

ALASKA LEGISLATURE

1799

HOUSE and SENATE FINANCE COMMITTEE FILES, 1997-1998

Not offered

SENATE FINANCE
COMMITTEE

0-LS0675VF.4

Amendment Number: 12

Cramer

Bill Number: _____

4/10/97

Sponsor: _____ Date: 4-14-97

AMENDMENT Logged In By: [Signature]

OFFERED IN THE SENATE
TO: CSSB 151(STA)

BY SENATOR ADAMS

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

Not offered

SENATE FINANCE
COMMITTEE

0-LS0675VF.5
Cramer
4/10/97

Amendment Number: 13

Bill Number: _____

Sponsor: _____ Date: 4-14-97

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

OFFERED IN THE SENATE
TO: CSSB 151(STA)

BY SENATOR ADAMS

1 Page 14, lines 22 - 25:

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

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

6 Delete all material.

7 Renumber the following bill sections accordingly.

8 Page 50, line 14:

9 Delete "23.40.215(c),"

10 Page 50, line 16:

11 Delete "sec. 37"

12 Insert "sec. 35"

13 Page 50, line 28:

14 Delete "sec. 37"

15 Insert "sec. 35"

SENATE FINANCE
COMMITTEE

Amendment Number: 14

Bill Number: _____

Sponsor: _____ Date: 4-14-97

Logged In By: PJ

A M E N D M E N T

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

OFFERED IN THE SENATE

BY SENATOR ADAMS

TO: CSSB 151(STA)

1 Page 12, lines 11 - 21:

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

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

1 AND SELECTING THE ARBITRATOR.]"

2 Page 18, lines 28 - 29:

3 Delete ";

4 (B) [OR] superintendents of schools"

5 Insert "[OR SUPERINTENDENTS OF SCHOOLS]"

6 Reletter the following subparagraphs accordingly.

7 Page 19, lines 10 - 11:

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

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

11 Page 19, lines 24 - 28:

12 Delete

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

18 Insert

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

26 Renumber the following paragraphs accordingly.

1 Page 47, following line 15:

2 Insert a new bill section to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 under this chapter;

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

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

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

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

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

14 (1) restrain or coerce

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

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

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

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

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

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

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

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

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

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

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

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

1 comply with the subpoena.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 Renumber the following bill sections accordingly.

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

2 Insert "23.40.235"

3 Page 50, line 16:

4 Delete "sec. 37"

5 Insert "sec. 38"

6 Page 50, line 28:

7 Delete "sec. 37"

8 Insert "sec. 38"

SENATE FINANCE COMMITTEE

SB 151 PUBLIC EMPLOYMENT LABOR RELATIONS

Please Sign-In Below

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

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

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

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

NAME: Ed Flanagan

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

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond to Questions

NAME: Don Etheridge

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

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond to Questions

NAME: _____

Co./Dept/Title: _____

Address: _____

Do you wish to testify? _____

NAME: _____

Co./Dept/Title: _____

Address: _____

Do you wish to testify? _____

NAME: _____

Co./Dept/Title: _____

Address: _____

Do you wish to testify? Yes NO respond to questions

DON ETHERIDGE SIGNED UP WHEN THE BILL WAS SCHEDULED BEFORE.

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

SENATE FINANCE COMMITTEE

SB 151 PUBLIC EMPLOYMENT LABOR RELATIONS

(1)

Please Sign-In Below

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

Do you wish to testify? Yes No Respond to Questions

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

Do you wish to testify? Yes No Respond to Questions

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

Do you wish to testify? Yes No Respond to Questions

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

Do you wish to testify? Yes No Respond to Questions

NAME: Mike McMullen ✓

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

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

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

(2)

NAME: BRUCE LUDWIG ✓

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

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond to Questions

NAME: Mary Graham ✓

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

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

Do you wish to testify? Yes No Respond to Questions

NAME: Linda Gohl ✓

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

Address: 5875 Glacier Hwy #29 JunEAU Zip: 99801

Do you wish to testify? Yes No Respond to Questions

NAME: Hal Clark ✓

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

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond to Questions

SB 151

NAME: AL Tracy

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

Address: PO Box 33996 Zip: 99803

Do you wish to testify? Yes No Respond to Questions

3

NAME: Robert J. Welton Jr.

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

Address: POB 22704 Juneau Zip: 99802

Do you wish to testify? Yes No Respond to Questions

NAME: RICHARD ESETT

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

Address: POB 33773 - JUNEAU, AK Zip: 99803

Do you wish to testify? Yes No Respond to Questions

NAME: Kristina Ewing

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

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

Do you wish to testify? Yes No Respond to Questions

NAME: _____

Co./Dept/Title: _____ Phone: _____

Address: _____ Zip: _____

Do you wish to testify: Yes No Respond to Questions

04/14/97

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM

LTN1150

18:18:46

PARTICIPANT LIST (ALL PARTICIPANTS)

BY:FBX

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

~~FOR:FBX~~

PUBLIC HEARING

SENATE FINANCE

LOCATION:FAIRBANKS

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

04/14/97

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM

LTN1150

18:08:03

PARTICIPANT LIST (ALL PARTICIPANTS)

BY:KEN

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

FOR:KEN

PUBLIC HEARING

SENATE FINANCE

LOCATION:KENAI LIO

T SB 151	MS.	KAREN	MAHURIN	KPESA	TESTIFY
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SB 151	MR.	BILL	PARKER	SELF	TESTIFY
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SB 151	MR.	DON	OBERG	NEA-AK	TESTIFY
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04/14/97

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM

LTN1150

17:56:44

PARTICIPANT LIST (ALL PARTICIPANTS)

BY:SIT

TCN:70639

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

FOR:SIT

PUBLIC HEARING

SENATE FINANCE

LOCATION:SITKA

SB 151

RICK

ROHLMAN

SITKA COMM. ASSO.

TESTIFY

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

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

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

04/14/97 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150

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

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

PUBLIC HEARING SENATE FINANCE

LOCATION:MATSU

SB 151 MS KATHLEEN WIGHT-MURPHY TESTIFY

04/14/97

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM

LTN1150

18:15:39

PARTICIPANT LIST (ALL PARTICIPANTS)

BY:KEN

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

FOR:KEN

PUBLIC HEARING

SENATE FINANCE

LOCATION:KENAI LIO

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

04/14/97

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM

LTN1150

17:49:35

PARTICIPANT LIST (ALL PARTICIPANTS)

BY:DJT

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

FOR:DJT

PUBLIC HEARING

SENATE FINANCE

LOCATION: DELTA JCT.

T SB 151

MS.

JACKIE

NELSON-LIZARDI

PRESIDENT,

TESTIFY

*Edna Sapp
R. Mitchell Assoc.*

Ladies and Gentlemen:

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

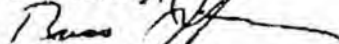
I have several concerns about this bill, but I will address only one, the financial reporting requirements. (Section 23.40.410) As I read this bill, it would require even minor officers of a labor organization to report income from their public employer. Requirements are in (a)(1), (a)(5) and (a)(6).

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

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

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

Sincerely,



Russ Josephson

Teacher in Kiana, Alaska

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 4
To FIN	From KENAI LIO	
Co. Continental Oil	Co.	
Dept. SB151A	Phone #	
Fax #	Fax #	

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

April 14, 1997

Dear Members of Senate Finance:

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

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

My concerns are mainly questions for you as a committee.

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

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

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

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

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

Thank you for your time and attention.

Sincerely,

Nancy M. Macvie

Nancy Macvie
Kenai Peninsula Educational Support
Association (KPESA)

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

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

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

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

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

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

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

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

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

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

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

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

Don Oberg
907-283-4233

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Major changes to the existing Act:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Includes employer groups in the definition of public employer.

Major Additions to the Act:

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

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

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

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

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

Prohibits employers from surreptitiously participating in suits against a union.

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Senate Bill 151

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

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

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

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

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

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

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

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

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

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

Provides certain exceptions for PFDs and other routine business transactions.

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

Senate Finance Committee
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employers of their financial dealings with labor organizations and employees.

Makes all such reports a public record.

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

Makes violation of reporting requirements a Class A misdemeanor.

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

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

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

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

Establishes standards of fiduciary responsibility of union officers and employees.

Requires bonding of certain officers and employees.

Specifically makes embezzlement from a union a crime.

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

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

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

Senate Finance Committee
Senate Bill 151

Sec. 51 Repeals all pre-PERA bargaining authorization.



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STATE of ALASKA

Delta Junction Legislative Information Office

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

Fax: (907) 895-5017

April 14, 1997

TO: Senate Finance Committee

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

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

Thank you,

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

Elizabeth A. Sarver
Information Officer

Enclosures: 5

MAR-04-1997 09:02

LIC DELTA JCT

POST 895 5010 P.02



Alaska State Legislature

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

Signed:

Jackie Nelson-Lizardi

Testifier

Delta - Truly Educational Support

Representing (Optional)

HC 60 BK 4180 Delta Jct., AK
Personnel Assoc.

Address

895-4217

1083

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

April, 1997

Dear Senate Finance Committee Member ,

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

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

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

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

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

2 of 3

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

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

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

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

3 of 3



Alaska State Legislature

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

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

Thank you
 Debra Fortune
 Teacher
 Delta/Greely School District.

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



Alaska State Legislature

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

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

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

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

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

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

Signed:

Anne L. Yates
Testifier

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

124F-04-1997 05:32

LTD DELTA JCT

907 895 5017 F.03



Alaska State Legislature

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

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

Signed:

Barbara Parker
Testifier

Representing (Optional)
PO Box 1035, Delta Jct.

Address
Delta 895-1032

MCF-04-1997 03:32

L10 DELTA JCT

987 595 5817 P.03



Alaska State Legislature

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

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

Signed:

Cheryl Cooper

Testifier

Teacher

Representing (Optional)

HC 60 Box 3530 Delta Jct, AK 99737

Address

(907) 895-4577

RECEIVED

APR 18 1997



Alaska State Legislature

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

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

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

Signed: [Signature]
Testifier

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

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

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

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

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

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

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

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

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

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

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

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

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

Don Oberg
907-283-4233

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

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

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

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

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

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

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

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

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

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

April 14, 1997

Dear Members of Senate Finance:

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

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

My concerns are mainly questions for you as a committee.

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

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

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

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

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

Thank you for your time and attention.

Sincerely,

Nancy M. Macvie

Nancy Macvie
Kenai Peninsula Educational Support
Association (KPESA)

SB/51

RECEIVED

AFTER

4:30 PM

4/14/97



Alaska State Legislature

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

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

Signed: Mae Banta
 Testifier

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

8/86 Legislative Information Office



Alaska State Legislature

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

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

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

9/86 Legislative Information Office



Alaska State Legislature

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

committee on SB 151, dated _____
bill/subject

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

Signed: Terry Slaven
Testifier

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

9/88 Legislative Information Office



Alaska State Legislature

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

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

Signed: Eliabeth Crowley
Testifier

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

886 Legislative Information Office

AUTOMATIC COVER SHEET

DATE: APR-14-97 MON 16:34

TO:

FAX #: 19074652070

FROM: MAT-SU EDUCATION ASSOC

FAX #: 907 373 5194

05 PAGES WERE SENT

(INCLUDING THIS COVER PAGE)

April 12, 1997

To Members of the Senate Finance Committee,

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

Sincerely,

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

1042 Lathrop Street
Fairbanks, Ak. 99701

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

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

Dear Senator Green, *and Senate Finance Committee*

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

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

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

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

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

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

Sincerely,

Lucy Bikulics

Lucy Bikulics

FROM: MAT-SU EDUCATION ASSOC

Pension Svcs Ltd.

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

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

Facsimile RECEIVED
APR -- 9 1997

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

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

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

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

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

Thanks:

4/10/97

To: Members of the Senate Finance Committee

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

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

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 4
To: JIN	From: KENAI LIO	
Subject: testimony of	Co.	
Dept. LB151A	Phone #	
Fax #	Fax #	

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

April 14, 1997

Dear Members of Senate Finance:

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

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

My concerns are mainly questions for you as a committee.

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2. Where did the \$10,000 come from to pay Art Chance for his services in writing this bill.
3. Which legislator on Senate Finance actually requested this bill to be written.
4. This bill adds a statement that reiterates the legislature's support for collective bargaining, but adds statements about the need for all participants to adhere to the highest ethical standards and that these standards have been disregarded and require legislative protection. What standards have been disregarded and by whom - I need to hear specifics.
5. Are you aware that if you pass this bill as written it will affect pending cases that are now before the Alaska Labor Relations Board - cases the State is involved in.
6. If you limit a union to only collect from fee payers the costs of at table bargaining expenses, will you remove the legal responsibilities that we have to represent all employees in the arena of rights, terms and conditions of employment etc.
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8. This bill would limit grievance arbitration to only the Federal Mediation and Conciliation Service Panel - what are the reasons to omit the American Arbitration Association?

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

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

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

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

Thank you for your time and attention.

Sincerely,

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

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

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

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

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

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

Senate Finance Committee
Senate Bill 151

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

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

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

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

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

Senate Finance Committee
Senate Bill 151

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

Major changes to the existing Act:

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

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

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

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

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

Senate Finance Committee
Senate Bill 151

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

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

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

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

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

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

Senate Finance Committee
Senate Bill 151

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

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

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

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

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

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

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

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

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

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

Senate Finance Committee
Senate Bill 151

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

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

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

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

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

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

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

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

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

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

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

Senate Finance Committee
Senate Bill 151

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

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

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

Includes employer groups in the definition of public employer.

Major Additions to the Act:

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

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

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

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

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

Prohibits employers from surreptitiously participating in suits against a union.

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

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

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

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

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

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

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

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

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

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

Provides certain exceptions for PFDs and other routine business transactions.

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

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employers of their financial dealings with labor organizations and employees.

Makes all such reports a public record.

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

Makes violation of reporting requirements a Class A misdemeanor.

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

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

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

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

Establishes standards of fiduciary responsibility of union officers and employees.

Requires bonding of certain officers and employees.

Specifically makes embezzlement from a union a crime.

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

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

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

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Sec. 51 Repeals all pre-PERA bargaining authorization.

LEGAL SERVICES

SB 151

DIVISION OF LEGAL AND RESEARCH SERVICES
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MEMORANDUM

March 11, 1997

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

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

FROM: Teresa B. Cramer *TBC*
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Section 1 adds AS 23.40.011, containing a statement of findings, purposes, and policy for the Public Employment Relations Act (PERA).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 37 adds several new articles to PERA.

Article 3. Rights of Members of Labor Organizations.

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

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

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

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

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

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

Article 4. Reporting by Labor Organizations and Employers.

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

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

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

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

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

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

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

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

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

Article 5. Trusteeships.

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

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

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

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

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

Article 6. Labor Organization Elections and Removal of Officers.

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

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

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

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

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

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

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

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

Article 7. Safeguards for Labor Organizations.

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

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

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

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

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