of their organizations,  
7 particularly as they affect labor management relations.

8 (b) The legislature further finds that legislation is necessary to eliminate or  
9 prevent improper practices on the part of labor organizations, public employers, and  
10 their officers and representatives that distort and defeat the policies of this chapter and  
11 have the tendency or effect of burdening or obstructing harmonious and cooperative  
12 relations between public employees and employers and interfering with the effective  
13 and orderly operations of government.

14 \* Sec. 2. AS 23.40.075 is amended to read:

15 Sec. 23.40.075. **Items not subject to bargaining.** The parties may not  
16 negotiate terms contrary to the

17 (1) reemployment rights for injured state employees under  
18 AS 39.25.158;

19 (2) reemployment rights of the organized militia under AS 26.05.075;

20 (3) authority of the Department of Health and Social Services under  
21 AS 47.27.035 to assign Alaska temporary assistance program participants to a work  
22 activity considered appropriate by the Department of Health and Social Services; [OR]

23 (4) authority for agencies to create temporary positions under  
24 AS 47.27.055(c); or

25 (5) terms of a statute or, in the case of a political subdivision that  
26 participates in collective bargaining under this chapter, an ordinance, that applies  
27 to the employees unless the subject matter of the statute or ordinance is made  
28 subject to bargaining under this chapter.

29 \* Sec. 3. AS 23.40.075 is amended by adding a new subsection to read:

30 (b) Except as provided in this chapter, a public employer retains managerial  
31 rights, prerogatives, and functions. Limitations on or exclusions from the rights of

1 employers under this chapter shall be narrowly construed.

2 \* Sec. 4. AS 23.40.090 is amended by adding new subsections to read:

3 (b) A representative designated or selected by a majority of the employees  
4 voting in an election to determine the representative for the bargaining unit is the  
5 exclusive representative of all the employees in the unit. However, an employee or  
6 group of employees within the bargaining unit may at any time present disputes to the  
7 public employer and have those disputes adjusted as long as the adjustment is  
8 consistent with the terms of the collective bargaining agreement that covers those  
9 employees and as long as the bargaining representative has been given an opportunity  
10 to be present when the dispute is presented or adjusted.

11 (c) The labor relations agency may not decide that a unit is appropriate for  
12 collective bargaining if the unit combines

13 (1) a supervisory employee with a nonsupervisory employee;

14 (2) a confidential employee with a nonconfidential employee;

15 (3) a state employee in the classified service with a state employee who  
16 is not in the classified service;

17 (4) an employee employed as a peace officer with an employee who  
18 is not employed as a peace officer;

19 (5) an employee who is prohibited from engaging in strikes under  
20 AS 23.40.200(b) with an employee who is not so prohibited.

21 (d) A labor organization may not be certified as the representative of  
22 employees who are not peace officers if the organization

23 (1) has members or fee payers who are peace officers;

24 (2) is certified to represent peace officers; or

25 (3) is affiliated directly or indirectly with a labor organization that  
26 represents or has members or fee payers who are peace officers.

27 (e) In this section,

28 (1) "confidential employee" means an employee who assists and acts  
29 in a confidential capacity to a person who formulates, determines, or effectuates  
30 management policies in labor relations matters;

31 (2) "peace officer" includes a correctional officer as defined in

1 AS 18.65.290;

2 (3) "supervisory employee" means a person, regardless of job  
3 description or title, who has authority to act or to effectively recommend action in the  
4 interest of a public employer in one or more of the following supervisory functions if  
5 the exercise of that authority is not merely routine but requires the exercise of  
6 independent judgment:

7 (A) employing, including hiring, transferring, laying off, or  
8 recalling a public employee;

9 (B) discipline, including suspending, discharging, demoting, or  
10 issuing written warnings to a public employee;

11 (C) grievance adjudication, including responding to a first level  
12 grievance under a collective bargaining agreement.

13 \* Sec. 5. AS 23.40.100(a) is amended to read:

14 (a) The labor relations agency shall investigate a petition if it is submitted in  
15 a manner prescribed by the labor relations agency and is by

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

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

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

24 (2) [BY] the public employer alleging that

25 (A) one or more organizations have presented to it a claim to  
26 be recognized as a representative of a majority of employees in an appropriate  
27 unit;

28 (B) the employer, in good faith, believes that the  
29 organization that has been certified or is currently recognized by the  
30 public employer as the bargaining representative is no longer  
31 representative of a majority of employees in the bargaining unit; or

1                    (C) the duties of one or more of the employees in the  
2                    bargaining unit have changed, or the nature of the work of the employees  
3                    in the unit has changed, requiring the bargaining unit to be clarified or the  
4                    certification amended.

5 \* Sec. 6. AS 23.40.100(d) is amended to read:

6                    (d) Nothing in this chapter prohibits recognition of an organization as the  
7                    exclusive representative by a public agency by mutual consent. However, a member  
8                    of a bargaining unit whose exclusive representative was established by mutual  
9                    consent may petition the labor relations agency to determine if the

10                    (1) unit is appropriate for bargaining; or

11                    (2) labor organization is in fact the representative of the majority  
12                    of the members of the bargaining unit.

13 \* Sec. 7. AS 23.40.100 is amended by adding a new subsection to read:

14                    (f) The labor relations agency may not investigate a petition by a labor  
15                    organization and may not place the name of a labor organization on a ballot under this  
16                    section unless the organization has filed all reports required of the organization under  
17                    AS 23.40.400. This subsection does not apply to a labor organization that is exempt  
18                    under AS 23.40.620 from the reporting requirements of AS 23.40.300 - 23.40.500.

19 \* Sec. 8. AS 23.40.110 is amended to read:

20                    **Sec. 23.40.110. Unfair labor practices.** (a) A public employer or an agent  
21                    of a public employer may not

22                    (1) interfere with, restrain, or coerce an employee in the exercise of the  
23                    employee's rights guaranteed in AS 23.40.080;

24                    (2) dominate or interfere with the formation, existence, or  
25                    administration of an organization or contribute financial or other support to the  
26                    organization, however, a public employer, including a supervisor, manager, or  
27                    agent of a public employer, may confer with employees during working hours,  
28                    without loss of time or pay, on matters of mutual concern, including methods of  
29                    production, service delivery, training, and employer organizational structures and  
30                    processes;

31                    (3) discriminate in regard to hire or tenure of employment or a term

1 or condition of employment to encourage or discourage membership in an  
2 organization;

3 (4) discharge or discriminate against an employee because the employee  
4 has signed or filed an affidavit, petition, or complaint or given testimony under this  
5 chapter [AS 23.40.070 - 23.40.260];

6 (5) refuse to bargain collectively in good faith ~~with~~ an organization  
7 that [WHICH] is the exclusive representative of employees in an appropriate unit,  
8 including but not limited to the discussing of grievances with the exclusive  
9 representative.

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

12 [(1) MEMBERSHIP IN THE ORGANIZATION WHICH  
13 REPRESENTS THE UNIT ON OR AFTER THE 30TH DAY FOLLOWING THE  
14 BEGINNING OF EMPLOYMENT OR ON THE EFFECTIVE DATE OF THE  
15 AGREEMENT, WHICHEVER IS LATER; OR

16 (2)] payment by the employee to the exclusive bargaining agent or a  
17 service fee to reimburse the exclusive bargaining agent for the expense of representing  
18 the members of the bargaining unit. The service fee may only include  
19 reimbursement for collective bargaining activities, including the adjustment of  
20 grievances.

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

22 (1) restrain or coerce

23 (A) an employee in the exercise of the rights guaranteed in  
24 AS 23.40.080; [,] or

25 (B) a public employer in the selection of the employer's  
26 representative for the purposes of collective bargaining or the adjustment of  
27 grievances;

28 (2) refuse to bargain collectively in good faith with a public employer  
29 [,] if the organization [IT] has been designated in accordance with this chapter [THE  
30 PROVISIONS OF AS 23.40.070 - 23.40.260] as the exclusive representative of  
31 employees in an appropriate unit;

1                   (3) engage in, or induce or encourage an individual to engage in,  
2 a strike or a refusal in the course of employment to use, manufacture, process,  
3 transport, or otherwise handle or work on goods or perform services, or threaten,  
4 coerce, or restrain a person if the object of the labor organization is to force or  
5 require

6                   (A) an employer or a self-employed person to join a labor  
7 organization or an employer organization or to enter into an agreement  
8 that is prohibited under (e) of this section;

9                   (B) a person to stop using, selling, handling, transporting,  
10 or otherwise dealing in a product of another producer, processor, or  
11 manufacturer, or to stop doing business with another person; however, this  
12 subparagraph may not be interpreted to make unlawful an otherwise  
13 lawful primary strike or primary picketing or to require another employer  
14 to recognize or bargain with a labor organization as the representative of  
15 the employer's employees unless the labor organization has been certified  
16 as the exclusive representative of those employees under AS 23.40.090;

17                   (C) an employer to recognize or bargain with a particular  
18 labor organization as the representative of its employees if another labor  
19 organization has been certified as the exclusive representative of those  
20 employees;

21                   (D) an employer to assign particular work to employees in  
22 a particular organization or in a particular trade, craft, or class rather  
23 than to other employees unless the assignment is required by order or  
24 certification of the labor relations agency;

25                   (4) require employees covered by an agreement authorized under  
26 (b) of this section to pay, as a condition of employment, a service fee in an  
27 amount that the labor relations agency finds

28                   (A) not reasonably based on the expenses incurred by the  
29 labor organization for collective bargaining including the adjustment of  
30 grievances; or

31                   (B) excessive or discriminatory under all the circumstances;

1                    (5) cause or attempt to cause a public employer to pay or deliver,  
2                    or agree to pay or deliver, money or another thing of value for services that are  
3                    not performed or are not to be performed on behalf of the public employer; and

4                    (6) picket or cause to be picketed, or threaten to picket or cause to  
5                    be picketed, an employer, unless the labor organization is currently certified as  
6                    the representative of the employer's employees, if the object of the picketing is to  
7                    force or require

8                    (A) the employer to recognize or bargain with a labor  
9                    organization as the representative of the employer's employees; or

10                    (B) the employees of an employer to accept or select the  
11                    labor organization as their collective bargaining representative.

12 \* Sec. 9. AS 23.40.110 is amended by adding new subsections to read:

13                    (d) The expression or dissemination of views, argument, or opinion in any  
14                    form does not constitute and is not evidence of an unfair labor practice under this  
15                    chapter so long as the expression does not contain a threat of reprisal or force or a  
16                    promise of benefit.

17                    (e) It is an unfair labor practice for a labor organization and a public employer  
18                    to enter into a contract or agreement, express or implied, in which the public employer  
19                    ceases or refrains or agrees to cease or refrain from handling, using, selling,  
20                    transporting, or otherwise dealing in a product or service of another public or private  
21                    employer or to cease doing business with another person. If a contract or agreement  
22                    contains an agreement prohibited by this subsection, the part prohibited by this  
23                    subsection is unenforceable and void.

24                    (f) A statement or action of a member of the legislature, a justice or judge, or  
25                    a member of the legislative body of a political subdivision of the state may not be  
26                    considered to be an unfair labor practice under this section if the statement or action  
27                    was within the scope of the individual's normal duties and if the individual was not  
28                    at the time of the statement or action designated to act as the agent of the public  
29                    employer in collective bargaining or the adjustment of grievances.

30 \* Sec. 10. AS 23.40.150 is amended to read:

31                    Sec. 23.40.150. Enforcement by injunction. The labor relations agency may

1 apply to the superior court [IN THE JUDICIAL DISTRICT IN WHICH THE  
2 PROHIBITED PRACTICE OCCURRED] for an order enjoining the prohibited acts  
3 specified in the order or decision of the labor relations agency. Upon a showing by  
4 the labor relations agency that the person has engaged or is about to engage in the  
5 practice, an injunction, restraining order, or other order which is appropriate may be  
6 granted by the court and shall be without bond.

7 \* Sec. 11. AS 23.40.170 is amended by adding a new subsection to read:

8 (b) Except for the requirements concerning hearing officers in AS 44.62.350,  
9 the provisions of AS 44.62 (Administrative Procedure Act) apply to adjudications  
10 under this chapter.

11 \* Sec. 12. AS 23.40.200(b) is amended to read:

12 (b) The class in (a)(1) of this section is composed exclusively of (1) police  
13 [AND FIRE PROTECTION EMPLOYEES], jail, prison, and other correctional  
14 institution employees whose positions require certification by the Alaska Police  
15 Standards Council. (2) fire fighters, (3) employees of juvenile detention facilities  
16 who are responsible for the physical security of the facility or of minors  
17 incarcerated in the facility, and (4) licensed health care providers employed by a  
18 hospital or correctional facility [EMPLOYEES]. Employees in this class may not  
19 engage in strikes. Upon a showing by a public employer or the labor relations agency  
20 that employees in this class are engaging or about to engage in a strike, an injunction,  
21 restraining order, or other order that [WHICH] may be appropriate shall be granted  
22 by the superior court [IN THE JUDICIAL DISTRICT IN WHICH THE STRIKE IS  
23 OCCURRING OR IS ABOUT TO OCCUR]. If an impasse or deadlock is reached in  
24 collective bargaining between the public employer and employees in this class [,] and  
25 mediation has been used [UTILIZED] without resolving the deadlock, the parties shall  
26 submit to arbitration. The arbitrator shall be selected under (g) of this section [TO  
27 BE CARRIED OUT UNDER AS 09.43.030].

28 \* Sec. 13. AS 23.40.200(c) is amended to read:

29 (c) The class in (a)(2) of this section is composed exclusively of public utility,  
30 snow removal, residential care facility, and sanitation [, AND EDUCATIONAL  
31 INSTITUTION] employees and employees of hospitals other than licensed health

1        care providers [OTHER THAN EMPLOYEES OF A SCHOOL DISTRICT, A  
2 REGIONAL EDUCATIONAL ATTENDANCE AREA, OR THE STATE BOARDING  
3 SCHOOL]. Employees in this class may engage in a strike after mediation, subject  
4 to the voting requirement of (d) of this section, for a limited time. The limit is  
5 determined by the interests of the health, safety, or welfare of the public. The public  
6 employer or the labor relations agency may apply to the superior court in the judicial  
7 district in which the strike is occurring for an order enjoining the strike. A strike may  
8 not be enjoined unless it can be shown that it has begun to threaten the health, safety,  
9 or welfare of the public. A court, in deciding whether or not to enjoin the strike, shall  
10 consider the total equities in the particular class. "Total equities" includes not only the  
11 impact of a strike on the public but also the extent to which employee organizations  
12 and public employers have met their statutory obligations. If an impasse or deadlock  
13 still exists after the issuance of an injunction, the parties shall submit to arbitration.  
14 The arbitrator shall be selected under (g) of this section [TO BE CARRIED OUT  
15 UNDER AS 09.43.030].

16 \* Sec. 14. AS 23.40.200(d) is amended to read:

17            (d) The class in (a)(3) of this section includes all other public employees who  
18 are not included in the classes in (a)(1) or (a)(2) of this section, including employees  
19 of the Alaska marine highway system. Employees in this class may engage in a  
20 strike after an impasse or deadlock is reached in collective bargaining if a majority  
21 of the employees in a collective bargaining unit vote by secret ballot to do so.  
22 However, if an impasse or deadlock is reached in collective bargaining negotiations  
23 between a municipal school district, a regional educational attendance area, or the state  
24 boarding school and its employees, the parties shall submit to advisory arbitration  
25 before the employees may engage in a strike. The arbitrator selected to conduct the  
26 advisory arbitration must be a member of the American Arbitration Association Panel  
27 of Labor Arbitrators or the Federal Mediation and Conciliation Service. In selecting  
28 the arbitrator, the parties shall request a list of arbitrators who have knowledge of and  
29 recent experience in the local conditions in the school district, regional educational  
30 attendance area, or state boarding school. A list containing at least five nominees who  
31 meet the qualifications of this subsection is a complete list for the purpose of striking

1 names and selecting the arbitrator.

2 \* **Sec. 15.** AS 23.40.200 is amended by adding new subsections to read:

3 (g) An arbitrator selected to conduct arbitration under (b), (c), or (e) of this  
4 section must be a member of the Federal Mediation and Conciliation Service panel of  
5 labor arbitrators. In selecting an arbitrator, the parties shall request a list of arbitrators  
6 who have knowledge of and recent experience in the public sector and in this state or  
7 the Pacific Northwest region. A list containing at least seven nominees who meet the  
8 qualifications of this subsection is a complete list for the purpose of striking names and  
9 selecting the arbitrator. If the parties are unable to agree upon an arbitrator or a  
10 method of selecting an arbitrator within 30 days after impasse or deadlock, an  
11 arbitrator shall be selected under AS 09.43.030.

12 (h) Arbitration conducted under (b), (c), (d), or (e) of this section shall be open  
13 to the public and, the decision and award of the arbitrator are public records.

14 \* **Sec. 16.** AS 23.40.210(a) is amended to read:

15 (a) Upon the completion of negotiations between an organization and a public  
16 employer, if a settlement is reached, the employer shall reduce it to writing in the form  
17 of an agreement. The agreement must [MAY] include a term for which it will remain  
18 in effect, not to exceed three years. The agreement may not contain a provision for  
19 automatic renewal. The agreement must [SHALL] include a pay plan designed to  
20 provide for a cost-of-living differential between the salaries paid employees residing  
21 in the state and employees residing outside the state. The plan must [SHALL] provide  
22 that the salaries paid, as of August 26, 1977, to employees residing outside the state  
23 shall remain unchanged until the difference between those salaries and the salaries paid  
24 employees residing in the state reflects the difference between the cost of living in  
25 Alaska and living in Seattle, Washington. The agreement must [SHALL] include a  
26 grievance procedure that, during its term, has [WHICH SHALL HAVE] binding  
27 arbitration as its final step. Either party to the agreement has a right of action to  
28 enforce the agreement by petition to the labor relations agency. However, unless the  
29 labor organization is exempt from reporting requirements under AS 23.40.620, a  
30 labor organization that has failed to file the reports required by AS 23.40.400 may  
31 not petition the labor relations agency to enforce an agreement under this section.

1 \* Sec. 17. AS 23.40.210(c) is amended to read:

2 (c) The labor relations agency shall [COMMISSIONER OF  
3 ADMINISTRATION MAY] adopt regulations under AS 44.62 (Administrative  
4 Procedure Act) to clarify and implement the criteria for establishing and maintaining  
5 eligibility for the cost-of-living differential.

6 \* Sec. 18. AS 23.40.210(d) is amended to read:

7 (d) An agreement entered into under this chapter [AS 23.40.070 - 23.40.260]  
8 must require compliance with the eligibility criteria for receiving the cost-of-living  
9 differential contained in this section and the regulations adopted by the labor relations  
10 agency [COMMISSIONER] under (c) of this section.

11 \* Sec. 19. AS 23.40.210 is amended by adding new subsections to read:

12 (f) An arbitrator selected to conduct arbitration under (a) of this section must  
13 be a member of the Federal Mediation and Conciliation Service panel of labor  
14 arbitrators. In selecting an arbitrator, the parties shall request and maintain a list of  
15 arbitrators who have knowledge of and recent experience in the public sector and in  
16 this state or the Pacific Northwest region. A list containing at least seven nominees  
17 who meet the qualifications of this subsection is a complete list for the purpose of  
18 striking names and selecting the arbitrator.

19 (g) The decision and award in an arbitration conducted under this section are  
20 considered to be a final administrative determination under AS 44.62 (Administrative  
21 Procedures Act) for purposes of appeal. The decision and award are public records.

22 \* Sec. 20. AS 23.40.215(a) is amended to read:

23 (a) The monetary terms of any agreement entered into under this chapter and  
24 the extension or modification of an agreement, including an award by an  
25 arbitrator acting under AS 23.40.200, if the extension or modification affects in  
26 any way the monetary terms of an agreement, [AS 23.40.070 - 23.40.260] are  
27 subject to funding through [LEGISLATIVE] appropriation by the legislature or by  
28 the legislative body of a political subdivision that is subject to this chapter, as  
29 appropriate. A monetary term of an agreement is not effective or enforceable  
30 until the term has been approved and funded under this section.

31 \* Sec. 21. AS 23.40.215(b) is amended to read:

1 (b) The Department of Administration shall submit the monetary terms of an  
2 agreement, an arbitrator's award under AS 23.40.200, or an extension, or  
3 modification of an agreement, to the legislature within 10 legislative days after the  
4 agreement of the parties [,] if the legislature is in session, or within 10 legislative days  
5 after the convening of the next regular session. The legislature shall advise the parties  
6 by concurrent resolution if it approves or disapproves of the monetary terms within 60  
7 legislative days after the agreement is submitted to the legislature. The approval of  
8 the monetary terms of an agreement under this subsection is a nonbinding, advisory  
9 expression of legislative intent. If within 60 legislative days after the agreement is  
10 submitted the legislature advises the parties by concurrent resolution that it disapproves  
11 the monetary terms of the agreement, the parties shal, [MAY] resume negotiations.  
12 This subsection applies to an agreement, award, extension, or modification  
13 between the state, including the University of Alaska or a public corporation of  
14 the state, and a labor organization representing state employees.

15 \* Sec. 22. AS 23.40.215 is amended by adding new subsections to read:

16 (d) An agreement, resolution, settlement, or arbitrator's award during the term  
17 of a collective bargaining agreement between the state and a labor organization that

18 (1) will require the expenditure of \$10,000 or more over the life of the  
19 collective bargaining agreement or that requires the state to forego repayment of  
20 money owed to the state may not take effect until at least 30 days after a copy of the  
21 terms has been received by the Legislative Budget and Audit Committee for review;

22 (2) substantially modifies the monetary terms reported to the legislature  
23 under (a) of this section is subject to approval by the legislature as provided in (a) and  
24 (b) of this section and is not effective unless and until it receives legislative funding  
25 and approval.

26 (e) The legislative body of a political subdivision that is an employer under  
27 this chapter may, by ordinance or resolution, provide a system of review and approval  
28 of the monetary terms of collective bargaining agreements consistent with this section.

29 \* Sec. 23. AS 23.40.220 is amended to read:

30 Sec. 23.40.220. Labor or employee organization dues and employee  
31 benefits, deduction and authorization. Upon the voluntary written authorization of

1 a public employee within a bargaining unit, the public employer shall deduct from the  
2 payroll of the public employee the monthly amount of membership dues [, FEES,]  
3 and other employee benefits as certified by the secretary of the exclusive bargaining  
4 representative and shall deliver it to the chief fiscal officer of the exclusive bargaining  
5 representative. An authorization under this subsection may not be made  
6 irrevocable for a period longer than one year.

7 \* Sec. 24. AS 23.40.220 is amended by adding new subsections to read:

8 (b) Upon the voluntary written authorization of a public employee required to  
9 pay a service fee under AS 23.40.110(b), the public employer shall deduct from the  
10 salary of the employee the monthly amount of the service fee or other employee  
11 benefits as certified by the secretary of the exclusive bargaining representative and  
12 shall deliver the amount withheld to the chief fiscal officer of the exclusive bargaining  
13 representative. The authorization from the public employee may not take effect before  
14 the effective date of the applicable collective bargaining agreement, may not last later  
15 than the termination date of the collective bargaining agreement, and may not be made  
16 irrevocable for a period longer than one year.

17 (c) An authorization form presented to a public employee by a public employer  
18 or labor organization must clearly state that an employee required to pay a service fee  
19 under AS 23.40.110(b) is obligated to pay, as a condition of employment, only a  
20 service fee for representation and may not be compelled to be or become a member  
21 of a labor organization as a condition of employment or to provide monetary support  
22 to a labor organization's social, fraternal, or political activities.

23 \* Sec. 25. AS 23.40.250 is amended to read:

24 Sec. 23.40.250. Definitions. Except as otherwise provided in AS 23.40.900,  
25 in this chapter [IN AS 23.40.070 - 23.40.260], unless the context otherwise requires,

26 (1) "bargaining unit member" means an employee of a public  
27 employer who is employed in a position or job classification in a unit that has  
28 been recognized by the public employer or that has been determined by the labor  
29 relations agency to be appropriate for collective bargaining;

30 (2) "collective bargaining" means the performance of the mutual  
31 obligation of the public employer or the employer's designated representatives and the

1 representative of the employees to meet at reasonable times, including meetings in  
2 advance of the budget making process, and negotiate in good faith with respect to  
3 wages, hours, and other terms and conditions of employment, or the negotiation of an  
4 agreement, or negotiation of a question arising under an agreement and the execution  
5 of a written contract incorporating an agreement reached [IF REQUESTED BY  
6 EITHER PARTY], but these obligations do not compel either party to agree to a  
7 proposal or require the making of a concession;

8 (3) [(2)] "election" means a proceeding conducted by the labor relations  
9 agency in which the employees in a collective bargaining unit cast a secret ballot for  
10 collective bargaining representatives, or for any other purpose specified in this chapter  
11 [AS 23.40.070 - 23.40.260];

12 (4) "fee payer" or "service fee payer" means a person in a  
13 collective bargaining unit who is obligated to pay a service fee;

14 (5) "intentionally" has the meaning given in AS 11.81.900;

15 (6) "knowingly" has the meaning given in AS 11.81.900;

16 (7) "labor dispute" includes a controversy concerning wages, hours,  
17 or terms and conditions of employment, or concerning the association or  
18 representation of persons in negotiating, fixing, maintaining, changing, or seeking  
19 to arrange terms or conditions of employment, regardless of whether the  
20 disputants stand in the proximate relation of public employer and employee;

21 (8) [(3)] "labor relations agency" means the Alaska labor relations  
22 agency established in AS 23.05.360;

23 (9) "member" or "member in good standing," when used in  
24 reference to a labor organization, includes a person who has fulfilled the  
25 requirements for membership in the organization, and who neither has voluntarily  
26 withdrawn from membership nor has been expelled or suspended from  
27 membership after appropriate proceedings consistent with lawful provisions of the  
28 constitution and bylaws of the organization;

29 (10) [(4)] "monetary terms of an agreement" means the changes in the  
30 terms and conditions of employment from a predecessor agreement, or from the  
31 terms and conditions established by statute, ordinance, resolution, or other means,

1 resulting from an agreement that will require the expenditure of public money [AN  
2 APPROPRIATION] for their implementation or will result in a change in [STATE]  
3 revenues of the public employer or productive work hours for public [STATE]  
4 employees;

5 (11) "officer" means a constitutional officer, a person authorized  
6 to perform the functions of president, vice-president, secretary, treasurer, or other  
7 executive functions of a labor organization, and a member of its executive board  
8 or similar governing body, including an employee or agent of a labor organization  
9 who acts at the direction of an officer;

10 (12) "officer, agent, shop steward, or other representative," when  
11 used with respect to a labor organization, includes elected officials and key  
12 administrative personnel, whether elected or appointed, including business agents,  
13 heads of departments or major units, and organizers who exercise substantial  
14 independent authority, but does not include salaried nonsupervisory professional  
15 staff, stenographic, and service personnel;

16 (13) [(5)] "organization" means a labor or employee organization of any  
17 kind, an agency, or employee representative committee, group, association, or plan  
18 in which employees participate and that [WHICH] exists for the [PRIMARY] purpose,  
19 in whole or in part, of dealing with public employers concerning grievances, labor  
20 disputes, wages, rates of pay, hours of employment, and other terms and conditions  
21 of employment;

22 (14) "person" includes a labor organization;

23 (15) [(6)] "public employee" means any employee of a public employer,  
24 whether or not in the classified service of the public employer, and includes an  
25 individual whose work has stopped as a consequence of, or in connection with, a  
26 current labor dispute, because of an unfair labor practice, or because of exclusion  
27 or expulsion from a labor organization in any manner or for any reason  
28 inconsistent with the requirements of this chapter, except

29 (A) elected or appointed officials;

30 (B) [OR] superintendents of schools;

31 (C) temporary or nonpermanent employees;

- 1 (D) employees of the legislative branch of state government:  
 2 (E) employees employed primarily to formulate, effectuate,  
 3 or determine management policy in the area of collective bargaining; or  
 4 (F) a person who is employed to act or assist a member of  
 5 the legislative body of a political subdivision of the state or a justice, judge,  
 6 or magistrate in the state court system in a confidential capacity;

7 (16) [(7)] "public employer" means

8 (A) the state or a political subdivision of the state, including  
 9 without limitation, a municipality, district, school district, regional educational  
 10 attendance area, board of regents, public and quasi-public corporation, housing  
 11 authority, or other authority established by law;

12 (B) [, AND] a person designated by the public employer to act  
 13 in its interest in dealing with public employees;

14 (C) a person employed by a public employer primarily to  
 15 formulate, effectuate, or determine the public employer's policies in the  
 16 area of labor relations;

17 (D) a group or association of public employers that

18 (i) is, with respect to public employees, an employer  
 19 under this chapter; or

20 (ii) may deal with a labor organization concerning  
 21 grievances, labor disputes, wages, rates of pay, hours of  
 22 employment, or conditions of work;

23 (17) [(8)] "regional educational attendance area" means an educational  
 24 service area in the unorganized borough that may or may not include a military  
 25 reservation [,] and that contains one or more public schools of grade levels K - 12 or  
 26 any portion of those grade levels that are to be operated under the management and  
 27 control of a single regional school board;

28 (18) "secret ballot" means the expression by ballot, voting machine,  
 29 or otherwise, but in no event by proxy, of a choice with respect to an election or  
 30 vote taken on a matter, which is cast in such a manner that the person expressing  
 31 the choice cannot be identified with the choice expressed;

1                    (19) "service fee" means a fee authorized by AS 23.40.110(b) for  
2                    the costs associated with representation:

3                    (20) [(9)] "terms and conditions of employment"

4                    (A) means the hours of employment, the compensation and  
5                    fringe benefits, and the employer's personnel policies affecting the working  
6                    conditions of the employees; but

7                    (B) does not mean the general policies describing the function  
8                    and purposes of a public employer.

9                    \* Sec. 26. AS 23.40.250 is amended by adding a new subsection to read:

10                    (b) A labor organization is subject to this chapter if it

11                    (1) is the recognized or certified representative of public employees  
12                    under this chapter;

13                    (2) although not certified, is a national or international labor  
14                    organization or a local labor organization recognized or acting as the representative of  
15                    employees of a public employer or employers under this chapter; or

16                    (3) has been chartered by a labor organization representing or actively  
17                    seeking to represent public employees as the local or subordinate body through which  
18                    the employees may enjoy membership or become affiliated with a labor organization.

19                    \* Sec. 27. AS 23.40 is amended by adding new sections to read:

20                    **Article 3. Rights of Members of Labor Organizations.**

21                    **Sec. 23.40.300. Rights of members of labor organizations.** (a) A member  
22                    of a labor organization has equal rights and privileges within the organization, subject  
23                    to reasonable rules and regulations in the organization's constitution and bylaws, to

24                    (1) nominate candidates;

25                    (2) vote in elections or referenda of the labor organization;

26                    (3) attend membership meetings, and participate in the deliberations and  
27                    vote on the business of those meetings.

28                    (b) A bargaining unit member, including a service fee payer, has equal rights  
29                    to vote in

30                    (1) an election that has as its purpose the acceptance or rejection of a  
31                    collective bargaining agreement reached under AS 23.40.210, or the modification,

1 extension, or amendment of an agreement;

2 (2) an election or referendum of the labor organization that affects  
3 wages, hours, or terms and conditions of employment of members of the bargaining  
4 unit or of a subdivision of the bargaining unit to which the employee belongs.

5 (c) A member of a labor organization has the right to meet and assemble freely  
6 with other members. Subject to (d) of this section, a member of a labor organization  
7 also has the right to express

8 (1) views, arguments, or opinions; and

9 (2) at meetings of the labor organization, the member's views on  
10 candidates in an election of the labor organization or on any business properly before  
11 the meeting.

12 (d) Notwithstanding (c) of this section, a labor organization has the right to  
13 adopt and enforce reasonable rules concerning the conduct of meetings, the  
14 responsibility of every member toward the organization as an institution, and to the  
15 members refraining from conduct that would interfere with the performance of the  
16 labor organization's obligations.

17 **Sec. 23.40.310. Dues, initiation fees, and assessments.** (a) Except in the  
18 case of a federation of national or international labor organizations, the rates of dues  
19 and initiation fees payable by members of a labor organization in effect on the  
20 effective date of this Act may not be increased and a general or special assessment  
21 may not be levied on the members of the labor organization except as provided in this  
22 section.

23 (b) A labor organization may increase dues or initiation fees or impose a  
24 special or general assessment by majority vote by secret ballot of the members in good  
25 standing voting

26 (1) at a general or special membership meeting after reasonable notice  
27 of the intention to vote on the question; or

28 (2) in a membership referendum.

29 **Sec. 23.40.320. Protection of the right to sue.** (a) Except as provided in (b)  
30 of this section, a labor organization may not limit the right of a member of

31 (1) the labor organization to institute an action in a court, or a

1 proceeding before an administrative agency, whether the labor organization or its  
2 officers are named as defendants or respondents in the action or proceeding; or

3 (2) a labor organization to appear as a witness in a judicial, legislative,  
4 or administrative proceeding, including a grievance proceeding or an arbitration  
5 proceeding, to petition the legislature, or to communicate with a legislator.

6 (b) A labor organization may require a member to exhaust reasonable hearing  
7 procedures within the organization, not to exceed a two-month lapse of time following  
8 the member's commencement of the proceeding, before instituting legal or  
9 administrative proceedings against the labor organization or an officer of the labor  
10 organization.

11 (c) An interested public employer or employer association may not directly or  
12 indirectly finance, encourage, appear in, or participate in, except as a party, an action,  
13 proceeding, or petition described in (a) of this section.

14 **Sec. 23.40.330. Safeguards against improper disciplinary action.** (a) A  
15 labor organization may not fine, suspend, expel, or otherwise discipline a member or  
16 an officer of the organization except for nonpayment of dues unless the member or  
17 officer has been

18 (1) served with written specific charges;

19 (2) given a reasonable time to prepare a defense; and

20 (3) afforded a fair hearing.

21 (b) Any part of the constitution or bylaws of a labor organization that is  
22 inconsistent with this section is void.

23 (c) A person whose rights have been infringed by a violation of  
24 AS 23.40.340(a) or this section may bring a civil action in superior court for  
25 appropriate relief, including injunctions.

26 (d) Nothing in AS 23.40.300 - 23.40.350 limits the rights and remedies of a  
27 member of a labor organization under state or federal law, or before a court or other  
28 tribunal, or under the constitution and bylaws of a labor organization.

29 **Sec. 23.40.340. Right to copies of a collective bargaining agreement.** (a)  
30 The secretary or the equivalent officer shall maintain at the principal office of that  
31 labor organization copies of the agreements made or received by the labor

1 organization. If the labor organization does not have its principal office in this state,  
2 it shall make the copies available at a location in this state.

3 (b) A collective bargaining agreement between a labor organization and a  
4 public employer, including extensions, modifications, and amendments of the  
5 agreement, is a public record under AS 09.25.110.

6 **Sec. 23.40.350. Information concerning the Public Employment Relations**  
7 **Act.** A labor organization shall inform its members of the provisions of this chapter.

8 **Article 4. Reporting by Labor Organizations.**

9 **Sec. 23.40.400. Reporting by labor organizations.** (a) A labor organization  
10 shall adopt a constitution and bylaws and, except for a labor organization that is  
11 exempt from filing requirements under AS 23.40.620, shall file copies of them with  
12 the commissioner together with a report signed by the organization's president and  
13 secretary or the equivalent officers containing

14 (1) the name of the labor organization, its mailing address, and any  
15 other address at which it maintains its principal office or keeps the records referred to  
16 in AS 23.40.400 - 23.40.430;

17 (2) the name and title of each of the organization's officers;

18 (3) the amount of the initiation fee or fees required from a new or  
19 transferred member and hiring hall fees required by the reporting labor organization;

20 (4) the amount of the regular dues or fees or other periodic payments  
21 required to remain a member of the labor organization and the service fee required of  
22 an employee subject to an agreement authorized by AS 23.40.110(b); and

23 (5) detailed statements, or references to specific provisions of  
24 documents filed under this subsection that contain the required statements, showing the  
25 provisions made and procedures followed with respect to

26 (A) qualifications for or restrictions on membership;

27 (B) the levying of assessments;

28 (C) participation in insurance or other benefit plans;

29 (D) authorization for disbursement of funds of the labor  
30 organization;

31 (E) the audit of financial transactions of the labor organization;

- 1 (F) calling regular and special meetings;
- 2 (G) selection of officers, stewards, and representatives to other
- 3 bodies composed of labor organizations' representatives with a specific
- 4 statement of the manner in which each officer was elected, appointed, or
- 5 otherwise selected;
- 6 (H) discipline or removal of officers or agents for breaches of
- 7 trust;
- 8 (I) imposition of fines, suspensions, and expulsions of members,
- 9 including the grounds for the action and provisions made for notice, hearing,
- 10 judgment on the evidence, and appeal procedures;
- 11 (J) authorization for bargaining demands;
- 12 (K) ratification of contract terms;
- 13 (L) authorization for strikes; and
- 14 (M) the issuance of work dispatches.

15 (b) A labor organization shall report a change in the information required by

16 (a) of this section to the commissioner at the time the labor organization files the

17 annual financial report required by (c) of this section.

18 (c) Except as provided in (e) of this section or in AS 23.40.620, a labor

19 organization that is a party to an agreement authorized by AS 23.40.110(b), that

20 represents a bargaining unit of more than 75 employees, or that has an aggregate

21 income from dues, fees, and assessments in excess of \$50,000, shall file annually with

22 the commissioner a financial report for the preceding fiscal year, signed by its

23 president and treasurer or the equivalent officers, containing the information required

24 by this subsection in adequate detail to accurately disclose the organization's financial

25 condition and operations. The financial report must be organized in categories

26 prescribed by the commissioner that permit the identification of costs associated with

27 political, social, fraternal, or other activities not incident to the negotiation or

28 administration of a collective bargaining agreement or the adjustment of grievances and

29 must contain

30 (1) assets and liabilities of the organization at the beginning and end

31 of the fiscal year;

1 (2) receipts of any kind and the sources for the receipts;

2 (3) salary, allowances, and other direct or indirect disbursements,  
3 including reimbursed expenses, to each officer, employee, consultant, or contractor  
4 who, during the fiscal year, received more than \$500 in the aggregate from the labor  
5 organization and any other labor organization affiliated with it or with which it is  
6 affiliated or that is affiliated with the same national or international labor organization;

7 (4) direct and indirect loans made to an officer, employee, or member  
8 that aggregated more than \$250 during the fiscal year, together with a statement of the  
9 purpose, security, if any, and arrangements for repayment;

10 (5) direct and indirect loans to a business enterprise, together with a  
11 statement of the purpose, security, if any, and arrangements for repayment;

12 (6) any payment of money or other thing of value and any expenditure,  
13 including compensation and reimbursed expenses paid to employees or agents of the  
14 labor organization, that is intended to influence the outcome of an election of a  
15 candidate, a ballot proposition, or the passage or defeat of legislation; and

16 (7) other disbursements made by the labor organization and the  
17 purposes of those disbursements.

18 (d) A labor organization required to submit a report under this chapter shall  
19 maintain the information required to be reported in this state and make it available to  
20 all of its members and fee payers without cost to the member or fee payer.

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

25 **Sec. 23.40.410. Exemptions for attorney-client and deliberative**  
26 **communications.** (a) AS 23.40.400 - 23.40.430 may not be construed to require an  
27 attorney who is a member in good standing of the state bar to include in a report  
28 required to be filed under AS 23.40.400 - 23.40.430, information that was lawfully  
29 communicated to the attorney by a client in the course of an attorney-client  
30 relationship.

31 (b) If a note, letter, memorandum, or other writing between elected or

1 appointed officials of a public employer or between an elected or appointed official  
2 or a person who formulates, effectuates, or determines management policies and a  
3 person who assists or acts in a confidential capacity in labor relations matters is  
4 deliberative in nature and does not constitute a final administrative determination, it  
5 is privileged and confidential and is not a public document.

6 **Sec. 23.40.420. Reports; public records.** (a) The reports and documents filed  
7 with the commissioner under AS 23.40.400 are public records under AS 09.25.110.

8 (b) A person required to file a report under this chapter shall maintain records  
9 at a location in the state on the matters required to be reported for a period of not less  
10 than five years after the filing of the documents based on the information that the  
11 records contain. The records must

12 (1) provide the necessary basic detailed information and data from  
13 which the documents filed with the commissioner may be verified, explained, or  
14 clarified, and checked for accuracy and completeness;

15 (2) include vouchers, worksheets, receipts, and applicable resolutions.

16 (c) A labor organization required to report under AS 23.40.400 shall file the  
17 initial report required under AS 23.40.400 within 30 days after the date on which the  
18 labor organization first becomes subject to this chapter. A person required to file a  
19 report under AS 23.40.400 shall file the report within 90 days after the end of the  
20 person's fiscal year.

21 **Sec. 23.40.430. Criminal provisions.** (a) A person who intentionally violates  
22 a provision of AS 23.40.400 - 23.40.420 is guilty of a class A misdemeanor.

23 (b) A person who makes a false statement or representation of a material fact,  
24 knowing it to be false, or who knowingly fails to disclose a material fact, in a  
25 document, report, or other information required under AS 23.40.400 - 23.40.420 is  
26 guilty of a class A misdemeanor.

27 (c) A person who intentionally makes a false entry in or intentionally  
28 withholds or destroys books, records, reports, or statements required to be kept under  
29 AS 23.40.400 - 23.40.420 is guilty of a class A misdemeanor.

30 (d) An individual required to sign reports under AS 23.40.400 shall be  
31 personally responsible for the filing of the report and for any statement contained in

1 the report that the person knows to be false.

2 **Article 5. Restrictions on Financial Transactions.**

3 **Sec. 23.40.500. Payment or lending of money.** (a) It shall be unlawful for  
4 a public employer, elected or appointed official, association of public employers, or  
5 person who acts as a labor relations expert, advisor, or consultant to a public employer  
6 or who has been designated to act in the interest of an employer in dealing with public  
7 employees to pay, lend, or deliver, or agree to pay, lend, or deliver, money or other  
8 thing of value to

9 (1) a representative of its employees;

10 (2) a labor organization or an officer or employee of a labor  
11 organization that represents, seeks to represent, or would admit to membership,  
12 employees of the public employer:

13 (3) an employee or group or committee of employees of the public  
14 employer in excess of the employees' normal compensation to cause the employee,  
15 group, or committee directly or indirectly to influence other employees in the exercise  
16 of organizing and bargaining rights under this chapter; or

17 (4) an officer or employee of a labor organization with intent to  
18 influence the officer or employee in respect to actions, decisions, or duties taken as a  
19 representative of employees or as an officer or employee of the labor organization.

20 (b) It is unlawful for a person to request, demand, receive, or accept, or agree  
21 to receive or accept, a payment, loan, or delivery of money or other thing of value  
22 prohibited by (a) of this section.

23 (c) It is unlawful for a labor organization, or for a person acting as an officer,  
24 agent, representative, or employee of a labor organization, to

25 (1) demand or accept from an officer or elected or appointed official  
26 of a public employer money or other thing of value payable to the organization or to  
27 an officer, agent, representative, employee, or member of the organization as a fee or  
28 charge for refraining from the prosecution of a grievance, arbitration, or other  
29 administrative proceeding or to secure resolution of a negotiation, grievance,  
30 arbitration, or other administrative proceeding;

31 (2) offer, deliver, or cause to be delivered to an officer or elected or

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appointed official, including candidates for public office, of a public employer, money or other thing of value as a contribution to a political campaign, voter education campaign, or defense fund if the purpose or effect of that contribution is to affect the outcome of a negotiation, grievance, arbitration, or other administrative proceeding or labor dispute between the public employer and the labor organization.

(d) This section does not apply with respect to

(1) money or other thing of value payable by an employer to

(A) an employee whose established duties include acting openly for the employer in matters of labor relations or personnel administration; or

(B) an officer or employee of a labor organization who is also an employee or former employee of the employer as compensation for, or by reason of, the officer's or employee's service as an employee of the employer;

(2) the payment or delivery of money or other thing of value in satisfaction of a judgment of a court or a decision or award of an arbitrator or impartial chair or in compromise, adjustment, settlement, or release of any claim, complaint, grievance, or dispute in the absence of fraud or duress;

(3) the sale or purchase of an article or commodity at the prevailing market price in the regular course of business;

(4) money deducted from the wages of employees in payment of service fees or membership dues of a labor organization if the employer has received from each employee on whose account the deductions are made a written assignment under an agreement authorized by AS 23.40.220;

(5) money or other thing of value paid to a trust fund that satisfies the requirements of (e) of this section;

(6) money or other thing of value paid by an employer to a trust fund established by the representative for the purpose of pooled vacation, holiday, severance, or similar benefits, or defraying costs of apprenticeship or other training programs; this paragraph does not require a labor organization or employer to bargain on the establishment of a trust fund, and refusal to do so does not constitute an unfair labor practice;

(7) money or other thing of value paid, lent, or delivered by a public

1 employer to a person covered by this section if the transaction is part of the  
2 employer's regular activities and the person covered by this section does not receive  
3 special treatment or special consideration of any sort because of the person's status  
4 with regard to public employment labor relations.

5 (e) To qualify as a trust fund under (d)(5) of this section,

6 (1) the trust fund must be established by a representative of the labor  
7 organization, for the sole and exclusive benefit of the employees of the employer, and  
8 the employee's family and dependents, or of those employees, families, and dependents  
9 jointly with the employees of other employers making similar payments and the  
10 families and dependents of the other employees;

11 (2) payments must be held in trust for the purpose of paying, either  
12 from principal or income or both, for the benefit of employees, the employee's family  
13 and dependents, for medical or hospital care, pensions on retirement or death of  
14 employees, compensation for injuries or illness resulting from occupational activity,  
15 or insurance to provide any of the foregoing, or unemployment benefits or life  
16 insurance, disability and health insurance, or accident insurance;

17 (3) the agreement for administration of the trust must contain provisions  
18 for an annual audit of the trust fund, a statement of the results of which shall be  
19 available for inspection by interested persons at the principal office of the trust fund  
20 and at other places designated in the written agreement; and

21 (4) those payments from the trust that are intended to be used for  
22 providing pensions or annuities for employees must be made to a separate trust that  
23 provides that the funds held in the separate trust cannot be used for any purpose other  
24 than paying the pensions or annuities.

#### 25 Article 6. Miscellaneous Provisions.

26 Sec. 23.40.600. Retention of rights under other state laws. Except as  
27 explicitly provided to the contrary, nothing in this chapter

28 (1) reduces or limits the responsibilities of a labor organization or an  
29 officer, agent, shop steward, or other representative of a labor organization, or of a  
30 trust in which a labor organization is interested, under the laws of the state; or

31 (2) takes away a right or bars a remedy to which members of a labor

1 organization are entitled under federal or state law.

2 **Sec. 23.40.610. Service of process.** For the purposes of this chapter, service  
3 of summons, subpoena, or other legal process of a court of the state upon an officer  
4 or agent of a labor organization in the officer's or agent's capacity as such constitutes  
5 service on the labor organization.

6 **Sec. 23.40.620. Exemption from reporting requirements for labor**  
7 **organizations subject to certain federal requirements.** A labor organization or a  
8 subdivision of a labor organization that represents or seeks to represent public  
9 employees and that is subject to reporting requirements under 29 U.S.C. 401 - 531 is  
10 exempt from the requirement to file reports under AS 23.40.300 - 23.40.500 so long  
11 as the labor organization or division of a labor organization files with the  
12 commissioner a copy of each report required by 29 U.S.C. 401 - 531.

13 **Article 10. Definition for AS 23.40.300 - 23.40.900.**

14 **Sec. 23.40.900. Definition for AS 23.40.300 - 23.40.900.** In AS 23.40.300 -  
15 23.40.900, "employer" includes a person acting directly or indirectly as an employer  
16 or an agent of an employer in relation to a public employee.

17 \* **Sec. 28.** AS 39.20.310(8) is amended to read:

18 (8) persons employed by the division of marine transportation as  
19 masters and members of the crews operating the state ferry system who are covered  
20 by collective bargaining agreements as provided in AS 23.40.210 [AS 23.40.040],  
21 except as expressly provided by law;

22 \* **Sec. 29.** AS 39.25.110(16) is amended to read:

23 (16) persons employed by the division of marine transportation as  
24 masters and members of the crews of vessels who operate the state ferry system and  
25 who are covered by a collective bargaining agreement provided in AS 23.40  
26 [AS 23.40.040];

27 \* **Sec. 30.** AS 23.40.020, 23.40.030, 23.40.040, 23.40.215(c), and 23.40.240 are repealed.

28 \* **Sec. 31. REPORT FROM LABOR ORGANIZATION.** Notwithstanding the deadline set  
29 out in AS 23.40.420(c), a labor organization that is subject to the requirements of  
30 AS 23.40.420 on the effective date of this Act must file its initial report under AS 23.40.420  
31 no later than 30 days after the effective date of this Act.

1 \* **Sec. 32.** Notwithstanding the provisions of AS 23.40.090(c) and (d), enacted by sec. 4  
2 of this Act, a bargaining unit in effect on the effective date of this Act that is composed of  
3 employees of a political subdivision of the state and that has been determined to be an  
4 appropriate bargaining unit by the Alaska Labor Relations Agency or the former State Labor  
5 Relations Agency is not subject to AS 23.40.090(c) or (d), enacted by sec. 4 of this Act.

6 \* **Sec. 33. INSTRUCTIONS TO THE REVISOR OF STATUTES.** (a) The revisor of  
7 statutes shall substitute "this chapter" for "AS 23.40.070 - 23.40.260" wherever "AS 23.40.070  
8 - 23.40.260" occurs in AS 23.40.

9 (b) The revisor of statutes shall substitute "AS 23.40" for "AS 23.40.070 - 23.40.260"  
10 wherever "AS 23.40.070 - 23.40.260" occurs in the Alaska Statutes, other than in AS 23.40.

0-LS0675X  
Cramer  
5/4/98

HOUSE CS FOR CS FOR SENATE BILL NO. 151(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:  
Referred:

Sponsors): SENATE FINANCE COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 'An Act relating to public employment labor relations; relating to the protection  
2 of the rights of public employees under the Public Employment Relations Act;  
3 establishing ethical standards for union representatives of public employees; and  
4 establishing disclosure requirements for public employee labor organizations.'

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

6 \* Section 1. SHORT TITLE. This Act may be known as the Alaska Public Employees'  
7 Pay Check Protection Act.

8 \* Sec. 2. AS 23.40.110(b) is amended to read:

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

11 [(1) MEMBERSHIP IN THE ORGANIZATION WHICH  
12 REPRESENTS THE UNIT ON OR AFTER THE 30TH DAY FOLLOWING THE  
13 BEGINNING OF EMPLOYMENT OR ON THE EFFECTIVE DATE OF THE  
14 AGREEMENT, WHICHEVER IS LATER; OR

1 (2)] payment by the employee to the exclusive bargaining agent of a  
2 service fee to reimburse the exclusive bargaining agent for the expense of representing  
3 the members of the bargaining unit. The service fee may only include  
4 reimbursement for collective bargaining activities, including the adjustment of  
5 grievances.

6 \* Sec. 3. AS 23.40 is amended by adding a new section to read:

7 **Sec. 23.40.105. Rights of members of labor organizations and ethical**  
8 **obligations of union representatives.** (a) A member of a labor organization has the  
9 right to meet and assemble freely with other members. A union representative may  
10 not infringe these rights. Subject to (b) of this section, a member of a labor  
11 organization also has the right to express

12 (1) views, arguments, or opinions; and

13 (2) at meetings of the labor organization, the member's views on  
14 candidates in an election of the labor organization or on any business properly before  
15 the meeting.

16 (b) Notwithstanding (a) of this section, a labor organization has the right to  
17 adopt and enforce reasonable rules concerning

18 (1) the conduct of meetings;

19 (2) the responsibility of every member toward the organization as an  
20 institution; and

21 (3) the duty of members to refrain from conduct that would interfere  
22 with the performance of the labor organization's obligations.

23 \* Sec. 4. AS 23.40.215(a) is amended to read:

24 (a) The monetary terms of any agreement entered into under AS 23.40.070 -  
25 23.40.260 and the extension or modification of an agreement, including an award  
26 by an arbitrator acting under AS 23.40.200, if the extension or modification  
27 affects in any way the monetary terms of an agreement, are subject to funding  
28 through [LEGISLATIVE] appropriation by the legislature or by the legislative body  
29 of a political subdivision that is subject to this chapter, as appropriate. A  
30 monetary term of an agreement is not effective or enforceable until the term has  
31 been approved and funded under this section.

1 \* Sec. 5. AS 23.40.215(b) is amended to read:

2 (b) The Department of Administration shall submit the monetary terms of an  
3 agreement, an arbitrator's award under AS 23.40.200, or an extension, or  
4 modification of an agreement, to the legislature within 10 legislative days after the  
5 agreement of the parties [.] if the legislature is in session, or within 10 legislative days  
6 after the convening of the next regular session. The legislature shall advise the parties  
7 by concurrent resolution if it approves or disapproves of the monetary terms within 60  
8 legislative days after the agreement is submitted to the legislature. The approval of  
9 the monetary terms of an agreement under this subsection is a nonbinding, advisory  
10 expression of legislative intent. If within 60 legislative days after the agreement is  
11 submitted the legislature advises the parties by concurrent resolution that it disapproves  
12 the monetary terms of the agreement, the parties shall [MAY] resume negotiations.  
13 This subsection applies to an agreement, award, extension, or modification  
14 between the state, including the University of Alaska or a public corporation of  
15 the state, and a labor organization representing state employees.

16 \* Sec. 6. AS 23.40.215 is amended by adding new subsections to read:

17 (d) An agreement, resolution, settlement, or arbitrator's award during the term  
18 of a collective bargaining agreement between the state and a labor organization that

19 (1) will require the expenditure of \$10,000 or more over the life of the  
20 collective bargaining agreement or that requires the state to forego repayment of  
21 money owed to the state may not take effect until at least 30 days after a copy of the  
22 terms has been received by the Legislative Budget and Audit Committee for review;

23 (2) substantially modifies the monetary terms reported to the legislature  
24 under (a) of this section is subject to approval by the legislature as provided in (a) and  
25 (b) of this section and is not effective unless and until it receives legislative funding  
26 and approval.

27 (e) The legislative body of a political subdivision that is an employer under  
28 this chapter may, by ordinance or resolution, provide a system of review and approval  
29 of the monetary terms of collective bargaining agreements consistent with this section.

30 \* Sec. 7. AS 23.40.220 is amended to read:

31 Sec. 23.40.220. Labor or employee organization disclosures and

1 **authorization for deductions of dues and employee benefits.** Upon the voluntary  
2 written authorization of a public employee within a bargaining unit, the public  
3 employer shall deduct from the payroll of the public employee the monthly amount of  
4 membership dues [ . FEES,] and other employee benefits as certified by the secretary  
5 of the exclusive bargaining representative and shall deliver it to the chief fiscal officer  
6 of the exclusive bargaining representative. An authorization under this subsection  
7 may not be made irrevocable for a period longer than one year.

8 \* **Sec. 8.** AS 23.40.220 is amended by adding new subsections to read:

9 (b) Upon the voluntary written authorization of a public employee required to  
10 pay a service fee under AS 23.40.110( the public employer shall deduct from the  
11 salary of the employee the monthly amount of the service fee or other employee  
12 benefits as certified by the secretary of the exclusive bargaining representative and  
13 shall deliver the amount withheld to the chief fiscal officer of the exclusive bargaining  
14 representative. The authorization may not be made irrevocable beyond the expiration  
15 of the collective bargaining agreement under which it was made or for a period longer  
16 than one year, whichever occurs first.

17 (c) An authorization form presented to a public employee by a public employer  
18 or labor organization must clearly disclose that an employee required to pay a service  
19 fee under AS 23.40.110(b) is obligated to pay, as a condition of employment, only a  
20 service fee for representation and may not be compelled to be or become a member  
21 of a labor organization as a condition of employment or to provide monetary support  
22 to a labor organization's social, fraternal, or political activities.

23 (d) A public employee who wishes to direct a public employer to deduct from  
24 the public employee's wages an amount for payment to a group under AS 15.13, a  
25 separate segregated fund, an intermediary that contributes to a group, or a regional or  
26 national political action committee or separate segregated fund shall execute a separate  
27 authorization indicating that the employee consents to the deduction from the  
28 employee's wages of an amount to be used for political purposes. A public employer  
29 may not enter into an agreement with a union that requires the employer to contribute  
30 money on behalf of its employees for political purposes. This subsection may not be  
31 interpreted to prohibit an individual from making a personal contribution to a group

1 or separate segregated fund.

2 (e) In this section,

3 (1) "group" has the meaning given in AS 15.13.400;

4 (2) "separate segregated fund" means a fund described in AS 23.40.227.

5 \* **Sec. 9.** AS 23.40 is amended by adding a new section to read:

6 **Sec. 23.40.227. Limits on use of money collected from members and**  
7 **others.** (a) Except for money contributed to a separate segregated fund under (b) of  
8 this section, a labor organization may not expend money collected from members, or  
9 from the interest earned on money collected from members, for political purposes.

10 (b) A labor organization may only make an expenditure for a political purpose  
11 from money collected from members if the labor organization establishes a separate  
12 segregated fund. If the fund makes a contribution in a state or municipal election, it  
13 shall register as a group as required by AS 15.13 and file the reports required by that  
14 chapter. In establishing and administering a separate segregated fund, the labor  
15 organization shall ensure that

16 (1) contributions to the fund are solicited independently from another  
17 solicitation made by the organization;

18 (2) dues or other fees for membership in the labor organization or in  
19 place of membership dues or fees are not

20 (A) used for political purposes;

21 (B) transferred to the separate segregated fund; or

22 (C) intermingled in any way with money in the fund;

23 (3) the cost of administering the fund is paid from contributions to that  
24 fund and not from other revenue of the labor organization.

25 (c) A labor organization may not make a contribution under AS 15.13 using  
26 money or other thing of value that was

27 (1) secured by physical force, job discrimination, membership  
28 discrimination, or financial reprisals, or the threat of any of these;

29 (2) raised from dues, fees, or other money required to be paid as a  
30 condition of membership in the labor organization or in lieu of membership in the  
31 organization; or

1 (3) obtained in a commercial transaction.

2 (d) In soliciting contributions to a separate segregated fund, a labor  
3 organization

4 (1) shall inform the employee that the fund has a political purpose and  
5 that the employee may refuse to contribute without fear of reprisal;

6 (2) may not solicit money for the fund from a person other than a  
7 member of the bargaining unit represented by the labor organization or the immediate  
8 family of a bargaining unit member;

9 (3) may not compensate a member who has contributed or promised  
10 to contribute to the fund by providing a bonus, expense account, rebate of dues or  
11 other fees, or any other form of direct or indirect compensation; and

12 (4) may not solicit contributions during the employee's working hours  
13 or at the employee's place of work.

14 (e) A person who violates (c) or (d) of this section is guilty of a class A  
15 misdemeanor.

16 (f) In this section,

17 (1) "fund" means a separate segregated fund described in this section;

18 (2) "immediate family" means the spouse, parents, children, including  
19 a stepchild and an adoptive child, and siblings of a person;

20 \* Sec. 10. AS 23.40.250(4) is amended to read:

21 (4) "monetary terms of an agreement" means the changes in the terms  
22 and conditions of employment from a predecessor agreement, or from the terms  
23 and conditions established by statute, ordinance, resolution, or other means,  
24 resulting from an agreement that will require the expenditure of public money [AN  
25 APPROPRIATION] for their implementation or will result in a change in [STATE]  
26 revenues of the public employer or productive work hours for public [STATE]  
27 employees;

28 \* Sec. 11. AS 23.40.250 is amended by adding new paragraphs to read:

29 (10) "political purposes"

30 (A) means an activity carried out for the purpose of

31 (i) influencing, in whole or in part, an election for state.

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municipal, or other local government;

(ii) influencing the consideration or outcome of any ballot measure, state legislation, or legislation before the legislative body of a municipality or school district, or the issuance or outcome of state regulations or regulations promulgated by a municipality or school district;

(iii) educating individuals about candidates for elected office of the state, a municipal government, or other local government;

(iv) educating individuals about a ballot measure, legislation, or regulation;

(B) does not include lobbying or other political activity directly related to securing approval of the monetary terms of an agreement that has been submitted for approval under AS 23.40.215.

(11) "service fee" means a fee authorized by AS 23.40.110(b) for the costs associated with representation;

**SB**

**151**

SFIN

FILE

# FISCAL NOTE

**STATE OF ALASKA**  
**1997 LEGISLATIVE SESSION**

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

Revision Date: \_\_\_\_\_

Department Affected: Labor

Title: Public Employment Labor Relations

BRU: Office of the Commissioner

Sponsor: Senate Finance

Component: Commissioner's Office

Requestor: Senate State Affairs

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						
<b>TOTAL OPERATING</b>	<b>203.8</b>	<b>163.0</b>	<b>163.0</b>	<b>163.0</b>	<b>163.0</b>	<b>163.0</b>

<b>CAPITAL</b>						
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<b>CHANGE IN REVENUE FUND SOURCE #</b>						
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**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						
<b>TOTAL</b>	<b>203.8</b>	<b>163.0</b>	<b>163.0</b>	<b>163.0</b>	<b>163.0</b>	<b>163.0</b>

**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

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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,

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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						
<b>TOTAL OPERATING</b>	<b>270.1</b>	<b>229.0</b>	<b>229.0</b>	<b>229.0</b>	<b>229.0</b>	<b>229.0</b>

<b>CAPITAL</b>						
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<b>CHANGE IN REVENUE</b>						
<b>FUND SOURCE #</b>						

**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						
<b>TOTAL</b>	<b>270.1</b>	<b>229.0</b>	<b>229.0</b>	<b>229.0</b>	<b>229.0</b>	<b>229.0</b>

**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

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**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

Position: [REDACTED]	Project: 0	Salary:	59,052	11:50:27
Comp: 07-06-07-01-05-00	Region: _	Benefits:	17,461	Budgeted
Scenario: 2	FY: 98	COLA %: 1.500	Total: 76,513	20,791.26
				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

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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: ██████████	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

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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						
<b>TOTAL OPERATING</b>	<b>277.0</b>	<b>264.0</b>	<b>264.0</b>	<b>264.0</b>	<b>264.0</b>	<b>264.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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**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						
<b>TOTAL</b>	<b>277.0</b>	<b>264.0</b>	<b>264.0</b>	<b>264.0</b>	<b>264.0</b>	<b>264.0</b>

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

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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						
<b>TOTAL OPERATING</b>	<b>345.1</b>	<b>435.9</b>	<b>299.5</b>	<b>295.9</b>	<b>295.9</b>	<b>295.9</b>

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						
<b>TOTAL</b>	<b>345.1</b>	<b>435.9</b>	<b>299.5</b>	<b>295.9</b>	<b>295.9</b>	<b>295.9</b>

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

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## 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						
<b>TOTAL OPERATING</b>	<b>203.8</b>	<b>163.0</b>	<b>163.0</b>	<b>163.0</b>	<b>163.0</b>	<b>163.0</b>

<b>CAPITAL</b>						
----------------	--	--	--	--	--	--

<b>CHANGE IN REVENUE</b>						
<b>FUND SOURCE #</b>						

**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						
<b>TOTAL</b>	<b>203.8</b>	<b>163.0</b>	<b>163.0</b>	<b>163.0</b>	<b>163.0</b>	<b>163.0</b>

**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

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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 Yr Actual 09:59:15  
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

10:19:21

			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: 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:  
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                           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						
<b>TOTAL OPERATING</b>	<b>263.9</b>	<b>226.5</b>	<b>226.5</b>	<b>226.5</b>	<b>226.5</b>	<b>226.5</b>

<b>CAPITAL</b>						
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<b>CHANGE IN REVENUE FUND SOURCE #</b>						
--	--	--	--	--	--	--

**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						
<b>TOTAL</b>	<b>263.9</b>	<b>226.5</b>	<b>226.5</b>	<b>226.5</b>	<b>226.5</b>	<b>226.5</b>

**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

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## **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	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

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**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>
<b>Total Estimated Costs</b>			<b><u>\$14,750</u></b>

# 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. / w/o  
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, Admin obj*

SENATE FINANCE COMMITTEE *ADOPTED 6/1*

Amendment Number: 16

Bill Number: \_\_\_\_\_

Sponsor: \_\_\_\_\_ Date: 4-16-97

Logged In By: PB

**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 expense. 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: PL

**CONCEPTUAL AMENDMENT**

OFFERED IN THE SENATE

BY SENATOR SHARP

TO: CSSB 151(STA)

Page 27, Line <sup>14</sup>~~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: 18  
Bill Number: CSSB 151(SFA)  
Sponsor: Pearce Date: 4-16-97

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

AMENDMENT Logged 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

*Adams moved  
Place Obj.  
3/3 FAILED*

0-LS0675\F.15-

Cramer

4/15/97

A M E N D M E N T

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  
Cramer  
4/10/97

Amendment Number: 10

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.